

CITY OF LUCAN

AN ORDINANCE AMENDING CHAPTER 6 OF THE LUCAN CODE OF ORDINANCES (1990) AS FOLLOWS:

THE CITY COUNCIL OF THE CITY OF LUCAN DOES ORDAIN:

SECTION 6.210. Purpose. The City Council finds that the discharging of water from any roof, surface, groundwater, sump pump, footing tile or other natural precipitation into the City sanitary sewer system will and has on numerous occasions in the past, flooded and overloaded the sanitary sewer system to such an extent as to cause significant damage to the property of city residents and the sanitary sewer trunk system. The City Council, therefore, finds it essential to minimize the damage to property and to meet Minnesota Pollution Control Agency requirements by strictly enforcing this ordinance.

SECTION 6.211. Prohibited Discharges into the Sanitary Sewer System. No groundwater or natural precipitation from any roof, surface, sump pump, footing tile or drainage tile, and no water from any swimming pool or hot tub, shall be discharged into the sanitary sewer system. Dwellings and other buildings and structures which require, because of the infiltration of water into basements, crawl spaces and the like, a sump pump system to discharge excess water, shall have a permanently installed discharge line which shall not at any time discharge into the sanitary sewer system, except as provided herein. A "permanently installed discharge line" shall be one which provides for year-around discharge capability to either the outside of the dwelling, building or structure, or is connected to the City storm sewer or discharges through the curb and gutter to the street. 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.

SECTION 6.212. Disconnection. Before September 15, 2012, any person, firm, or corporation having roof, surface, groundwater, sump pump, footing tile, drainage tile, swimming pool or hot tub, now connected and/or discharging into the sanitary sewer shall disconnect and/or remove same. Any disconnects or openings in the sanitary sewer shall be closed in an effective, workable manner, as approved by the City's Public Works employee or the City's designated representative.

SECTION 6.213. Inspection. Every person owning improved real estate that discharges into the City's sanitary sewer system shall allow an employee of the City of Lucan or their designated representative to inspect each building to confirm that there is no sump pump or other prohibited discharging into the sanitary sewer system. In lieu of having the City inspect their property, any person may furnish a certificate from a licensed plumber certifying that their property is in compliance with this ordinance.

Any person refusing to allow their property to be inspected or failing to furnish a plumber's certificate within (14) days of the date City's employee or their designated representative are denied admittance to the property, shall immediately become subject to the surcharge hereinafter provided for. Any property found to violate the Ordinance shall make the necessary changes to

comply with the Ordinance and furnish proof of the changes to the City within 30 days after receiving written notice from the City demanding compliance.

SECTION 6.214. Future Inspections. Any person owning improved real estate shall allow the Public Works employee, or the City's designated representative, to re-inspect buildings twice a year.

SECTION 6.215. Waivers. The City Council shall have the power and duty of hearing and deciding requests for waivers from the applicability of the provisions of this ordinance where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration or cause a safety problem.

Application for waivers pursuant to this Section shall be addressed in writing to the City Clerk. The application shall at a minimum identify the property for which the waiver is being applied for, the name of the property owner/applicant, and describe in detail what characteristics of the subject property create an undue hardship. Within a reasonable time the City Council shall make its decision on the matter and send a copy of such decision to the applicant by regular mail. Upon approval of an application for a waiver, a property owner shall be allowed to temporarily pump directly into the sanitary sewer system between the dates of October 15 and April 1. The applicant will be required to pay a fee for the additional sewer service, along with the regular monthly charge. Fees for this service will be based on estimated yearly average water usage amounts. The holder of the waiver shall employ a licensed plumber to certify prior to April 15th of each subsequent year that their discharge water connection has been removed from the sanitary sewer. Failure to provide such certification will place the waiver holder in violation of this Ordinance and make the waiver holder subject to the surcharge hereinafter provided for.

SECTION 6.216. Surcharge. A surcharge of One Hundred (\$100) dollars per month is hereby imposed and added to every sewer billing mailed on and after October 1, 2012, to property owners who are not in compliance with Section 3 of this Ordinance. The surcharge shall be added every month, to be included in the monthly utility bills, until the property is in compliance.

All properties found out of compliance during future inspections, will be imposed a One Hundred (\$100) dollar penalty per month until the property is in compliance.

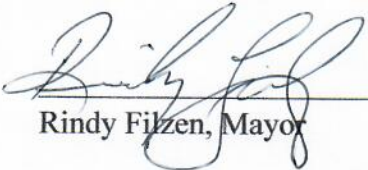
Any surcharges or penalties not paid by September of each year will be certified to the County as a special assessment toward the property.

SECTION 6.217. Penalties. Any person violating any provision of this Ordinance is guilty of a petty misdemeanor and is subject to a fine of not more than \$200.00, plus costs of prosecution. Each day of non-compliance with this Ordinance as defined herein may, in the discretion of this court, constitute a separate offense.


SECTION 6.218. Repeal. Section 6.209, Subdivision 7 of the Lucan Code of Ordinances (1990) and all Ordinances inconsistent with this Ordinance are hereby repealed.

SECTION 6.219. Effective Date. This Ordinance shall be effective from, and after its adoption and publication.

Adopted this 2nd day of July, 2012.



Rindy Filzen, Mayor

ATTESTED:


Elaine Moore, City Clerk