

**CITY OF TYLER**

**STATE OF MINNESOTA**

**COUNTY OF LINCOLN**

**ORDINANCE NO. 2021-01**

**SANITARY SEWER INFLOW & INFILTRATION**

**AN ORDINANCE FOR THE REDUCTION OF CLEAR WATER IN THE SANITARY SEWER SYSTEM**

**THE TYLER, MINNESOTA CITY COUNCIL ORDAINS:**

**The following language is hereby added to the Tyler City Code:**

**CHAPTER 4A SANITARY SEWER INFLOW & INFILTRATION**

**AN ORDINANCE FOR THE REDUCTION OF CLEAR WATER IN THE SANITARY SEWER SYSTEM**

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**4A.10 PURPOSE**

The City Council finds that the discharge of water from roof, surface, groundwater, sump pump, footing tile, swimming pool, or other natural precipitation into the municipal sanitary sewer system has the potential to cause property damage and overload the municipal and regional

sanitary sewer systems. The City Council therefore finds it essential for the maintenance of health, minimization of property damage, and to maintain the life and capacity of the wastewater treatment system that the provisions of this ordinance be strictly enforced.

#### **4A.20 APPLICABILITY**

This ordinance shall apply to all water entering the sanitary sewer system unless explicitly exempted by the City. The City and its representatives are authorized to administer, implement, and enforce the provisions of this ordinance.

#### **4A.30 DEFINITIONS**

For the purpose of this Ordinance, the following terms are defined:

- A. Clear Water** - Clear water means storm water, natural precipitation, melting snow, ground water, roof drainage, ground surface and subsurface drainage, down spout, yard drain, sump pump, foundation drain, yard fountain, pond, swimming pool, cistern overflow, or any other water that is not required to be treated by state or federal law. Swimming pool water that is required to be treated in accordance with city, county or state regulations shall not be considered clear water.
- B. Sewer Service Lateral** - Sewer service lateral means all sewer service pipes that extend from the municipal sewer main to the structure that it serves.

#### **4A.40 COMPATIBILITY WITH OTHER REGULATIONS**

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall apply.

#### **4A.50 PROHIBITION AGAINST DISCHARGE INTO THE SANITARY SEWER SYSTEM**

No person shall discharge or cause to be discharged into the municipal sanitary sewer collection system, or infiltrate into the sanitary sewer system any clear water because of a sump pump, defective plumbing, a defective sewer service lateral or by any other means.

#### **4A.60 SUMP PUMP REGULATION**

Any dwelling, structure or building that has a sump pump discharge system to remove groundwater from its foundation drain must have either a permanently installed discharge line OR have the sump pump discharge line disconnected from the sanitary sewer from March 15th through October 31st (during times when the ground is not frozen.)

A "permanently installed discharge line" shall be one which provides for year-round discharge capability to either the outside of the dwelling, building or structure, or is connected to the City

storm sewer. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge and, if connected to the City storm sewer line, include a check valve. It shall not be capable of connection or reconnection to the municipal sanitary sewer system.

#### **4A.70 INSPECTION**

By January 1, 2022, every person owning improved real estate, or contractors and builders who are building a structure connected to the City's sanitary sewer system, shall obtain an inspection of each building located on such property by a licensed plumber or inspector that is approved by the city. The purpose of this inspection shall be to confirm that there is no prohibited discharge into the municipal sanitary sewer system.

The inspector must inspect the property's sump pump, sewer service lateral, and ground water drainage system, and upon completion, return to the city an inspection form provided by the City documenting the results of the inspection. All costs associated with an inspection shall be the responsibility of the property owner.

The owner or owner's representative is required to complete an inspection and obtain a certificate of compliance issued by the City before such property is offered for sale, gifted or transferred, and before the owner or owner's representative enters into any contract for deed or other transaction changing the party responsible for the property.

A certificate of compliance shall be issued by the City upon successful completion of an inspection. A certificate of compliance shall be valid until the property is again offered for sale, gifted or transferred, and before the owner or owner's representative enters into any contract for deed or other transaction changing the party responsible for the property. **A certificate of compliance shall be valid for ten years.**

#### **4A.80 CORRECTIONS**

**A failing inspection shall be given upon notice that a sewer service lateral is comprised of clay, orangeberg, cast, or any other non-PVC related product. A failing inspection shall also be given upon notice that a sewer service lateral is defective or the discharge of clear water on a property is not in compliance with this ordinance. Immediately upon notice of non-compliance,** the owner or occupant of the property shall cease from discharging clear water in violation of this ordinance and shall make the necessary repairs and corrections to discharge the clear water in accordance with this ordinance. Discharge of clear water in compliance with this ordinance shall be completed within 30 days of the date of notice of noncompliance, or as determined by the city Utility Supervisor or city Administrator. A second inspection of the property will be completed after 30 days following the notice of noncompliance.

#### **4A.90 VIOLATIONS**

A monthly surcharge in the amount of \$100.00 per month shall be assessed against any property on which clear water is discharged in violation of this ordinance. The monthly surcharge will be charged on the property's municipal utility billing statement if one or more of the following conditions apply: (1) an inspection as required herein has not been allowed by the property owner or occupant or a certificate of compliance has not been issued by the city within 30 days after the city's notice of inspection; (2) the property owner or occupant fails to make the sewer line cleanout readily available for the inspection; (3) the necessary corrections have not been made within the time specified; and (4) the property owner or occupant reconnects a clear water

discharge line to the municipal sanitary sewer system after it has been previously disconnected at the city's or a court's direction. A surcharge will be assessed for every month during which the property is not in compliance.

#### **4A.10 TEMPORARY WAIVERS**

The City may grant a temporary waiver from the provisions of this section where strict enforcement would cause a threat of damage or harm to other property, the environment, or public safety because of circumstances unique to the individual property or due to weather conditions. A written request for a temporary waiver must be first submitted to the city administrator specifying the reasons for the temporary waiver.

If a temporary waiver is granted, the property owner shall pay an additional fee for sewage service charges based on the number of gallons discharged into the City's sanitary sewer system as estimated by the city Utility Supervisor.

The city Utility Supervisor may set conditions to the temporary waiver. The city Utility Supervisor may terminate the temporary waiver upon a failure to comply with any conditions imposed on the temporary waiver. The city Utility Supervisor must give a five-day written notice of the termination to the property owner and occupant setting forth the reasons for the termination. After expiration or termination of a temporary waiver, the property owner shall comply with the provisions of this ordinance.

#### **4A.11 APPEALS**

Applications for appeal of any administrative determination made pursuant to this Ordinance shall be addressed in writing to the city Administrator within 30 days of the determination.

Applications shall at a minimum identify the property for the appeal is sought, the name of the property owner, and describe in detail the determination which is being appealed. Within 60 days of receipt of the application, the City Council shall make its decision on the matter and send a written copy of such decision to the property owner by mail.

#### **4A.12 SEVERABILITY AND VALIDITY**

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances be declared by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of other provisions or application of this ordinance.

#### **4A.13 EFFECTIVE DATE**

This ordinance shall take full effect and be in full force from and after passage and publication according to law.

Passed and adopted by the City Council of the City of Tyler on July 5, 2021.

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Joan Jagt, Mayor

ATTEST

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Stephanie LaBrune, City Administrator

**CITY OF TYLER**

**Resolution NO. 2021-08**

**APPROVING SUMMARY PUBLICATION  
OF ORDINANCE NO. 2021-01**

WHEREAS, on July 5, 2021, the Tyler City Council adopted Ordinance No. 2021-01;  
and,

WHEREAS, in lieu of publishing the entire ordinance in the City's official newspaper,  
State law permits the publication of a summary approved by the City Council; and,

WHEREAS, the Council has reviewed the summary of Ordinance No. 2021-01, which is  
attached to this resolution.

NOW THEREFORE, BE IT RESOLVED by a two-thirds vote of the City Council of the  
City of Tyler, Minnesota that the attached summary of Ordinance No.2021-01 is approved for  
publication in the City's official newspaper.

Passed by the Council this 5th day of July, 2021.

CITY OF TYLER

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Joan Jagt, Mayor

ATTEST

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Stephanie LaBrune, City Administrator

**CITY OF TYLER  
LINCOLN COUNTY, MINNESOTA**

**SUMMARY OF ORDINANCE NO. 2021-01**

**AN ORDINANCE FOR THE REDUCTION OF CLEAR WATER IN THE SANITARY SEWER SYSTEM**

The Ordinance, as adopted, shall consist of the following titles:

**Section 1: Purpose.**

**Section 2: Applicability**

**Section 3: Definitions**

**Section 4: Compatibility with Other Regulations**

**Section 5: Prohibition Against Discharge into the Sanitary Sewer System**

**Section 6: Sump Pump Regulation**

**Section 7: Inspection**

**Section 8: Corrections**

**Section 9: Violations**

**Section 10: Temporary Waivers**

**Section 11: Appeals**

**Section 12: Severability and Validity**

**Section 13: Effective Date.**

A printed copy of Ordinance No. 2021-01 is available for inspection by the any person during regular hours at the office of the City Administrator or upon written request.

**PASSED, ADOPTED AND APPROVED FOR PUBLICATION BY TWO THIRDS OF THE CITY COUNCIL** this 5<sup>th</sup> day of July, 2021, by the City Council of the City of Tyler, Minnesota.

Passed by the Council this 5<sup>th</sup> day of July, 2021.

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Joan Jagt, Mayor

Attested:

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Stephanie LaBrune, City Administrator