

**CITY OF MADISON LAKE  
NOTICE OF ADOPTION ON AN ORDINANCE AMENDING THE MADISON  
LAKE CITY CODE TITLED § 52.41 PROHIBITED DISCHARGES**

**NOTICE IS HEREBY GIVEN that on the 21<sup>st</sup> of April, 2008 at 7:00 p.m. the Madison Lake City Council adopted an ordinance that amended §52.41 Prohibited Discharge of the City Code in the following manner:**

1. *Definition.* For the purpose of this chapter, **STORM WATER, SURFACE WATER** and **SUMP PUMP WATER** shall mean any and all waters, other than domestic waters originating in the city water system or its wells, susceptible to use for domestic purposes.

2. *Prohibited Discharges.* Discharging storm water, surface water or sump pump waters into the sanitary sewer system in the City of Madison Lake is prohibited. Any person, firm or corporation having a roof drain system, surface drain system, footing tile, footings or foundation drains, basement floor drain, cistern overflow pipes, sump pump, or other drains of storm, surface or ground waters which are now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove the same. Any disconnects or opening into the sanitary sewer system shall be closed or repaired in an effective, workmanlike manner, as approved by the public works supervisor.

No building shall be constructed nor shall any existing buildings be altered in such a manner that the roof drainage or any other source of storm water, sump pump water or surface water shall connect or infiltrate with the sanitary sewer system inside or outside the building.

3. *Sump Pumps.* Dwellings, buildings and structures which require because of the infiltration of water into basements, crawl spaces and the like, including water damage markings on basement walls, a sump pump system to discharge excess water shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer system. A permanent installation shall be one which provides for year-round discharge capability to either the outside of the dwelling, building or structure, or is connected to the City storm water sewer. It shall consist of a rigid discharge line, without valves or quick connections for altering the path of discharge, and if connected to the City storm sewer shall include a check valve.

If a storm water sub drain is available, all sump pumps must immediately connect. If a storm water sub drain is not available for sump pump connection, all sump pump lines may discharge into a vegetated area that does not cause nuisance conditions to the abutting property owner. If a storm water sub drain is not available and the discharge of sump pump waters into a vegetated area causes a nuisance condition to the abutting property, sump pump waters may discharge to the street abutting the residence.

4. *Inspections.* Within 30 days from receiving a written notice from the City, every person owning improved real estate that discharges into the City's sanitary sewer system must allow a duly authorized employee or representative of the City, to inspect the buildings to determine whether there is a prohibited discharge into the sanitary sewer system. Any property found to violate this section shall make the necessary changes to comply with this section and such changes shall be verified by duly authorized agents of the City. The City Council 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.

- a. In lieu of having the City inspect the property, a person may furnish an inspection report in a form acceptable to the public works supervisor from a licensed plumber approved by the public works supervisor.
- 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.
- 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 ordinance.

5. *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 30 days of notification from the City. If the owner fails to make the required corrections 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.

6. *Penalties and service charges.* Any person found violating any provision of this Ordinance shall be served by the City with written notice stating the nature of the violation. The offender shall permanently cease all violations. As for new construction, remodeling and additions, a warning for violation of this section will be stamped on the building permit and if found to be in violation of this section they will be immediately subject to a monthly surcharge plus they will be responsible for all water treatment costs and must immediately cease all violations.

A monthly surcharge is hereby imposed and added to every sewer billing mailed to any person failing to comply after being served a notice to comply. The surcharge shall be added every month until the property is in compliance. The surcharge shall continue to be levied monthly, on properties not complying with this Ordinance. The City Council may grant waivers from the surcharges where strict enforcement may cause undue hardship unique to the property or where the property owner was scheduled for disconnection but cannot do so due to circumstances, such as availability of the plumber or inclement weather. The surcharge amount for 2008 will be one hundred dollars (\$100.00) per month. Commencing in 2009 and thereafter, the surcharge will be as set

forth in the City's Schedule of Fees pursuant to Appendix A.

In the event the owner fails to correct the situation the city may correct said connection and collect such costs, together with reasonable attorney's fees and the collection fees, by suing the owner in a court of competent jurisdiction, or in the alternative, by certifying said costs of correction as any other special assessment upon the land from which said correction of said violation was made.

7. *Disclosure.* Prior to the change in ownership of any building within the City, the seller shall disclose to the buyer, in writing, whether or not the property is in compliance with the provisions of this ordinance. The seller shall also provide a copy of said disclosure to the city within 5 (five) days of the date of the sale of the property.

8. *Validity.* All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall be in full force and effect upon its time of passage and publication.

Adopted this 21st day of April, 2008.

Kelly Steele, City Administrator-Clerk  
City of Madison Lake, Minnesota  
507.243.3011

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