

ORDINANCE NO. 77

AN ORDINANCE PROVIDING FOR THE PROHIBITION OF UNAUTHORIZED DISCHARGES INTO THE SANITARY SEWER SYSTEM AND PROVIDING FOR PENALTIES FOR THE VIOLATIONS THEREOF AND PROVIDING FOR THE REPEAL OF ORDINANCE NO. 77

THE CITY OF SHELLY DOES HEREBY ORDAIN AS FOLLOWS:

1. **Purpose.** The City of Shelly has a daily limit of waste water, that can be pumped to the wastewater ponds, imposed by the Minnesota Pollution Control Agency. Due to the limits established, it is necessary to ban the discharge of any roof drainage system, surface water, or other natural precipitation into the City Sanitary Sewer System.

Basement drain tile or sump pump systems that exist to keep basement or cellar location dry are allowed to discharge into the City Sanitary Sewer System on a seasonal basis as defined in this Ordinance.

2. **Definitions.** For purposes of this Ordinance, the following terms have the following meanings:
 - a. **Discharge Control System.** A system may be plumbed using valves that control the direction of the pump flow. By switching the valves appropriately, the sump pump discharge will be directed either to the City sewer system or to the outside of the house. A convertible hose connection can achieve the same objective by being connected to the appropriate discharge line.
 - b. **Seasonal Period.** Seasonal time that discharge to the sanitary sewer for the drain tile and sump pump systems will be permitted is the period between November 1st and March 15th.
 - c. **Connection Penalty.** A penalty will be imposed on any person who does not have their system set to discharge properly for the season of the year. Specifically, the sump pump discharge must be set to discharge outside the house from March 16th to October 31st. It can discharge to the City sewer system from November 1st to March 15th. The amount of penalty shall be \$50.00 per month per violation during the seasonable period until the City is notified that the valve is in compliance and until inspection by the City workers verifying compliance. The minimum connection penalty shall be \$50.00.

- d. Person. "Person" as used herein means any individual, partnership, corporation, trust or other entity owning, having a proprietary interest or a lessee's interest in any real property in the City of Shelly.
 - e. Unauthorized Discharges. Any discharge of water from any roof, surface, sump pump system, footing tile or any other natural precipitation into the City sanitary sewer system.
3. Violation. Any unauthorized discharge is a violation for which a penalty will be levied. A discharge from a sump pump system or from surface water, ground water, or footing tile into the sanitary sewer shall constitute one violation. Discharge from a roof drain or eave trough system into the sanitary sewer shall constitute a separate violation. No penalty shall be levied, however, if the person has a discharge control system installation which discharges the water to the outside of the building, dwelling or structure in compliance with this Ordinance.
4. Inspection. All persons who have real estate connected to the City sanitary system shall allow an employee of the City of Shelly to inspect the dwelling, building, or structure to examine the permanent or two-way installation. Any person refusing to allow inspection of the property shall immediately become subject to the penalty and it shall be presumed that the person has a discharge system not discharging to the outside of the building or that is otherwise not in compliance with this Ordinance. Any property not having a discharge control system installation in compliance with this Ordinance or anyone refusing to allow inspection or anyone not requesting inspection shall be liable for the penalty until notification by the person to the City is given and the system is inspected. In the event of notification, inspection shall be performed within thirty (30) days. In the event the City fails to inspect the system within thirty (30) days, the system shall be presumed to be in compliance thirty (30) days after the date of notification and all penalties shall be waived until the system is inspected.
5. Penalty. Failure to pay the penalty(s) as provided herein shall constitute a failure to pay for electrical or water services and may be punishable by the penalties provided in the City of Shelly Ordinances governing electrical and/or water services. In the event the City shall bring legal action to compel payment of the penalties provided in this Ordinance, the City shall be entitled to recover from the person all reasonable costs incurred including, but not limited to filing fees, witness fees and attorney's fees. Recovery may be sought from either or both of a landlord and the tenant.
6. Repeal. Repeal of Ordinance No. 77 and any provision of any prior Ordinance inconsistent with the express provisions of this Ordinance shall be effective upon passage of this Ordinance.

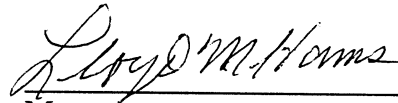
7. **Effective Date.** This Ordinance shall be effective May 1, 2004.

This Ordinance passed this 2nd day of February, 2004, by the following vote of the Shelly City Council.

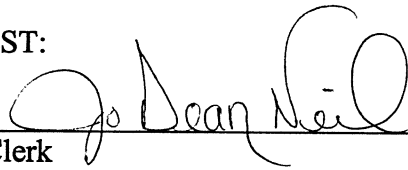
AYES: 3

NAYES: 0

ABSENT: 1



Mayor

ATTEST:


City Clerk

D:shelly