

ORDINANCE NO. 254

AN ORDINANCE FOR THE 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 ordinance be strictly enforced.

The City Council of Fulda, Minnesota ordains:

Section 1: Applicability

This ordinance 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 ordinance.

Section 2: Definitions

For the purpose of this Ordinance, 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, 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. Homeowner is responsible for the home to property line (upper lateral). City is responsible from the property line to the main (lower lateral).

Section 3: Compatibility with Other Regulations

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, 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.

Section 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 (except as provided in Section 5: Sump Pump Regulation), defective plumbing, a defective sewer service lateral or by any other means.

Section 5: Sump Pump Regulation

Any dwelling, structure or building that has a sump pump discharge system to remove groundwater from its foundation drain must have a permanently installed discharge line.

In accordance with the City of Fulda Ordinance 171, it is unlawful to discharge sump pumps in the City sanitary sewer system between April 15 and November 1. Valving or quick connections allowing the sump pump to discharge into the yard or street must be present or installed to comply with the April 15-November 1 discharge requirement.

Section 6: Inspection

By **08/30/2026**, every person owning improved real estate, or contractors and builders who are building a structure connected to the City's sanitary sewer system, shall obtain an inspection of each building located on such property by an inspector designated by the City. The purpose of this city inspection shall be to confirm that there is no prohibited discharge into the municipal sanitary sewer system.

This inspection requirement may also be met by having the property owner contract with a licensed plumber to perform the inspection. The plumber must inspect the property's sump pump, sewer service lateral, and groundwater drainage system, and upon completion, return an inspection form provided by the City documenting the results of the inspection. All costs associated with an inspection by a privately retained plumber shall be the responsibility of the property owner.

Unless the property owner already has a valid certificate of compliance issued by the City for the property, the owner or owner's representative is required to complete an inspection and obtain a certificate of compliance issued by the City before such property is offered for sale, gifted or transferred, and before the owner or owner's representative enters into any contract for deed or other transaction changing the party responsible for the property.

A certificate of compliance shall be issued by the city upon successful completion of an inspection. A certificate of compliance shall be valid for ten years.

Section 7: Corrections

Upon notice that the discharge of clear water on a property is not in compliance with this ordinance, the owner or occupant of the property shall cease from discharging clear water in violation of this ordinance and shall make the necessary repairs and corrections to discharge the clear water in accordance with this ordinance. Acceptable correction is lining or replacing the upper lateral with PVC or other approved piping. Discharge of clear water in compliance with this ordinance shall be completed within **180** days of the date of notice of noncompliance, or as determined by the City Council. A second inspection of the property will be completed after **180** days following the notice of noncompliance.

Section 8: Violations

A monthly 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 ordinance. The monthly surcharge will be charged on the property's municipal utility billing statement if one or more of the following conditions apply: (1) an inspection as required herein has not been allowed by the property owner or occupant or a certificate of compliance has not been issued by the city within **180** days after the city's notice of inspection; (2) the property owner or occupant fails to make the sewer line cleanout readily available for the inspection; (3) the necessary corrections have not been made within the time specified; or (4) 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. A surcharge will be assessed for every month during which the property is not in compliance.

Section 9: Temporary Waivers

The City may grant a temporary waiver from the provisions of this section 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 **City Clerk** 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 a **water department representative**.

The **City Council** may set conditions to the temporary waiver. The **City Council** may terminate the temporary waiver upon a failure to comply with any conditions imposed on the temporary waiver. The **City Council** must give a five-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 ordinance.

Section 10: Appeals

Applications for appeal of any administrative determination made pursuant to this Ordinance shall be addressed in writing to the **City Clerk** 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.

Section 11: Severability and Validity

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance 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 ordinance.