

ORDINANCE NO. 95

[Sewer Ordinance 42 Amendments]

An Ordinance Amending Ordinance 42: Regulating Sewage Disposal, Connections, Permits, Licenses, etc. Related to the Municipal Sanitary Sewer System.

The Council of the City of Medicine Lake ordains as follows:

GENERAL:

The terms “Village” or “Village of Medicine Lake” shall also mean the “City” or “City of Medicine Lake.”

The term “Village of Plymouth, Plumbing Inspector” shall mean “City of Medicine Lake Building Inspector or duly authorized representative.”

SECTION 42.06 Certain Facilities Required - Owner's Duties.

~~(e) Where a public sanitary or combined sewer is not available under the provisions of subsection 42.06, the building sewer shall be connected on a private sewage disposal system complying with all requirements of Ordinance No. 42~~

SECTION 42.07 Regulation of the Operation of Private Facilities - Owner's Duties.

~~(a) Contents of septic tanks or cesspools may be pumped into the building sewer pipe at the property line, provided that a screen is placed at the inlet to said pipe to prevent obstructions from entering the system. Backfilling above the cover level of any cesspool, septic tank or similar tanks, or any building sewer, shall not commence until permission has been granted by the Inspector.~~

~~(b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer. All private facilities are prohibited except those of a temporary and portable nature serving incidentally to the primary use or facility. All effluents to be properly treated and disposed of off-site by the contracting service provider.~~

SECTION 42.09 Bond Required - Amount - Conditions. Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the Village and deposited with the Village Clerk a corporate surety in the sum of ~~\$2,000.00~~ \$10,000.00 conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any laws of the Village pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the Village and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing, or excavating for plumbing as prescribed in this section. Such bond shall remain in force and must be executed for a period of one (1) year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

SECTION 42.10 Insurance Required - Amount - Filing. In addition to the corporate surety required in subsection 42.09 above, the person applying for such permit shall have deposited with the Village Clerk insurance policies insuring the Village of Medicine Lake and all persons who may be concerned against property damage in the sum of at least ~~\$25,000.00~~ \$250,000.00 and shall also deposit with said Village Clerk a policy of public liability insurance with a coverage of not less than ~~\$100,000.00~~ \$1,000,000.00 for each person and ~~\$300,000.00~~ \$2,000,000.00 for each accident.

SECTION 42.13 Fees & Surcharges.

(a) A permit and inspection fee of ~~Ten Dollars (\$10)~~ Fifty Dollars (\$50) for a residential building sewer permit and ~~Twenty Dollars (\$20)~~ Fifty Dollars (\$50) for a commercial and industrial building sewer permit shall be paid to the ~~Plymouth Village~~ Medicine Lake City Clerk at the time the application is filed. ~~Additional inspections for a residential building sewer shall require the payment of a Seven Dollar and Fifty Cent (\$7.50) fee, and such additional inspections for commercial and industrial building sewers shall require an additional Ten Dollars (\$10) fee.~~

(b) A surcharge of one hundred (\$100.00) dollars per month is hereby imposed and shall be mailed on or after July 10, 2006 to property owners who are not in compliance with this Ordinance or who have refused to allow their property to be inspected to determine if there is compliance. The surcharge shall be added every month until the property is in compliance. In the event a violation of this Ordinance is discovered upon inspection of new construction, the surcharge shall be paid to the City of Medicine Lake prior to the issuance of an Occupancy Permit. All properties found during periodic re-inspections to have violated this ordinance will be subject to the \$100.00 per month penalty for all months between the two most recent inspections. The imposition of such surcharge shall in no way limit the right of the City of Medicine Lake to seek an injunction in District Court ordering the property owner to disconnect the non-conforming connection to the sanitary sewer system or from pursuing any other legal remedies available.

SECTION 42.21 Certain Uses of Sewers Prohibited.

(a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, sub-surface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(1) No building shall hereafter be constructed nor shall any existing buildings be hereafter altered in such a manner that any other source of discharge or drainage other than sanitary sewer shall connect with the sanitary sewer system inside or outside the building.

(2) Any person, firm or corporation having a roof, sump pump, swimming pool discharge, cistern overflow pipe or surface drain now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove same prior to May 1, 2006. Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective, workmanlike manner.

(3) Effective May 10, 2006, all new residential construction having a sump pump basket shall have the sump pump installed in the sump pump basket with permanent fittings and discharged to the outside of the foundation wall as described below. Such work shall be completed prior to the final building inspection and issuance of a Certificate of Occupancy.

(4) All sump pumps shall have a discharge pipe installed to the outside wall of the building with one (1) inch inside minimum diameter. The pipe attachment must be a permanent fitting such as a PVC pipe with glued fittings. The discharge shall extend at least three (3) feet outside of the foundation wall. Discharge pipes from sump pumps shall be located no closer than four (4) feet from any property line, unless authorized by the City Engineer.

SECTION 42.26 Power and Authority of Inspectors.

(a) All Inspections. The Building Inspector and other duly authorized employees representatives of the Village City bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspections, observation, measurement, sampling, and testing, in accordance with the provisions of this section. Any property found to violate this Ordinance shall make the necessary changes to comply with this Ordinance and such changes shall be verified by the Building Inspector or other duly authorized representative.

(b) Sump Pump Inspections. Every person owning improved real estate that discharges into the City's sanitary sewer system shall allow the Building Inspector or other duly authorized representative of the City to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. Any person refusing to allow their property to be inspected shall immediately become subject to a surcharge herein provided. Each sump pump connection identified may be re-inspected periodically. In lieu of having the City inspect their property, any person may furnish a certificate from a licensed plumber certifying that their property is in compliance with this Ordinance.

SECTION 42.29 Liability for Damages Caused by Violation. Any person violating any of the provisions of this section shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation. In addition to liabilities incurred, any person violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$100.00 or by imprisonment in the workhouse not to exceed 30 days. Any person who violates any of the provisions of this Chapter shall be found guilty of a misdemeanor and shall upon conviction, be subject to a fine or imprisonment as provided for by Minnesota State Statutes as amended from time to time, plus the cost of prosecution in either case. Each day that a violation exists shall constitute a separate offense.

SECTION 42.32 Separability. Every section, provision or part of this ordinance is declared separable from every other section, provision, or part to the extent that if any section, provision or part of the Ordinance shall be held invalid, it shall not invalidate any other section, provision or part thereof.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

Adopted by the City of Medicine Lake City Council this 1st day of May, 2006.

Mary Anne Young, Mayor

ATTEST: Chris Lentz, City Clerk