

City of Newport, MN  
Ordinance No. 2023-03

An Ordinance Amending Chapter 34- Utilities, Article II- In General, Section  
34-16- Reduction of clear water in the sanitary sewer system

**THE CITY COUNCIL OF THE CITY OF NEWPORT DOES ORDAIN THAT** (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted, sections which are only proposed to be re-numbered are only set forth below as to their number and title):

**SECTION 1.** City of Newport City Code, Chapter 34, Article II- In general

**Sec. 34-16. Reduction of clear water in the sanitary sewer system.**

The city council finds that the discharge of water from roof, surface, groundwater, sump pump, footing tile or 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 section be strictly enforced.

(1) *Applicability.* This article 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 article.

(2) *Definitions.* For the purpose of this article, the following terms are defined:

*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, well water, water from industrial or commercial air conditioning systems 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.

*Sewer service lateral* means all sewer service pipes that extend from the municipal sewer main to the structure that it serves.

(3) *Compatibility with other regulations.* This article is not intended to modify or repeal any other article, rule, regulation, or other provision of law. The requirements of this article are in addition to the requirements of any other article, rule, regulation, or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other article, 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.

(4) *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.

(5) *Sump pump method of installation.* For all new construction, buildings shall have a drain tile placed around the inside or outside perimeter of the foundation connected to a sump pit. All baseboard seepage collection systems shall be discharged to the sump pit. The sump pit shall be located at least ten feet away from the inside sanitary floor drain.

A permanent discharge pipe shall be installed to the outside wall of the building with rigid pipe (plastic, copper, galvanized or black pipe) one inch inside diameter minimum. The discharge pipe must have a check valve within one foot of the floor grade and a union or other approved coupling for easy disconnection for repair or replacement. The discharge shall extend at least three feet outside of the foundation wall.

(6) *Alternate methods of installation.*

- a. The discharge pipe may be connected directly to the municipal underground storm sewer system upon written approval from the superintendent of public works. Connections will only be allowed if the discharge is at a higher elevation than the normal flow level and that an approved backflow prevention device is installed.
- b. The discharge may be connected directly to the municipal curb and gutter system upon written approval from the superintendent of public works. Connections will only be allowed if the pipe is placed under the sidewalk or boulevard and through the back of the curb and that an approved backflow prevention device is installed.

(7) *Inspection.* No property that is connected to the city's sanitary sewer shall be sold unless the seller or buyer has provided a point of sale certification to the city at least two business days prior to closing. The certification shall certify that the property has been inspected and is in compliance with the requirements of this article. Certifications shall be valid for ~~five~~ **ten (10)** years from the date of signature.

The certification shall be in the form provided by the city and requires one digital copy of the televising report be provided to the city along with the written report.

The inspection and certification of sanitary sewer lines must be completed by a qualified person. A qualified person is a plumber licensed by the State of Minnesota or another sewer professional pre-approved by the city.

The fee for inspection and preparation of the certification by the contractor shall be paid by the buyer or seller. There shall be no fee paid to the city.

The superintendent of public works and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties, regardless of the status of the certificate of compliance, for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this article.

**Televised inspections conducted as part of a City-initiated improvements project may, at the sole discretion of the superintendent of public works, be used for preparation of a certification for a period of up to five (5) years from the date of inspection.**

(8) *Corrections.* Upon notice that the discharge of clear water on a property is not in compliance with this article, the owner or occupant of the property shall cease from discharging clear water in violation of this article and shall make the necessary repairs and corrections to discharge the clear water in accordance with this article. Discharge of clear water in compliance with this article shall be completed within 90 days of the date of notice of noncompliance, or as determined by the superintendent of public works. A second inspection of the property will be completed by the superintendent of public works or designated representative after 120 days following the notice of noncompliance.

Any deficiencies discovered during a point of sale inspection shall be disclosed prior to closing and shall be corrected within 90 days from the closing. The seller shall provide proof to the city that funds were placed in an escrow account at closing to cover the required repairs.

- (9) *Violations.* A surcharge in an amount duly adopted by the city council and set forth in the city's fee schedule shall be assessed against any property on which clear water is discharged in violation of this article. The surcharge will be charged on the property's municipal utility billing statement if one or more of the following conditions apply:
- a. An inspection as required herein has not been allowed by the property owner or occupant;
  - b. The property owner or occupant fails to make the sewer line cleanout readily available for the inspection;
  - c. The necessary corrections have not been made within the time specified.

A surcharge will be assessed for every day during which the property is not in compliance. If 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, the surcharge shall be increased as described in the fee schedule.

- (10) *Temporary waivers.* The city may grant a temporary waiver from the provisions of this article 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 superintendent of public works 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 superintendent of public works.

The superintendent of public works may set conditions to the temporary waiver. The superintendent of public works may terminate the temporary waiver upon a failure to comply with any conditions imposed on the temporary waiver. The superintendent of public works must give a five-calendar 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 article.

If, as part of a City-initiated improvements project, the property owner elects to install a cured in place pipe (CIPP) liner within the sanitary sewer lateral from the point of connection to the sewer main to the principal structure, the property will be granted a temporary waiver of the provisions of this article for a period of fifteen (15) years.

- (11) *Appeals.* Applications for appeal of any administrative determination made pursuant to this article 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.

- (12) *Severability and validity.* The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article 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 article.

(Ord. No. 2019-04, 11-7-2019)

Editor's note(s)—Ord. No. 2019-04, adopted Nov. 7, 2019, repealed § 34-16, and enacted a new § 34-16 as set out herein. The former § 34-16 pertained to discharge of stormwater or surface water into a public utility prohibited and derived from 1997 Code, § 1000.16.

Adopted this 18<sup>th</sup> day of May, 2023 by the Newport City Council.

Motion by: \_\_\_\_\_,                      Seconded by: \_\_\_\_\_

VOTE:	Elliott	_____
	Chapdelaine	_____
	Ingemann	_____
	Taylor	_____
	Sumner	_____

Signed: \_\_\_\_\_  
Laurie Elliott, Mayor

Attest: \_\_\_\_\_  
Joe Hatch, City Administrator