

CITY OF ROSE CREEK
MOWER COUNTY, MINNESOTA
Ordinance No. 113-2026

ORDINANCE ESTABLISHING SEWER USE REGULATIONS, CONCERNING POINT OF SALE CERTIFICATIONS WITHIN THE CITY OF ROSE CREEK

The City Council of the City of Rose Creek, Minnesota does hereby ordain:

Point of Sale Certification

Section 1: Scope and Intent

- (a) The provisions of this section shall apply to all real estate which is connected to the City of Rose Creek's sanitary sewer and located within the City of Rose Creek. 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 the City of Rose Creek's wastewater disposal system.

Section 2: Definition

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.
- (f) Qualified Person: A person qualified to complete and inspection and Certification.

(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.

Section 6: 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 by the City of Rose Creek.
- (c) All repairs and corrections to deficiencies, if required, to a property building sewer shall be inspected by the City of Rose Creek's Maintenance Department to ensure compliance with Subd. 1 and Subd. 3.

Section 7: Point of Sale Certification Required and Monies Escrowed for Deficiencies

- (a) No property which is connected to the City of Rose Creek'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 Ordinance No. 113-2026, Section 3. 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 to 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 City's Maintenance Department of the City of Rose Creek 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 Rose Creek at the time the application is picked up by the Seller.

- (g) 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.

Section 3: 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 Certification of Real Estate Value, as described in Minnesota Statutes, Section 272.115, subdivision 1.

Section 4: 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 stated in this 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 finned in the amount of \$100.00 for each day on which the violations are still occurring.

Section 5: Severability Clause

- (a) 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 8: 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 the City of Rose Creek, Minnesota, this 4 day of May 2026.

Attest:

Andrew Leisen, Mayor

Nicole Carroll, City Clerk/Treasurer