

**MOOSE LAKE WINDEMERE AREA SANITARY SEWER DISTRICT
ORDINANCE NO. 3
POINT OF SALE, NEW CONSTRUCTION AND DISCONNECT AND RECONNECT
CERTIFICATE OF COMPLIANCE**

The Sanitary Sewer Board (the "Board") of the Moose Lake Windemere Area Sanitary Sewer District of Moose Lake, MN, (the "District") finds that the discharge of water from roof, surface, groundwater, sump pump, footing tile, or other natural precipitation into the municipal sanitary sewer system has the potential to cause property damage and overload the municipal sanitary sewer systems. The District therefore finds it essential in order to maintain the overall health, life and capacity of the wastewater treatment system that the provisions of this Ordinance be strictly enforced.

The Board ordains as follows:

Section 1: Definitions

For the purpose of this Ordinance, the terms used shall have the meanings specified in Prior Ordinances (as defined below) unless otherwise defined herein or the context specifically indicates otherwise. The following terms are defined:

Building Drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys Wastewater to the Sewer Service Lateral, beginning three (3) feet outside the inner face of the building wall.

Certificate of Compliance shall have the meaning given in Section 9.

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, cistern overflow, or any other water that is not required to be treated by state or federal law.

Correction Notice shall have the meaning given in Section 7.

Disconnect and Reconnect means the removal or tearing down of an existing structure with reconnection of a different structure to the existing Sewer Service Lateral.

Infiltration/Inflow or I/I means water other than Wastewater that enters the Sanitary Sewer from the ground or from surface runoff, as defined in Minnesota Rules.

Inspection shall have the meaning given in Sections 7 and 8.

New Construction for the purpose of this Ordinance shall mean: (i) those connections which require a Connection Fee and installation of a Sewer Service Lateral to connect to the System or (ii) a change in use at a property which requires a building permit and will result in increased Flow to the System.

Ordinance No. 1 means the ordinance entitled "MOOSE LAKE AND WINDEMERE AREA SANITARY SEWER DISTRICT ORDINANCE REQUIRING AND REGULATING THE USE OF DISTRICT SEWERAGE SYSTEM AND INDIVIDUAL SEWAGE TREATMENT SYSTEMS" adopted by the Board, as amended.

Ordinance No. 2 means the ordinance entitled "MOOSE LAKE AND WINDEMERE AREA SANITARY SEWER DISTRICT ORDINANCE NO. 2 AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR THE SANITARY DISTRICT" adopted by Board, as amended.

Person means any individual, firm, company, association, society, corporation (municipal or otherwise) or other group discharging Wastewater to the Wastewater Treatment Facilities.

Point of Sale means at the time an interest in real property consisting of one or more buildings connected to the System is sold, gifted, conveyed or transferred, or where a contract for deed is involved, at the time the Property Owner or their representative enters into a contract for deed or other transaction purporting to change the Property Owner.

Prior Ordinances means Ordinance No. 1 and Ordinance No. 2.

Property Owner means the fee owner of land, or the beneficial owner of land whose interest is primarily one of possession and enjoyment. Property Owner includes, but is not limited to, vendees under a contract for deed and mortgagors.

Sewer Service Lateral the part of the piping which extends from the Building Drain to the Public Sewer which carries discharge from the Building Drain to the Public Sewer. Sewer Service Laterals extend from the Building Drain to the Public Sewer. A Sewer Service Lateral is the responsibility of the Property Owner.

Sewer Service Lateral Inspection means an inspection that meets the requirements set forth in Section 8.

Sump Pump Inspection means an inspection of a sump pump serving a structure on a property connected, or to be connected, to the System to verify installation of a "permanently installed discharge line" as defined in Section 5 of this Ordinance and all other requirements set forth therein.

System means the District's portion of the Treatment Facilities.

Wastewater means a combination of the liquid and water carried wastes from the Users, including water-carried wastes from residences, business buildings, institutions, and industrial establishments. The term "Wastewater" also includes Septage.

Wastewater Treatment Facilities or Treatment Facilities means the land, devices, facilities, structures, equipment and processes owned or used by the District, the City, the Town of Moose Lake and the Town of Windemere for the purpose of the transmission, storage, treatment, recycling

and reclamation of municipal Wastewater, or structures necessary to recycle or reuse water including interceptor Sewers and the disposal of residues resulting from such treatment, or the devices necessary to determine the underground location of any of the foregoing. Outfall Sewers, collection Sewers, pumping, power, and other equipment and their appurtenances; extension, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities, and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

Section 2: Applicability

This Ordinance shall apply to all water entering the System unless explicitly exempted by the District. The District and its representatives are authorized to administer, implement, and enforce the provisions of this Ordinance.

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 System

No Person shall discharge, cause to be discharged, or permit into the System any I/I or Clear Water because of a sump pump, defective plumbing, or a defective Sewer Service Lateral or by any other means.

Section 5: Sump Pump Regulation

Any dwelling, structure or building connected, or to be connected, to the System that has a sump pump or other discharge system to remove ground water from its foundation drain must have a permanently installed discharge line. A "permanently installed discharge line" shall be one which provides for year-around discharge capability to the outside of the dwelling, building or structure and not to the System. It shall consist of a rigid discharge line, without valves or quick connections for altering the path of discharge. It shall not be capable of connection or reconnection to the Building Drain, Sewer Service Lateral or System.

Section 6: When Inspection Required

Unless the Property Owner already has a valid Certificate of Compliance issued by the District for the property, the Property Owner shall complete or have completed an Inspection and must obtain a Certificate of Compliance issued by the District prior or within 30 days of advertising an interest in real property for sale and before Point of Sale.

A Property Owner requesting a permit pursuant to Section 6.1 of Ordinance No. 1 for a Disconnect and Reconnect to the System shall arrange to have completed an Inspection and must obtain a Certificate of Compliance from the District before such property is reconnected to the System.

A Property Owner with New Construction shall complete an Inspection and must obtain a Certificate of Compliance issued by the District prior to discharge of Wastewater into the System.

Section 7: Inspection Procedure and Requirements

Inspection Requirements

The following Inspection requirements shall apply at the Point of Sale to: (i) any property or interest in property to be listed for sale or transferred, and (ii) any property that has applied to Disconnect and Reconnect:

- (a.) The Property Owner shall arrange for a Sump Pump Inspection and obtain results satisfactory to the Board; and
- (b.) The Property Owner shall arrange for a Sewer Service Lateral Inspection for all Sewer Service Laterals on the property and obtain results satisfactory to the Board.

The following inspection requirements shall apply to any property with New Construction:

- (a.) The Property Owner shall arrange for a Sump Pump Inspection and obtain results satisfactory to the Board; and
- (b.) The Property Owner shall arrange for a Sewer Service Lateral Inspection for all Sewer Service Laterals on the property, except that the Board reserves the right at its discretion to approve the Certificate of Compliance without requiring televising the Building Drain and Sewer Service Lateral.

The Purpose of the Inspection is to confirm that there is no prohibited discharge into the System.

Procedure

The Inspection shall be performed by a licensed plumber except that televising may be performed by a contractor. The Property Owner shall be responsible for all costs of the Inspection to be performed by a licensed plumber and contractor for televising. The Property Owner shall submit a report from a licensed plumber to the District along with the televised data specifying whether the Inspection requirements set forth above have been met (the "Report"). The Report shall be in a form acceptable to the Board.

Point of Sale

For property being sold or transferred, if a Report discloses that use of the property is not in compliance with this Ordinance or other District ordinances, policies and regulations, a Correction Notice will be issued by the Board specifying necessary corrective actions and requiring submission of a revised Report for consideration of the Board certifying that all corrective actions have been completed. A Correction Notice may permit the transfer of the property prior to receipt by the Board of a revised Report and issuance of a Certificate of Compliance if:

- (a.) A written agreement between the Property Owner, the new Property Owner and the District has been entered into, and pursuant to the terms of such agreement the Property

Owner and new Property Owner agree to complete the corrective actions specified in the Correction Notice for the property within 60 days of the transfer of property or such other date specified by the Board in the Correction Notice; and

- (b.) Funds in an amount at least equal to 125 percent of the estimated cost of the work necessary to complete the corrective actions specified in the Correction Notice have been deposited with a title company or other escrow service pursuant to an escrow agreement for the benefit of the Board. The escrow agreement must list the Board as having the “release authority” of the monies which shall not be released until a Certificate of Compliance is issued by the Board. It is the responsibility of the Property Owner to obtain the estimated cost required to complete the corrective actions specified in the Corrective Notice from one or more licensed plumbers or contractors.

Disconnect and Reconnect

For a Disconnect and Reconnect, if a Report discloses that use of the property is not in compliance with this Ordinance or other District ordinances, policies and regulations, a Correction Notice will be issued by the District specifying necessary corrective actions and requiring submission of a revised Report certifying that all corrective actions have been completed for consideration of the Board before reconnection can take place.

The responsibility of repairing any nonconformance is a personal obligation of the Property Owner. The District may levy a lien against the property if such nonconformance continues beyond the time specified in the Correction Notice or may charge the Property Owner the cost of repairing any nonconformance and may collect such amounts in the manner set forth in Article XII of Ordinance No. 1.

Section 8: Sewer Service Lateral Inspection

A Sewer Service Lateral complies with the provisions of this section if a televised inspection verifies all of the following conditions:

- (a.) The Sewer Service Lateral is free of roots, grease deposits, and other solids which may impede or obstruct the transmission of Wastewater.
- (b.) There are no improper or illegal connections to the Building Drain, Sewer Service Lateral, Sanitary Sewer or System including, but not limited to, sump pumps, roof drains, foundation drains, down spouts or area drainage facilities.
- (c.) All joints in the Building Drain and Sewer Service Lateral are tight and sound to prevent the exfiltration of Wastewater and I/I.
- (d.) The Sewer Service Lateral is free of structural defects, cracks, breaks, or missing portions and the grade is reasonably uniform without major sags or offsets.

Section 9: Form and Validity of Certificate of Compliance

A Certificate of Compliance shall be issued by the District upon successful completion of an Inspection as evidenced by a Report submitted to and approved by the Board.

A Certificate of Compliance shall be valid for five years except that a Certificate of Compliance for New Construction shall be valid for ten years provided that if after five years from the date of the Certificate of Compliance for New Construction the District determines based on flow data that I/I is occurring at a property, the Board may revoke a Certificate of Compliance until submission of a current Report for the property.

A Certificate of Compliance issued under this Ordinance shall be in the form approved by the Board from time to time.

Section 10: Penalty

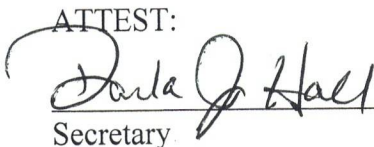
A surcharge of \$200 per month is hereby imposed and added to every sewer billing to Property Owners who are not in compliance with this Ordinance. This charge shall cease when the property has been inspected and a Certification of Compliance has been issued by the District. A surcharge shall not apply for the month in which a Certificate of Compliance is issued by the Board.

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 is 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.

Adopted by the Board of Directors of the Moose Lake Windemere Area Sanitary Sewer District on October 21, 2020. This Ordinance shall go into effect on January 1, 2021.


Chair

ATTEST:

Secretary

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MOOSE LAKE WINDEMERE AREA SANITARY SEWER DISTRICT

CERTIFICATE OF COMPLIANCE

Date: _____

Property Owner(s) _____

Property address: _____

Parcel ID # _____

Type of property:

 Point of Sale **Disconnect and Reconnect** **New Construction**

This Certificate of Compliance is issued as evidence that the property specified above is in compliance with the requirements of Moose Lake Windemere Area Sanitary Sewer District Ordinance No. 3.

This Certificate of Compliance is effective until _____, unless otherwise revoked pursuant to District Ordinance No. 3.

Superintendent MLWSSD

Date

MOOSE LAKE WINDEMERE AREA SANITARY SEWER DISTRICT

CORRECTION NOTICE

Date: _____

Property Owner(s) _____

Property address: _____

Type of property: _____

Parcel ID # _____

____ Point of Sale ____ Disconnect and Reconnect ____ New Construction

The following corrective actions are required at the above referenced property to comply with District Ordinance No.3 You have _____ days to complete the corrective actions or violations and penalties may be imposed pursuant to District ordinances and Minnesota law.

Upon completion of the above described corrective actions you must submit a revised Report from a licensed plumber verifying that the corrective actions have been completed. Upon approval by the Board of the revised Report, the Board will issue a Certificate of Compliance.

For Point of Sale properties only:

The Board has determined that the property may be transferred prior to receipt by the Board of a revised Report and issuance of a Certificate of Compliance if:

1. A written agreement between the Property Owner, the new Property Owner and the District has been entered into, and pursuant to the terms of such agreement the Property Owner and new Property Owner agree to complete the corrective actions specified in the Correction Notice for the property within 60 days of the transfer of property or such other date specified by the Board in the Correction Notice; and

2. Funds in an amount at least equal to 125 percent of the estimated cost of the work necessary to complete the corrective actions specified in the Correction Notice have been deposited with a title company or other escrow service pursuant to an escrow agreement for the benefit of the Board. The escrow agreement must list the Board as having the “release authority” of the monies which shall not be released until a Certificate of Compliance is issued by the Board. It is the responsibility of the Property Owner to obtain the estimated cost required to complete the corrective actions specified in the Corrective Notice from one or more licensed plumbers or contractors.

Superintendent, MLWSSD

Date

By the Moose Lake Windemere Area Sanitary Sewer District

MOOSE LAKE WINDEMERE AREA SANITARY SEWER DISTRICT

PLUMBER'S REPORT

The Contractor agrees to provide notice to the MLWSSD Superintendent 24 hours prior to conducting this inspection and televising.

Date of Inspection: _____

Property Owner(s) _____

Property address: _____

Parcel ID# _____

Type of property:

____ **Point of Sale** ____ **Disconnect and Reconnect** ____ **New Construction**

Sump Pump Inspection

Is there a sump pump on the property? Yes _____ No _____

If yes:

Is there a permanently installed discharge line?

Other comments:

Sewer Service Lateral

Are there any connections to the Sewer Service Lateral? Yes _____ No _____

If yes, please describe _____

Was property televising data completed for the property? Yes _____ No _____

If no, please state reason (i.e. Not Required) _____

Does the televising data for the Sewer Service Lateral show any I/I?

Yes _____ No _____

If yes, please describe _____

Building Drain

Are there any connections to the Building Drain other than to the Sewer Service Lateral?

Yes _____ No _____

If yes, please describe _____

Does the property televising data show any I/I from the Building Drain?

Groundwater Drainage System

Is there a groundwater drainage system for the property?

Yes _____ No _____

If yes, please describe _____

Is there a proper discharge for the groundwater drainage system? Yes _____ No _____

Please describe any required corrective action to be taken by the property owner(s):

Plumbers License #: _____

Name of Business: _____

Name of Plumber: _____

Signature: _____

Date: _____