

TWIN LAKES TOWNSHIP
CARLTON COUNTY, MINNESOTA
Ordinance No. 2020-01

**AN ORDINANCE REGULATING INFLOW AND
INFILTRATION INTO THE TOWN'S WASTEWATER SYSTEM**

The Board of Supervisors of the Town of Twin Lakes ordains:

ARTICLE I
GENERAL PROVISIONS

Section 100.05. Findings and Purposes. This ordinance is adopted based upon the following findings and purposes:

Subd. 1. Findings. The Town Board hereby finds and determines as follows:

- (a) Twin Lake Township ("Town") has a wastewater system that serves a portion of the Town and that is connected to the Western Lake Superior Sanitary District ("WLSSD");
- (b) WLSSD adopted an ordinance (amended June 26, 2017) to reduce inflow and infiltration into its treatment works ("WLSSD I&I Ordinance");
- (c) The WLSSD I&I Ordinance imposes certain requirements and restrictions on those communities that are connected to its treatment works, which are referred to therein as municipal customers;
- (d) The requirements imposed on municipal customers include an affirmative duty to limit the amount of inflow and infiltration to ensure the municipal customer's permitted peak flow is not exceeded, including through the adoption of inspection and reporting programs with respect to their wastewater systems; and
- (e) WLSSD prepared and distributed a proposed ordinance to the municipal customers to address inflow and infiltration, which is the basis for this ordinance.

Subd. 2. Purposes. The ordinance is enacted for the following purposes:

- (a) To satisfy the requirements imposed on the Town, as a municipal customer, by WLSSD to address inflow and infiltration; and
- (b) To reduce treatment costs related to inflow and infiltration for the Town and those owners connected to the wastewater system.

Section 100.10. Scope. This ordinance applies only to properties within the Town that are connected to the Town's sanitary sewer system, each such property being referred to herein as a "connected property."

Section 100.15. Additional Regulations. This ordinance is in addition to the sanitary sewer ordinance the Town Board adopted on January 8, 2003, which was recorded with Carlton County on March 19, 2004 as Document Number 380550, and is not intended to limit any regulations or requirements contained in that ordinance.

Section 100.20. Definitions. The following terms shall have the meaning given them in this Section.

Subd. 1. Capacity Availability Fee. "Capacity availability fee" means the fee imposed by WLSSD for new connections to, and estimated expanded uses of, the wastewater system.

Subd. 2. Certificate of Compliance. "Certificate of compliance" means either a sump pump certificate of compliance or a service lateral certificate of compliance issued by the Town pursuant to this ordinance. The term is also used as a general reference to the particular type of certificate of compliance discussed in the section in which it is used.

Subd. 3. Clear water. "Clear water" means any surface flow, run off, or drainage that does not contain any hazardous substance or sewage. The term includes, but is not limited to, NPDES permitted discharges, storm water, water from foundation and footing drains, and water from basement sump pumps or other sump pumps.

Subd. 4. Connected Property or Property. "Connected property" or "property" means a parcel of real property that is connected to the wastewater system by a service lateral.

Subd. 5. Correction Notice. "Correction notice" means the written notice issued by the sewer official advising an owner that his or her property is not in compliance with this ordinance and identifying what the owner needs to do to bring the property into compliance in a timely manner.

Subd. 6. Foundation Drain. "Foundation drain" means that part of the lowest horizontal piping of a drainage system that receives the discharge of wastewater from soil, waste, and other drainage pipes inside the walls of a structure and conveys it to the service lateral.

Subd. 7. Infiltration. "Infiltration" means an indirect connection of clear water into the wastewater system.

Subd. 8. Inflow. "Inflow" means a direct connection of clear water into the wastewater system.

Subd. 9. Inspection Report. "Inspection report" means the report prepared by a licensed or approved inspector of an inspection conducted at a connected property as part of the owner seeking a certificate of compliance. Only documents that contain all of the information required

for an inspection report by this ordinance for the particular type of certificate of compliance being sought shall constitute an inspection report.

Subd. 10. New Use. “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 or other zoning approval issued by the Town or Carlton County.

Subd. 11. Owner. “Owner” means the person or entity that owns or holds title to a property served by the wastewater system. References in this ordinance to the “owner” are to all persons and entities that have an ownership interest in the property and includes their successors and assigns.

Subd. 12. Notice to Inspect. “Notice to inspect” means the written notice sent to an owner by the sewer official requiring the owner to obtain an inspection report and file it with the Town.

Subd. 13. Service Lateral Certificate of Compliance. “Service lateral certificate of compliance” means a certificate issued by the Town to verify a structure on a connected property is not contributing any material amounts of unpolluted water to the wastewater system through a service lateral.

Subd. 14. Service Lateral. “Service lateral” means the privately owned pipe which conveys sewage from a structure on a connected property to the sewer main portion of the wastewater system. The term includes all pipes, fittings, and appurtenances from the outer face of the structure served to the connection into the sewer main, including the connection itself.

Subd. 15. Sewer Official. “Sewer official” means the person identified by the Town as the individual responsible for management and operation of the portion of the wastewater system operated by the Town.

Subd. 16. Sump. “Sump” means a pit or reservoir located at the lowest point in the structure foundation drainage system serving as a drain or receptacle for liquids.

Subd. 17. Sump Pump. “Sump pump” means the pump and discharging pipes designed to remove liquids from the sump and discharge them away from the structure foundation.

Subd. 18. Sump Pump Certificate of Compliance. “Sump pump certificate of compliance” means a certificate issued by the Town to verify a structure on a connected property is not contributing any material amounts of clear water to the wastewater system through a foundation drain or a malfunctioning sump pump.

Subd. 19. Wastewater System. “Wastewater system” means the sanitary sewer system established 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 portion of the system owned and operated by the Town, which collects wastewater from residences and businesses and conveys it to the portion of the system operated by WLSSD.

Subd. 20. WLSSD. “WLSSD” means the Western Lake Superior Sanitary District.

ARTICLE II OWNER OBLIGATIONS

Section 200.05. Service Laterals.

Subd. 1. Ownership. The service lateral serving a structure on a connected property is owned by the person or entity that owns the connected property.

Subd. 2. Maintenance. The owner of the connected property is responsible for maintaining, repairing, and replacing the service lateral serving the property as needed to ensure it remains in an operable condition at all times. The maintenance required of the owner includes, but is not limited to, the following:

- (a) Clearing obstructions from the service lateral;
- (b) Repairing a defect in the service lateral that allows the introduction of inflow and infiltration or debris into the wastewater system;
- (c) Repairing a defect in the service lateral that allows the discharge of sewage on to the property or the road right-of-way; and
- (d) Take such other actions as may be needed to respond to and correct observed overflows, illegal drainage connections or seepage, blockages, material defects, or other deficiencies in the service lateral as determined by the sewer official.

Factors causing improper operations, partially listed in this subdivision, may be discovered by smoke testing, response to a sanitary sewer overflow, televising, or other surveys of the service lateral conducted by the sewer official.

Section 200.10. Common Ownership. If a connected property has more than one owner, the requirements and prohibitions provided for in this ordinance shall apply to each such owner and each are fully responsible for correcting any deficiencies and for otherwise complying with the requirements of this ordinance.

Section 200.15. Sump Pump and Foundation Drains. It is a violation of this ordinance for an owner to connect a sump pump or a foundation drain to the wastewater system or to maintain such a connection.

Section 200.20. Clearwater Prohibition. It is a violation of this ordinance to discharge clear water directly or indirectly into the wastewater system.

Section 200.25. Certificates of Compliance. In order to satisfy the obligations imposed on the Town by WLSSD to limit the amount of clear water entering the wastewater system, this ordinance requires an owner of a connected property to comply with certain requirements and to obtain a certificate of compliance from the Town in certain circumstances. The types of certificates of compliance are listed below and the circumstances under which they must be obtained are set out later in this ordinance.

Subd. 1. Types. The types of certificates of compliance provided for in this ordinance are as follows:

- (a) Sump pump certificate of compliance; and
- (b) Service lateral certificate of compliance.

Subd. 2. Combined Certificate. In cases where an owner is required to obtain both types of certificates of compliance at the same time, the sewer official may issue a combined certificate of compliance upon a determination that the requirements of both the sump pump certificate of compliance and service lateral certificate of compliance have been satisfied.

Subd. 3. Inspections. The inspection required to obtain a certificate of compliance under this ordinance is valid for a period of six months from the date of the inspection. If the owner fails to apply for and obtain a certificate of compliance from the Town within that period the Town, in its sole discretion, may require the owner to obtain another inspection before it will issue a certificate of compliance.

Subd. 4. Term of Certificate. Once the Town issues a certificate of compliance under this ordinance, an additional inspection and report are not required for a period of 10 years from the date of issuance, unless the Town has reason to believe the service lateral is in a defective condition or that inflow or infiltration is entering the wastewater system.

ARTICLE III

SUMP PUMP CERTIFICATE OF COMPLIANCE

300.05. Required. An owner is required to apply for and obtain a sump pump certificate of compliance from the Town in any of the circumstances identified in this section.

Subd. 1. New Connection or Increased Flow. Upon a determination that the owner of a structure with a new or existing connection to the wastewater system 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.

Subd. 2. Point of Sale. Prior to selling, transferring, or conveying an interest in a connected property or entering into an agreement to sell, transfer, or otherwise convey an interest in such property.

300.10. Application. If a sump pump certificate of compliance is required under this ordinance, or is voluntarily sought, the owner of the connected property shall submit an application for a sump pump certificate of compliance to the sewer official. The owner shall use the Town's application form. An application shall not be deemed complete and shall not be processed unless it contains all of the requested information and submitted with the applicable application fee. After submitting a completed application, the owner is responsible for arranging an inspection from a properly licensed or approved inspector.

300.15. Inspection and Report. An owner seeking a sump pump certificate of compliance shall proceed in accordance with this section. An owner who voluntarily elects to seek a sump pump service certificate of compliance shall also comply with this section.

Subd. 1. Inspection. The owner shall have the sump pump inspected by a licensed plumber or other person approved by the Town as being qualified to conduct such inspections. The inspector is required to conduct a visual inspection and to prepare and submit an inspection report in accordance with the requirements of this section.

Subd. 2. Inspection Criteria. A connected property shall be considered to be in compliance with the sump pump and foundation drain requirements of this ordinance if the inspector verifies there are no sump pumps or foundation drains connected to the wastewater system.

Subd. 3. Inspection Report. The inspection report prepared by an inspector 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, 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; and
- (d) Whether there is an existing sump pump and whether it is in use, malfunctioning, or improperly discharging.

Subd. 4. Length of Validity. An inspection report is presumed valid for a period of six months from the date of inspection. If the owner fails to obtain the sump pump certificate of compliance from the sewer official within that period, the sewer official may require the owner to obtain another inspection before issuing the certificate of compliance.

300.20. Review and Action. The sewer official shall review the application and the inspection report to confirm there are no floor, roof, foundation, or surface drains physically connected to the service lateral and that any foundation drains do not contribute any inflow and infiltration to the service lateral. If no inflow and infiltration deficiencies are identified, the sewer official shall

issue the owner a sump pump certificate of compliance. The certificate of compliance is valid to be used for the transfer of the property. Once issued, an additional inspection shall not be required for 10 years from the date of issuance, unless the Town has reason to believe clear water is entering the service lateral through the drains or other means of conveyance on the connected property. If the inspection report does identify that any drains are connected to the service lateral or that clear water is otherwise entering the service later, the sewer official shall issue the owner a correction notice as provided in Section 500.05 requiring the owner to correct the deficiencies.

ARTICLE IV

SERVICE LATERAL CERTIFICATE OF COMPLIANCE

400.05. Required. Unless expressly exempted by Section 400.10, an owner is required to apply for and obtain a service lateral certificate of compliance from the Town in any of the circumstances identified in this section.

Subd. 1. Notice to Inspect. If the sewer official issues a notice to inspect to an owner to address an identified health or safety concern. Upon the issuance of a notice to inspect, the owner shall have the service lateral cleaned and inspected as provided in Section 400.25 within 120 days of the date of the notice.

Subd. 2. Town Inspection Program. If the sewer official identifies or selects the property for inspection as part of the Town's annual inspection program for service laterals. The Town inspects the service laterals of the properties selected as part of the annual inspection program without a charge to the owner. However, if a service lateral is found to be in need of repair or replacement, the owner shall be responsible for, at its own cost, completing such work as may be needed to bring the property into compliance with this ordinance.

Subd. 3. New Connection or Increased Flow. Upon a determination by the sewer official that the owner of a structure with a new or existing connection to the wastewater system 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.

Subd. 4. Point of Sale. Upon the proposed sale or the proposed transfer of title in owner's property. The sale or transfer of a connected property shall not occur unless a service lateral certificate of compliance is obtained in accordance with this ordinance. The responsibility for the repair of a service lateral that fails testing shall be mutually agreed upon by the property buyer and seller. In every case, all required repairs shall be completed within 120 days from the inspection.

Subd. 5. Repair or Replacement. Upon repair or replacement of any portion of a service lateral.

400.10. Exemptions. A service lateral certificate of compliance is not required if any of the circumstances identified in this section. These exemptions do not apply to a notice of inspection issued by the sewer official to an owner because of an identified health or safety concern.

Subd. 1. New Structures. The structure with the service lateral was constructed within 10 years of the event that would otherwise trigger the need for a service lateral certificate of compliance.

Subd. 2. New Laterals. The service lateral was installed, replaced, or relined within 10 years of the event that would otherwise trigger a need for a service lateral certificate of compliance.

Subd. 3. Family Transfers. Ownership of the property is being transferred between family members or into a revocable or irrevocable personal trust.

Subd. 4. Replace or Reline. If the owner voluntarily replaces or relines the service lateral upon the occurrence of an event that would otherwise trigger a need for a service lateral certificate of compliance. An inspection report does not need to be submitted to the Town if the owner replaces or relines the service lateral, but the owner shall submit written evidence to the sewer official that the work was properly completed.

400.15. Application. If a service lateral certificate of compliance is required under this ordinance, or is voluntarily sought, the owner of the connected property shall submit an application for a service lateral certificate of compliance to the sewer official. The owner shall use the Town's application form. An application shall not be deemed complete and shall not be processed unless it contains all of the requested information and is submitted with the applicable application fee. After submitting a completed application, the owner is responsible for arranging an inspection from a properly licensed or approved inspector.

400.20. Discretionary Exemption. Notwithstanding anything to the contrary in this ordinance, if the structure requiring a service lateral certificate of compliance is, at the time of application, between 10 and 15 years old, the sewer official may, in his or her discretion, approve a certificate of compliance without requiring an inspection and submission of an inspection report.

400.25. Inspection and Report. An owner seeking a service lateral certificate of compliance shall proceed in accordance with this section. An owner who voluntarily elects to seek a service lateral service certificate of compliance shall also comply with this section.

Subd. 1. Cleaned. The owner shall have the service lateral cleaned to prepare for an inspection.

Subd. 2. Inspection. The owner shall have the service lateral inspected by a licensed plumber or other person approved by the Town as being qualified to conduct such inspections. The inspection must be conducted using televised video or an alternate inspection method approved in advance by the sewer official. The inspector is required to comply with the inspection criteria and to prepare and submit an inspection report in accordance with the requirements of this section.

Subd. 3. Inspection Criteria. A property shall be considered to be in compliance with the service lateral requirements of this ordinance if the inspector verifies compliance with all of the following criteria:

- (a) The service lateral is free of roots, grease deposits, and other solids which may impede or obstruct the transmission of sewage;
- (b) There are no improper or illegal connections to the building service lateral such as sump pumps, down spouts, or area drainage facilities;
- (c) All joints in the building service lateral are tight and sound to prevent the exfiltration of sewage and the infiltration of groundwater, stormwater, and rainwater; and
- (d) The service lateral is free of structural defects, cracks, breaks, or missing portions, and the grade is reasonably uniform without major sags or offsets.

Subd. 4. Inspection Report. The inspection report prepared by an inspector shall be in a format acceptable to the Town and shall identify all of the following:

- (a) Any and all defects that could allow inflow or infiltration into the service lateral or otherwise create a maintenance issue in the wastewater system, including all of the inspection criteria listed in subdivision 3 of this section;
- (b) Whether any connection, by pipes or otherwise, allows rainwater or groundwater to enter the service lateral or wastewater system;
- (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 in advance by the sewer official;
- (f) A certification that no floor, roof, foundation, or surface drains are physically connected to the service lateral;
- (g) A certification that the service lateral was thoroughly cleaned prior to the inspection; and
- (h) If necessary, a recommended method for repair of the service lateral to eliminate the inflow or infiltration into the wastewater system.

Subd. 5. Length of Validity. An inspection report is presumed valid for a period of six months from the date of inspection. If the owner fails to obtain the service lateral certificate of compliance from the sewer official within that period, the sewer official may require the owner to obtain another inspection before issuing the certificate of compliance.

400.30. Review and Action. The owner is required to submit the inspection report to the sewer official. The sewer official shall review the application and the inspection report to determine if it identifies any deficiencies regarding the service lateral. If no deficiencies are identified, the sewer official shall issue the owner a service lateral certificate of compliance. The certificate of compliance is valid to be used for the transfer of the property. Once issued, the service lateral shall not need to be inspected for 10 years from the date of issuance, unless the Town has reason to believe the service lateral is in a defective condition. If any deficiencies are identified in the inspection report, the sewer official shall issue the owner a correction notice as provided in Section 500.05 requiring the owner to correct the deficiencies.

ARTICLE V CORRECTION NOTICES

500.05. Correction Notice. The sewer official is authorized to issue a correction notice if he or she determines, through an inspection, a submitted inspection report, or otherwise, that a connected property is not in compliance with the requirements of this ordinance. The correction notice must be issued in writing and shall serve as an order of the Town requiring the owner to correct the items of noncompliance identified in the notice. In addition to identifying the items of noncompliance, the correction notice shall identify what must be done to bring the property into compliance and provide a timeline by which the required work must be completed. The identified corrections must be completed by the date indicated in the notice, which shall not be more than 180 days from the date of the notice, unless a correction agreement is executed as provided in section 500.10.

500.10. Correction Agreement. If a connected property is not in compliance with this ordinance and the required corrections cannot reasonably be completed before the transfer of the property or because of weather conditions, the sewer official may, on behalf of the Town, enter into a correction agreement with the owner that sets out the terms and conditions under which the corrections shall occur. If the agreement is developed as part of a transfer of property, financial security in the amount of 125% of the estimated cost of the work to make the corrections shall be escrowed with the real estate closing agent or, if a closing agent is not involved, with the Town. The security must be maintained until the Town has issued the required certificate of compliance. If the Town is holding the financial security, it shall release the funds, without interest, to the person that provided the financial security. A failure to comply with the terms of the correction agreement shall constitute a violation of the correction notice.

500.15. Disclosure. The owner and any real estate agent involved in the sale of a property are responsible for disclosing a correction notice issued for the property to the transferee and to all other persons or entities involved in the transaction. Responsibility for correcting any nonconformance with the wastewater system 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.

ARTICLE VI PENALTIES

600.05. Penalty. A violation of this ordinance, or of any correction notice issued hereunder, is punishable as a misdemeanor and, upon conviction thereof, shall be subject to a maximum fine or maximum period of imprisonment, or both, as specified by Minnesota Statutes, section 609.03. Pursuant to Minnesota Statutes, section 366.01, subdivision 10, the costs of prosecution may be added to any fine imposed. The Town may also institute such civil proceedings as it determines are appropriate to require a property to be brought into compliance with this ordinance or a correction notice. Pursuing the criminal prosecution of a violation shall not bar the Town from also pursuing a civil remedy, and pursuing a civil remedy shall not bar the Town from also pursuing the criminal prosecution of a violation.

600.10. Surcharge. If the Town determines a property is not in compliance with this ordinance including, but not limited to, the failure to obtain a certificate and compliance when required or failure to submit to an inspection if selected under the Town's annual inspection program, the Town may impose a surcharge on the sewer bill of the noncompliant property as provided in this section.

Subd. 1. Surcharge Amount. The Town Board shall set the amount of the surcharge by resolution.

Subd. 2. Notice. If the Town determines a property is not in compliance with this ordinance, the Town shall provide the property owner a written notice that failure to bring the property into compliance with the requirements of this ordinance by the date indicated in the correction notice shall result in a surcharge being added to their sewer bill. This notice may be included in a correction notice or provided separately. The notice shall include a statement indicating the property owner may request a hearing before the Town Board regarding the notice of noncompliance and the proposed surcharge by submitted a written request for a hearing within 14 days from the date of the notice. The request for a hearing must identify the alleged error or mistake regarding the correction notice and identify the requested relief.

Subd. 3. Hearing. If the Town receives a timely request for a hearing, it shall schedule a hearing before the Town Board and provide the property owner at least 10 days' notice of the hearing. At the hearing, the property owner shall be provided an opportunity to be heard regarding the notice of noncompliance and the proposed surcharge. The Town Board shall make a final decision regarding the matter and may uphold, modify, or revoke a correction notice, or may take such other action as it deems appropriate to address the matter. The Town shall provide the property owner its decision regarding the matter in writing.

Subd. 4. Collection. When a surcharge is imposed under this section, Town staff is authorized to impose and collect the surcharge on the sewer bill for the property. The imposition of the surcharge shall cease when the property has been inspected and the sewer official has issued the required certificate of compliance. The sewer charges and any surcharge imposed under this ordinance shall constitute service charges that may be collected on the property under

Minnesota Statutes, section 366.012 if unpaid. The Town shall provide notice of the unpaid service charges to the property owner, using the address in the County's property tax system for mailing property tax statements, by September 15 and shall certify the unpaid service charges to the County Auditor by October 15 each year. The Town may add its collection costs to the amount certified for collection. Alternatively, the Town may impose a lien on the property as provided in Minnesota Statutes, section 514.67 or take such other action available to it under law to collect the unpaid amounts and its collection costs.

Adopted this 15th day of January, 2020.

BY THE TOWN BOARD

Town Chairperson

Attest: _____
Town Clerk

This ordinance is effective on the first day of publication of an approved summary.