

ORDINANCE NO. 113, 2ND SERIES

Chapter 3.32 SEWER LATERALS

Sections:

- Subd. 1 Definitions.
- Subd. 2 Manager's authority to enforce.
- Subd. 3 Sewer laterals, cleanouts and connections.
- Subd. 4 Inspections and repairs of sewer laterals.

Subd. 1 Definitions.

(a) "Sewage," when used herein, means all water or combination of liquid and water-carried solid or semi-solid waste conducted away from residences, business buildings, institutions and other sources, which is known as domestic sewage, together with liquid or water-carried solid or semi-solid waste resulting from a manufacturing process employed in industrial establishments, including the washing, cleaning or drainwater from such process, which is known as industrial waste.

(b) "Sewer" or "sewer main," when used herein, means any city-owned sewer pipe within a city street or public right-of-way receiving or intended to receive the discharges of more than one sewer lateral. No sewer main constructed henceforth shall be less than eight inches in diameter nor be laid or constructed in any city street, easement or right-of-way or street, easement or right-of-way under the control of the city, except to the lines, grades, and specifications approved by the proper city authority.

(c) "Building sewers", as used herein, refers to sewer, soil pipe and drain pipes constructed within and under buildings

(d) "Clerk," when used herein, refers to the city clerk of the city of Chisholm.

(e) "City," when used herein, refers to the city of Chisholm.

(f) "City Engineer," when used herein, refers to the city engineer of the City of Chisholm or, in a city engineers absents, a qualified engineering firm acting as city engineer of the City of Chisholm.

(g) "Premises," when used herein, refers to a lot, parcel of land, building or

establishment.

(h) "Sewer lateral" or "lateral," when used herein, means a privately owned pipeline connecting a building sewer to a sewer main.

(i) "Backflow valve," when used herein, refers to a check valve specifically designed to prevent the reverse flow of sewage in a lateral.

Subd. 2 Clerk's authority to enforce.

The city clerk shall be charged with the administration of the sewerage system and the enforcement of the provisions of this chapter.

Subd. 3 Sewer laterals, cleanouts and connections.

(a) All laterals from the building wall to the connection to the sewer main are the property of the owner of the connected building. All property owners whose properties are connected to a sewer main or are otherwise connected to the city's sewer system by sewer lateral shall at their own expense maintain the sewer lateral in a fully functioning condition and ensure the lateral is free of cracks, leaks, inflow or infiltration of extraneous water, root intrusion or open joints. Property owners shall ensure that laterals drain freely to the sewer main without excessive sags that collect grease and sediment.

(b) No person, firm or corporation shall break or cut into or connect to any sewer in any street, easement or right-of-way in the city or under the control of the city without first securing a permit so to do from the city engineer. Prior to beginning work, detailed plans describing the work to be done shall be submitted to and approved by the city engineer or his designee.

(c) Each property utilizing the city's sewer system shall have a separate lateral connected to the sewer main. Notwithstanding the foregoing sentence, branched or common laterals shall be permitted only in the following instances:

(1) Where a lateral is maintained by a homeowner's association or other entity that is party to a formal, recorded lateral maintenance agreement.

(2) Where more than one building or other structure is situated upon the same lot, in which case all such buildings and structures may, by permit authorized by the city engineer, be joined in the use of one connecting sewer; provided that the connection conforms in all other respects to the provisions of this title and a drawn plan of the joint connection be first submitted to and approved by the city engineer. As a further condition of obtaining such a permit, all such buildings and structures shall be owned by the same person.

(3) Where, in the opinion of the city engineer, it is impossible or impractical to connect a building on a single lot to the main sewer except in conjunction with the connection of a building or buildings on other lots, a joint connection may be allowed, provided that the connection conforms in all other respects to the provisions of this title and a drawn plan of the joint connection be first submitted to and approved by the city engineer. A permit for each individual lot covering the identification of the responsible party for maintenance and liability for maintenance and overflow damages shall be required.

(4) Where two or more structures on separate parcels are connected to a branched or common lateral, each property shall be disconnected from the branched or common lateral and a new separate lateral shall be constructed upon the transfer of title of either property by sale.

(d) A cleanout approved by the city engineer shall be installed and maintained, at the sole expense of the property owner, on all laterals. The installation of the devices shall be required as follows:

(1) When building a new structure on property with an existing lateral, or when otherwise proposing to connect a previously unconnected structure to an existing lateral;

(2) As a condition of approval of any major building remodel project. A major building remodel project is one that is estimated by the city to cost \$50,000.00 or more;

(3) Prior to the close of escrow when the property is transferred via sale or other transfer of ownership by deed, instrument or writing;

(4) Whenever the city finds that a sewage spill emanating from a lateral has reached public property, including but not limited to a city street or the city storm drain system, or has flowed onto private property owned by another property owner;

(5) Whenever the city finds that a sewage spill emanating from a lateral presents a threat to public health, even if it has not flowed across a property line.

(e) Backflow Valves.

(1) On laterals serving properties where the outlet of a trap for a plumbing fixture is installed or located at an elevation which is less than two feet above the rim of the nearest manhole or other sewer access point uphill from the point of connection of the lateral to the public sewer in any new or existing drainage system, approved types of backflow valves may be required by the city engineer. The installation of the devices shall be required under the same circumstances as set forth in subsections (d)(1) through (5), inclusive, of this section.

(2) Where a backflow valve is required, the valve shall be installed in the lateral at the point of lowest elevation of the ground surface along the alignment of the lateral, or at such other location as is permitted by the city, providing that at any such location, the elevation of the ground surface is not less than two feet below the lowest trap served by the building sewer.

(3) The backflow valve shall have cleanouts directly upstream and downstream of the valve. The cleanouts shall be connected to the lateral by means of wye fittings. The backflow valve shall be accessible from the surface and protected by the use of a precast access box of concrete or heavy-duty plastic approved by the city engineer.

(4) The cleanouts shall be positioned at an elevation at least three inches above the ground in order to prevent the obstruction of the vent opening or the inflow of surface water.

(f) Any owner whose property meeting the elevation criteria of this section that has no backflow valve, or has a defective or improperly installed backflow valve, shall be responsible for all damage that results from the lack of such a device, or the failure of the defective or improperly installed device to prevent such damage.

Subd. 4 Inspections and repairs of sewer laterals.

(a) Property owners shall inspect, and provide to the city a report of the results of an inspection of, the laterals on their property prepared by a licensed plumber using closed circuit television (CCTV) inspection or other inspection or test method approved by the city engineer, and if found defective, repair the lateral, as follows:

- (1) When building a new structure on property with an existing lateral, or when otherwise proposing to connect a previously unconnected structure to an existing lateral;
- (2) As a condition of approval of any major building remodel project. A major building remodel project is one that is estimated by the city to cost \$50,000.00 or more;
- (3) Prior to the close of escrow when the property is transferred via sale or other transfer of ownership by deed, instrument or writing;
- (4) Whenever the city finds that a sewage overflow emanating from a lateral has reached public property, including but not limited to a city street or the city storm drain system, or has flowed onto private property owned by another property owner;
- (5) Whenever the city finds that a sewage overflow emanating from a lateral presents a threat to public health, even if it has not flowed across a property line.

In the absence of a specific deadline, all inspection and testing work shall be completed within sixty days of notification by the city that such inspection is required. Existing laterals shall not be used if they are found to be defective by the inspection or if they fail city mandated tests or if they were constructed of materials deemed unacceptable by the city engineer.

(b) As part of its periodic construction and maintenance of sewer mains, the city may discover defective laterals. The city may order the property owner to conduct an inspection, repair or replacement of any lateral that the city knows or reasonably suspects to be defective.

(c) The lateral shall be considered defective if it has any of the following conditions: displaced joints, root intrusion, substantial deterioration of the lines, damaged clean-out, defective clean-out, inflow, infiltration of extraneous water, or other conditions likely to substantially increase the chance for a lateral blockage, or if, within a period of one year, a lateral suffers two or more blockages resulting in overflows.

(d) Whenever defective laterals are found, the property owner, at the sole expense of the property owner, shall repair or replace the lateral. The city engineer shall determine the extent of repair required, and more limited repair than complete replacement of the lateral may be permitted at the sole discretion of the city engineer. The following requirements shall be met.

- (1) A replaced or repaired lateral shall not be covered or backfilled until it has

been inspected by a representative of the city.

(2) All new and repaired laterals must pass an air pressure test as specified by the city engineer.

(3) All repaired or replaced laterals shall be brought into compliance with the requirements of Section 3.32 Subd 3. Backflow valves may be required to be installed on laterals meeting the criteria of Section 3.30 Subd. 6 and 3.32 Subd. 3.

(e) In the absence of a specific deadline established by the city engineer, all repair or replacement work shall be completed within sixty days of notification by the city that such repair or replacement is required.

(f) When a lateral is completely replaced, the property owner is not required to inspect the lateral upon sale of the property for ten years following the date of complete replacement of the lateral.

(g) Roots, grease, or other material which have accumulated in a lateral cleaned or maintained shall be prevented from entering the sewer main during the maintenance or repair of the lateral. In the event that material is permitted to enter the main causing or contributing to the cause of a sewage spill, the property owner and/or contractor performing such maintenance work, in addition to any criminal penalties imposed, shall be held civilly liable to the city for any fines or other expenses incurred by the city resulting from the spill.

(h) The city shall have the authority to recover from a property owner the city's expenses incurred in responding to sewer overflows on private property. In addition to any actual expenses incurred by the city resulting from an overflow, the city may impose civil administrative penalties against a property owner who fails to perform any act required in this section, which failure results in an overflow reaching public or private property other than the property owner's property, according to the following schedule:

(1) Up to \$500.00 for the first violation.

(2) Up to \$1,000.00 for a second violation occurring within three years after the first violation.

(3) Up to \$2,500.00 for each additional violation within a three-year period exceeding two violations.

(i) The city clerk shall have the authority to establish, waive, suspend or otherwise modify any civil administrative penalty imposed by this section that exceeds the direct costs of the city upon a showing by the property owner of severe financial hardship, or upon a showing that the property owner has satisfactorily repaired the lateral to a degree sufficient to ensure avoidance of further violations.

(j) The provisions of this section shall not be construed to require or obligate the city to enter into a reimbursement agreement if, in the sole discretion of the city council, to so enter into the agreement would not be in the best interests of the city or would be detrimental to the health, safety or welfare of the city.

Effective Date: 1-1-2007 and upon publication

This information sheet provides additional information about the ordinance on the inspection, repair, or replacement of sewer laterals, adopted by the Chisholm City Council on July 25, 2006.

Ordinance No. 113, 2nd Series Inspections and repairs of sewer laterals

(a) Property owners shall inspect, and provide to the city a report of the results of an inspection of, the laterals on their property prepared by a licensed plumber using closed circuit television (CCTV) inspection or other inspection or test method approved by the director of public works, and if found defective, repair the lateral, as follows:

(1) When building a new structure on property with an existing lateral, or when otherwise proposing to connect a previously unconnected structure to an existing lateral;

(2) As a condition of approval of any major building remodel project. A major building remodel project is one that is estimated by the city to cost \$50,000.00 or more;

(3) Prior to the close of escrow when the property is transferred via sale or other transfer of ownership by deed, instrument or writing;

(4) Whenever the city finds that a sewage overflow emanating from a lateral has reached public property, including but not limited to a city street or the city storm drain system, or has flowed onto private property owned by another property owner;

(5) Whenever the city finds that a sewage overflow emanating from a lateral presents a threat to public health, even if it has not flowed across a property line. In the absence of a specific deadline, all inspection and testing work shall be completed within sixty days of notification by the city that such inspection is required. Existing laterals shall not be used if they are found to be defective by the inspection or if they fail city mandated tests or if they were constructed of materials deemed unacceptable by the director of public works.

(b) As part of its periodic construction and maintenance of sewer mains, the city may discover defective laterals. The city may order the property owner to conduct an inspection, repair or replacement of any lateral that the city knows or reasonably suspects to be defective.

(c) The lateral shall be considered defective if it has any of the following conditions: displaced joints, root intrusion, substantial deterioration of the lines, damaged clean-out, defective clean-out, inflow, infiltration of extraneous water, or other conditions likely to substantially increase the chance for a lateral blockage, or if, within a period of one year, a lateral suffers two or more blockages resulting in overflows.

(d) Whenever defective laterals are found, the property owner, at the sole expense of the property owner, shall repair or replace the lateral. The director of public works shall determine the extent of repair required, and more limited repair than complete replacement of the lateral may be permitted at the sole discretion of the director of public works. The following requirements shall be met.

(1) A replaced or repaired lateral shall not be covered or backfilled until it has been inspected by a representative of the city.

(2) All new and repaired laterals must pass an air pressure test as specified by the director of public works.

(3) All repaired or replaced laterals shall be brought into compliance with the requirements of Ordinance No. 113, 2nd Series Subdivision 3 (d). Backflow valves may be required to be installed on laterals meeting the criteria of Ordinance No. 113, 2nd Series Subdivision 3 (e).

(e) In the absence of a specific deadline established by the director of public works, all repair or replacement work shall be completed within sixty days of notification by the city that such repair or replacement is required.

(f) When a lateral is completely replaced, the property owner is not required to inspect the lateral upon sale of the property for ten years following the date of complete replacement of the lateral.

(g) Roots, grease, or other material which have accumulated in a lateral cleaned or maintained shall be prevented from entering the sewer main during the maintenance or repair of the lateral. In the event that material is permitted to enter the main causing or contributing to the cause of a sewage spill, the property owner and/or contractor performing such maintenance work, in addition to any criminal penalties imposed, shall be held civilly liable to the city for any fines or other expenses incurred by the city resulting from the spill.

(h) The city shall have the authority to recover from a property owner the city's expenses incurred in responding to sewer overflows on private property. In addition to any actual expenses incurred by the city

resulting from an overflow, the city may impose civil administrative penalties against a property owner who fails to perform any act required in this section, which failure results in an overflow reaching public or private property other than the property owner's property, according to the following schedule:

- (1) Up to \$500.00 for the first violation.
- (2) Up to \$1,000.00 for a second violation occurring within three years after the first violation.
- (3) Up to \$2,500.00 for each additional violation within a three-year period exceeding two violations.

(i) The city manager shall have the authority to establish, waive, suspend or otherwise modify any civil administrative penalty imposed by this section that exceeds the direct costs of the city upon a showing by the property owner of severe financial hardship, or upon a showing that the property owner has satisfactorily repaired the lateral to a degree sufficient to ensure avoidance of further violations.

Ordinance No. 113, 2nd Series of the Municipal Code at Chisholm City Hall

STEPS TO FULFILL THIS REQUIREMENT:

1. Complete *Sewer Lateral Inspection and Repair Certification Form*
 2. Thoroughly read Ordinance No. 113, 2nd Series of Chisholm Municipal Code
 3. Conduct recorded inspection (VHS or digital format), which must have a segment showing the property identification by videoing the building, address, significant building feature, or identifiable features of the surroundings prior to inserting the camera into the lateral and then continue filming to the lateral to connection with the sewer main. Recorded inspection is deemed complete when the camera is retrieved while still recording and shows the same address/features at the beginning of the recordation.
 4. Submit completed and signed *Sewer Lateral Inspection and Repair Certification Form*, sign, and submit with recorded inspection to the Chisholm Engineering Office.
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FREQUENTLY ASKED QUESTIONS:

Q: Who is an authorized representative?

A: Anyone authorized through written contract for buyer and seller may be an authorized representative

Q: When must the form and recording be submitted? A: The certification form and recording must be submitted to the City prior to close of escrow.

Q: How long will it take for the City of Chisholm to make a determination on certification?

A: It may take up to ten (10) working days for the City to make a determination on the sewer lateral inspection and repair certification. Therefore, it is recommended the form and footage be submitted as soon as possible after the property has been listed or offered for sale.

Q: How will the property owner be contacted about the City's determination? A: The City will make a determination based on the video and form submitted. The owner and/or the authorized representative will be contacted via mail.

Q: Is this a condition of sale? A: No. However, the property owner is required by law to conduct the inspection process. Failure to comply may result in civil or criminal prosecution.

Q: What if the City determines that a sewer lateral replacement is necessary?

A: The property owner will have up to sixty (60) days to replace the sewer lateral from the date of notification by the City. Extraordinary circumstances requiring additional time to complete the work must be approved by the City.



Certification Form for Sewer Lateral Inspection and Maintenance

NOTICE

In accordance with the City of Chisholm Ordinance No. 113 2nd Series, mandatory closed-circuit television or other approved inspections of sewer laterals are required when the sale of a property or major remodel is undertaken on a property. Also, the sump pump shall be in accordance with Chapter 3.30 Subd. 4 of the Chisholm Municipal Code. Additional information is available in the Inspections and Repairs of Sewer Laterals guide. Ordinance No. 113 2nd Series and Chapter 3.30 Subd. 4 of the Chisholm Municipal Code is available for review at City Hall.

*This form must be signed and submitted to:
City Clerks Office, 316 West Lake Street, Chisholm, MN 55719/ Tel (218)254-7907*

Current Property Owner(s):

Property Address:

Assessor's Parcel No.:

Mailing Address (if different from above):

City:

State:

ZIP Code:

Home Number:

Work Number:

Mobile Number:

As seller of the above-mentioned property, I certify under penalty of perjury that I have read and will comply with the requirements for sewer lateral inspection and maintenance found in City of Chisholm Ordinance No. 113 2nd Series. I certify that the information I have provided is true and correct. I acknowledge that I am aware that although this is not a condition of sale or transfer of the property, it is a requirement imposed by law.

Signature(s) of Seller(s):

Date:

Full Name(s) (Please Print):

Full Name of Authorized Representative (Agent):

Agency Name:

Mailing Address (if different from above):

City:

State:

ZIP Code:

Signature of Authorized Representative:

Work Number:

Mobile Number:

Full Name of Homeowners Association (HOA), if applicable:

Full Name of HOA President:

HOA President's Phone Number:

HOA's Mailing Address:

City:

State:

Zip Code:

WAIVER OF INSPECTION REQUIREMENT: Under penalty of perjury, I hereby certify that the sewer lateral on the above mentioned property has been completely replaced within the last ten (10) years in accordance with Ordinance No. 113 2nd Series Subd. 4 and certification is attached.

Signature of Property Owner or Authorized Agent:

Date:

| | | | |
|--|--------------|--|------------|
| Property Address: | | | |
| Buyer(s)'s Current Address: | | | |
| Mailing Address: | | | |
| City: | | State: | ZIP Code: |
| Home Number: | Work Number: | Mobile Number: | |
| As buyer of the above-mentioned property, I certify that I have read the requirements for sewer lateral inspection and maintenance found in City of Chisholm Ordinance No. 113 2 nd Series. | | | |
| Signature(s) of Buyer(s): | | Date: | |
| Name of Licensed Plumber: | | Contracting Company Conducting Closed-Circuit Video recording (If different than Plumber): | |
| Address: | | Individual Conducting Video recording | |
| City: | State: | ZIP Code: | Telephone: |
| Contractor License Number: | | Does sump pump configuration meet Chapter 3.30 Subd. 4 of the Chisholm Municipal Code? YES <input type="checkbox"/> NO <input type="checkbox"/> | |
| Draw sketch of sewer laterals and connections (to be completed by contractor): | | | |
| As contractor for the above-mentioned property, I certify that I have read the requirements for sewer lateral inspection and maintenance found in City of Chisholm Ordinance No. 113 2 nd Series. I certify that the information and video recording I have provided with this form is true and correct. I acknowledge that I am certified and qualified to conduct or review the closed-circuit television video recording. | | | |
| Signature of Licensed Plumber: | | Date: | |
| FOR CITY USE ONLY | | | |
| Date Received: _____ | | Reviewed by: _____ | |
| <input type="checkbox"/> A review of the tape revealed that a replacement or repairs to sewer lateral are not necessary. <input type="checkbox"/> A review of the tape revealed that a repair to sewer lateral at _____ is required to correct a _____. A building permit and/or encroachment permit may be required before beginning this repair. Please contact the Building Inspector at 254-7906 for more information. <input type="checkbox"/> A review of the tape revealed that the sewer lateral needs to be replaced. A building permit and encroachment permit are required. Please contact the Building Inspector at 254-7906 for more information. | | | |
| Reviewed by: _____ | | Date of Review: _____ | |