

CITY OF CASSELTON

ORDINANCE #292

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASSELTON, CASS COUNTY, NORTH DAKOTA:

SECTIONS:

- I. Water and Sewer Service Connection, Repairs and Rates.
- II. Discharge.
- III. Certain Discharges of Storm Sewer Water Deemed Nuisance.
- IV. Penalty.

I. WATER AND SEWER SERVICE CONNECTION, REPAIRS AND RATES.

The City Council of the City of Casselton shall, by resolution, establish the procedure and cost for connection to water and sewer lines in the City of Casselton, set the monthly charges and surcharges for water service, the charges and surcharges for sewer service and set out the City's and customer's responsibilities for repairs to water and sewer lines.

II. DISCHARGE. No person may discharge or cause to be discharged, any storm water, groundwater, roof runoff, yard drainage, yard fountain or pond overflow, or other surface waters into the sanitary collection system of the City of Casselton between the dates of April 1 to October 31 during any calendar year. Any disconnects or openings in the sanitary sewer system shall be closed or repaired in an effective, workmanlike manner, as approved by the City Engineer for the City of Casselton.

1. Every person owning improved real estate that discharges into the City's sanitary sewer system shall allow City employee(s) to inspect the building to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system during the prohibited time period. Any person refusing to allow their property to be inspected within fourteen (14) days of the date City employee(s) are denied admittance to the property shall immediately become subject to a surcharge hereinafter provided for.
2. A surcharge of \$100.00 per month is hereby imposed and added to every sewer billing mailed to property owners who are not in compliance with paragraph 1 of this section. The surcharge shall be added every month through October until and unless the property is in compliance. The surcharge shall continue to be levied monthly for the months of April through October (both inclusive) for every year on properties not complying with paragraph 1 of this section. Provided, the surcharge shall not be charged unless a property has been inspected and found not

to be in compliance, or if the person owning improved real estate refuses to allow an inspection.

3. When a structure is being constructed in the City of Casselton, if at or prior to final inspection City staff determine that the sump pump connection has been illegally connected to the City's sanitary sewer system such that there will be a permanent discharge into the City's sanitary sewer system, there shall be levied a \$500 administrative fine against the general contractor for the structure found to be in violation. If after 24 hours after written notice from the City the general contractor has not remedied the situation so that the sump pump connection can be arranged so that no surface runoff or groundwater can enter into the City's sanitary sewer system from April 1 to October 31 of each year, there shall be an additional \$100 administrative fine for each day such a violation exists. In addition, the Building Inspector shall not issue another building permit within the jurisdiction of the Building Inspector of the City of Casselton for that contractor until the violation has been remedied and any administrative fine has been fully paid to the City. A contractor who is informed of the administrative penalty shall have seven (7) days from the date of his notification of the same to request, in writing, a hearing on the issue of whether or not the basis for the administrative penalty actually exists. Such letter must be filed with the City Auditor of the City of Casselton. Upon receipt of such a letter, in a timely fashion the City Auditor shall set the matter for hearing at the next City Council meeting. The contractor claiming that the basis for the penalty is incorrect shall have the burden at that hearing to establish that the violation set forth by the City staff is, in fact, incorrect. The City Council shall either confirm the determination of violation by City staff or modify or eliminate the penalty if the evidence is such that it establishes no violation occurred.

III. CERTAIN DISCHARGES OF STORM SEWER WATER DEEMED NUISANCE.

1. Discharges of storm water, groundwater, roof runoff, yard drainage, yard fountain or pond overflow, or other surface runoff waters into areas with inadequate drainage tend to create a harborage for insect and vermin infestations and are hereby deemed a nuisance. No owner, occupant or user of property therefore may discharge any storm water, groundwater, roof runoff, yard drainage, yard fountain or pond overflow, or other surface runoff waters in such a manner so as to allow the collection of the same on their property or other properties without proper drainage. Discharges of storm water, groundwater, roof runoff, yard drainage, yard fountain or pond overflow, or other surface runoff waters by the use of such devices as sump pumps must be made directly into the storm sewer system of the City of Casselton or drainage ditches which run thereto.
2. No owner, occupant, or user of property abutting Park District property of the City of Casselton shall cause or allow water from any spout, sump pump, or

similar device to be directly or indirectly deposited on the Park District property. Similarly, no person shall deposit snow, earth, construction material, or other substance on Park District property of the City of Casselton without written permission from the City Auditor of the City of Casselton. Notwithstanding such written permission issued, no person shall deposit any material containing salt, sand, or other substance which may be harmful to vegetation or other Park District property.

3. The City Auditor of the City of Casselton shall have the authority to issue letters to violators of this section. If the violation is not abated within the time set forth in the notice of violation, the City Attorney is authorized to prosecute such offenses in the Casselton Municipal Court or to seek abatement in the District Court.

IV. **PENALTY.** A violation of this ordinance may be punishable as an infraction in an amount not to exceed \$1,000.

APPROVED:

Lee Anderson, Mayor

ATTEST:

Sheila Klevgard, City Auditor

FIRST READING: November 7, 2016

SECOND READING: December 5, 2016

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