

CITY OF BUFFALO
SUMP PUMP ORDINANCE
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUFFALO, CASS
COUNTY, NORTH DAKOTA:

SECTIONS: I, II

I. 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 Buffalo 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 Public Works Department for the City of Buffalo.

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. Every attempt possible must be taken by the property owner within the City of Buffalo to discharge water into the closest ditch and/or natural drainage progression. It shall be forbidden to discharge any water onto neighboring land that is without proper drainage, causing stagnant water pooling.
3. 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 either paragraph 1 or 2 of this section, with each violation considered a separate billable offense. 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.
4. When a structure is being constructed in the City of Buffalo, 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 Council shall not issue another building permit within the jurisdiction of the City Council of the City of Buffalo 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 Buffalo. 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 is, in fact, incorrect. The City Council shall either confirm the determination of violation by the City or modify or eliminate the penalty if the evidence is such that it establishes no violation occurred.

5. The City Auditor of the City of Buffalo 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 and to seek abatement in the Cass County District Court.

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

APPROVED:

James F. Jager, Mayor

Attest:

Auditor Harmony Richman

1st reading 2/10/2020

2nd reading 3/9/2020

3rd and final reading 4/13/2020