

## ORDINANCE NO. 218

### AN ORDINANCE ADOPTING WESTERN LAKE SUPERIOR SANITARY DISTRICT'S MODEL ORDINANCE REGARDING CERTIFICATE OF INFLOW AND INFILTRATION (I&I) COMPLIANCE

THE CITY COUNCIL OF THE CITY OF SCANLON, CARLTON COUNTY, MINNESOTA  
ORDAINS:

#### **AUTHORITY AND PURPOSE**

This ordinance will protect the health, welfare, and safety of the public and the environment by requiring the reduction of Inflow and Infiltration (“I&I”) by minimizing the risk of overflows in the waste order conveyance and treatment system (“WCTS”).

**SECTION 1. Clear Water Prohibition.** No clear water shall be discharged directly or indirectly into the Wastewater Collection and Transmission System.

#### **SECTION 2. Definitions.**

*Capacity Availability Fee:* The WLSSD fee for new connections to, and estimated expanded uses of, the WCTS.

*Certificate of I&I Compliance:* Means either a Certificate of Service Lateral I&I Compliance or a Certificate of Sump Pump or Foundation Drain Disconnection I&I Compliance issued by the City of Scanlon pursuant to this Ordinance.

*Certificate of Service Lateral I&I Compliance:* Means a certificate issued by the City of Scanlon to verify that the building connected to the WCTS complies with this Ordinance is not contributing any material amounts of unpolluted water to the WCTS through a Service Lateral.

*Certificate of Sump Pump or Foundation Drain Disconnection I&I Compliance:* Means a certificate issued by the City of Scanlon to verify that a building being sold, transferred or otherwise conveyed, or subject to any of the conditions, including a Capacity Availability Fee payment, as provided in Section 3.B., is not contributing any material amounts of unpolluted water to the WCTS through a Foundation Drain or a malfunctioning Sump Pump.

*Clear water:* Any surface flow, run off, and drainage that does not contain any hazardous substance or sewage. This includes but is not limited to NPDES permitted discharges, storm water and water from foundation and footing drains and basement or other sump pumps.

*Correction Notice:* Means the written notice issued by the Sewer Official to the Owner after review of the Inspection Report advising that the Owner’s property is not in accordance with City of Scanlon sanitary sewer service requirements, and notifying the Owner of corrections to the property needed to bring it in to compliance in a timely manner.

*Foundation Drain:* Means that part of the lowest horizontal piping of a drainage system, which receives the discharge of wastewater from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building Sewer Lateral.

*Infiltration:* An indirect connection of clear water into the WCTS.

*Inflow:* A direct connection of clear water into the WCTS.

*Inspection Report:* Means the report required to provide to the City of Scanlon by the Owner pursuant to Sections 7 and 8 of this Ordinance.

*New Use:* Means the development or redevelopment of a property for a different residential, business or industrial use evidenced by the requirement of a building permit issued by City of Scanlon or by other official governmental actions.

*Owner:* Means the person(s) or entities that own or hold the title to a property served by the WCTS.

*Notice to Inspect:* Means the written notice sent to the Owner by the Sewer Official which requires the Owner to obtain an Inspection Report and file it with the City of Scanlon.

*Sewer Service Lateral or Service Lateral:* Means that portion of the sanitary sewer system that is on Owner's property and generally is perpendicular to the sewer main and/or extends from the WCTS sewer line to the structure being served.

*Sewer Official:* The person identified by City of Scanlon as the individual responsible for management and operation of the portion of the WCTS operated by the City of Scanlon.

*Sump:* Means a pit or reservoir located at the lowest point in the building foundation drainage system serving as a drain or receptacle for liquids.

*Sump Pump:* Means the pump and discharging pipes designed to remove liquids from the Sump and discharge them away from the building foundation.

*Wastewater Collection and Transmission System ("WCTS"):* Means the system for wastewater collection and transmission, including all pipes, force mains, gravity sewer lines, lift stations, pumping stations, and appurtenances owned and operated by WLSSD and the municipally owned portion of the system which collects wastewater from residences and businesses and conveys it to the portion of the system operated by WLSSD.

**SECTION 3. Certificate of Sump Pump or Foundation Drain Disconnection I&I Compliance.**

- A. Required. No person shall sell, advertise for sale, give or transact a change in title or ownership of real property with one or more buildings connected to the WCTS without

first obtaining a Certificate of Sump Pump or Foundation Drain Disconnection I&I Compliance from the City of Scanlon.

- B. Application and Fees. The Owner shall complete an application for a Certificate of Sump Pump or Foundation Drain Disconnection I&I Compliance in the form prescribed by City of Scanlon upon the occurrence of any of the events in Section 8A1 and prior to the occurrence of any of the events in Section 8A2. At the time of application, the Owner shall pay the fees in the amount set from time to time by the City of Scanlon.

#### **SECTION 4. Certificate of Service Lateral I&I Compliance.**

If the Owner needs to obtain a Certificate of Service Lateral I&I Compliance pursuant to Section 6, the Owner shall complete an application for a Certificate of Service Lateral I&I Compliance in the form prescribed by City of Scanlon. At the time of application, the Owner shall pay the fees in the amount set from time to time by the City of Scanlon.

#### **SECTION 5. Sewer Service Lateral – Ownership, Maintenance and Repair.**

- A. Owner Requirements. Service Laterals shall be owned, maintained and repaired by the Owner of the property which the Service Lateral serves.
- B. Maintenance and Repair. Property Owners must clean, maintain and repair Service Laterals serving their property sufficient to keep the Service Lateral in operable condition at all times. Maintenance under this section includes:
1. clearing obstructions from the Service Lateral;
  2. repairing a defect in the Service Lateral that allows the introduction of Inflow & Infiltration or debris into the WCTS;
  3. repairing a defect in the Service Lateral that allows the discharge of sewage on the property.

The property Owner shall perform such duties as may be required to respond to and correct observed overflows, illegal drainage connections or seepage, blockages, material defects or other deficiencies in the Service Laterals as determined by the Sewer Official. Factors causing improper operations, partially listed in this paragraph, may be discovered by smoke testing, response to a sanitary sewer overflow, televising or other surveys of the Service Lateral conducted by a licensed plumber.

#### **SECTION 6. Sewer Service Laterals – Mandatory Inspections and Testing.**

- A. Events Requiring a Service Lateral Inspection. Except as provided by subsection B of this Section an Owner, or if applicable, all multiple Owners of a common Sewer Service Lateral, shall have the Service Lateral cleaned and inspected as required in this Ordinance at the property Owner's expense when any of the following events occur:

1. If the Sewer Official sends the Owner a written Notice to Inspect for health and safety reasons, the Service Lateral must be cleaned and inspected not later than the 180th day after the date of the notice and an Inspection Report submitted to the Sewer Official.
2. Upon a determination by the Sewer Official that the owner of a structure with a new or existing connection to the WCTS must pay a Capacity Availability Fee as a result of a New Use or anticipated wastewater flow increase calculated in accordance with the *WLSSD Capacity Availability Fee Procedures Manual* in effect at the time of the calculation.
3. Upon the proposed sale or the proposed transfer of title in Owner's property, or substantial change in use in the property, the Owner shall coordinate a Sewer Service Lateral inspection. The responsibility for repair of a Service Lateral that fails testing related to a proposed sale or proposed transfer of title of the Owner's property shall be mutually agreed upon by the property buyer and seller and that agreement must be satisfactory to the City of Scanlon.
4. Upon repair or replacement of any portion of a Sewer Service Lateral.
5. If a street or avenue located within the City of Scanlon is rebuilt, including an upgrade or replacement to the sewer system, all residences or businesses along the street or avenue shall have no building or structure contributing Inflow and Infiltration to the WCTS. The property owner must use a certified plumber to do a televised inspection of the Lateral and the certified plumber must show to the satisfaction to the City that no repairs are needed or that needed repairs have been completed within a time period specified by the Sewer Official.

B. Exceptions. The following are exceptions to the Sewer Service Lateral inspection requirements provided in subsection A.2 – A.5 above:

1. Structures that were constructed ten (10) years or less prior to the event listed in subsection 6A;
2. Structures that have a Sewer Service Lateral that was replaced, relined or installed within ten (10) years prior to the event listed in subsection 6A;
3. Structures not connected to the WCTS; or
4. The Owner replaces or relines the Service Lateral upon the occurrence of one of the events in subsection 6A and provides evidence of such replacement or repair satisfactory to the City of Scanlon Sewer Official.

**SECTION 7. Sewer Service Laterals – Inspection Report – Requirements.**

- A. Report Required. If an Owner is required to have an inspection performed for the Sewer Service Lateral under Section 6A of this Ordinance, or voluntarily has an inspection conducted for the Sewer Service Lateral, an Inspection Report must be provided to the City of Scanlon in the form set forth herein. The Report shall be prepared in a format acceptable to the City of Scanlon. A Report is not required if the Owner relines or replaces the entire Sewer Service Lateral after the inspection, and provides written evidence to the Sewer Official proving that the work was properly completed.
- B. Inspection Report Standards. The Sewer Service Lateral Inspection Report required by this Ordinance shall be prepared in accordance with the following requirements and specifications.
1. The Inspection Report shall be prepared by a licensed plumber;
  2. The Inspection Report shall identify all of the following:
    - (a) Any and all defects that could allow Infiltration or Inflow into the Service Lateral or otherwise create a maintenance issue in the WCTS, including all of the inspection criteria listed in Section 7C.
    - (b) Whether any connection, by pipes or otherwise, allows rainwater or groundwater to enter the Service Lateral or WCTS.
    - (c) Date of the inspection.
    - (d) Name of the person conducting the inspection and the business employing the person.
    - (e) A certification that the inspection of the Service Lateral was conducted using televised video, or an alternate inspection method approved by the Sewer Official.
    - (f) A certification that no floor, roof, foundation and/or surface drains are physically connected to the Service Lateral.
    - (g) A certification that the Service Lateral was thoroughly cleaned prior to the inspection.
    - (h) If necessary, a recommended method for repair of the Service Lateral to eliminate the Inflow or Infiltration into the WCTS.
- C. Service Lateral Inspection Criteria. A property complies with the provisions of this Section if the inspection verifies all of the following conditions:

1. The Service Lateral is free of roots, grease deposits, and other solids which may impede or obstruct the transmission of sewage.
  2. There are no improper or illegal connections to the building Service Lateral such as sump pumps, down spouts or area drainage facilities.
  3. All joints in the building Service Lateral are tight and sound to prevent the exfiltration of sewage and the infiltration of groundwater, storm water and rain water.
  4. The Service Lateral is free of structural defects, cracks, breaks, or missing portions and the grade is reasonably uniform without major sags or offsets.
- D. Action By Sewer Official. Based upon the Sewer Official evaluation of the deficiencies or findings outlined in the Inspection Report, the Sewer Official may:
1. Issue a Correction Notice to the Owner as provided in Section 11, specifying the deficiencies to be corrected as may be deemed appropriate by the Sewer Official, and the deadline within which the Owner shall complete the required corrective actions necessary to bring the Sewer Service Lateral into compliance with this Ordinance.
  2. Issue a Certificate of Service Lateral I&I Compliance for the Service Lateral which is the subject of the Inspection Report.

**SECTION 8. Sump Pump and Foundation Drains– Inspection Report – Requirements.**

- A. Report Required to Obtain Certificate. The Owner of any dwelling structure, commercial building structure or other building or land upon which such buildings are located which are connected to the WCTS, must make application for a Certificate of Sump Pump or Foundation Drain Disconnection I&I Compliance pursuant to Section 3B and provide an Inspection Report to the City of Scanlon upon the occurrence of either of the events in subsection 1. or 2. below. The Inspection Report shall be prepared in a format acceptable to the City of Scanlon
1. Upon a determination that the Owner of a structure with a new or existing connection to the WCTS must pay a Capacity Availability Fee as a result of a New Use or anticipated wastewater flow increase calculated in accordance with the *WLSSD Capacity Availability Fee Procedures Manual* in effect at the time of the calculation.
  2. Prior to selling, transferring, or conveying an interest or entering into an agreement to sell, transfer or otherwise convey an interest in such property.
- B. Report Required. The Owner of any dwelling structure, commercial building structure or other building or land upon which such buildings are located which are connected to the WCTS, must provide an Inspection Report to the City of Scanlon upon receiving a Notice to Inspect from the Sewer Official.

C. Inspection Report. The Sump Pump or Foundation Drain Disconnection Inspection Report shall be prepared in accordance with the following requirements and specifications.

1. The Inspection Report shall be prepared by a licensed plumber or a person approved by the City of Scanlon and qualified to conduct such inspections;
2. The Inspection Report shall identify all of the following:
  - (a) Date of the inspection, address of the property and the name of the person conducting the inspection.
  - (b) A description of the visual inspection conducted.
  - (c) A determination of whether floor, roof, foundation and/or surface drains are physically connected to the Service Lateral or whether the foundation drains do not contribute any Inflow and Infiltration to the Service Lateral.
  - (d) Whether there is an existing sump pump and whether it is in use, malfunctioning or improperly discharging.

D. Action By Sewer Official. Based upon the Sewer Official evaluation of the deficiencies or findings outlined in the Inspection Report, the Sewer Official may:

1. Issue a Correction Notice to the Owner as provided in Section 11, specifying the deficiencies to be corrected as may be deemed appropriate by the Sewer Official, and the deadline within which the Owner shall complete the required corrective actions necessary to bring the Foundation Drain discharges into compliance with this Ordinance.
2. Issue a Certificate of Sump Pump or Foundation Drain Disconnection I&I Compliance for the property which is the subject of the Inspection Report.

## **SECTION 9. Inspection.**

A. The applicant for a Certificate of I&I Compliance is responsible for arranging an inspection of the property after making application with the City of Scanlon and payment of the fees.

B. Inspection/Testing Procedure.

1. Sump inspections shall be conducted visually.
2. Service Lateral inspections must be conducted using televised video, or an alternate inspection method approved by the Sewer Official.
3. The property Owner shall submit a written report of the inspection on the condition of the Service Lateral or Sump/Foundation Drain to the Sewer Official for review.

4. An inspection is presumed valid for a period of six (6) months from the date of inspection. If the property Owner fails to obtain a Certificate of I&I Compliance within the six (6) month period, the City of Scanlon in its sole discretion may require the property Owner to obtain another inspection before issuing a Certificate of I&I Compliance.

**SECTION 10. Compliance and Expiration.**

- A. Once a Certificate of I&I Compliance for a Service Lateral is issued, that Service Lateral shall not require inspection for a period of ten (10) years from the date of issuance unless the City of Scanlon has reason to believe the Service Lateral is in a defective condition.
- B. For houses constructed in the fifteen (15) years prior to an application, the Sewer Official may in his or her discretion approve a Certificate of I&I Compliance without requiring inspection of the Service Lateral.
- C. A Certificate of I&I Compliance is valid to be used for the transfer of the property.

**SECTION 11. Correction Notice.**

- A. If inspection discloses that the use of the property is not in accordance with the City of Scanlon sanitary sewer service requirements, a Correction Notice may be issued by the Sewer Official requiring corrections to the property to bring it in to compliance. The corrections must be completed no later than 180 days from the date of the Correction Notice. Upon proof of satisfactory completion of the corrections, a Certificate of I&I Compliance, if requested pursuant to Section 3 or 4, shall be issued.
- B. A Correction Notice may be issued by the Sewer Official permitting transfer of title of the property if the following conditions are met:
  1. An agreement by the Owner and transferee has been executed and, whereby the Owner and transferee agree to complete corrections to the property necessary to bring it within compliance of the City of Scanlon sanitary sewer service regulations within one hundred eighty (180) days of the transfer of property, and
  2. Security to ensure completion of any corrections to the property must be posted with the closing agent in the form of an escrow, or with the City of Scanlon when a closing agent is not involved, at the time of property transfer or closing. Security must be in an amount at least equal to 150% of the retail value of the work necessary for compliance. Escrow must be fully maintained until a Certificate of I&I Compliance is issued. If the City of Scanlon is escrowing the funds, upon completion of the repairs, the unused portion of the escrowed money shall be refunded to the property buyer and seller in the proportions upon which they mutually agree. If a closing agent used, the closing agent shall certify the escrow to the City of Scanlon along with a copy of the



written agreement between the property seller and the transferee regarding their mutual agreement as to responsibility for completion of the necessary repairs.

- C. The Owner and any real estate agents involved in the transaction are responsible for disclosing the Correction Notice to the transferee and all other persons or entities involved in the transaction. Responsibility for repairing any non-conformance with the sanitary sewer service regulations runs with the land and is not only an obligation of the owner or transferor but is also an obligation of the transferee of the property.

**SECTION 12. Failure to Comply; Penalty.**

- A. Property owners not in compliance with this Ordinance will be charged a monthly surcharge.
- B. A surcharge in an amount set by separate resolution of the City Council is hereby imposed and added to every sewer billing to property owners who are not in compliance with this Ordinance. The surcharge shall be levied monthly on properties not complying with this Ordinance. This charge shall cease when the property has been inspected and a Certificate of I&I Compliance is issued by the Sewer Official.

**SECTION 13.**

All provisions of the City of Scanlon Ordinance No. 181 not specifically amended by this Ordinance shall remain in full force and effect.

Passed this 14th day of November, 2018.

City of Scanlon, \_\_\_\_\_ its Mayor.

Attest:

\_\_\_\_\_  
City Clerk

**Published this 29<sup>th</sup> day of November, 2018.**