

ORDINANCE NO. 101

CITY OF NEW GERMANY
COUNTY OF CARVER, MINNESOTA

November 15, 2011

AN ORDINANCE AMENDING SECTION 2, PARAGRAPH A, OF ORDINANCE NO. 42 AND REPEALING ORDINANCE NO. 42A OF THE CITY OF NEW GERMANY 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 2, Paragraph A, of Ordinance No. 42 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.

(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. Connections found to not comply with this Section shall be brought into compliance by **June 30, 2013**. 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) A surcharge of One Hundred Dollars (\$100.00) per month is hereby imposed and shall be added to every sewer billing mailed on and after **July 1, 2013**, to property owners who are not in compliance with this Section. The surcharge shall be added every month, until the property is in compliance. 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 disconnect the non-compliant connection to the sanitary sewer system or from pursuing any other legal remedies available. The City shall continue to impose a surcharge to that property, until such a time as the connection has been brought into compliance and certified by the City as required by this Section. If the

non-compliant connection(s) is not disconnected by **June 1, 2014**, then the City shall provide a second notice, via certified mail, informing the property owner that water service provided by the City will be discontinued on or after **July 1, 2014**. If the non-compliant connection(s) is not brought into compliance by **July 1, 2014**, then the City shall discontinue water service to that property until such time as the connection has been brought into compliance and certified by the City as required by this Section.

(7) Certification of connections 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) The ownership of any property in the City of New Germany that has a connection to the City's sanitary sewer system that is sold or transferred to another person prior to **June 30, 2013**, must be certified for compliance with this Section prior to the closing of the sale or transfer. Properties that are found to be in non-compliance with this Section shall be brought into compliance prior to the closing of the sale. If a property is found to be non-compliant, and action is not taken, water service to that property will be discontinued until such a time as the connection has been brought into compliance, and certified by the City as required by this Section.

(9) Upon verified compliance with this Section the City reserves the right to inspect such property annually to verify continued compliance.

Section 2. Ordinance No. 42 of the City of New Germany adopted June 4, 1991, is hereby repealed.

Section 3. **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 15th day of November, 2011.

APPROVED:

Jason Kamerud, Mayor

ATTEST:

Joan Guthmiller, Clerk

(Published in the Herald Journal on November 21, 2011.)