

ORDINANCE NO. \_\_\_\_

CITY OF MAPLE PLAIN

AN ORDINANCE AMENDING MAPLE PLAIN CITY CODE REGARDING  
STORMWATER DISCHARGE PREVENTION AND PROHIBITION; PENALTIES FOR  
NON-COMPLIANCE

THE CITY COUNCIL OF THE CITY OF MAPLE PLAIN DOES ORDAIN:

**SECTION 1. AMENDMENT.** The Maple Plain City Code Chapter 9, Article 5 is hereby amended as set forth below to add the underlined language as follows:

**Sec. 9-140. – Clear Water Discharge Prevention and Prohibition.**

(a) Discharge Requirements.

(1) No stormwater; natural precipitation; melting snow; groundwater; water flow from a roof, ground surface, subsurface drainage, downspout, eave trough, rainspout, yard drain, sump pump, foundation drain, yard fountain, pond, swimming pool, air conditioning condensate, cistern overflow, or any other water that is not required to be treated by state or federal law (collectively referred to as “Clear Water”) shall be discharged, directly or indirectly, into the City’s sewer system.

(2) All sump pump systems within the City shall meet the following requirements:

- a. No sump pump system shall discharge Clear Water into the City’s sanitary sewer system;
- b. The sump pump system design shall provide year round discharge of Clear Water through a permanently installed discharge line from the interior of the structure to an appropriate drainage area on the outside of the structure, connection to the City’s storm sewer, or discharge through the curb and gutter to the street. In no event shall a drainage area include property owned by others or any public right of way unless said right of way is adjacent to a developed city street with an installed drainage system.
- c. The sump pump system’s permanent discharge line shall be made of solid, nonflexible material and shall not have any connection fittings as to permit alternative flow path subsequent to installation; and

- d. If the sump pump system discharge line is connected directly to the City's storm sewer system, it shall comply with Section 9-138

(b) Inspections.

(1) Inspections Required. Any property within the City that is connected to the City's sewer system shall be subject to one, no cost compliance inspection, and a subsequent follow up inspection, to determine whether the property's discharge of its Clear Water is in compliance with this section and is not discharged into the City's sanitary sewer system.

- a. Property owner or occupant shall permit the City's designated inspector on the property and within any structure thereon to complete the inspection.
- b. The compliance inspection shall occur within thirty (30) days of written notice from the City that a compliance inspection is required on the property.
- c. The compliance inspection shall occur at a time and in the manner as reasonably determined by the City's designated inspector.
- d. In the event that the inspector cannot complete the compliance inspection because the property's sump pump and/or sewer "cleanout" is not readily accessible as required by the state building code, the property owner or occupant shall take all necessary steps to make the sewer cleanout readily accessible for the reinspection to be completed within thirty (30) days of the date the inspector was at the property to conduct the initial inspection.
- e. If the property owner or occupant fails to make the sewer line cleanout accessible for inspection, such failure shall constitute a failure to comply with inspection requirements and subject to the quarterly surcharge as defined in Section 9-141 of this Chapter.

(2) Point-of-Sale Compliance Inspection.

- a. No property connected to the City's sanitary sewer system shall be sold within the City unless the seller or buyer has provided a point-of-sale certification to the City Administrator at least two weeks prior to closing that indicates compliance

with this Section, provided that the certification is not more than six (6) months old.

- b. Application must be made to the City Administrator for on-site inspection along with application fee set forth in the fee schedule. The inspection will be performed by the City or its authorized agent that will issue a point-of-sale certification is the property's sump pump is in compliance with this Section. If an inspection discloses the property is not in compliance with this Section, the non-compliance shall be corrected within the timeframe provided by the inspector and before the City will permit the transfer of the property.
  
- c. Such certification is not required if: (i) property sold or transferred by a court ruling, including wills, probate actions, divorce, and estate settlements; (ii) a property sold to a foreclosing mortgagee that holds a mortgage on the dwelling unit; or (iii) the transfer does not require the filing of a certificate of real estate value, as prescribed in Minn. Stats. § 272.115, subd. 1.

(3) Failure to Comply with Inspection Requirements.

- a. Property owners or occupants are required to permit authorized City employees and/or agents to enter upon properties and inside structures for purposes of inspection under Section 9-73 of this Chapter.
  
- b. If the property owner or occupant fails to permit or have completed a compliance inspection, the City may apply to the district court for an appropriate administrative search warrant authorizing the City to enter the property to conduct the inspection.

(4) Re-inspections.

- a. In the event that the discharge of Clear Water on the property is not in compliance with this Section, a second compliance inspection shall be completed within sixty (60) days of the notice of noncompliance to determine if the necessary corrections have been made and compliance with this section has been met.
  
- b. The second compliance inspection shall be subject to the requirements set forth above. Thereafter, the property shall be

subject to re-inspections on an annual basis to confirm continued compliance.

- c. Properties that are in compliance shall also be subject to re-inspections to confirm continued compliance.

(c) Corrections.

(1) Upon notice that the discharge of Clear Water on the property is not in compliance with this Section, the owner or occupant of the property shall immediately cease from discharging Clear Water in violation of this section and shall make the necessary repairs and corrections to discharge the Clear Water in accordance with this Section. These repairs and corrections shall be completed within sixty (60) days of the date of notice of noncompliance.

(2) If necessary repairs and corrections are not completed within the sixty (60) days, it shall constitute a failure to comply with the requirements of this section and the owner of the property shall be subject to the quarterly surcharge as defined in Section 9-141 of this Chapter.

(d) Inspections with Building Permits. If a City Inspector is on a property for the purpose of a building permit inspection, the city inspector has the authority to inspect the property for compliance with this Section without further notice to the property owner or occupant.

(e) Temporary Waiver.

(1) The City may grant a temporary waiver from the provisions of this Section where strict enforcement would cause a threat of damage or harm to other property, the environment, or public safety because of circumstances unique to the individual property or due to weather conditions.

(2) A written request for a temporary waiver must be first submitted to the City Administrator specifying the reasons for the temporary waiver.

- a. If a temporary waiver is granted, the property owner shall pay an additional fee for sewerage service charges based on the number of gallons of Clear Water discharged into the City's sewer system as estimated by the City Administrator

- b. The additional sewerage service charge fee shall be established in the City's fee schedule and shall consist of a minimum base charge plus a charge based on the number of estimated gallons of Clear Water discharge.

- (3) The City Administrator may set conditions to the temporary waiver.
- (4) The City Administrator may terminate the temporary waiver upon a failure to comply with any conditions imposed on the temporary waiver.
- (5) The City Administrator must give a five (5) day written notice of the termination to the property owner and occupant setting forth the reasons for the termination.
- (6) After expiration or termination of a temporary waiver, the property owner shall comply with the provisions of this Section.

**Sec. 9-141. – Surcharges; Sump Pumps.**

- (a) A quarterly surcharge in an amount duly adopted by the City Council and set forth in the City's fee schedule shall be assessed against the property on which Clear Water is discharged in violation of this Section.
- (b) The quarterly surcharge will be charged on the property's municipal utility billing statement and will be assessed and charged as follows:
  - (1) An inspection, as required herein, has not been allowed by the property owner or occupant or a certificate of compliance has not been filed with the city within thirty (30) days after the City's notice of inspection;
  - (2) Failure to provide the point-of-sale certification prior to property transfer;
  - (3) The property owner or occupant fails to make the sewer line cleanout readily available for the inspection;
  - (4) The necessary corrections have not been made within the time specified; and
  - (5) The property owner or occupant reconnects a Clear Water discharge line to the City's sanitary sewer system after it has been previously disconnected at the City's or a court's direction.
- (c) A surcharge will be assessed for every quarter during which the property is not in compliance, the property owner has not allowed an inspection of the sump pump system, or the property owner has not made the sewer line cleanout readily available for the inspection. The surcharge will be assessed whether the noncompliance has existed for the entire quarter or a portion thereof.

(d) The property owner will be billed for subsequent inspections necessary beyond the initial inspection and one follow up inspection.

(e) Failure by the property owner to pay the surcharge assessed under this Section may result in the discontinuance of service under Section 9-20 of this Chapter.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage and publications as required by law.

Adopted by the City Council of the City of Maple Plain this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

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Julie M. Maas-Kusske, Mayor

ATTEST:

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Jacob W. Schillander, City Administrator

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