

**ORDINANCE NO. 01-16-07**

**AN ORDINANCE AMENDING HAYFIELD CITY CODE  
BY ADDING Part 4 to Chapter 7 Water and Sewer  
REGARDING PROHIBITED SEWER DISCHARGES**

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The City of Hayfield Ordains:

Section 1. Part 4 of Chapter 7, hereinafter 704.01 et seq. of the city code are ADOPTED as follows:

Part 4. Discharge of Prohibited Substances; Sump Pumps.

704.01. Definition. "Clear water" for the purpose of Sections 704.01 et seq. is defined as storm water; natural precipitation; melting snow; ground water; water flow from a roof, ground surface, subsurface drainage, down spout, eave trough, rainspout, yard drain, sump pump, foundation drain, yard fountain, pond, swimming pool, cistern overflow, or air conditioning unit or system; or any other water that is not required to be treated by state or federal law.

704.02. Prohibited Discharges. No person may directly or indirectly discharge, or permit to be discharged, any of the following substances into the city sanitary sewer system: clear water; gasoline, naphtha, benzene, kerosene, turpentine or any spirit gas or fluid; any material of an explosive or suffocating nature, or that may possibly create combustible or suffocating gases or vapors; and gravel, sand, dirt or any other heavy material in anything other than nominal quantities.

704.03. Authority to Inspect. Every person owning improved real estate that discharges into the city's sanitary sewer system shall allow inspection by authorized city employees or its agents, as deemed appropriate and authorized by the City Council, of all properties and structures connected to the sanitary sewer system to confirm there is no sump pump or other prohibited discharge into the sanitary sewer system. The authority to conduct further inspections on a property under this section shall lapse upon a determination that the property is in compliance with the requirements of this section.

704.03a. No person shall transfer ownership of real property within the City of Hayfield by Deed, Contract for Deed, or in any other manner, without first obtaining, at his expense, a certificate of compliance. (6/19/17)

704.03b. In the event that Subdivision 704.03a is not complied with by a transferor, any transferee of real property within the City of Hayfield who takes ownership of real property for which a valid certificate of compliance is not on file with the City of Hayfield shall, within 90 days of obtaining such ownership, at his expense, obtain a certificate of compliance. (6/19/17)

704.03c. Certificate of Compliance. Any person required to obtain a certificate of compliance shall apply to the City of Hayfield for said certificate and pay any applicable application fee. The applicant for a certificate of compliance is responsible for providing an inspection report after having the property inspected as provided in Subdivision 704.05. The City shall issue a certificate of compliance to any applicant who furnishes an inspection report confirming compliance with Part 4 of Chapter 7. A certificate of compliance is valid for one year. (6/19/17)

704.04. Sump Pumps. Any sump pump system in a structure within the city must have a permanently installed discharge line from the pump that meets the following requirements:

- a. It must not at any time discharge water into the municipal sanitary sewer system;
- b. It must provide the capability for year-round discharge to the outside of the structure, to the city's storm sewer system, or to a city street if street drainage has been approved by the public works director; and
- c. It must consist of a discharge line built of a rigid permanent-type plumbing such as PVC, copper or galvanized pipe, without any connections for altering the path of discharge, and if connected to the city's storm sewer line, must also include a check valve.

704.05. Inspection. Inspections may be conducted by use of dye, smoke, camera, or other method acceptable to the City of Hayfield to establish that the property is not in violation of Part 4 of Chapter 7. An inspection shall be made either by the City or by a licensed plumber. The person conducting the inspection shall fill out an inspection report provided by the City. All inspection provided for in this section must be at times that are reasonably convenient for ordinary citizens. City Staff may apply to the district court for an appropriate administrative search warrant if a property owner refuses to allow an inspection of the owner's property. (6/19/17)

- a. Regular inspections. Within 30 days after written notice from the city, every person owning improved real estate that discharges into the city's sanitary sewer system must allow the city or a designated city representative to inspect the buildings to determine whether there is a prohibited discharge into the sanitary sewer system. In lieu of having the city inspect the property, a person may furnish an inspection report in a form acceptable to the public works director from a licensed plumber approved by the public works director.

- b. Re-inspections. A property that is found to be not in compliance with this section is subject to re-inspections to confirm that the property is subsequently brought into compliance. Thereafter, the property is subject to re-inspections on an annual basis to confirm continued compliance. Properties that are in compliance may also be subject to re-inspections to confirm continued compliance.

- c. Inspections with building permits. If a city inspector is on a property for the purpose of inspecting for compliance with a building permit, the city inspector has the authority to also inspect the property for compliance with this section.

704.06. Corrections. The owner of a property found to be in violation of this section must make the necessary corrections to comply with this section within 14 Calendar days from the date of the written notification from the city. If the owner fails or refuses to make the required connections within the specified time, the city may make the necessary corrections and charge the cost to the property owner. Costs that are not paid may be certified for collection as a special assessment in the same manner as delinquent utility bills.

704.06a Notwithstanding for foregoing, if an inspection discloses a violation of Part 4 of Chapter 7, a correction notice may be issued by the City permitting the transfer of property, provided;

- 1) An agreement by the owner or owner's representative has been executed with the City, whereby the owner or owner's representative agrees to complete corrections to the property necessary to bring it within compliance within 60 days of the transfer of the property; and
- 2) Security to ensure completion of any corrections to the property is posted with the closing agent in the form of an escrow, or with the City when a closing agent is not involved, at the time of property transfer or closing. The security shall be in an amount at least equal to 125% of the estimated cost of the work necessary for compliance. The escrow must be fully maintained until a certificate of compliance is used. (6/19/17)

704.07. Surcharges. A monthly surcharge in the amounts specified in section 704.11 of this code will be added to each sewer and water bill for property where (a) an inspection has not been allowed or certification provided within 30 days after notice by the city, (b) the necessary corrections have not been made within the time specified, or (c) there has been a reconnection of a previously disconnected prohibited discharge when the property is owned by the same or a related owner who owned the property when disconnection occurred. A surcharge will be added for every month during which the property is not in compliance, whether the non-compliance has been for the entire month or a portion of it. The surcharge for a reconnection will be charged beginning with the month after the inspection or certification that confirmed the previous disconnection.

704.08. Suspension of service. The city may suspend water and sanitary sewer service to a property that is not in compliance with this section or when the owner has not allowed a required inspection or provided an alternative certification in the same manner as shut-offs for non-payment provided for in Section 701.04 of this Code

704.09. Temporary waiver. The City Council may allow or require a temporary waiver from the provisions of this section where strict enforcement would cause a threat of damage to other property, the environment, or public safety because of circumstances unique to the individual property. A written request for a temporary waiver must be first submitted to the city clerk specifying the reasons for the request. If a waiver is required or granted, the property owner must pay an additional fee for sanitary sewer services based on the number of gallons discharged into the sanitary sewer system as estimated by the City Building Inspector. The City Council may terminate the waiver upon a failure to comply with any conditions imposed in the temporary waiver or may take appropriate legal action to enforce those conditions. The city clerk must give five-day advance written notice of the termination to the property owner with the reasons for the action. After expiration or termination of a temporary waiver, the property owner must comply with the provisions of this section.

704.10. Remedies. The remedies provided in this section are cumulative and do not limit the right of the city to pursue any available legal remedy.

704.11	Sanitary sewer surcharges:	
	Inspection not allowed:	
	Single family	\$100
	Non-single family	\$500
	Correction not made:	
	Single family	\$100
	Non-single family	\$500
	Prohibited re-connection made:	
	Single family	\$300
	Non-single family	\$1000

704.12. Penalty (added 05/21/18)

Any person, firm or corporation violating the provisions of this article will be guilty of a misdemeanor and may be punished with a maximum fine of \$1,000.00 or 90 days in jail or both.

Section 2. This ordinance is effective 30 days after publication.

Adopted by the city council of the City of Hayfield, Minnesota, on January 16<sup>th</sup> 2007.

David Santjer, Mayor  
Lori Kindschy, City Clerk

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Amended on 6/19/17  
Amended on 5/21/18

Rich Fjerstad, Mayor  
Lori Kindschy, City Clerk