

**PIKE LAKE AREA WASTEWATER COLLECTION SYSTEM
INFLOW AND INFILTRATION (I&I) COMPLIANCE ORDINANCE NO. 2019-1
TOWNS OF CANOSIA AND GRAND LAKE
SAINT LOUIS COUNTY, MINNESOTA**

TABLE OF CONTENTS

ARTICLE I.....	3
CLEAR WATER PROHIBITION	
ARTICLE II.....	3
DEFINITIONS	
ARTICLE III.....	5
CERTIFICATION OF SUMP PUMP OR FOUNDATION DRAIN DISCONNECTION I & I COMPLIANCE	
SECTION 3.1 REQUIRED	
SECTION 3.2 APPLICATION AND FEES	
ARTICLE IV.....	5
CERTIFICATE OF SERVICE LATERAL I & I COMPLIANCE	
ARTICLE V.....	5
SEWER SERVICE LATERAL- OWNERSHIP, MAINTENANCE AND REPAIR	
SECTION 5.1 OWNER REQUIREMENTS	
SECTION 5.2 MAINTENANCE AND REPAIR	
ARTICLE VI.....	6
SEWER SERVICE LATERALS- MANDATORY INSPECTIONS AND TESTING	
SECTION 6.1 EVENTS REQUIRING A SERVICE LATERAL INSPECTION	
SECTION 6.2 EXCEPTIONS	
ARTICLE VII.....	7
SEWER SERVICE LATERALS- INSPECTION REPORT- REQUIREMENTS	
SECTION 7.1 REPORT REQUIRED	
SECTION 7.2 INSPECTION REPORT STANDARDS	
SECTION 7.3 SERVICE LATERAL INSPECTION CRITERIA	
SECTION 7.4 ACTION BY PLAWCS	
ARTICLE VIII.....	8
SUMP PUMP AND FOUNDATION DRAINS- INSPECTION REPORT- REQUIREMENTS	
SECTION 8.1 REPORT REQUIRED TO OBTAIN CERTIFICATE	
SECTION 8.2 REPORT REQUIRED	
SECTION 8.3 INSPECTION REPORT	
SECTION 8.4 ACTION REQUIRED BY PLAWCS	

ARTICLE IX.....	10
INSPECTION	
SECTION 9.1 INSPECTION	
SECTION 9.2 INSPECTION/TESTING PROCEDURE	
ARTICLE X.....	10
COMPLIANCE AND EXPIRATION	
SECTION 10.1 10 YEAR INSPECTION PERIOD	
SECTION 10.2 EXCEPTION	
SECTION 10.3 TRANSFER OF CERTIFICATE	
ARTICLE XI.....	10
CORRECTION NOTICE	
SECTION 11.1 CORRECTION NOTICE TIMELINE	
SECTION 11.2 A CORRECTION NOTICE	
SECTION 11.3 CORRECTION NOTICE TRANSFER	
ARTICLE XII.....	11
FAILURE TO COMPLY; PENALTY	
SECTION 12.1 MONTHLY SURCHARGE	
SECTION 12.2 SURCHARGE FEE(S)	
ARTICLE XIII.....	11
SECTION 13.1 EFFECT	
SECTION 13.2 INCONSISTENCY	
SECTION 13.3 JOINT POWERS	

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SAINT LOUIS COUNTY, MINNESOTA
PIKE LAKE WASTEWATER COLLECTION SYSTEM**

INFLOW AND INFILTRATION (I&I) COMPLIANCE ORDINANCE 2019-1

The Town Board of Canosia and the Town Board of Grand Lake, both in Saint Louis County, Minnesota (the “Towns,”) ordain.

**ARTICLE I
Clear Water Prohibition**

Section 1.1 No clear water shall be discharged directly or indirectly into the Wastewater Collection and Transmission System.

**ARTICLE II
Definitions**

Section 2.1 Capacity Availability Fee: The WLSSD fee for new connections to, and estimated expanded uses of, the WCTS.

Section 2.2 Certificate of I&I Compliance: Means either a Certificate of Service Lateral I&I Compliance or a Certificate of Sump Pump or Foundation Drain Disconnection I&I Compliance issued by PLAWCS pursuant to this Ordinance.

Section 2.3 Certificate of Service Lateral I&I Compliance: Means a certificate issued by PLAWCS to verify that the building connected to the WCTS complies with this Ordinance and is not contributing any material amounts of unpolluted water to the WCTS through a Service Lateral.

Section 2.4 Certificate of Sump Pump or Foundation Drain Disconnection I&I Compliance: Means a certificate issued by PLAWCS to verify that a building being sold, transferred or otherwise conveyed, or subject to any of the conditions, including a Capacity Availability Fee payment, as provided in Article III, Section 3.2, is not contributing any material amounts of unpolluted water to the WCTS through a Foundation Drain or a malfunctioning Sump Pump.

Section 2.5 Clear water: Any surface flow, run off, and drainage that does not contain any hazardous substance or sewage. This includes but is not limited to NPDES permitted discharges, storm water and water from foundation and footing drains and basement or other sump pumps.

Section 2.6 Correction Notice: Means the written notice issued by PLAWCS to the Owner after review of the Inspection Report advising that the Owner’s property is not in accordance with PLAWCS’ sanitary sewer service requirements, and notifying the Owner of corrections to the property needed to bring it in to compliance in a timely manner.

Section 2.7 Foundation Drain: Means that part of the lowest horizontal piping of a drainage system, which receives the discharge of wastewater from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building Sewer Lateral.

Section 2.8 Infiltration: An indirect connection of clear water into the WCTS.

Section 2.9 Inflow: A direct connection of clear water into the WCTS.

Section 2.10 Inspection Report: Means the report required is provided to PLAWCS by the Owner pursuant to Articles VII and VIII of this Ordinance.

Section 2.11 New Use: Means the development or redevelopment of a property for a different residential, business or industrial use evidenced by the requirement of a land use permit issued by the Towns or by other official governmental actions.

Section 2.12 Owner: Means the person(s) or entities that own or hold the title to a property served by the WCTS.

Section 2.13 PLAWCS: The Pike Lake Wastewater Collection System is a joint powers entity established by Canosia Township and Grand Lake Township to administer the sewer system on behalf of the Towns by means of a joint powers board.

Section 2.14 Notice to Inspect: Means the written notice sent to the Owner by the Sewer Official which requires the Owner to obtain an Inspection Report and file it with PLAWCS.

Section 2.15 Sewer Service Lateral or Service Lateral: Means that portion of the sanitary sewer system that is on Owner's property and generally is perpendicular to the sewer main and/or extends from the WCTS sewer line to the structure being served.

Section 2.16 Sewer Official: The person identified by PLAWCS as the individual responsible for management and operation of the portion of the WCTS operated by PLAWCS.

Section 2.17 Sump: Means a pit or reservoir located at the lowest point in the building foundation drainage system serving as a drain or receptacle for liquids.

Section 2.18 Sump Pump: Means the pump and discharging pipes designed to remove liquids from the Sump and discharge them away from the building foundation.

Section 2.19 Wastewater Collection and Transmission System ("WCTS"): Means the system for wastewater collection and transmission, including all pipes, force mains, gravity sewer lines, lift stations, pumping stations, and appurtenances owned and operated by WLSSD and the municipally owned portion of the system, owned by PLAWCS, which collects wastewater from residences and businesses and conveys it to the portion of the system operated by WLSSD.

ARTICLE III
Certificate of Sump Pump or Foundation Drain Disconnection I&I Compliance

Section 3.1 Required. No person shall sell, advertise for sale, give or transact a change in title or ownership of real property with one or more buildings connected to the WCTS without first obtaining a Certificate of Sump Pump or Foundation Drain Disconnection I&I Compliance from PLAWCS.

Section 3.2 Application and Fees. The Owner shall complete an application for a Certificate of Sump Pump or Foundation Drain Disconnection I&I Compliance in the form prescribed by PLAWCS upon the occurrence of any of the events in Article VIII, Section 8.1.1 and prior to the occurrence of any of the events in Article VIII, Section 8.1.2. At the time of application, the Owner shall pay the fees in the amount set from time to time by PLAWCS.

ARTICLE IV
Certificate of Service Lateral I&I Compliance

If the Owner needs to obtain a Certificate of Service Lateral I&I Compliance pursuant to Article VI, the Owner shall complete an application for a Certificate of Service Lateral I&I Compliance in the form prescribed by PLAWCS. At the time of application, the Owner shall pay the fees in the amount set from time to time by PLAWCS.

ARTICLE V
Sewer Service Lateral – Ownership, Maintenance and Repair

Section 5.1 Owner Requirements. Gravity feed Service Laterals shall be owned, maintained and repaired by the Owner of the property which the Service Lateral serves. Grinder Pump Service Laterals shall be owned, maintained and repaired up to the grinder basin by the Owner of the property which the Service Lateral serves.

Section 5.2 Maintenance and Repair. Property Owners must clean, maintain and repair Service Laterals serving their property sufficient to keep the Service Lateral in operable condition at all times. Maintenance under this section includes:

1. clearing obstructions from the Service Lateral;
2. repairing a defect in the Service Lateral that allows the introduction of Inflow & Infiltration or debris into the WCTS;
3. repairing a defect in the Service Lateral that allows the discharge of sewage on the property.

The property Owner shall perform such duties as may be required to respond to and correct observed overflows, illegal drainage connections or seepage, blockages, material defects or other deficiencies in the Service Laterals as determined by PLAWCS. Factors causing improper operations, partially listed in this paragraph, may be discovered by smoke testing, response to a

sanitary sewer overflow, televising or other surveys of the Service Lateral conducted by PLAWCS.

ARTICLE VI
Sewer Service Laterals – Mandatory Inspections and Testing

Section 6.1 Events Requiring a Service Lateral Inspection. Except as provided by Article VI, Section 6.2, an Owner, or if applicable, all multiple Owners of a common Sewer Service Lateral, shall have the Service Lateral cleaned and inspected as required in this Ordinance at the property Owner's expense when any of the following events occur:

1. If PLAWCS sends the Owner a written Notice to Inspect for health and safety reasons, the Service Lateral must be cleaned and inspected not later than the 120th day after the date of the notice and an Inspection Report submitted to PLAWCS.
2. Upon a determination by PLAWCS that the owner of a structure with a new or existing connection to the WCTS must pay a Capacity Availability Fee as a result of a New Use or anticipated wastewater flow increase calculated in accordance with the *WLSSD Capacity Availability Fee Procedures Manual* in effect at the time of the calculation.
3. Upon the proposed sale or the proposed transfer of title in Owner's property, the Owner shall coordinate a Service Lateral inspection. The responsibility for repair of a Service Lateral that fails testing shall be mutually agreed upon by the property buyer and seller.
4. Upon repair or replacement of any portion of a Sewer Service Lateral.
5. When PLAWCS sends a Notice to Inspect to the Owner based on the property being identified or selected by PLAWCS annual inspection program for Sewer Service Laterals.

Section 6.2 Exceptions. The following are exceptions to the Sewer Service Lateral inspection requirements provided in Article VI, Section 6.1 above:

1. Structures that were constructed ten (10) years or less prior to the event listed in Article VI, Section 6.1;
2. Structures that have a Sewer Service Lateral that was replaced, relined or installed within ten (10) years prior to the event listed in Article VI, Section 6.1;
3. A transfer of ownership between family members or into a revocable or irrevocable personal trust;

4. Structures not connected to the WCTS; or
5. The Owner voluntarily replaces or relines the Service Lateral upon the occurrence of one of the events in Article VI, Section 6.1.

ARTICLE VII
Sewer Service Laterals – Inspection Report – Requirements

Section 7.1 Report Required. If an Owner is required to have an inspection performed for the Sewer Service Lateral under Article VI, Section 6.1 of this Ordinance, or voluntarily has an inspection conducted for the Sewer Service Lateral, an Inspection Report must be provided to PLAWCS in the form set forth herein. The Report shall be prepared in a format acceptable to PLAWCS. A Report is not required if the Owner relines or replaces the entire Sewer Service Lateral after the inspection and provides written evidence to PLAWCS proving that the work was properly completed.

Section 7.2 Inspection Report Standards. The Sewer Service Lateral Inspection Report required by this Ordinance shall be prepared in accordance with the following requirements and specifications.

1. The Inspection Report shall be prepared by a licensed plumber or a person approved by PLAWCS and qualified to conduct such inspections;
2. The Inspection Report shall identify all of the following:
 - (a) Any and all defects that could allow Infiltration or Inflow into the Service Lateral or otherwise create a maintenance issue in the WCTS, including all of the inspection criteria listed in Article VII, Section 7.3.
 - (b) Whether any connection, by pipes or otherwise, allows rainwater or groundwater to enter the Service Lateral or WCTS.
 - (c) Date of the inspection.
 - (d) Name of the person conducting the inspection and the business employing the person.
 - (e) A certification that the inspection of the Service Lateral was conducted using televised video, or an alternate inspection method approved by PLAWCS.
 - (f) A certification that no floor, roof, foundation and/or surface drains are physically connected to the Service Lateral.

- (g) A certification that the Service Lateral was thoroughly cleaned prior to the inspection.
- (h) If necessary, a recommended method for repair of the Service Lateral to eliminate the Inflow or Infiltration into the WCTS.

Section 7.3 Service Lateral Inspection Criteria. A property complies with the provisions of this Section if the inspection verifies all of the following conditions:

1. The Service Lateral is free of roots, grease deposits, and other solids which may impede or obstruct the transmission of sewage.
2. There are no improper or illegal connections to the building Service Lateral such as sump pumps, down spouts or area drainage facilities.
3. All joints in the building Service Lateral are tight and sound to prevent the exfiltration of sewage and the infiltration of groundwater, storm water and rain water.
4. The Service Lateral is free of structural defects, cracks, breaks, or missing portions and the grade is reasonably uniform without major sags or offsets.

Section 7.4 Action By PLAWCS. Based upon the PLAWCS evaluation of the deficiencies or findings outlined in the Inspection Report, PLAWCS may:

1. Issue a Correction Notice to the Owner as provided in Section 11, specifying the deficiencies to be corrected as may be deemed appropriate by PLAWCS, and the deadline within which the Owner shall complete the required corrective actions necessary to bring the Sewer Service Lateral into compliance with this Ordinance.
2. Issue a Certificate of Service Lateral I&I Compliance for the Service Lateral which is the subject of the Inspection Report.

ARTICLE VIII

Sump Pump and Foundation Drains– Inspection Report – Requirements

Section 8.1 Report Required to Obtain Certificate. The Owner of any dwelling structure, commercial building structure or other building or land upon which such buildings are located which are connected to the WCTS, must make application for a Certificate of Sump Pump or Foundation Drain Disconnection I&I Compliance pursuant to Article III, Section 3.2 and provide an Inspection Report to PLAWCS upon the occurrence of either of the events in subsection 1. or 2. below. The Inspection Report shall be prepared in a format acceptable to PLAWCS.

1. Upon a determination that the Owner of a structure with a new or existing connection to the WCTS must pay a Capacity Availability Fee as a result of a New Use or anticipated wastewater flow increase calculated in accordance with the *WLSSD Capacity Availability Fee Procedures Manual* in effect at the time of the calculation.
2. Prior to selling, transferring, or conveying an interest or entering into an agreement to sell, transfer or otherwise convey an interest in such property.

Section 8.2 Report Required. The Owner of any dwelling structure, commercial building structure or other building or land upon which such buildings are located which are connected to the WCTS, must provide an Inspection Report to the Towns upon receiving a Notice to Inspect from PLAWCS.

Section 8.3 Inspection Report. The Sump Pump or Foundation Drain Disconnection Inspection Report shall be prepared in accordance with the following requirements and specifications.

1. The Inspection Report shall be prepared by a licensed plumber or a person approved by the Towns and qualified to conduct such inspections;
2. The Inspection Report shall identify all of the following:
 - (a) Date of the inspection, address of the property and the name of the person conducting the inspection.
 - (b) A description of the visual inspection conducted.
 - (c) A determination of whether floor, roof, foundation and/or surface drains are physically connected to the Service Lateral or whether the foundation drains do not contribute any Inflow and Infiltration to the Service Lateral.
 - (d) Whether there is an existing sump pump and whether it is in use, malfunctioning or improperly discharging.

Section 8.4 Action By PLAWCS. Based upon the PLAWCS evaluation of the deficiencies or findings outlined in the Inspection Report, PLAWCS may:

1. Issue a Correction Notice to the Owner as provided in Section 11, specifying the deficiencies to be corrected as may be deemed appropriate by PLAWCS, and the deadline within which the Owner shall complete the required corrective actions necessary to bring the Foundation Drain discharges into compliance with this Ordinance.

2. Issue a Certificate of Sump Pump or Foundation Drain Disconnection I&I Compliance for the property which is the subject of the Inspection Report.

ARTICLE IX

Inspection

Section 9.1 Inspection. The applicant for a Certificate of I&I Compliance is responsible for arranging an inspection of the property after making application with PLAWCS and payment of the fees.

Section 9.2 Inspection/Testing Procedure.

1. Sump inspections shall be conducted visually.
2. Service Lateral inspections must be conducted using televised video, or an alternate inspection method approved by PLAWCS.
3. The property Owner shall submit a written report of the inspection on the condition of the Service Lateral or Sump/Foundation Drain to PLAWCS for review.
4. An inspection is presumed valid for a period of six (6) months from the date of inspection. If the property Owner fails to obtain a Certificate of I&I Compliance within the six (6) month period, PLAWCS at its sole discretion may require the property Owner to obtain another inspection before issuing a Certificate of I&I Compliance.

ARTICLE X

Compliance and Expiration

Section 10.1 10 Year Inspection Period. Once a Certificate of I&I Compliance for a Service Lateral is issued, that Service Lateral shall not require inspection for a period of ten (10) years from the date of issuance unless PLAWCS has reason to believe the Service Lateral is in a defective condition.

Section 10.2 Exception. For houses constructed in the fifteen (15) years prior to an application, PLAWCS may at its discretion approve a Certificate of I&I Compliance without requiring inspection of the Service Lateral.

Section 10.3 Transfer of Certificate. A Certificate of I&I Compliance is valid to be used for the transfer of the property.

ARTICLE XI

Correction Notice

Section 11.1 Correction Notice Timeline. If inspection discloses that the use of the property is not in accordance with PLAWCS' sanitary sewer service requirements, a Correction Notice may be issued by PLAWCS requiring corrections to the property to bring it in to compliance. The corrections must be completed no later than 45 days from the date of the Correction Notice. Upon proof of satisfactory completion of the corrections, a Certificate of I&I Compliance, if requested pursuant to Section 3 or 4, shall be issued.

Section 11.2 A Correction Notice for Sump Pump or Foundation Drain Disconnection. A correction notice may be issued by PLAWCS permitting transfer of title of the property if the following conditions are met:

1. An agreement by the Owner and transferee has been executed and, whereby the Owner and transferee agree to complete corrections to the property necessary to bring it within compliance of PLAWCS' sanitary sewer service regulations within one hundred twenty (120) days of the transfer of property, and
2. Security to ensure completion of any corrections to the property must be posted with the closing agent in the form of an escrow, or with PLAWCS when a closing agent is not involved, at the time of property transfer or closing. Security must be in an amount at least equal to 125% of the retail value of the work necessary for compliance. Escrow must be fully maintained until a Certificate of I&I Compliance is issued.

Section 11.3 Correction Notice Transfers. The Owner and any real estate agents involved in the transaction are responsible for disclosing the Correction Notice to the transferee and all other persons or entities involved in the transaction. Responsibility for repairing any non-conformance with the sanitary sewer service regulations runs with the land and is not only an obligation of the owner or transferor but is also an obligation of the transferee of the property.

ARTICLE XII

Failure to Comply; Penalty

Section 12.1 Monthly Surcharge. Property owners not in compliance with this Ordinance will be charged a monthly surcharge.

Section 12.2 Surcharge Fee(s). A surcharge of \$50 per month is hereby imposed by Article XI, Section 11.1 and added to every sewer billing to property owners who are not in compliance with this Ordinance. The surcharge shall be levied monthly on properties not complying with this Ordinance. This charge shall cease when the property has been inspected and a Certificate of I&I Compliance is issued by PLAWCS.

ARTICLE XIII

Validity

Section 13.1 Effect. This Ordinance will be in full force and take effect from and after its passage and publication as provided by law. The effective date is July 1, 2019.

Section 13.2 Inconsistency. All other ordinances and parts of other ordinances inconsistent or in conflict with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 13.3. Joint Powers. This Ordinance constitutes the joint exercise of powers under Minnesota Statutes, Section 471.57. In order to comply with the requirements of Minnesota Statutes, Section 471.59, reference is hereby made to the Joint Powers Agreement.

Adopted by the Town Board of Canosia Saint Louis County, Minnesota on this day ____ of _____, 2019.

Kevin L. Comnick, Canosia Town Supervisor

Dan J. Golen, Canosia Town Supervisor

Kurt Brooks, Canosia Town Supervisor

ATTEST:

Susan Krasaway, Canosia Town Clerk

Adopted by the Town Board of Grand Lake Saint Louis County, Minnesota on this day ____ of _____, 2019.

Dewey Johnson, Grand Lake Town Supervisor

Steve Torgeson, Grand Lake Town Supervisor

Dwayne Anderson, Grand Lake Town Supervisor

ATTEST:

LeeAnn Vanderscheuren, Grand Lake Town Clerk

ACKNOWLEDGEMENT

The foregoing Ordinance is acknowledged and approved by the Pike Lake Area Wastewater Collection System (PLAWCS,) which agrees to its terms.

Approved by PLAWCS on this day _____ of _____, 2019.

PIKE LAKE AREA WASTEWATER COLLECTION SYSTEM JOINT POWERS BOARD

Chair, Kevin Comnick

Vice Chair, Dewey Johnson

Treasurer, Kurt Brooks

Steve Torgeson

Dan Golen

Duayne Anderson