

SECTION 827
CERTIFICATE OF INFLOW AND INFILTRATION COMPLIANCE

827.01 REQUIRED

No person shall sell, give, or transact a change in title or property ownership of real property with one or more buildings or structures, without first obtaining a certificate of inflow and infiltration ("I&I") compliance from the City, or in conjunction with a properly issued correction notice issued pursuant to this Section.

827.02 APPLICATION AND FEES

Subd. 1 Unless the property owner already has a valid certificate of I&I compliance for a property issued pursuant to this Section, the owner or owner's representative is required to apply for a certificate and complete an inspection, pursuant to the terms of Section 827.03, before such property is gifted or transferred, and before the owner or owner's representative enters into any contract for deed or other transaction changing the legal or equitable ownership of the property.

Subd. 2 At the time of application, the applicant for a certificate of I&I compliance shall pay the appropriate application fee. Such fees shall be set in the City's fee schedule.

827.03 INSPECTION; EVALUATION

Subd. 1 The applicant for a certificate of I&I compliance is responsible for conducting an inspection of the property after making application and payment of fees to the City. An inspection shall be made by a licensed plumber to determine whether the property use is in accordance with the City's sanitary sewer ordinances and this Section, and as further provided in this Code, including but not limited to the correct installation of any existing sump pumps. The entire property and all buildings on the property shall be made available for inspection. The inspection results, including the video inspection of the sanitary sewer line, shall be provided to the City for review in accordance with this Section.

Subd. 2 The City shall review the inspection results to determine whether the existing sanitary sewer line meets the requirements of the City's sanitary sewer ordinances and this Section. For purposes of this Section, the following items will be deemed to be a violation of such regulations:

- (a) An obvious break in the sanitary sewer line;
- (b) A circumferential crack which displays significant evidence of inflow or infiltration;
- (c) A longitudinal crack estimated to be three inches or more in length;
- (d) Three or more sags in 20 feet of length of pipe;
- (e) Any sag greater than one-third of the pipe's overall diameter;
- (f) More than one root intrusion in a 20-foot length of pipe or any root intrusion which reduces the overall pipe diameter by 10 percent or more;
- (g) Any observed leaks due to a failing point repair;
- (h) Deformations in a pipe exceeding 25 percent of the original pipe shape; or
- (i) Any other condition observed which contributes to inflow or infiltration.

Subd. 3 Upon determining that the sanitary sewer line is in violation of the City's sanitary sewer ordinances or this Section, the Public Works Superintendent shall notify the property owner of the failure(s), and shall indicate to the property owner what repair(s) will be required to address such failures. The Public Works Superintendent shall have discretion to accept alternative repair proposals, but all repairs must be approved by the Public Works Superintendent in order to satisfy the provisions of this Section. In determining the appropriate repair to be required hereunder,

the Public Works Superintendent shall require those repairs which impact the I&I in the affected sanitary sewer line.

827.04 COMPLIANCE AND EXPIRATION

Subd. 1 If the City determines that based on the inspection results the property is in compliance with the City's sanitary sewer ordinances and this Section, a new certificate of I&I compliance will be issued by the City.

Subd. 2 A certificate of I&I compliance is valid for one year from the date of issuance and shall authorize the property owner to transfer legal and/or equitable title to the property.

827.05 CORRECTION NOTICE

If the City determines that based on the inspection results the property is not in compliance with the City's sanitary sewer ordinances or this Section and a repair has not yet been made pursuant to the provisions of this Section, a correction notice may be issued by the City permitting the transfer of property, providing:

Subd. 1 An agreement by the owner or owner's representative and the prospective buyer or their representative has been executed with the City, whereby the owner or owner's representative and the prospective buyer or their representative agrees to complete corrections to the property necessary to bring it within compliance of the City's sanitary sewer ordinances and this Section within 60 days of the transfer of property.

Subd. 2 A 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 retail value of the work necessary for compliance with this Section. The escrow must be fully maintained until a certificate of I&I 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, or their designee.

Subd. 3. The owner 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 City's sanitary sewer ordinances and this Section runs with the land and rests not only with the owner or transferor but it shall be an obligation of the transferee of the property. If repairs are not completed within one year of the first inspection, the inspection becomes invalid and the process starts again, which includes paying the applicable inspection fee. The City shall have no obligation to undertake any repairs of sanitary sewer lines on private property.

827.06 REPEATED INSPECTION

If, as a result of a second inspection, the City determines that all violations of the City's sanitary sewer ordinances and this Section have been corrected, the City shall immediately issue a certificate of I&I compliance.

827.07 PENALTY FOR A VIOLATION

Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor.