

## **Ordinance No. 4 Second Series**

**AN ORDINANCE OF THE CITY OF BADGER, MINNESOTA, AMENDING CITY CODE CHAPTER 3 ENTITLED "MUNICIPAL UTILITIES" BY ADDING A PROVISION RELATING TO SUMP PUMP DRAIN REGULATIONS AND UNLAWFUL ACTS; AND, BY ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 3.99 WHICH, AMONG OTHER THINGS CONTAIN PENALTY PROVISIONS.**

**Section 1. City Code, Chapter 3, is hereby amended by adding a Section, to read:**

**Sec. 3.31. Sump pump drain regulations and unlawful acts.**

Subd. 1. Purpose. The Council finds that the City Sanitary sewerage collection and treatment facilities are unable to receive and dispose of the present volume of unpolluted water including, but not limited to, cooling water, ground water and natural precipitation no being intentionally pumped or direct into such facilities; that, if allowed to continue, a potential danger to the health of person and the safety of property exists in such collection of such waters thereby causing raw sewage to back up into basements and unto property of customers; that, if allowed to continue, the potential danger exists of exceeding the capacity of the treatment facilities thereby impairing the proper operation thereof and complete treatment of other sewage, and, that the restricted and regulated installation, use and operation of sump pumps is therefore necessary to protect the health, safety and welfare of customers and residents.

Subd. 2. Sump Pump Drainage. All premises upon which sump pumps are, presently or in the future, installed or in use shall have permanently installed thereon a drain for the discharge of water from such pump directly in to the storm sewer system or into a natural waterway. The type, size and placement of materials used and the manner of construction of the drain, shall be incorporated in written standards proposed by the Superintendent of Public Utilities, and adopted by resolution of the Council. All underground drain construction hereafter performed shall be inspected by the Superintendent of Public Utilities before it is covered.

Subd. 3. By-Pass Construction and Use. If, in the opinion of the Superintendent of Public Utilities, it is either impossible or impractical to install a year-round frost-free sump pump drain on certain premises within the established written permit (by-pass permit) to install a by-pass for temporarily pumping into the sanitary sewerage system during anytime or times as the permanent drain is frozen or in danger of freezing. Such time of by-pass use (by-pass time) shall be fixed and determined by the Superintendent of Public Utilities and notice to permit holders of the beginning and ending of such time shall be given through local news media or by mailed notice to each owner or occupant of premises upon which a written permit has been issued. The construction and use of a by-pass described in this Subdivision shall at not time be considered a

substitute for the construction and use of the permanent drain requirement of Subdivision 2 of this Section.

Subd. 4. Unlawful Acts. On and after the effective date of this Section, it is unlawful for any customer or other person:

A. To fail or refuse to have permanently installed on premises owned by him a sump pump drain constructed in accordance with written standards prescribed by the city.

B. To pump or direct such waters into the sanitary sewerage system, except by-pass permit holders so pumping during a by-pass time.

C. To hinder, delay or deny a representative of the City Access at any and all reasonable times to premises served by the City Sanitary Sewerage System for the purpose of inspection to determine compliance with this section.

Subd. 5. It is unlawful for any plumber or other contractor to install a connection not permitted by this section.

Subd. 6. Additional Remedy. In any case where access for inspection of premises by a representative of the city to verify compliance with this Section is denied, or in any case of failure or refusal to comply with any other provision of this Section, the city may discontinue water service to such premises.

Section 2. City Code Chapter 1 entitled “General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violations” and Section 3.99 entitled “Violation a Misdemeanor” are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 3. This ordinance shall take effect on the day after publication.

*Adopted by the City Council of the City of Badger, Minnesota on the twentieth day of March 1996.*

Approved:

Mayor

Attested:

City Clerk-Treasurer