

ORDINANCE 53

AN ORDINANCE PROHIBITING DISCHARGES INTO THE SANITARY SEWER SYSTEM AND PROVIDING PENALTIES THEREOF

The City of Kerkhoven does ordain as follows:

53.01 No person shall discharge or cause to be discharged any storm water, cooling water, surface water, subsurface drainage, groundwater, roof run off, yard drainage, yard fountain, pond overflow or any substance other than sanitary sewage into the sanitary sewer collection system.

- a) No roof runoff, sump pump, 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 or any other source of discharge or drainage other than sanitary sewer shall connect with the sanitary sewer system inside or outside the building.
- b) 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 March 1, 1999. Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective, workmanlike manner.
- c) 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 shall be a permanent fitting such as PVC pipe with glue fittings. The discharge shall extend at least three (3) feet outside of the foundation wall and shall be directed toward the front yard or rear yard area of the property.
- d) Every person owning improved real estate that discharges into the City's sanitary sewer system shall allow the City employee(s) to inspect the building to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. Any person may furnish a certificate from a licensed plumber certifying that their property is in compliance with this subsection in lieu of having the City inspect their property. Any person refusing to allow their property to be inspected or refusing to furnish a plumber's certificate within fourteen (14) days of the date City employee(s) are denied admittance to the property shall immediately become subject to the surcharge hereinafter provided for. Any property found to violate this section shall make the necessary changes to comply with this Ordinance and such changes shall be verified by an employee or authorized agent of the City of Kerkhoven.
- e) The City Council shall determine whether or not conditions evidence the violation of this Ordinance. Upon identification of the violation, notice by certified mail shall be issued to the owner as shown by the City's property tax records of the property which evidences any violation of this Ordinance. Said notice shall identify the nature of the violation, the requirements of the ordinance, and order compliance with the ordinance no later than ten (10) days after receipt of the above notice.
- f) The owner may appeal said order to the City Council of the City of Kerkhoven by filing a written appeal with the City Clerk. Upon receiving the written appeal, the City Council shall conduct a hearing and upon completion of the hearing, shall affirm, modify or rescind the order of compliance. The decision of the City Council shall be final.

- g) Any property owner whose sump pump discharges ground water accumulations during the winter months may apply to the City Council for a permit allowing the sump pump to discharge into the sanitary sewer system during the months of November, December, January, February and March of each year. Any property owner receiving a permit shall pay a user fee of Five Dollars (\$5.00) per month for use of the sanitary sewer system. The monthly fee shall be added to and collected with the regular monthly utility bill. Any sump pump operated in violation of the permit or operated without a permit shall be subject to the fine established in subsection (i).
- h) The City Council shall have the power and duty of hearing and deciding requests for waivers from the applicability of the provisions of this Ordinance where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration or cause a safety problem.
- i) A surcharge of One Hundred Dollars (\$100.00) per month is hereby imposed and shall be added to every utility billing mailed on and after March 1, 1999, to the property owners who are not in compliance with this Ordinance. 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 Kerkhoven to seek 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.
- j) This Ordinance shall become effective upon its passage and publication as provided by law.

Introduced by Council member Keith Finstrom, October 12, 1998

Hearing held: November 9, 1998

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