

ORDINANCE NO. 190

AN ORDINANCE AMENDING ORDINANCE NO. 139, AN ORDINANCE ESTABLISHING SEWER USE REGULATIONS, CONCERNING POINT OF SALE CERTIFICATIONS WITHIN THE CITY OF ADAMS.

THE CITY COUNCIL OF THE CITY OF ADAMS, MINNESOTA DOES HEREBY ORDAIN:

Section 1

That Article IX of the Ordinance Establishing Sewer Use Regulations (Ordinance No.139) is amended by adding Section 5 to read as follows:

SEC. 5 POINT OF SALE CERTIFICATION

Subd. 1. Scope and Intent.

The provisions of this section shall apply to all real estate which is connected to the City's sanitary sewer and located within the City. It is the intent of this ordinance to indemnify and eliminate inflow and infiltration (I&I) resulting from cracked and leaking pipes, foundation drain connections, roof drain connections, sump pump connections, areaway drains, or other sources of surface runoff or groundwater from entering into the City's wastewater disposal system.

Subd. 2. Definitions. For the purpose of this section, the following terms are defined as follows:

- A. Buyer: Any person or entity who purchases a Property to whom title to a Property is conveyed.
- B. Utilities Superintendent: The Utilities Superintendent or a deputy, agent or representative thereof appointed by the City Council.
- C. City Clerk/Treasurer: The City Clerk/Treasurer appointed by the City Council.
- D. Seller: The current owner of real estate as identified in the Property records on file at the Mower County Auditor's Office or by Court Order.
- E. Point of Sale Certification: The certificate provided by the City evidencing compliance with Article IX, Section 5 of Ordinance No. 190.
- F. Qualified Person: A person qualified to complete and inspection and Certification under Subd. 4. C. of SEC. 5 Ordinance No. 190.
- G. Sale or Sold: The transfer of title to a Property.
- H. Closing: The date in which the ownership of the Property is transferred to the Buyer.

Subd. 3. Requirements.

- A. Sanitary Sewer Lines. All sanitary sewer lines serving Property, from the house to the main line, shall be in a safe and functional condition and shall be free from all leaks and failures including but not limited to sags, partially collapsed sections or tree root intrusions.
- B. In addition, all sanitary sewer lines shall meet the standards and specifications established in Article V, Section 8 of Ordinance No. 139.
- C. All repairs and corrections to deficiencies, if required, to a property's building sewer shall be inspected by the City's Utilities Superintendent to ensure compliance with Subd. 1, and Subd. 3. A. and B, of Section 5 of Ordinance No. 190.

Subd. 4. Point of Sale Certification Required and Monies Escrowed for Deficiencies

- A. No property which is connected to the City's Sanitary Sewer shall be sold within the City unless the Seller or Buyer has provided a Point of Sale Certification to the City Clerk/Treasurer at least 2 business days prior to Closing. The Certification shall certify that the Property has been inspected and is in compliance with the requirements of Section 5 of Article IX of Ordinance No. 139. Certifications shall be valid for five (5) years from the date the property passes the Point of Sale Certification or from the date all deficiencies in the properties building sewer have been rectified.
- B. The Certification shall be in the form provided by the City and requires one digital copy of the televising report be provided to the City along with a signed copy of the written report.
- C. The inspection and certification of sanitary sewer lines must be completed by either the Utilities Superintendent of the City of Adams or by another qualified person pre-approved by the City. A qualified person is a plumber licensed by the State of Minnesota or another sewer professional.
- D. The fee for inspection and preparation of the Certification by a qualified contractor shall be paid by the Buyer or Seller. The fee to the City for inspection shall be \$100.00 payable to the City of Adams at the time the application is picked up by the Seller.
- E. Any deficiencies discovered during the inspection shall be disclosed prior to Closing and shall be corrected within six (6) months from the date of the Closing. The Seller or Buyer shall provide proof to the City that funds were placed in an escrow account at Closing to cover the required repairs if needed.

Subd. 5. Exceptions. Certifications Are Not required for the Following:

- A. A property where a Point of Sale Inspection has been completed and passed. A Point of Sale Certification is not needed within five (5) years from the passing date of the Point of Sale Inspection prior to the sale of the dwelling unit.

- B. A property where the building sewer deficiencies were rectified after a failed Point of Sale Inspection. A Point of Sale Certification is not needed within five (5) years from the date of repairing or rectifying deficiencies in a building sewer prior to the sale of a dwelling unit
- C. A property that is without buildings or contains no dwellings or other buildings with plumbing fixtures.
- D. A property sold or transferred by a court ruling including wills, probate actions, divorce, and estate settlements.
- E. The transfer does not require the filing of a Certificate of Real Estate Value, as described in Minnesota Statutes, Section 272.115, subdivision 1.

Subd. 6. Penalties.

- A. Any person found to be violating any provision of this ordinance shall be served by the City with a written notice stating the nature of the violation and providing a reasonable time limit (See Subd. 4. E.) for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, repair and rectify all deficiencies found from the Point of Sale Inspection.
- B. Any person who shall refuse to repair or rectify the deficiencies found from the Point of Sale Inspection beyond the time limit provided for in Subd. 6. A. of this Ordinance shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount of \$100.00 for each day in which the violations are still occurring.

Subd. 7. Severability Clause.

In any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 3

Effective Date.

This Ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the City Council of Adams, Minnesota this 27th day of April, 2021.

Attest:

Brian Anderson Mayor

Jake Goodale City Clerk