

**ORDINANCE NO. 85
CITY OF DENNISON, MINNESOTA**

AN ORDINANCE AMENDING IN PART ORDINANCE NO. 55 ENTITLED "AN ORDINANCE OF THE CITY OF DENNISON ESTABLISHING SEWER USE REGULATIONS ADOPTED ON SEPTEMBER 8, 1992".

The City Council of Dennison, Minnesota ordains:

Section 1. Article I, Definitions, is amended to read as follows:

- A. Sec. 33(i) "Sewer Lateral" - The segment of sanitary sewer pipe that conveys wastewater from a building structure to the public sanitary sewer main including the building sewer and the sewer main connection point to the Sanitary Sewer.
- B. Sec. 47 - "Public Right of Way" - the area on, below or above any public street, roadway, highway, cartway, bicycle lane, sidewalk, ground, easement or trail within the city that is owned by, under control of, or in which the city has an interest, including but not limited to rights-of-way dedicated by plat, statute, law, easement or otherwise owned, conveyed or dedicated to the city for general public use. The boundary of a public right-of-way may, but need not, be delineated in recorded subdivision plats or legally described in recorded easements.

Section 2. Article XII, Inspection, Maintenance and Repair of Sewer Laterals, is added to read:

ARTICLE XII

INSPECTION, MAINTENANCE AND REPAIR OF SEWER LATERALS

- Sec. 1. Sewer laterals require routine monitoring, inspection and maintenance to ensure proper conveyance capacity and prevent sewer obstructions. Common causes of sewer lateral obstructions include, but are not limited to, root intrusion, debris entering the sewer lateral, pipe sags, pipe joint failure, pipe fractures, grease and oil accumulation, sediment accumulation and flushing of over-sized objects. The city does not provide, perform or conduct routine maintenance, inspection or monitoring of sewer laterals, except those serving city-owned buildings. The property owner of a premises or building served with sanitary sewer service is responsible to conduct and perform routine monitoring, inspection and maintenance, including but not limited to root cutting and cleaning, of the sewer lateral. The property owner, occupant or user of the premises or building served with sanitary sewer service is also responsible for promptly notifying the city public works department if they are experiencing any sanitary sewer service backups.
- Sec. 2. The following practices are established for building sewer connecting directly to public sewer leads. After the initial service connection has been made to the public sewer lead, the property owner of the premises or building served shall be

responsible and liable for all operation, maintenance, inspection, repairs or replacement, including all costs and expenses associated therewith, required of or made to any building sewer serving the property, as determined necessary by the city or otherwise for connection of the premises or building to the sanitary sewer lead.

- Sec. 3. The property owner is responsible and liable for any damage to the building sewer or the public sewer lead within the public right-of-way that is the result of the property owner or the property owner's agent performing or conducting cleaning, root cutting, repairs, maintenance, replacement or any other activities related to the building sewer. The property owner is responsible and liable for all costs and expenses associated with the entirety of the building sewer located on the property owner's property and in the public right-of-way from the point of connection of the building served to the point of service connection with the public sewer lead located in the public right-of-way.
- Sec. 4. The following practices are established for sewer leads located within the public right-of-way connecting to the sewer main. After the initial service connection has been made to the public sewer main, the property owner of the premises or building served shall be responsible and liable for all operation, maintenance and inspection including all costs and expenses associated therewith, required of or made to any sewer lead serving the property, as determined necessary by the property owner(s) or city or otherwise for connection of the premises or building to the sanitary sewer main. For repairs/replacement of the sewer lead involving excavation of the sewer lead, the city shall conduct repairs to the portion of the sewer lead located within the public right-of-way at the city's expense, but all other costs for operation, maintenance and inspection of the sewer lead shall be the responsibility of the property owner.

Section 3. Article XIII, Point of Sale Certification, is added to read:

ARTICLE XIII

POINT OF SALE CERTIFICATION

- Sec. 1. **Scope and Intent.** The provisions of this Section shall apply to all real estate which is connected to the City's sanitary sewer and located within the City. It is the intent of this ordinance to identify and eliminate inflow and infiltration resulting from cracked and leaking pipes, foundation drain connections, roof drain connections, and sump pump connections.
- Sec. 2. **Definitions.** For the purpose of this Section, the following terms are defined as follows:
- A. **Buyer:** Any person or entity who purchases a Property or to whom title to a Property is conveyed.
 - B. **Building Official:** The Building Official appointed by the City Council and/or the Building Official's designee.
 - C. **City Clerk:** The City Clerk-Treasurer appointed by the City Council and/or the City Clerk's designee.

- D. Seller: The current owner of real estate as identified in the Property records on file at the Goodhue County Auditor's Office or by Court Order.
- E. Point of Sale Certification or Certification: The certificate provided to the City evidencing compliance with this Section.
- F. Qualified Person: A person qualified to complete an inspection and Certification under Subd. 4. C. of this Section.
- G. Sale or Sold: The transfer of title to a Property.
- H. Closing: The date in which the ownership of the Property is transferred to the Buyer

Sec. 3. Requirements.

- A. Sanitary Sewer Lines. All sanitary sewer lines serving Property, from the house to the main line, shall be in a safe and functional condition and shall be free from all leaks, failures including but not limited to sags, partially collapsed sections or tree root intrusion.
- B. In addition, all sanitary sewer lines shall meet the standards and specifications established in this ordinance.

Sec. 4. Point of Sale Certification Required and Monies Escrowed for Deficiencies.

- A. No Property which is connected to the City's sanitary sewer shall be sold within the City unless the Seller or Buyer has provided a Point of Sale Certification to the Building Official at least 2 business days prior to Closing. The Certification shall certify that the Property has been inspected and is in compliance with the requirements of this Section. Certifications shall be valid for five (5) years from the date of signature.
- B. The Certification shall be in the form- provided by the City and requires one digital copy of the televising report be provided to the City along with the written report.
- C. The inspection and certification of sanitary sewer lines must be completed by a Qualified Person. A Qualified Person is a plumber licensed by the State of Minnesota or another sewer professional pre-approved by the City.
- D. The fee for inspection and preparation, of the Certification by the Contractor shall be paid by the Buyer or Seller. There shall be no fee paid to the City.
- E. Any deficiencies discovered during the inspection shall be disclosed prior to Closing and shall be corrected within twelve (12) months from the Closing. The Seller shall provide proof to the City that funds were placed in an escrow account at Closing to cover the required repairs.

Sec. 5. **Exceptions. Certifications Are Not Required for the following:**

- A. A Property where the Certificate of Occupancy has been issued by the Building Official within three years prior to the sale of the Dwelling Unit.
- B. A Property sold or transferred by a court ruling including wills, probate actions, divorce, and estate settlements.
- C. A Property that is without buildings or contains no dwelling or other buildings with-plumbing fixtures.
- D. A Property which is sold to a foreclosing mortgagee which holds a mortgage on the Dwelling Unit.
- E. The transfer does not require the filing of a Certificate of Real Estate Value, as described in Minnesota Statutes, Section 272.115, subdivision 1.

Sec. 6. **Penalties**

- A. **Criminal Remedies.** The failure of any Seller or Buyer to comply with the provisions of this Section or to comply with an order issued by the City pursuant to this Section shall be a misdemeanor
- B. **Civil Remedies.** In addition to the criminal remedies, this Section may be enforced by injunction, action for abatement or other appropriate civil remedy.

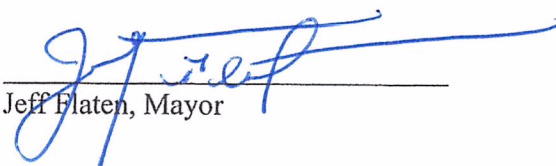
Sec. 7. **Warranty Disclaimer by City.** By enacting and undertaking to enforce this Section, neither the City nor its council, agents or employees warrant or guarantee the safety, fitness or suitability of any Property in the City.

Sec. 8. **Severability.** If any provision of this Section or the application of any provision to a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of the Section and the application of the Section to any other situation shall not be invalidated.

Section 4. This Ordinance amending in part, Ordinance No. 55 shall become effective from and after its passage and publication.

Adopted by the City Council of Dennison, Minnesota this 15th day of July, 2021.

BY THE CITY COUNCIL



Jeff Flaten, Mayor

ATTEST:

Jessica Paige

Jessica Paige, City Clerk-Treasurer

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