

## **ORDINANCE NO. 10.07**

### **POINT-OF-SALE CERTIFICATION OF SANITARY SEWER SERVICE COMPLIANCE**

The City Council of the City of Howard Lake does ordain as follows:

A. No property owner with a connection to the City sanitary sewer shall sell, convey, advertise for sale, give or transact a change in title or property ownership of real property without first obtaining a certificate from the city indicating compliance with the city's statutory sewer regulations, including regulations regarding the discharge of clear water.

B. Unless the property owner already has a certificate of compliance for a property, the owner or owner's representative is required to apply for a certificate and complete an inspection thereof before such property is offered for sale, gifted or transferred, and before the owner or owner's representative enters into any purchase agreement, contract for deed or similar transaction. If the property owner already has a certificate of compliance which is more than 3 years old, a new sump pump inspection is required for all properties containing sump pumps.

C. Upon receipt of a properly executed application for Certificate of Sanitary Sewer Compliance, the Public Works Supervisor shall determine whether the private service line is in compliance with City guidelines. The sanitary service shall be deemed to be in compliance with City guidelines for sanitary services if the sanitary line is in proper working order, as demonstrated by televising the sanitary service to the City's sanitary sewer line; also there shall be no sump pumps, roof drains, foundation drains or other non-domestic sewer connection to the sanitary line. The applicant shall be responsible for the cost of and scheduling of the inspection. The entire property and all buildings on the property shall be made available for inspection.

D. The City shall maintain a list of Contractors that are approved by the Public Works Supervisor to perform the Certificate of Sanitary Sewer Compliance inspection.

E. If an inspection discloses that use of a property is not in accordance with city sanitary sewer regulations, a correction notice may be issued by the city permitting the transfer of the property, providing:

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 correction to the property necessary to bring it within compliance of the city sanitary sewer regulations within 60 days of the transfer of property or within corrective action dates approved at the discretion of the Public Works Supervisor
2. A financial 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 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 percent of the estimate cost of the work necessary for compliance with this subsection. The escrow must be fully maintained until a certificate of compliance is issued. A correction notice shall not be issued for more than 180 days following the first inspection of the property, but it may be extended for additional periods up to 180 days each by the city administrator for good cause.

3. The owner of transferor 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. The responsibility for repairing any nonconformance with the sanitary sewer regulations is a personal obligation of the owner and also runs with the land and becomes a joint and several obligation of the owner and the transferee of the property.

F. A Certificate of Sanitary Sewer Compliance issued under this ordinance shall be effective for 3 years.

G. For houses constructed in the past 10 years, the Public Works Supervisor may, at his or her discretion, approve the Certificate of Sanitary Sewer Compliance without requiring televising the service line. A walk through inspection will still be required.

H. Property owners not in compliance with this Section will be charge a monthly surcharge.

I. Penalty. A surcharge of \$100.00 per month is hereby imposed 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 the ordinance. This charge shall cease when the property has been inspected and acceptable certification of compliance is submitted to the City.

J. This ordinance shall be effective upon its passage and publication as provided by law.

Passed and approved by the Howard Lake City Council: February 17, 2015

---

Peter Zimmerman, Mayor

Attest

---

Gene Gilbert, City Clerk

Date Published: \_\_\_\_\_ February 23, 2015 \_\_\_\_\_