

ORDINANCE NO. 2009-13

Township of Breitung ordains:

**Sections:**

- Subd. 1        Definitions.
- Subd. 2        Manager's authority to enforce.
- Subd. 3        Sewer laterals, cleanouts and connections.
- Subd. 4        Inspections and repairs of sewer laterals.

**Subd. 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 township-owned sewer pipe within a township 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 township street, easement or right-of-way or street, easement or right-of-way under the control of the township except to the lines, grades, and specifications approved by the proper township authority.

C.        "Building sewers", as used herein, refers to sewer, soil pipe and drainpipes constructed within and under buildings.

D.        "Clerk", when used herein, refers to the Township Clerk of the Township of Breitung.

E.        "Township", when used herein, refers to the Township of Breitung.

F.        "Township Engineer", when used herein, refers to the Township's engineering firm of the Township of Breitung.

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.

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**Subd. 2 Clerk's authority to enforce.***to be*

The Township ~~Clerk~~ shall be charged with the administration of the sewer system and the enforcement of the provisions of this chapter.

**Subd. 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 Township's sewer system by sewer lateral shall at their own expense maintain the lateral in a fully functioning condition and ensure the lateral is free of cracks, leaks, inflow or infiltration of extraneous water, root intrusion or open joints. Property owners shall ensure that laterals 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 Township or under the control of the Township without first securing a permit so to do from the Township. Prior to beginning work, detailed plans describing the work to be done shall be submitted to and approved by the township engineer or his designee.

C. Each property utilizing the township's sewer system shall have a separate lateral connected to the sewer main in conformance with the state plumbing code. Notwithstanding the foregoing sentence, branched or common laterals shall be permitted only in the following instances and subject to approval of all applicable regulatory agencies:

1. Where a lateral is maintained by a homeowner's association or other entity that is party to a formal, recorded lateral maintenance agreement.

2. 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 township engineer, be joined in the use of one connecting sewer; provided that the connection conforms in all other respects to the provision of this title and a drawn plan of the joint connection be first submitted to and approved by the Township engineer. As a further condition of obtaining such a permit, all such buildings and structures shall be owned by the same person.

3. Where, in the opinion of the Township 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 Township 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.

4. 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 Township 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:

1. 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;
2. As a condition of approval of any remodel project that requires a building permit from the Township or St. Louis County;
3. Prior to the close of escrow when the property is transferred via sale or other transfer of ownership by deed, instrument or writing;
4. Whenever the Township finds that a sewage spill emanating from a lateral has reached public property, including but not limited to a Township street or the Township storm drain system, or has flowed onto private property owned by another property owner;
5. Whenever the Township 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.**

1. 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 Township 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.
2. 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 Township, providing that at any such location, the elevation of the ground surface is not less than two feet below the lowest trap served by the building sewer.
3. The backflow valve shall have cleanouts 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 a precast access box of concrete or heavy-duty plastic approved by the Township engineer.
4. 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.

**Subd. 4 Inspections and repairs of sewer laterals.**

**A.** Property owners shall inspect, and provide to the Township a report of the results of an inspection of the laterals on their property prepared by a licensed plumber or a Township employee using closed circuit television (CCTV) inspection or other inspection or test method approved by the Township engineer, and if found defective, repair the lateral, as follows:

1. 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;
2. As a condition of approval of any remodel project that requires a building permit from the Township or St. Louis County;
3. Prior to the close of escrow when the property is transferred via sale or other transfer of ownership by deed, instrument or writing;

4. Whenever the Township finds that a sewage overflow emanating from a lateral has reached public property, including but not limited to a Township street or the Township storm drain system, or has flowed onto private property owned by another property owner;

5. Whenever the Township 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 Township 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 Township mandated tests or if they were constructed of materials deemed unacceptable by the Township engineer.

B. As part of its periodic construction and maintenance of sewer mains, the Township may discover defective laterals. The Township may order the property owner to conduct an inspection, repair or replacement of any lateral that the Township 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 cleanout, defective cleanout, 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 Township 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 Township engineer. The following requirements shall be met.

1. A replaced or repaired lateral shall not be covered or backfilled until it has been inspected by a representative of the township.

2. All new and repaired laterals must pass an air pressure test as specified by the township engineer.

3. All repaired or replaced laterals shall be brought into compliance with the requirements of Subd. 3. Backflow valves may be required to be installed on laterals meeting the criteria of Subd. 3.E.

E. In the absence of a specific deadline established by the Township engineer, all repair or replacement work shall be completed within sixty days of notification by the Township 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 Township for any fines or other expenses incurred by the Township resulting from the spill.

H. The Township shall have the authority to recover from a property owner the Township's expenses incurred in the responding to sewer overflows on private property. In addition to any actual expenses incurred by the Township resulting from an overflow, the Township 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:

1. Up to \$500.00 for the first violation.
2. Up to \$1,000.00 for a second violation occurring within three years after the first violation.
3. Up to \$2,500.00 for each additional violation within a three-year period exceeding two violations.

I. The Township 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 township 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 Township to enter into a reimbursement agreement if, in the sole discretion of the Township board, to so enter into the agreement would not be in the best interests of the Township or would be detrimental to the health, safety or welfare of the Township.

Introduced by Supervisor Tekautz on March 23, 2009  
and given the first reading.

Given second reading on April 22, 2009 by Supervisor Tekautz.

Passed and approved by the Town Board of Breitung Township on this  
22nd day of April, 2009.

Published in the Timberjay on May 9, 2009.

TOWN OF BREITUNG

By: Timothy S. Tonsch  
Chairman

By: Margaret Lilia  
Clerk

Seal

1117006

Office of the County Recorder  
St. Louis County, Minnesota

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**Mark A. Monacelli**  
County Recorder

By Sally Abell, Deputy

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