

CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA

ORDINANCE NUMBER 465

AN ORDINANCE AMENDING THE FOLEY CITY ORDINANCES  
CHAPTER VI, SECTION 611 SEWER USE REGULATIONS

THE COUNCIL OF THE CITY OF FOLEY HEREBY ORDAINS that the 1974 Code of Ordinances of the City of Foley CHAPTER VI, SECTION 611 SEWER USE REGULATIONS be amended:

**SECTION 1:** The existing Section 611:00 ARTICLE III Unlawful Discharge is repealed, substituting therefore the following Section 611:00 ARTICLE III Unlawful Discharge to read as follows:

- Sec. 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under jurisdiction, any human or animal excrement, garbage or objectionable waste.
- Sec. 2. It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and the City's NPDES/SDS Permit.
- Sec. 3. Except as provided hereinafter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- Sec. 4. All structures which wastewater is discharged from and which is situated within the City and where the property is within 150 feet of the public sanitary sewer, a public sanitary sewer of the City shall be required within (90) days such public sewer becomes operational. At the owner(s) expense, a connection to the public sanitary sewer must be installed in accordance within the provisions of this code. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this section, an official thirty (30) day notice shall be served instructing the affected property owner to make said connection.
- Sec. 5. Where a parcel of property in the City has connected to the City sanitary sewer system, no owner or occupant of the property or any other person shall:
  - a) Construct a private subsurface sewage treatment systems (SSTS) on the property; or
  - b) Make use of any existing private SSTS on the property for sewage disposal or commercial purposes.

- Sect. 6. In cases of extreme hardship, the City may allow a SSTS or an owner may request an exemption from the City Code to construct a private SSTS. Hardship includes but is not limited to:
- a) The property is more than 150 feet away from the public sanitary sewer.
  - b) The topography does not allow for the installation of a sewer system.
  - c) There is extreme financial burden on the City or individual.
  - d) There is unforeseen circumstances in installing or connecting to the public sanitary sewer system.

When a parcel of property is required to connect to public utilities, but unforeseen circumstances make complying with city ordinance impractical or impossible, the City Administrator and Public Works Director shall determine whether connection is required. Before the City Administration and Public Works Director make a final determination, the City Administrator shall submit a written notice to the property owner stating the reason for the deviation from the city ordinance. The notice shall also state that the property owner may, within (10) days of receipt of the notice, demand a hearing on the matter. If the property owner requests a hearing within that time, a hearing shall be held on the matter by the City Council within (30) days after the date on which the request is made. If as a result of the hearing, the City Council finds that the proposed deviation due to impracticality or impossibility and serves the best interest of the City, the deviation shall be final. If the City Council determines that the proposed deviation is not in the best interest of the City, or that compliance with city ordinance can be achieved, they shall make a determination and compliance with the ordinance shall be required. All applicable city staff and officials shall be at the hearing to answer any questions. No deviation shall be made until after the hearing or determined after the expiration of ten days from receipt of the notice when there has been no request within that time for a hearing.

In allowing an exemption, the City Council may apply special conditions. The hardship will no longer exist once the situations described above no longer exist. At that time, the owner will be required to connect to the City's public sanitary sewer main.

- Sec. 5. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Article III of the Ordinance, the City must undertake to have said connection made and shall assess the cost thereof against the benefitted property. Such assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the Auditor of the County of Benton, Minnesota and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City shall be in addition to any remedial or enforcement provisions of this ordinance.

PASSED AND ADOPTED by the City Council of the City of Foley this 5<sup>th</sup> day of April, 2022.

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Gerard L. Bettendorf, Mayor

ATTEST:

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Sarah A. Brunn, Administrator