

## ORDINANCE NO. 742

### AN ORDINANCE OF THE CITY OF AUSTIN, MINNESOTA AMENDING SECTION 3.30 OF THE CITY CODE CLARIFYING STANDARDS FOR OLD BUILDING SEWERS; AND REQUIRING A COMPLAINT CERTIFICATE AT EACH POINT OF SALE

The Council of the City of Austin does ordain:

*Edits: Deletions are in ~~STRIKE THROUGH~~. Additions are UNDERLINED.*

Section 3.30, Subd. 14 is hereby amended as follows:

#### Subd. 14 Point of Sale Inflow / Infiltration compliance

- A. No person shall sell, give or transact a change in title or property ownership of real property with one or more buildings or structures that is connected to the public sewer, without first obtaining a Certificate of Inflow / Infiltration (I/I) Compliance from the city. This requirement shall not apply to any transaction that is exempt from the payment of Minnesota Deed Tax under Minnesota Statutes § 287.22 (e.g, the recording of a mortgage, the passage of title pursuant to a will, a deed of distribution by a personal representative, the recording of a plat, the recording of a lease, a deed where the United States is the grantor, a deed to or from a co-owner partitioning their undivided interest in the same piece of real property, the redemption of the property from foreclosure sale, the creation or vacation of an easement, a deed issued between the parties to a dissolution pursuant to the terms of the divorce decree, the recording of a transfer on death deed or any document recorded to transfer title pursuant to a transfer on death deed, etc.).
- B. The applicant for a Certificate of I/I Compliance is responsible for completing an inspection of the property after making application and payment of fees. The inspection shall determine if the property has any prohibited discharges and if a sump pump exists that is it properly installed as stated in § 3.30, Subd. 4, Subpart G. The existing building sewer shall be inspected to ~~determine if it is in accordance with § 3.30, Subd. 4, Subpart D.~~ confirm the absence of structural deficiencies, such as misaligned joints, holes, cracks, fractures, collapses or other structural defects. Additionally, sections defined as Building Drain which are from the inner wall to outside of the building shall meet the criteria above and all connections to the public collection system.
- C. ~~A licensed plumber shall complete the inspection requirement. The plumber must inspect the property's sump pump and building sewer, and upon completion, return an inspection form provided by the city documenting the results of the inspection. The building sewer inspection shall also include the portion of the building drain which is from inner face of the building wall to the connection. The date stamped video record shall be submitted to the city and reviewed and approved by the city for assessment of compliance with this section. All costs associated with an inspection by a privately retained plumber shall be the responsibility of the property owner.~~

As part of the inspection, a privately retained competent televisor shall televise the existing building sewer and produce a date-stamped video recording sufficient to allow the city to review said recording for the purposes of determining whether such sewer

satisfies the requirements described in paragraph B above. The video recording shall include quality imaging of the building drain(s) from the drain's point of connection with the sewer main to the inner face of the building wall. At the time of application for the certification, the video recording shall be submitted to the city. The city will review the video recording as part of its approval or rejection of the application.

A privately retained licensed plumber shall complete the inspection of the sump pump discharge system. The licensed plumber must inspect the property's sump pump and sump pump discharge system, and upon completion of the inspection, return an inspection form provided by the city documenting the results of the inspection. The completed and submitted inspection form will be attached to the application. The city will review the inspection form as part of its approval or rejection of the application.

All costs associated with the inspection and televising shall be the responsibility of the property owner.

D. Compliance and Expiration

1. Upon inspection, when the property use is in accordance with city sanitary sewer services regulations, a Certificate of I/I Compliance will be issued by the city.
2. A Certificate of I/I Compliance is valid to be used for the transfer of property. Once issued, a Certificate of I/I Compliance is valid for 10 years from the date of issuance.
3. The Certificate of Occupancy issued at the completion of construction of a new home build shall constitute and be considered the equivalent of a Certificate of I/I Compliance in all respects.

E. Corrections

1. Upon written notification that the property is not in compliance with this division, The property owner shall have a period of ~~90-days~~ 180-days to complete all work that is necessary to comply with the provisions of this section which requires the issuance of any plumbing, building, or other permit under this code shall be inspected by the city inspection services division for compliance with all applicable city code requirements.
2. The City may issue a correction notice, as requested, permitting the transfer of the property without completing the corrections providing:
  - i. An agreement by the new owner or new owner's representative has been executed with the city, whereby the new owner or new owner's representative agrees to complete corrections to the property necessary to bring it within compliance of this division within 180 days of the transfer of property.
  - ii. The seller shall provide proof to the city that funds were placed in an escrow account at closing to cover the required repairs. The security shall be placed in an escrow with a licensed real estate closer, licensed attorney-at-law or a federal or state chartered financial institution. The

amount escrowed shall be equal to 110 percent of a written estimate to correct the building sewer, drain, and/or connection by a licensed and certified installer. After a complying with division and a Certificate of I/I Compliance issued. This escrow requirement may be waived if the property contains a principal structure that will be demolished and the agreement referenced in paragraph (i) above includes an acknowledgment by the new owner that the demolition and reconstruction will result in the requirement for a new building sewer.

iii. The owner (or seller) or owner's representative involved in the transaction are responsible for disclosing the correction notice to the buyer and all other persons or entities involved in the transaction. The responsibility for repairing any nonconformance with the building sewer, drain and/or connection regulations runs with the land and not only rests with the owner or seller but is also an obligation of the buyer of the property. If repairs are not completed within one year of the first inspection, the inspection becomes invalid and the process starts again, which includes paying the applicable inspection fee.

3. Penalties –A monthly I/I surcharge as listed in § 3.30, Subd. 9, will be issued to any owner who fails to comply with the section.

Passed by a vote of yeas and nays this 20th day of January, 2026.

YEAS 6

NAYS 0

APPROVED:

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Stephen M. King, Mayor

ATTEST:

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Brienne Wolf, City Clerk

This ordinance was introduced on January 20, 2026; approved on January 20, 2026; was published in the Austin Daily Herald on January 28, 2026, and becomes effective February 4, 2026.