

**ORDINANCE NUMBER 24**  
**CITY OF TOWER, MINNESOTA**

**Sewer Laterals**

The City of Tower ordains:

Section 1. DEFINITIONS.

- A. "Sewage" when used herein means all water or combination of liquid and water-carried solid or semi-solid waste conducted away from residences, business buildings, institutions, and other sources, which is known as domestic sewage, together with liquid or water carried solid or semi-solid waste resulting from a manufacturing process employed in industrial establishments, including the washing, cleaning or drain water from such process, which is known as industrial waste.
- B. "Sewer" or "Sewer Main" when used herein, means any city-owned sewer pipe within a city street or public right-of-way receiving or intended to receive the discharges of more than one sewer lateral. No sewer main constructed henceforth shall be less than eight inches in diameter nor be laid or constructed in any City street, easement or right-of-way or street, easement or right-of-way under the control of the City, except to the lines, grades, and specifications approved by the proper City authority.
- C. "Building sewers", as used herein, refers to sewer, soil pipe and drain pipes constructed within and under buildings.
- D. "Clerk" when used herein, refers to the City Clerk of the City of Tower.
- E. "City" when used herein, refers to the City of Tower.
- F. "City Engineer" when used herein, refers to the City's engineering firm of the City of Tower.
- G. "Premises" when used herein, refers to a lot, parcel of land, building, or establishment.
- H. "Sewer Lateral" or "lateral" when used herein, means a privately owned pipeline connecting a building sewer to a sewer main.

- I. "Backflow Valve" when used herein, refers to a check valve specifically designed to prevent the reverse flow of sewage in a lateral.

Section 2. CLERK'S AUTHORITY TO ENFORCE. The City Clerk shall be charged with the administration of the sewer system and the enforcement of the provisions of this chapter.

Section 3. SEWER LATERALS, CLEANOUTS, AND CONNECTIONS.

- A. All laterals from the building wall to the connection to the sewer main are the property of the owner of the connected building. All property owners whose properties are connected to a sewer main or are otherwise connected to the City's sewer system by sewer lateral shall at their own expense maintain the sewer lateral in a fully functioning condition and ensure the lateral is free of cracks, leaks, inflow or infiltration of drain freely to the sewer main without excessive sags that collect grease and sediment.
- B. No person, firm, or corporation shall break or cut into or connect to any sewer in any street, easement, or right-of-way in the City under the control of the City without first securing a permit so to do from the City Engineer. Prior to beginning work, detailed plans describing the work to be done shall be submitted to and approved by the City Engineer or his designee.
- C. Each property utilizing the city's sewer system shall have a separate lateral connected to the sewer main. Notwithstanding the foregoing sentence, branched, or common laterals shall be permitted only in the following instances:
  - a. Where a lateral is maintained by a homeowner's association or other entity that is party to a formal, recorded lateral maintenance agreement.
  - b. Where more than one building or other structure is situated upon the same lot, in which case all such buildings and structures may, by permit authorized by the City engineer, be joined in the use of one connecting sewer; provided that the connection conforms in all other respects to the provisions of this title and a drawn plan of the joint connection be first submitted to and approved by the City Engineer. As a further condition of obtaining such a permit, all such buildings and structures shall be owned by the same person.
  - c. Where, in the opinion of the City Engineer, it is impossible or impractical to connect a building on a single lot to the main sewer except in conjunction with the connection of a building or buildings on other lots, a joint connection may be allowed, provided that the connection conforms in all other respects to the provisions of this title and a drawn plan of the joint connection be first submitted to and approved by the City Engineer. A permit for each individual lot covering the identification of the responsible party for maintenance and liability for maintenance and overflow damages shall be required.
  - d. Where two or more structures on separate parcels are connected to a branched or common lateral, each property shall be disconnected from the branched or common lateral and a new separate lateral shall be constructed upon the transfer of title of either property by sale.

- D. A cleanout approved by the City Engineer shall be installed and maintained, at the sole expense of the property owner, on all laterals. The installation of the devices shall be required as follows:
  - a. When building a new structure on a property with an existing lateral, or when otherwise proposing to connect a previously unconnected structure to an existing lateral;
  - b. As a condition of approval of any remodel project that requires a building permit from the City of Tower.
  - c. Prior to the close of escrow when the property is transferred via sale or other transfer of ownership by deed, instrument, or writing;
  - d. Whenever the City finds that a sewage spill emanating from a lateral has reached public property, including but not limited to a city street or the City storm drain system, or has flowed onto private property owned by another property owner;
  - e. Whenever the City finds that a sewage spill emanating from a lateral presents a threat to public health, even if it has not flowed across a property line.
- E. Backflow Valves.
  - a. On laterals serving properties where the outlet of a trap for a plumbing fixture is installed or located at an elevation which is less than two feet above the rim of the nearest manhole or other sewer access point uphill from the point of connection of the lateral to the public sewer in any new or existing drainage system, approved types of backflow valves may be required by the City Engineer. The installation of the devices shall be required under the same circumstances as set forth in subsections D. (1) through (5), inclusive, of this section.
  - b. Where a backflow valve is required, the valve shall be installed in the lateral at the point of lowest elevation of the ground surface along the alignment of the lateral, or at such other location as is permitted by the City, providing that any such location, the elevation of the ground surface is not less than two feet below the lowest trap served by the building sewer.
  - c. The backflow valve shall have cleanouts directly upstream and downstream of the valve. The cleanouts shall be connected to the lateral by means of wye fittings. The backflow valve shall be accessible from the surface and protected by the use of precast access box of concrete or heavy-duty plastic approved by the City Engineer.
  - d. The cleanouts shall be positioned at an elevation at least three inches above the ground in order to prevent the obstruction of the vent opening or the inflow of surface water.
- F. Any owner whose property meeting the elevation criteria of this section that has no backflow valve, or has a defective or improperly installed backflow valve, shall be responsible for all damage that results from the lack of such a device, or the failure of the defective or improperly installed device to prevent such damage.

#### Section 4. INSPECTIONS AND REPAIRS OF SEWER LATERALS.

- A. Property owners shall inspect, and provide to the city a report of the results of an inspection of, the laterals on their property prepared by a licensed plumber or a City

- employee using closed circuit television (CCTV) inspection or other inspection or test method approved by the city engineer, and if found defective, repair the lateral, as follows:
- a. When building a new structure on property with an existing lateral, or when otherwise proposing to connect a previously unconnected structure to an existing lateral;
  - b. As a condition of approval of any remodel project that requires a building permit from the City of Tower.
  - c. Prior to the close of escrow when the property is transferred via sale or other transfer of ownership by deed, instrument, or writing;
  - d. Whenever the City finds that a sewage overflow emanating from a lateral presents a threat to public health, even if it has not flowed across a property line. In the absence of a specific deadline, all inspection and testing work shall be completed within sixty days of notification by the City that such inspection is required. Existing laterals shall not be used if they are found to be defective by the inspection or if they fail City mandated tests or if they were constructed of materials deemed unacceptable by the City Engineer.
- B. As part of its periodic construction and maintenance of sewer mains, the City may discover defective laterals. The City may order the property owner to conduct an inspection, repair, or replacement of any lateral that the City knows or reasonably suspects to be defective.
- C. The lateral shall be considered defective if it has any of the following conditions: displaced joints, root intrusion, substantial deterioration of the lines, damaged clean-out, defective clean-out, inflow, infiltration of extraneous water, or other conditions likely to substantially increase the chance for a lateral blockage, or if, within a period of one year, a lateral suffers two or more blockages resulting in overflows.
- D. Whenever defective laterals are found, the property owner, at the sole expense of the property owner, shall repair or replace the lateral. The City Engineer shall determine the extent of repair required, and more limited repair than complete replacement of the lateral may be permitted at the sole discretion of the city engineer. The following requirements shall be met.
- a. A replaced or repaired lateral shall not be covered or backfilled until it has been inspected by a representative of the City.
  - b. All new and repaired laterals must pass an air pressure test as specified by the City Engineer.
  - c. All repaired or replaced laterals shall be brought into compliance with the requirements of Subdivision 3 Backflow valves may be required to be installed on laterals meeting the criteria of Subdivision 6 and Subdivision 3.
- E. In the absence of a specific deadline established by the City Engineer, all repair or replacement work shall be completed within sixty days of notification by the City that such repair or replacement is required.
- F. When a lateral is completely replaced, the property owner is not required to inspect the lateral upon sale of the property for ten years following the date of complete replacement of the lateral.
- G. Roots, grease, or other material which have accumulated in a lateral cleaned or maintained shall be prevented from entering the sewer main during the maintenance or repair of the lateral. In the event that material is permitted to enter the main

causing or contributing to the cause of a sewage spill, the property owner and/or contractor performing such maintenance work, in addition to any criminal penalties imposed, shall be held civilly liable to the city for any fines or other expenses incurred by the City resulting from the spill.

- H. The City shall have the authority to recover from a property owner the City's expenses incurred in responding to sewer overflows on private property. In addition to any actual expenses incurred by the City resulting from an overflow, the City may impose civil administrative penalties against a property owner who fails to perform any act required in this section, which failure results in an overflow reaching public or private property other than the property owner's property, according to the following schedule:
  - a. Up to \$500.00 for the first violation.
  - b. Up to \$1,000.00 for a second violation occurring within three years after the first violation.
  - c. Up to \$2,500.00 for each additional violation within a three-year period exceeding two violations.
- I. The City Clerk shall have the authority to establish, waive, suspend, or otherwise modify any civil administrative penalty imposed by this section that exceeds the direct costs of the city upon a showing by the property owner of severe financial hardship, or upon a showing that the property owner has satisfactorily repaired the lateral to a degree sufficient to ensure avoidance of further violations.
- J. The provisions of this section shall not be construed to require or obligate the City to enter into a reimbursement agreement if, in the sole discretion of the City Council, to so enter into the agreement would not be in the best interests of the City or would be detrimental to the health, safety, or welfare of the City.

The first reading of proposed Ordinance #24 Sewer Laterals was given by Councilor Hiltunen on August 11, 2008.

The second reading of Ordinance # 24 was given by Councilor Heinowski on September 8, 2008.

Motion by Hiltunen supported by Hanson to adopt Ordinance #24 Sewer Laterals and publish in the Timberjay.

Ayes: Mayor Abrahamson and Councilors Hanson, Heinowski, Hiltunen, Nevala.

Nays: None Motion Carried.

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Stephen Abrahamson  
Mayor

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Timothy L Kotzian  
Clerk/Treasurer