

ORDINANCE NO. 101 A

**CITY OF NEW GERMANY
COUNTY OF CARVER, MINNESOTA**

December 19 2017

AN ORDINANCE AMENDING **ORDINANCE NO. 101 AND REPEALING ORDINANCE NO. 42A PERTAINING TO THE DISCHARGE OF PROHIBITED WASTES TO THE SANITARY SEWER SYSTEM OF THE CITY OF NEW GERMANY.**

THE CITY COUNCIL OF THE CITY OF NEW GERMANY, CARVER COUNTY, MINNESOTA, ORDAINS:

Section 1. Section **I**, of Ordinance No. **101** of the City of New Germany pertaining to the discharge of prohibited wastes to the sanitary sewer system of the City of New Germany is amended in its entirety to read as follows:

Section 2. Prohibited Wastes.

(A) No person shall discharge or cause to be discharged any storm water, surface water, ground water, sub-surface water, roof run-off, yard drainage, yard fountain, pond overflow, unpolluted industrial or commercial process water, any type or form of clean water or any substance other than sanitary sewage into the sanitary collection system of the City of New Germany.

- (1) No roof drain, sump pump, foundation drain, drain tile, swimming pool discharge, or surface water drainage shall be connected to the sanitary sewer system and no building shall hereafter be constructed nor shall any existing buildings be hereafter altered in such a manner that the roof drainage, foundation drain, drain tile or any other source of the discharge or drainage other than sanitary sewer shall connect with the sanitary sewer system. **Building Drain and Building Sewer piping shall be maintained so as to prevent the infiltration of a water of substance other than sanitary sewage into the sanitary collection system of the City of New Germany.**
- (2) Any person, firm or corporation having a roof drain, sump pump, foundation drain, drain tile, swimming pool discharge, cistern overflow pipe or surface drain now connected and/or discharging into the sanitary sewer system shall be disconnected and/or removed. Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective, workmanlike manner as described in the next Paragraph 3, and as approved by the City Engineer.
- (3) 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 PVC pipe with glued fittings. The discharge shall extend at least three (3) feet outside of the foundation wall and must be directed toward the front yard or rear yard area of the property. All foundation drains, drain tiles, and other non-compliant connections to the City sanitary sewer shall be disconnected from the City's collection system, and the disconnection, wye, opening, protruding tap, or other method of connection shall be plugged or bulk-headed in a permanent fashion, so as to maintain the continuity of the City's collection piping, and as approved by the City Engineer.

- (4) Every person owning improved real estate that discharges into the City's sanitary sewer system shall allow an employee or agent of the City of New Germany the Right of Entry to inspect the interior of the buildings or structures to confirm that there is no sump pump, foundation drain, drain tile, or other prohibited discharge into the sanitary sewer system. Any person refusing to allow their property to be inspected shall immediately become subject to the surcharge hereinafter provided for, and will continue to be considered non-compliant until such a time as Right of Entry is granted and the absence of prohibited connections and/or discharge is certified by an authorized employee or agent of the City of New Germany.
- (5) The owner of record of any property found to violate this Section shall be notified by the City in writing by certified mail. **Violations found not to comply with this Section** shall be brought into compliance **within 30 days of the notice of violation**. No extensions or waivers shall be given. At such time that a non-compliant connection has been disconnected and the necessary steps taken to make the necessary changes to comply with this Section, such changes shall be certified by an authorized employee or agent of the City of New Germany. Following certification any surcharge shall be discontinued on the next sewer billing.
- (6) **If the violation (s) is not brought into compliance within 30 days of the notice of violation, a surcharge of One Hundred Dollars (\$100.00) per month is hereby imposed and shall be added to every sewer billing mailed to property owners who are not in compliance with this Section. The City shall continue to impose a monthly surcharge to that property until such a time as the violation (s) has been brought into compliance and certified by the City as required by this Section.** The imposition of such surcharge shall in no way limit the right of the City of New Germany to seek an injunction in District Court ordering the property owner to **correct** the **violation (s)** to the sanitary sewer system or from pursuing any other legal remedies available. If the **violation (s)** is not **brought into compliance** within 60 days of the notice of **violation (s)**, then the City shall provide a second notice, via certified mail, informing the property owner that water service provided by the City will be disconnected. If the **violation (s)** is not brought into compliance **within 90 days of the notice of violation (s)**, then the City shall discontinue water

service to that property until such time as the violation (s) has been brought into compliance and certified by the City as required by this Section.

- (7) Certification of violation (s) brought into compliance must be completed by an authorized City of New Germany employee or agent. Certification may NOT be made by any person who is not an approved agent of the City of New Germany.
- (8) Prior to change of ownership of any building (s) within the City of New Germany, the seller should have the building (s) certified for compliance with this section prior to the closing of the sale or transfer. It is the responsibility of the seller or seller's agent to notify the City of a proposed change of ownership. Any building (s) that has not been certified as compliant shall be assumed to be non-compliant with this section. If a property is found to be non-compliant after a property is transferred, the City shall enforce this Section according to the provisions in subsections (5) and (6) above.
- (9) Upon verified compliance with this Section the City reserves the right to inspect such property annually to verify continued compliance.

Section II. Ordinance No. 42, adopted June 27, 1972, and Ordinance No. 101, adopted on November 1, 2011, shall remain in effective, except as modified herein. Ordinance No. 42A adopted June 4, 1991, is hereby repealed.

Section III. Effective Date. This ordinance shall be in full force and effect from and after the date of its passage and publication according to law.

Passed and adopted by the City Council of the City of New Germany this 19th day of December 2017.

APPROVED:

Steve Van Lith, Mayor

ATTEST:

Twyla Menth, City Clerk - Treasurer

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