

**TITLE 8  
PUBLIC WORKS**

## **CHAPTER 801**

### **MUNICIPAL WATER SYSTEM**

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#### **801.01: GENERAL OPERATION:**

The City Municipal water system ("the water system") shall be operated as a public utility and convenience from which revenue will be derived, subject to the provisions of this Chapter. (Ord. 388, 4-22-63)

#### **801.02: COMPLIANCE WITH CHAPTER REQUIRED:**

No person shall make, construct or install any water service installation or make use of any water service which is connected to the water system except in the manner provided in this Chapter. (Ord. 388, 4-22-63)

### **801.03: SUPPLY FROM ONE SERVICE:**

- A. No more than one housing unit or building shall be supplied from one service connection except by special permission of the Public Works Director.
- B. A separate connection shall be required for each dwelling unit constructed on or after September 19, 1979, in R-1 or R-2 Districts as defined in Title 10 of this Code. A separate connection shall be required in R-2 Districts for all dwelling units if there are separate parcels. (Ord. 883, 7-13-81)

### **801.04: USE CONFINED TO PREMISES:**

No person shall permit water from the water system to be used for any purpose except upon their own premises unless written consent is obtained from the Public Works Director. (Ord. 288, 4-22-63)

### **801.05: TAPPING OF MAINS:**

No person except persons employed by the City shall tap any distributing main or pipe of the water supply system, or insert stopcock or ferrules. (Ord. 388, 4-22-63)

### **801.06: APPLICATION FOR WATER CONNECTION:**

- A. Application: All applications for service installations and for water service shall be made to the Chief Code Enforcement Officer on printed forms furnished by the City.
- B. Information Required and Fee: All applications for service installation shall be made by the owner or agent of the property to be served and shall state the size and location of service connection required. The applicant shall, at the time of making application, pay to the City the amount of fees or deposit required for the installation of the service connection as provided in this Chapter.
- C. Application after Installation: When service connections have been installed, application for water service may be made to the Chief Code Enforcement Officer either by the owner, agent, tenant or occupant of the premises.
- D. Size of Connection and Meters: The size of water service connection and meters shall be subject to approval of the Public Works Director upon review of submitted engineering calculations for flow requirements. (Ord. 388, 4-22-63; amd. 1995 Code)
- E. Meter Spacer: A meter spacer with tailpiece couplings will be furnished to the contractor or plumber at the time a connection permit is issued. Meter spacers will be picked up when Department of Public Works installs meter after completion of water service installation.
- F. Notification: The plumber shall notify the Chief Code Enforcement Officer within twenty four (24) hours after piping is complete and ready for meter installation giving street address and permit number. (Ord. 409, 12-23-63)
- G. Water Billings: Water billings shall start at the time of installation of the water meter or, in the event the meter is not installed, seven days after completion of outside piping, and shall be calculated upon the minimum quarterly rate prorated on a monthly basis. (Ord. 455, 2-8-65; amd. 1990 Code)

### **801.07: LOCATION AND INSPECTION OF SHUTOFF BOX PRIOR TO EXCAVATION:**

Before any grading or excavation is started, the water shutoff box shall be located and checked for damage by the contractor. Location ties will be furnished by the Chief Code Enforcement Officer at the time connection permit is issued. If the shutoff box cannot be

located or is found bent or in a damaged condition, the Public Works Director is to be called at once. The contractor assumes all responsibility for damage to shutoff box unless the Public Works Director certifies that damage existed before excavation or grading started. (1990 Code; amd. 1995 Code)

### **801.08: EXCAVATION AND CONSTRUCTION REQUIREMENTS:**

- A. Permit Required: No excavation shall be made until a permit for the connection has been issued.
- B. Separate Trenches; Exception: No water service pipe or water connection shall be installed in the same trench or closer than ten feet horizontally to a sewer trench or drain laid, or to be laid, either in the street or in private property, except that the water pipe on private property may be in a common trench with a sewer drain approved by the Public Works Director. The horizontal distances between the sewer pipe and the water service is at least ten feet at the property line and that the water service pipe approaches the sewer trench at an angle with the property line of not less than 45 degrees and having bends with not less than three foot radius.
- C. Conditions for Single Trench: Where it is desired to lay the water service pipe and the building drain or building sewer pipe less than ten feet apart, the water service pipe shall be above the sewer pipe and, unless impractical, it shall be placed at least two feet above the sewer and on a solid shelf excavated at one side of the trench.
- D. Sewer Pipe: The sewer pipe shall be constructed of substantial material which is corrosion-resistant and installed so as to remain watertight as approved by the Public Works Director.
- E. Water Service Pipe: The water service pipe shall be watertight and corrosion resistant of a material approved by the Public Works Director.
- F. Foundation and Backfill: In all cases precautions shall be taken to assure a firm foundation for the pipes. The intervening space between the pipes shall be backfilled with compact earth. (Ord. 530, 3-20-67).

### **801.09: SUPERVISION BY PLUMBER:**

All piping connections from curb box to house supply piping shall be made under the supervision of a plumber licensed by the City. (Ord. 399, 8-12-63; amd. 1995 Code)

### **801.10: LOCATION OF CURB STOP BOXES:**

Curb stop boxes will be installed at a point on the property line most suitable to the property and shall be left in an accurate vertical position when backfilling is completed. Curb stop boxes will be installed at an approximate depth of seven (7) feet below the grade established by the City Engineer. (Ord. 388, 4-22-63; amd. 1995 Code)

### **801.11: NOTICE OF CONNECTION:**

If, from any cause, the plumber or contractor laying the service pipe should fail to have the connection made at the time specified in the application, notice must be given the Chief Code Enforcement Officer fixing another day on which the plumber or contractor wishes to make connection. The notice must be given at least two (2) days previous to the excavation for laying of the service pipe and the connection must be made before 4:30 P.M., except in special cases, and then the work shall be done only upon a written order from the Chief Code Enforcement Officer. (Ord. 388, 4-22-63; amd. 1995 Code)

### **801.12: CONNECTION FEES:**

- A. Connection Permit: A permit must be obtained to connect to the existing water service leads at the curb box, and interior plumbing. The fee for the permit shall be established by City Council resolution. No permit shall be issued except to a plumber licensed by the City. (Ord. 1009, 3-23-87; amd. 1995 Code)
- B. Additional Charges: Additional charges shall be paid at the time of making application for tapping of water. Taps from three-fourths inch to two inches shall be performed by the City. Each tap will include the physical tapping of the watermain, the installation of the corporation stop and the supplying of a curb box, riser pipe and cap to be installed by a licensed plumber. The costs for the tap shall be set by City Council resolution. Installation of service line, installation of curb stop and box and restoration of street surface where a curb box and service lead is not installed, which charges shall be as follows:
  - 1. Installation on Unsurfaced Street: Where the installation is to be on an unsurfaced street, the amount to be charged shall be fixed by the Public Works Director based upon the estimated cost of installing the service.
  - 2. Installation on Surfaced Street: Where the installation is upon a surfaced street, there shall be a fee established by the City Council for restoration of a typical road mix bituminous street. For the restoration of a higher type street, such fee as will be set by the Public Works Director. All backfill materials shall be mechanically compacted in 12 inch layers to the density of the adjacent material in the roadway area, in accordance with the Minnesota Highway Department standard specifications, to the existing street grade. (Ord. 548, 8-14-67; amd. 1995 Code)

### **801.13: PROPERTY ASSESSMENTS:**

The permit fee for water main tapping shall be paid for each connection in the amount specified in Section 801.12 of this Chapter. In addition, before any permit shall be issued, the following conditions shall be complied with:

- A. Certification by Public Works Director: No permit shall be issued to tap or connect with any water main of the City directly or indirectly from any lot or tract of land unless the Public Works Director shall have certified:
  - 1. That such lot or tract of land has been assessed for the cost of construction of the water main with which the connection is made; or
  - 2. If no assessment has been levied for such construction cost, the proceedings for levying such assessment have been or will be completed in due course; or
  - 3. If no assessment has been levied and no assessment proceedings will be completed in due course, that a sum equal to the portion of cost of constructing said water main would be assessable against said lot or tract has been paid to the City. (Ord. 388, 4-22-63; amd. 1995 Code)
- B. Additional Connection Fee:
  - 1. If no such certificate can be issued by the Public Works Director, no permit to tap or connect to any water main shall be issued unless the applicant shall pay an additional connection fee which shall be equal to the portion of the cost of construction of the said main which would be assessable against said lot or tract to be served by such tapping connection, including interest at a rate equal to the interest rate of the original assessment and continuing for a period of 20 years or the amount of years the assessment was payable, whichever is less. Interest may be waived or decreased when it is determined by the Public Works Director that the improvement was not subject to utilization until a later date.
  - 2. The assessable cost is to be determined by the Public Works Director upon the same basis as any assessment previously levied against other property for the said main. If no such assessment has been levied, the assessable cost will be determined upon the basis

of the uniform charge which may have been or which shall be charged for similar tapping or connection with such main, determined on the basis of the total assessable cost of the main, allocated on a frontage basis, acreage basis, or both. (Ord. 745, 12-30-74; amd. 1995 Code)

#### **801.14: TURNING ON WATER:**

No person except an authorized City employee shall turn on or off any water supply at the stop box without permission from the Public Works Director. Authorized City employees shall be allowed access to stop boxes at all times. (Ord. 388, 4-22-63; amd. 1995 Code)

#### **801.15: WATER METERS:**

- A. Meters Required: Except for extinguishment of fires, no person, except authorized City employees, shall use water from the water system or permit water to be drawn from the water system unless the same be metered by passing through a meter supplied or approved by the City. No person not authorized by the Public Works Director shall connect, disconnect, take apart or in any manner change, cause to be changed or interfere with any such meter or the action of such meter. (Ord. 388, 4-22-63)
  - 1. Master Meter: Commercial or industrial buildings shall be metered with one master meter of adequate size as approved by the Director of Public Works.
  - 2. Auxiliary Meters: If additional or auxiliary meters are desired for recording the subdivision of such supply, they must be furnished and set up by the owner or consumer at the owner or consumer's expense and the owner or consumer must assume all responsibility of reading, billing and maintaining the auxiliary meters. (Ord. 662, 3-13-72)
- B. Installation: All water meters shall be installed in accordance with the standards set by the Public Works Director. (Ord. 388, 4-22-63; amd. 1995 Code)
- C. Security Deposit: A security deposit to be made by customers for water meters and payment for the water meter shall be made in advance of installation for all meters in an amount established by City Council resolution. This deposit will be refunded when the property ownership is transferred. Remote reading devices on water meters will be required except where otherwise determined by the Public Works Director. (Ord. 733, 8-12-74; amd. 1995 Code)
- D. Maintenance and Repair: The City shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them if necessary. However, where replacement, repair or adjustment of any meter is rendered necessary by the act, neglect, including damage from hot water backup or carelessness of the owner or occupant of the premises, any expense caused the City shall be charged against and collected from the water consumer. (Ord. 388, 4-22-63)
- E. Rereading Meter: A consumer may, by written request, have their meter reread by depositing the amount stated below with the Finance Officer. In case a test should show an error of over five percent (5%) of the water consumed, the deposit will be refunded to the consumer, a correctly registering meter will be installed and the bill will be adjusted accordingly if the meter erred in favor of the City. Such adjustment shall not extend back more than one billing period from the date of the written request. The deposit charges for meter testing shall be an amount equal to the City's cost. (Ord. 733, 8-12-74; amd. 1995 Code)
- F. Meters City Property: All water meters shall be and remain the property of the City.
- G. Employees Granted Free Access: Authorized City employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the water system for reading of meters and inspections. (Ord. 388, 4-22-63)

- H. Rental Fee: A rental fee equal to the interest rate paid on customer security deposits, will be charged the customer for the use of City water meters. The rental fee may be set off or credited against any interest due the customer on the security deposit. (Ord. 733, 8-12-74)

### **801.16: WATER RATES AND COLLECTION OF CHARGES:**

- A. Accounts, How Kept: All accounts shall be kept on the books of the Finance Officer by the house and street number, under the account number assigned and by the name of the owner or of the person signing the application for service. All bills and notices sent out by the Finance Officer shall be sent to the house or street number of the property. If nonresident owners or agents desire personal notice sent to a different address, they shall file an application with the Finance Officer. Any error in address shall be promptly reported to the Finance Officer. (Ord. 388, 4-22-63; 1995 Code)
- B. Water Rates:
1. Regular Rate; Minimum Rate: The rate due and payable by each water user within the City for water taken from the water system shall be payable quarterly in an amount set by the Council and kept on file in the City Manager's office in the form of a rate schedule. (1990 Code)
  2. Faulty Meter: In case the meter is found to have stopped or to be operating in a faulty manner, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the year.
  3. Proration: Where service is for less than a quarterly period, the quarterly charge will be prorated on a monthly basis. (Ord. 388, 4-22-1963)
  4. Automatic Sprinkler System: Where a connection is made to an automatic sprinkler system for standby service only, on either Municipal or private water mains, a charge for such service shall be made on an annual basis in an amount set by the Council, and kept on file in the City Manager's office, in the form of a rate schedule. (1990 Code) These rates shall apply in all cases where automatic sprinklers are installed and where fire gates and other outlets are sealed. Meters or detector check valves must be installed on such services as required by the Public Works Director. An additional charge for volume used based on subsection B1 of this Section shall be due and payable by the user for usage over 1,000 gallons per year. (Ord. 936, 12-19-1983)
  5. Rates Outside City Limits: Rates due and payable by each water user located beyond the territorial boundaries of the City shall be determined by special contract. (Ord. 388, 4-22-1963) (Ord. 1463, 10-03-2014)
  6. Unconnected Service Pipe:
    - a. Where a service pipe is connected to the stop box and laid into the building with no intention of connecting to the building piping for use immediately, there shall be the same minimum rates charged as in subsection B1 of this Section. (Ord. 496, 7-18-1966)
    - b. A meter shall be installed on the street valve in the house and a remote register outside regardless of whether inside piping is connected. (1990 Code)
  7. Discontinued Use: In the event the water customer elects to discontinue the use of the Municipal water, the regular or minimum charge shall continue until such date as the service pipe is excavated and disconnected at the stop box. (Ord. 496, 7-18-1966)
  8. Utility Rate Discount: The City Council may establish reduced water and sewer rates for owner-occupied homes that meet financially need-based criteria as established by the City Council from time to time. (Ord. 620, 4-27-1970; 1995 Code) (Ord. 1463, 3-10-2014)
- C. Payment of Charges: Any prepayment or overpayment of charges may be retained by the City and applied on subsequent quarterly statements. (Ord. 407, 11-18-1963; 1990

Code)

- D. Action to Collect Charges: Any amount due for water charges in excess of 90 days past due shall be certified to the County Auditor for collection with real estate taxes. This certification shall take place regardless of who applied for water services, whether it was the owner, tenant or other person. All applications for water service shall contain an explanation in clear language that unpaid water bills will be collected in real estate taxes in the following year. The City shall also have the right to bring a civil action or other remedies to collect unpaid charges. (Ord. 661, 3-13-1972) (Ord. 1383, 6-08-2009)
- E. Penalty For Late Payment: Each quarterly billing for water service not paid when due shall incur a penalty charge of ten percent of the amount past due. (1990 Code, per letter dated 1-31-1997)

### **801.17: REPAIR OF LEAKS:**

It shall be the responsibility of the consumer or owner to maintain the service pipe from the water main into the house or building. In case of failure upon the part of any consumer or owner to repair any leak occurring in such pipe within twenty four (24) hours after verbal or written notice, the water will be shut off and will not be turned on until the leak is repaired. When the waste of water is great, or when damage is likely to result from the leak, the water may be turned off immediately pending repairs. A water shutoff charge shall be made in an amount set by City Council resolution. (Ord. 530, 3-20-1967; 1995 Code)

### **801.18: USE OF WATER FOR AIR CONDITIONERS:**

- A. Permit Required: Permits shall be required for the installation of all new air conditioning systems to the public water system. Said permit shall be on forms as provided by the City.
- B. Water Conserving and Regulating Devices: All air conditioning systems which are connected directly or indirectly with the public water system must be equipped with water conserving and water regulating devices as approved by the Public Works Director. (Ord. 388, 4-22-1963)

### **801.19: RESTRICTIONS AGAINST SPRINKLING AND OTHER LIMITATIONS:**

All water customers and consumers shall be governed by the applicable regulations promulgated by the Board of Water Commissioners of the City of Saint Paul as to limitations in the time and manner of using water and such other applicable regulations promulgated by the City Council affecting the preservation, regulation and protection of the water supply. (Ord. 388, 4-22-1963)

### **801.20: LIABILITY FOR DEFICIENCY OR SHUTOFFS:**

The City shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections or from any other cause whatever. In case of fire, or alarm of fire, or in making repairs or construction of new works, water may be shut off at any time and kept shut off as long as necessary. (Ord. 388, 4-22-1963)

### **801.21: WILLFUL DAMAGE TO SYSTEM:**

No person shall remove or damage any structure, appurtenance or property of the water system, fill or partially fill any excavation or raise or open any gate constructed or maintained for the water system. (Ord. 388, 4-22-1963)



## **801.22: DISCONTINUANCE FOR VIOLATIONS:**

Water service may be shut off at any stop box connection whenever:

- A. Violation: The owner or occupant of the premises serviced or any person working on any pipes or equipment which are connected with the water system, has violated or threatens to violate any of the provisions of this Chapter.
- B. Nonpayment of Charges: Any charge for water, service, meter or any other financial obligation imposed on the present or former owner or occupant of the premises served is unpaid.
- C. Fraud or Misrepresentation: Fraud or misrepresentation by the owner or occupant of the premises served in connection with an application for service. (Ord. 388, 4-22-1963)

## **801.23: ABANDONED SERVICES:**

- A. Abandoned Service Installations: All service installations that have been abandoned or have not been used for three years shall be disconnected at the main by the City and all pipe and appurtenances removed shall be the property of the City. Any expense of the City shall be charged to the property.
- B. New Building/Increased Service: When new buildings are erected on the site of old ones and it is desired to increase or change the old water service, no connections with the mains shall be made until all the old service shall have been removed and the main plugged by the City. Any expense of the City shall be charged to the property. (Ord. 394, 3-27-1963)

## **801.24: FIRE HYDRANTS:**

All publicly owned hydrants shall remain visible and accessible from the roadway for maintenance and emergency use. All sides, including top, shall have a minimum three foot clear zone. No person other than authorized City employees shall operate fire hydrants or interfere in any way with the water system without first obtaining a permit to do so from the Public Works Director as follows:

- A. Permit: Permit to use a fire hydrant shall be issued for each individual job or contract and for a minimum of 30 days and for such additional 30 day periods as the Public Works Director shall determine. The permit shall state the location of the hydrant and shall be for the use of that hydrant and none other. (Ord. 409, 12-23-1963; 1995 Code)
- B. Deposit: The user shall make an advance cash deposit set by City Council resolution to guarantee payment for water used and to cover breakage and damage to hydrant, which shall be refunded upon expiration of the permit, less applicable charges for use. (Ord. 733, 8-12-1974; 1995 Code)
- C. Rental Charge: The user shall pay a rental charge set by City Council resolution. (Ord. 936, 12-19-1983; 1995 Code)
- D. Hydrant Rentals: There shall be a rental fee for fire hydrants, set by City Council resolution, payable by each owner (including the City) upon whose property such hydrant is situated. (Ord. 394, 5-27-1963; 1995 Code)
- E. Temporary Connection to Fire Hydrants: An owner of a private water system may make a temporary aboveground connection to a fire hydrant, subject to the time periods, conditions and payment as specified in subsection C of this Section. In addition, the method of connection to the private system shall conform to all existing requirements of the City Code and the type of meter used shall meet the approval of the Public Works Director. (Ord. 523, 1-9-1967; 1995 Code)

## **801.25: PRIVATELY OWNED HYDRANTS:**

- A. Section 508 of the Minnesota State Fire Code requires inspection, testing and maintenance of fire protection water supplies which include water lines and fire hydrant systems. Fire hydrant systems shall be subject to periodic tests, maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall comply with approved standards. Section 101 of the Minnesota State Fire Code authorizes the city to adopt rules to implement the fire code. The City considers the private hydrants part of the municipal waterworks system. It is in the public interest that private hydrants be inspected and tested by qualified personnel and repaired and maintained in good working order to protect life and property.
- B. Fire Protection Inspections shall be conducted annually on all private hydrants directly or indirectly connected to the municipal water system. This inspection shall include testing of the operation and flow of the hydrants. The owner of the hydrant may use a City approved plumber that is licensed in the state of Minnesota to perform the inspection or elect to have the City perform the inspection for a fee.
- C. If the property owner elects to have the City complete the inspection a hydrant inspection fee shall be charged for each hydrant inspected by the City or City's agent and the fee shall be billed once annually to the owner of the private hydrant as part of the water bill. The city council must establish the rates to be charged for a hydrant inspection to the customer annually within the fee schedule.
- D. In the event the inspection indicates that repairs are required, the city shall notify the owner of the hydrant or water line, with a copy to the fire department, setting forth the repairs required. If repairs are not made within the time period set forth by the Public Works Department in the notification, the necessary repairs shall be made by the city and the cost billed to the owner.
- E. The property owner may sign a waiver and petition the city for the repairs. The city will contract for the repairs and assess the property in accordance with the city's assessment policy.
- F. If the property owner elects to hire their own City approved inspection company that is licensed in the state of Minnesota, they will be required to submit a completed City provided annual inspection form to the Public Works Department.
- G. Action to Collect Charges: Any amount due for the above charges in excess of 90 days past due shall be certified to the County Auditor for collection with real estate taxes. This certification shall take place regardless of who requested the inspection services, whether it was the owner, tenant or other person. All applications for inspection services shall contain an explanation in clear language that unpaid bills will be collected in real estate taxes in the following year. The City shall also have the right to bring a civil action or other remedies to collect unpaid charges.

### **801.26 CONNECTIONS BEYOND CITY BOUNDARIES:**

Where water mains of the City are in any street or alley adjacent to or outside the corporate limits of the City, the City Council may issue permits to the owners or occupants of properties adjacent or accessible to such water mains to make proper water service pipe connections with such water mains of the City and to be supplied with water in conformity with the applicable provisions of this Chapter and subject to the contract between the City and the City of Saint Paul for supply of water. (Ord. 388, 4-22-1963)

### **801.27: PRIVATE WATER SUPPLIES:**

- A. Connection to Water System Prohibited: No water pipe of the water system shall be connected with any pump, well, tank or piping that is connected with any other source of water supply. (Ord. 388, 4-22-1963)
- B. Continued Use after Connection to System: Private wells may be maintained and continued in use after connection is made to the water system, provided there is no means of cross-connection between the private well and Municipal supply at any time. Hose bibbs that will enable the cross-connection of the two systems are prohibited on internal piping of the well supply system. The threads on the boiler drain of the well volume tank shall be removed or the boiler drain bibb replaced with a sink faucet. Where both private and City systems are in use, outside hose bibbs shall not be installed on both systems.
- C. New Construction:
  - 1. Water Main Available: All new homes or buildings shall connect to the Municipal water system if a water main is available to the property unless the City Council approves a private well where unusual circumstances exist.
  - 2. Water Main Unavailable: Where new homes or buildings do not have a water main available to the property, the City Council shall determine whether and under what conditions the Municipal water system will be extended to serve the property or a private well allowed. (Ord. 530, 3-20-1967)
- D. Existing Private Water System: Existing private water systems may be continued and maintained. Private wells serving such systems may not be drilled without a permit from the Director of Public Works or the City Council. (Ord. 891, 12-14-1981)
- E. Permit Required: No person shall drill any well without first obtaining a permit. Application for such permit shall state the character, location and size of the proposed well. The permit fee shall be set by City Council resolution. (Ord. 891, 12-14-1981)
- F. Requirements For Issuance: The Director of Public Works shall issue such permits only if one of the following exists:
  - 1. The well will only serve one single-family residence, and the use of the Municipal system would create a health problem for the occupants of such single-family dwelling.
  - 2. The well is to be used for monitoring purposes only and will be abandoned in accordance with State regulations at a set future date.
  - 3. All other wells shall require a permit from the City Council. The City Council will issue such permits only after a determination that the private well will not interfere with the Municipal system and that the property cannot be served by the existing Municipal system. (Ord. 891, 12-14-1981; 1995 Code)
  - 4. Upon the completion of the drilling of each and every well, the well driller shall notify the Chief Code Enforcement Officer and shall furnish the Chief Code Enforcement Officer with a visual pumping test of sufficient duration to determine the yield which shall be of a minimum rate of ten (10) gallons per minute. Within ten days after such a test of a well, the well driller shall file an affidavit with the Chief Code Enforcement Officer setting forth the results of the test, the capacity of the well, the pumping level, the depth of casing from grade and a description of the screen or rock formation. (Ord. 276, 5-19-1959; 1995 Code)
- G. Well Pumps: No person shall install or replace a pump without first obtaining a permit to do so. Application for a permit to install or replace a pump for a well shall be made in writing to the Chief Code Enforcement Officer and shall state the manufacturer, type, horsepower and rating of the proposed pump to be installed or replaced. The permit fee shall be set by City Council resolution. (Ord. 873, 12-22-1980; 1995 Code)

### **801.28: PRIVATE USE OF WATER TOWERS:**

- A. Permit Required: No person shall in any way use any Municipal water tower for private

use without first obtaining a permit from the City Council to do so.

- B. Fee: If the permit is issued by the City Council, it shall be valid only as long as the applicant pays to the City the fee as set by City Council resolution. The permit must be renewed annually.
- C. Cancelling Permits: The City Council may at any time cancel any permit issued to a private person to in any way use any City Municipal water tower by returning to the person the unused portion of the annual fee. (Ord. 419, 4-20-1964; 1995 Code) (Ord. 1504 07-11-16)

## **CHAPTER 802**

### **SEWER USE AND REGULATIONS**

#### **SECTION:**

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#### **802.01: GENERAL OPERATION:**

The entire Municipal sanitary sewer system shall be operated as a public utility and convenience from which revenues will be derived, subject to the provisions of this Chapter. (Ord. 218, 9-4-56)

#### **802.02: SUPERVISION:**

The Chief Code Enforcement Officer shall supervise all house sewer connections made to the Municipal sanitary sewer system and excavations for the purpose of installing or repairing the same. (Ord. 219, 9-4-56; amd. 1995 Code)

#### **802.03: CONNECTION REQUIRED:**

- A. Existing Buildings: Any building used for human habitation and located on property adjacent to a sewer main, or in a block through which the system extends, shall be connected to the Municipal sanitary sewer system within two years from the time a connection is available to any such property.
- B. New Construction: All buildings constructed on property adjacent to a sewer main or in a block through which the system extends shall be provided with a connection to the Municipal sanitary sewer system for the disposal of all human wastes.
- C. Senior Citizen Deferral: In cases where the owner of an existing building is receiving a senior citizens deferral of special assessments for the cost of the sewer main and no health hazard exists, the City Council may defer the requirement for a connection to the sanitary sewer system until such time as the senior citizen deferral expires or a health hazard exists. (Ord. 901, 3-10-82)

## **802.04: APPLICATION FOR SEWER CONNECTION:**

- A. Permit; Fees: Any person desiring a connection to the Municipal sanitary sewer system for property not previously connected with the system shall make application for a permit to the Chief Code Enforcement Officer, accompanied by such information as required by the Chief Code Enforcement Officer, together with a permit and inspection fee as set by City Council resolution; provided, however, that a separate permit may be issued for that portion of the sewer connection extending from the property line to the main sewer or other outlet for which permit the fee shall be as set by City Council resolution and a separate permit may also be issued for that portion of the sewer extending from the house or building to the property line for which the permit fee shall be as set by City Council resolution. Inspection of the sewer service from the main to the building shall be performed by the Chief Code Enforcement Officer to ensure compliance to all applicable codes. (Ord. 1009, 3-23-87; amd. 1995 Code)
- B. Additional Building Permit Fees: In addition to the building permit fees established in Section 901.06 and in addition to any other fees established in this Code there is hereby established a fee to pay and reimburse the City for all sums which the City shall be required to pay to the Metropolitan Council Environmental Services because of all construction.
- C. Additional Fees to Pay for Unassessed Property and to reimburse the City for Metropolitan Metropolitan Council Environmental Services Charges: The permit fee for connection to the City sanitary sewer system shall be paid for each connection in the amount specified in subsections A and B of this Section. In addition thereto, before any permit shall be issued, the following conditions shall be complied with:
1. No permit shall be issued to connect with any sanitary sewer system of the City directly or indirectly from any lot or tract of land unless the Public Works Director shall have certified:
    - a. That such lot or tract of land has been assessed for the cost of construction of the sanitary sewer main with which the connection is made; or
    - b. If no assessment has been levied for such construction cost, the proceedings for levying such assessment have been or will be completed in due course; or
    - c. If no assessment has been levied and no assessment proceedings will be completed in due course, that a sum equal to the portion of cost of constructing said sanitary sewer main which would be assessable against said lot or tract has been paid to the City; or
    - d. That all charges and fees as required by subsection B, which are fees to reimburse the City for all sums paid to the Metropolitan Council Environmental Services required by the construction of new buildings are paid. (Ord. 688, 12-18-72)
  2. If no such certificate can be issued by the Public Works Director, no permit to connect to any sanitary sewer main shall be issued unless the applicant shall pay an additional connection fee which shall be equal to the portion of the cost of construction of the said sanitary sewer main which would be assessable against said lot or tract to be served by such connection for the main, including interest at a rate equal to the interest rate of the original assessment from the date of the original assessment and continuing for a period of 20 years or the amount of years the assessment was payable, whichever is less. Interest may be waived or decreased when it is determined by the Public Works Director that the improvement was not subject to utilization until a later date. Said assessable cost is to be determined by the Public Works Director upon the same basis as any assessment previously levied against other property for the main. If no such assessment has been levied, the assessable cost will be determined upon the basis of the uniform charge which may have been or which shall be charged for similar connection

with said main, determined on the basis of the total assessable cost of said main, allocated on a frontage basis, acreage basis or both. (Ord. 745, 12-30-74)

- D. Licenses Required: Permits shall be issued only to such persons who are duly licensed by the City to engage in the business of plumbing who have filed with the City the insurance certificates required under subsection F of this Section; provided, however, that permit may be issued to any person who is duly licensed by the City as a sewer contractor and who has filed with the City the insurance certificates required under subsection F for building and repairing that portion of the house or building sewer extending from the property line to the main sewer or other outlet. (Ord. 234, 8-6-57; amd. 1995 Code)
- E. License Fees: The annual license fee shall be as set by City Council resolution.
- F. Insurance:
  - 1. Before any required permit is issued, the licensee applying for the permit shall file with the City Manager a certificate of insurance covering the licensee for the period covered by the license in the minimum liability amount of six hundred thousand dollars (\$600,000.00).
  - 2. The certificate shall state that the policies covering the licensee shall not be canceled without ten days' written notice to the City. (Ord. 531, 3-20-67; amd. 1995 Code)

### **802.05: REVOCATION OF CONTRACTOR LICENSE:**

- A. Violation: The City Council shall have power to revoke any license upon satisfactory proof that the holder of said license has willfully violated any of the provisions of this Chapter.
- B. Reinstatement: A revoked license shall not be reinstated in any manner for a period of six months.
- C. Claim by City: The failure to pay, within sixty (60) days, any legitimate claim the City may have against a contractor shall constitute cause for revocation of license. (Ord. 233, 7-23-57; amd. 1995 Code)

### **802.06: CONSTRUCTION REQUIREMENTS:**

- A. Materials: All pipes shall be constructed of materials approved by the Public Works Director.
- B. Joints and Connections: All joints and connections shall be constructed of materials approved by the Public Works Director.
- C. Grades:
  - 1. Unless otherwise, all house sewers shall have a grade of not less than one-eighth inch per foot. A grade of one-quarter inch per foot should be used wherever practical. The contractor shall check grades before construction proceeds. Wherever possible, the connecting sewer shall join the building at an elevation which is below the basement floor of such building. (Ord. 219, 9-4-56)
  - 2. In the event that a sewer service exists from the main sewer to a point outside of the street, the contractor shall excavate and expose the upper end of the service pipe. The elevation of the pipe leaving the structure shall be determined, and the difference between the two pipes shall be sufficient so that a minimum grade of one-eighth inch per foot is maintained. (1990 Code)
- D. Alignment: No connecting sewer shall contain bends or a combination of bends which at any point shall be greater than 45 degrees, and no more than two bends, regardless of angle, shall be permitted in any single house connection except where manholes or, in case of slab home, cleanouts are constructed at such points and in manner as directed by the Public Works Director. No connecting sewer shall be laid parallel to any bearing

wall or footing unless further distant than three feet from any such bearing wall or footing. No connecting sewer shall be laid within 20 feet of any existing well. (Ord. 234, 8-6-57)

- E. Trenching and Backfilling:
  - 1. All excavations shall be open trench work unless otherwise authorized by the City Engineer. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good and firm earth, the earth shall be pared or molded to give a full support to the lower third of each pipe. Bell holes shall be dug to provide ample space for pouring of joints. Care must be exercised in backfilling below the center line of the pipe in order to give it proper support.
  - 2. Backfilling shall be placed in layers and solidly tamped or packed up to two feet above the pipe. Backfilling shall not be done until the section to be backfilled has been inspected and approved by the Public Works Director.
- F. Use of Existing Sewer Services: Existing sewer services or portions of such sewers may be approved for use by the Public Works Director. The Public Works Director may request that the old sewer be excavated for the purpose of facilitating inspection. No cesspool or septic tank shall be connected to any portion of a house sewer that is also laid across or over any existing cesspool or septic tank, the existing cesspool or septic tank shall first be pumped clean and filled with earth to the surrounding ground level. Where a sewer is laid across or over any existing cesspool or septic tank, only material approved by the Public Works Director shall be used for that portion of the connecting sewer which is laid across or over the existing cesspool or septic tank.
- G. Connections at "Y" Only: Every connecting sewer shall be connected to the Municipal sewer system at the "Y" designated for the property served by the connection, except where otherwise expressly authorized by the Public Works Director. Where expressly authorized by the Public Works Director, all connections made at points other than the designated "Y" shall be made only under the direct supervision of the Public Works Director in such manner as the Public Works Director may direct.
- H. Sump pumps:
  - 1. All new and existing structures with sumps for which a building permit is issued shall be plumbed to the outside of the dwelling. All new structures shall be inspected by City personnel before a certificate of occupancy is issued. A sump pump discharge system shall not be connected directly or indirectly to the City's sanitary sewer system. A sump pump shall have a permanently installed discharge line, which provides for year-round discharge to the outside of a building or structure. The discharge line shall be terminated on the private property for which the sump pump serves. The discharge line shall not be directly discharged into the public right of way unless approved by the Public Works Director. The discharge line shall not discharge water in locations that would cause negative impacts to adjacent property owners or the public. The discharge line shall consist of a rigid discharge line inside the dwelling or building, with glued fittings that do not contain unions, bypass valves or apparatus inside the dwelling or building that allow for altering the path of discharge.
- I. Tunneling: Tunneling for distances of not more than six feet is permissible in yards, courts or driveways of any building site. When pipes are driven, the drive pipe shall be at least one size larger than the pipe to be laid.
- J. Independent Systems Required:
  - 1. The drainage and plumbing system of each new building and of new work installed in an existing building shall be separate from and independent of that of any other building except where provided in this subsection and every building shall have an independent connection with a public sewer when such is available. (Ord. 219, 9-4-56; amd. 1995 Code)



2. A separate connection shall be required for each dwelling unit constructed on or after September 19, 1979, in R-1, R-2, R-4, R-5 and R-6 Districts as defined in Title 10 of this Code. A separate connection shall not be required for apartment-type buildings as determined by the Public Works Director. (Ord. 855, 9-10-79; amd. 1995 Code)
- K. Exception to Independent Sewer System Requirement: Under the following limited circumstances, the requirement for an independent sewer system provided in subsection I of this Section need not be met:
1. Where one building stands to the rear of another building on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building drain from the front building may be extended to the rear building and the whole will be considered as one building drain. Where such a building drain is extended, a cleanout shall be provided immediately inside the rear wall of the front building.
  2. A new structure on one parcel may be permitted to connect to an existing sewer line serving an adjacent parcel when the following conditions are met:
    - a. The alternative construction of a new sewer service to serve the parcel would create a hardship due to the necessity of crossing a railroad or roadway by method other than open cut or as determined by the Public Works Director.
    - b. The owners of the property will sign and record an instrument, in perpetuity, for joint use and maintenance of the shared service, which instrument specifically holds the City harmless and releases the City from any and all claims relating to the shared service. A copy of said instrument will be filed with the City for approval by the City Attorney.
    - c. The Public Works Director determines that the shared sewer has adequate capacity for anticipated flows.
    - d. A cleanout is provided at the junction point of the two (2) services. (Ord. 926, 5-22-83; amd. 1995 Code)
- L. Repair of Public Right of Way: No connection to the City sanitary sewer system shall be finally approved until all streets, pavements, curbs and boulevards or other public improvements have been restored to their former condition to the satisfaction of the Public Works Director. (219, 9-4-56; amd. 1995 Code)
- M. Costs and Maintenance:
1. Installation and Connection: All costs and expenses incidental to the installation and connection to the Municipal sewer system shall be borne by the owner and the owner shall indemnify the City for any loss or damage that may, directly or indirectly, be occasioned by the installation of the sewer connection, including restoring streets and street surface.
  2. Maintenance: It shall be the responsibility of the owner or occupant to maintain the sewer service from the main sewer into the house or building. (Ord. 532, 3-20-67)

### **802.07: USE OF CERTAIN BUILDINGS RESTRICTED:**

No person shall use any building or allow any other person to use any building which is not connected to the Municipal sanitary sewer system as required by Section 802.03 of the City Code. (Ord. 414, 4-6-64)

### **802.08: PROHIBITED DISCHARGES:**

All discharge into the City's sanitary sewer system shall be in conformance with the Waste Discharge Rules adopted by the Metropolitan Council Environmental Services (1995 Code). Prohibited discharges include, but are not limited to, any unpolluted water, such as noncontact cooling water, rain water, storm water, groundwater, or water collected from

foundation drains or sumps, or roof drainage; water insoluble oils, including but not limited to, fuel oil, nonbiodegradable cutting oil, lubricating oil, hydraulic oil, mineral oil and motor oil.

A. Waiver. The Public Works Director shall have the power and duty of hearing and deciding requests for waivers from the applicability of the provision of this Section where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration or cause a safety problem. This may also include cases where it would not be practical or feasible to correct an otherwise prohibited discharge in the City's sewerage system.

1. Application for waivers pursuant to this Section shall be addressed in writing to the Public Works Director. The applications shall at a minimum identify the subject property, the name of the property owner/applicant, and describe in detail what characteristics of the subject property create an undue hardship. Within 30 days the Public Works Director shall make a decision on the matter and send a copy of such decision to the applicant by regular mail. Upon approval of an application for a waiver, a property owner shall be allowed to discharge directly into the sewerage system for a limited time specified in the written decision and in accordance with other terms and conditions specified. If a temporary waiver is granted, the property owner shall pay a fee in an amount duly adopted by City Council and set forth in the City's Fee Schedule-

2. The Public Works Director may set conditions to the temporary waiver. The Public Works Director may terminate the temporary waiver upon failure to comply with any conditions imposed on the temporary waiver. The Public Works Director must give a five-day written notice of the termination to the property owner and occupant setting forth the reasons for the termination. After expiration or termination of a temporary waiver, the property owner shall comply with the provisions of this section.

3. Appeal: Any person may appeal the determination of the Public Works Director. A written notice of appeal must be received within 10 days from the date of the Public Works Director's decision. Hearing on the appeal before the City Council shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the City Council shall be final.

B. Surcharge. A monthly surcharge in an amount duly adopted by City Council and set forth in the City's Fee Schedule shall be assessed against property owners who are found not in compliance with this section. The surcharge shall be added every month until the property is verified to be in compliance through the city's inspection program.

C. Action to Collect Charges: Any amount due for the above referenced surcharge in excess of 90 days past due shall be certified to the County Auditor for collection with real estate taxes. This certification shall take place regardless of who is responsible for water utility payments, whether it was the owner, tenant or other person. The City shall also have the right to bring a civil action or other remedies to collect unpaid charges.

### **802.09: TAMPERING PROHIBITED:**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Municipal sewer system. (Ord. 218, 9-4-56)

### **802.10: CERTAIN CONNECTIONS PROHIBITED:**

No building located on property lying outside the limits of the City shall be connected to the

Municipal sanitary sewer system unless authorization is obtained from the City Council.  
(Ord. 218, 9-4-56; amd. 1995 Code)

### **802.11: ENTRY UPON PRIVATE PROPERTY:**

- A. The Public Works Director and other duly authorized employees of the City, bearing proper credentials and identification, shall at reasonable times be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in connection with the operation of the Municipal sanitary sewer system. (Ord. 218, 9-4-56; amd. 1995 Code)
- B. Every person, owner, lessee or occupant of any parcel of land, building or premises that discharges into the City's sanitary sewer system shall allow an employee of the city or a designated representative of the City to inspect the building or premises for which the City possesses evidence of discontinuation of compliance with the requirements of Section 802.06 of this Chapter.
- C. In lieu of the City inspection, the owner, lessee or occupant may furnish a certificate from a City registered State licensed plumber certifying that the building or premises are in compliance with the requirements of 802.06 of this Chapter.
- D. Surcharges for buildings or premises that do not comply with this section will be determined by the City Council and listed in the Fee Schedule.

### **802.12: RATES AND CHARGES:**

- A. Charges for Use: A charge is hereby imposed upon every person whose premises are served, either directly or indirectly, by the sanitary sewer system within the City, for the use of the facilities of said sewer system and for connection to the system. Such charges shall be in an amount set by the Council and shall be kept on file in the City Manager's office in the form of a rate schedule. (Ord. 592, 2-17-69; amd. 1990 Code)
- B. Supplemental Charges for Industrial Sewage Wastes: In respect to property which shall be connected to the City sewer for the disposal of industrial sewage wastes, which shall by virtue of its strength and volume be subject to supplementary charges by the Metropolitan Council Environmental Services, the City may impose a supplemental charge based generally upon and at least equal to the amount of the Metropolitan Council Environmental Services.
- C. Payment of Charges: Any prepayment or overpayment of charges may be retained by the City and applied on subsequent quarterly statements.
- D. Penalty for Late Payment: Each quarterly billing for sewer charges not paid when due shall incur a penalty charge of ten percent of the amount past due. (Ord. 592, 2-17-69; amd. 1995 Code)
- E. Action to Collect Charges: Any amount due for sewer charges, including Metropolitan Council Environmental Services sewer charges, in excess of ninety 90 days past due shall be certified to the County Auditor for collection with real estate taxes. This certification shall take place regardless of who applied for sewer services, whether it was the owner, tenant or other person. The City shall also have the right to bring a civil action or other remedies to collect unpaid charges. (Ord. 661, 3-13-72; amd. 1995 Code) (Ord. 1383, 6-08-2009)
- F. Utility Rate Discount: The City Council may establish reduced water and sewer rates for owner-occupied homes that meet financially need-based criteria as established by the City Council from time to time.

### **802.13: INDUSTRIAL USER STRENGTH CHARGES:**

The Metropolitan Council Environmental Services, a metropolitan commission organized

and existing under the laws of the State of Minnesota, in order to receive and retain grants in compliance with the Federal Water Pollution Control Act is required to impose industrial user strength charges to recover operation and maintenance cost of treatment works attributable to the strength of discharge of industrial waste. The City shall collect industrial strength charges as dictated by the Metropolitan Council Environmental Services rules and Minnesota State Statutes and adopts the same by reference. (1995 Code)

#### **802.14: TRANSPORT AND DUMPING OF SEWAGE:**

The cleaning and/or emptying of the contents of any privy vault, septic tank, cesspool, sink or private drain located in the City shall be done in an inoffensive manner and the contents shall be placed in and be removed from the premises in closed, tight covered barrels, receptacles or tank trucks so as to prevent the scattering, dropping or leaking while being transported and shall be discharged or destroyed so as not to be offensive to surrounding property owners. (Ord. 168, 9-15-53; amd. 1995 Code) (Ord 1505 07-11-16)

#### **802.15: DISCHARGE OF FATS, OILS AND GREASE:**

A. Definitions: The following words, terms and phrases, when used in this section, shall have the meaning:

1. Best Management Practice or BMP: Fats, Oils and Grease or FOG BMP's are the most effective and practicable means of controlling, preventing and minimizing the discharge of FOG into the City's sanitary sewer system including the installation of devices, device maintenance, training or any other practice that reduces FOG.
2. Food Service Establishments or FSE means any facility containing an operation that prepares, packages, serves, vends or otherwise provides food or which disposes of food related wastes. Food service facility does not include single or multifamily residential facilities unless commercial kitchens, which are licensed by Ramsey County Public Health, are present, but does include institutional facilities and other facilities designated by the Public Works Director or their designee, as a facility that discharges enough FOG to have significant impact on the City's sanitary sewer system.
3. Fats, Oils and Grease or FOG: means material composed primarily of fats, oils and grease from animal or vegetable sources.
4. Food manufacturer/processor or FM/P means those establishments using methods and techniques to transform raw ingredients into food for human consumption.
5. Grease interceptor means grease retention units of the outdoor or underground type with a 1,000- to 3,000-gallon capacity. FSE requiring a larger than 3,000-gallon capacity interceptor shall plumb and install additional separate units.
6. Grease trap means a device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer system.

B. FOG program participation required.

1. This section applies to all FSE and FM/P discharging wastewater containing fats, oils and grease to the City's sanitary sewer system including, but not limited to, restaurants, grocery stores, meat markets, hotels, correctional facilities, factory and office building cafeterias, public and private schools, hospitals, multiple tenant housing which has commercial kitchens licensed by Ramsey County

Public Health, commercial day care centers, places of worship, and catering services.

2. As of the effective date of this ordinance and thereafter, no FSE or FM/P shall discharge any substance of any kind into any portion of the City's sanitary sewer system except in accordance with a best management practice (BMP) program which has been approved by the City's Public Works Director in writing.
3. No FSE or FM/P shall discharge any substance of any kind into any portion of the sanitary sewer system which is not in conformance with the BMP program for that FSE or FM/P.

C. FOG prohibitions. No FSE or FM/P shall;

1. Install food grinders in a plumbing or sewage system in any new construction or renovation of a structure designed to house a FSE or FM/P;
2. Discharge any wastewater containing FOG into the sanitary sewer system except in compliance with the BMP program for that facility;
3. Introduce any additives into the sanitary sewer system for the purpose of emulsifying FOG or biologically or chemically treating any substance introduced into any sanitary sewer system for the purpose of treatment or pretreatment of wastewater, unless with a specific written authorization by the Public Works Director;
4. Discharge wastewater at temperatures in excess of 160 degrees Fahrenheit to any grease interceptor or grease trap;
5. Operate grease interceptors if the unit has accumulated waste, both FOG and food solids, accounting for 25 percent or more of its wetted depth measured from the static water level to the interior tank bottom, with FOG and solids accumulation, exceeding 25 percent of the total operating depth of the grease interceptor; or
6. Discharge any FOG or any other solid materials removed from the grease control device to the sanitary sewer system.

D. FOG interceptors installation requirements.

1. Except as provided for in subsection 802.15.M, any structure designed for or intended to be used for an FSE or FM/P must have a grease interceptor installed prior to discharging any wastewater into a sanitary sewer system. Such grease interceptor must comply with all conditions as set forth in the State of Minnesota Administrative Rule 4715 and the Ramsey County Public Health Department;
2. Property owners of any new commercial construction structure designed to house multiple tenants on a single parcel shall be responsible to install and maintain a single grease interceptor to serve each individual tenant. If a property owner demonstrates to the Public Works Director that it is not practically possible to install and maintain a single grease interceptor to serve each individual unit located in the structure, in which case the Public Works Director has the discretion to approve a plan for such structure providing for more than one grease interceptor or a combination of grease interceptors and grease traps to service such property, which approval shall be in writing. Said approved plan shall include the minimum number of grease interceptors and grease traps that can reasonably serve the structure and the BMP program shall specifically include service for all approved grease intercepts and grease traps;
3. The owner of any structure occupied by more than one FSE or FM/P shall be jointly and severally liable with the owner of each FSE or FM/P served by any grease interceptor or any grease trap for the servicing and maintenance of that grease interceptor or grease trap and for any servicing and maintenance of any

sanitary sewer system located downstream from said structure to remove any accumulations of FOG therefrom;

4. The Public Works Director may require existing FSE or FM/Ps and owners of structures in which such FSE or FM/Ps are located which have been identified as introducing FOG in any portion of the sanitary sewer system, and which introduction of FOG, in whole or in combination with other FOG contributors, has been responsible for causing the need for the city to clean such portion of the sanitary sewer system more than twice in a single calendar year to install grease interceptors or other FOG equipment as deemed necessary to comply with this section. Such installation shall be completed and operational within 180 days of notice by the Public Works Director.
- E. Grease interceptors. Maintenance and cleaning of grease interceptors. In the maintaining and routine cleaning of grease interceptors and any other grease control device, the owner of the FSE or FM/P and the owner of the structure in which it is located, if different from the owner of the FSE or FM/P shall be responsible for the proper removal and disposal by appropriate means of the captured material. If not performed by personnel under the direct control and direction of any such owner, such removal and haul shall be performed by currently licensed waste disposal haulers who are licensed for this activity.
1. Maintenance of grease interceptors shall be performed as frequently as necessary to protect the sanitary sewer system against the accumulation of FOG. Maintenance shall be performed as determined by inspection and application of the 25-percent rule, or at intervals specified in the permit, whichever is more frequent. Maintenance shall be performed at least every 90 days.
    - a. The 25-percent rule requires that the depth of oil and grease (floating and settled) in a trap shall be less than 25 percent of the total operating depth of the trap. The operating depth of a trap is determined by measuring the internal depth from the outlet water elevation to the bottom of the trap.
- F. Grease traps. Maintenance of grease traps shall be performed as frequently as necessary to protect the sanitary sewer system against the accumulation of FOG. Maintenance shall be performed as required by inspection and/or sampling or at intervals specified in the permit, whichever is more frequent. Maintenance shall be performed at minimum every 14 days.
- G. Maintenance modifications. Food service facilities which operate infrequently or only for special events may request a modification to the maintenance schedule specified above. The Public Works Director may authorize a maintenance frequency related to the operation of the food service facility. The property owner shall submit a request for a modified maintenance schedule which includes all details of operation for the director to review.
- H. Disposal. The property owner shall be responsible for the proper removal and disposal of the grease interceptor or trap waste. All waste removed from each grease interceptor or trap must be disposed of properly at an appropriate facility designed to receive grease i nterceptor or trap waste. No grease interceptor or trap waste shall be discharged into any City sanitary or storm sewer system.
- I. Maintenance log. The property owner shall be responsible for retaining records of the maintenance of grease interceptors and traps including manifests, permits, permit applications, correspondence, sampling data and any other documentation that may be requested by the City. This log shall include the dates of service, volume of waste removed, waste hauler, and disposal site of waste. These records shall be kept on-site at the location of the grease interceptor or trap for a period of three years and are subject to review by the City upon request without prior notification.

- J. Inspection. The City will perform periodic inspections of these facilities and shall notify the property owner of any additional required maintenance or repairs. Upon written notification by the City, the property owner shall be required to perform the maintenance and records of said maintenance within 14 calendar days. Upon inspection by the City the property owner may be required to install, at their expense, additional controls to provide a complete system which prevents discharges of FOG into the sanitary sewer system.
- K. Exception from grease interceptor requirements. If the owner of any FSE or FM/P or of any structure in which an FSE or FM/P is located or is to be located demonstrates to the reasonable satisfaction of the Public Works Director that installation of a grease interceptor is not feasible, the Public Works Director may grant an exception allowing such owner to install grease traps or other alternative treatment technology which will in their discretion adequately control the release of FOG from the FSE or FM/P or the structure into the sanitary sewer system. The FSE or FM/P bears the burden of demonstrating that the installation of a grease interceptor is not feasible to the satisfaction of the Public Works Director.
- L. Charge for remedial maintenance or repair of the City sanitary sewer system.
  - 1. In the event that the owner of an FSE or FM/P or the owner of any structure in which an FSE or FM/P is located is found to have contributed to the partial or complete obstruction of a sanitary sewer system resulting from the discharge of wastewater or waste containing FOG and that the City is required to act immediately to control a public health hazard because of such blockage, such owner shall be required to reimburse the City for all costs of abating such condition. In situations where there are multiple owners identified as contributing to FOG causing such obstruction, the Public Works Director will apportion the cost of the cleanup, maintenance or repair costs on a prorated basis, based on each owner's percentage share of the average total sanitary sewer charges for all such owners. Further, should inspection, testing or other sampling activity by the City confirm that any property owner is contributing FOG (including other harmful ingredients) and is causing the repair or excessive maintenance activity to maintain the sanitary sewer system, the Public Works Director may require retrofitting of the structure with grease interceptors or grease traps, including testing facilities and access thereto sufficient to resolve the problem;
  - 2. The costs for curing any private sewer lateral failures and sewer system overflows, including cleaning and other maintenance, caused in whole or in part by FOG introduced into the sanitary sewer system by any FSE or FM/P, alone or in conjunction with any other party, are the responsibility of the owner of the FSE or FM/P and the owner of any structure in which the FSE or FM/P contributing the FOG to the sanitary sewer system is located.
- M. Compliance. Compliance with the grease control program shall be evaluated based on the following criteria:
  - 1. All FSE and SM/P who are implementing and documenting BMPs and performing and documenting grease retention unit cleaning at the required frequency will be considered to be in full compliance with this policy.
  - 2. When an obstruction and/or sanitary sewer overflow occur due to the presence of FOG, the records of all FSE or FM/P that discharge to the affected sanitary sewer line may be reviewed in order to determine the responsible party. Any FSE or FM/P found to be in noncompliance with the required grease retention unit cleaning frequency shall be deemed a "responsible party" for cost recovery. Payment of cost recovery does not preclude further enforcement actions for noncompliance as per the FOG enforcement response plan.

- N. Penalties and assessments for FOG program noncompliance. In the event that the owner of an FSE or FM/P or the owner of any structure in which an FSE or FM/P is located is found to have failed to comply with the provisions of this division, the following penalties or assessments or both may be applied:
1. For introduction of FOG into any sanitary sewer system resulting in obstruction to said system or in a sanitary sewer overflow:
    - a. The city may disconnect water and sewer service to the FSE or FM/P and to the structure in which the FSE or FM/P is located;
    - b. City may impose a fine per the City 's Fee Schedule until such owner demonstrates that the subject FSE or FM/P or structure is in compliance with the requirements of this section;
  2. For failure to maintain records as required by the BMP program for any FSE or FM/P, or failing or refusing to timely comply with any request for records required to be provided to the Public Works Director, a fine per the City's Fee Schedule until such records are provided;
  3. For failure to pass the FOG inspection due to lack of or ineffective FOG equipment the Public Works Director may:
    - a. Require the subject FSE or FM/P to install additional FOG equipment as necessary to resolve the problem;
    - b. Change the sewer rate class of the FSE or FM/P to reflect the presence of the excessive FOG contribution by the FSE or FM/P

(Ord. 1552, 6-4-2018)



## CHAPTER 803 STORM WATER DRAINAGE

### SECTION:

- 803.01: Storm Water Drainage Utility
- 803.02: Connection to Storm Sewers
- 803.03 Storm Water Illicit Discharge and Connections
- 803.04 Erosion and Sedimentation Control

### **803.01: STORM WATER DRAINAGE UTILITY:**

- A. Establishment: The Municipal storm sewer system shall be operated as a public utility pursuant to Minnesota Statute, section 444.075, from which revenues will be derived subject to the provisions of this Section and Minnesota statutes. The storm water drainage utility will be part of the Public Works Department and under the administration of the Public Works Director.
- B. Definition: "Residential equivalent factor, (REF)" - One REF is defined as the ratio of the average volume of runoff generated by one acre of a given land use to the average volume of runoff generated by one acre of typical single-family residential land during a standard one year rainfall event.
- C. Fees: Storm water drainage fees for parcels of land shall be determined by multiplying the REF for a parcel's land use by the parcel's acreage and then multiplying the REF for a parcel's land use by the parcel's acreage and then multiplying the resulting product by the storm water drainage rate. The REF values for various land uses are as follows<sup>1</sup>: For the purpose of calculating storm water drainage fees, all developed one-family and duplex parcels shall be considered to have an acreage of one-third (1/3) acre. The storm water drainage rate used to calculate the actual charge per property shall be established by City Council Resolution.
- D. Credits: The City Council may adopt policies recommended by the Public Works Director, by resolution, for adjustment of the storm water drainage fee for parcels based upon hydrologic data to be supplied by property owners, which data demonstrates a hydrologic response substantially different from the standards. Such adjustments of storm water drainage fees shall not be made retroactively.
- E. Exemptions: The following land uses are exempt from storm water drainage fees:
  - 1. Public rights of way.

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<sup>1</sup> CLASSIFICATION	LAND USES	REF
1	Cemeteries golf courses	0.25
2	Parks with parking facilities	0.75
3	Single-family and duplex residential	1.00
4	Public & private school, community center	1.25
5	Multiple-family residential, churches & government buildings	2.50
6	Commercial, industrial, warehouse	5.00
7	Improved vacant	As Assigned

2. Vacant, unimproved land with ground cover.
- F. Payment of Fee: Statements for storm water drainage fee shall be computed every three months and invoiced by the Finance Officer for each account on or about the fifth day of the month following the quarter. Such statement shall be due on or before the last day of the month in which the statement is mailed. Any prepayment or overpayment of charges shall be retained by the City and applied against subsequent quarterly fees.
- G. Recalculation of Fee: If a property owner or person responsible for paying the storm water drainage fee questions the correctness of an invoice for such charge, such person may have the determination of the charge recomputed by written request to the Public Works Director made within twelve months of mailing of the invoice in question by the City.
- H. Penalty for Late Payment: Each quarterly billing for storm water drainage fees not paid when due shall incur a penalty charge of ten percent of the amount past due.
- I. Certification of Past Due Fees on Taxes: Any past due storm water drainage fees, in excess of 90 days past due, may be certified to the County Auditor for collection with real estate taxes, pursuant to Minnesota Statute, section 444.075, subdivision 3. In addition, the City shall also have the right to bring a civil action or to take other legal remedies to collect unpaid fees. (Ord. 937, 1-9-84; amd. 1995 Code) (Ord. 1383, 6-08-2009)

### **803.02: CONNECTION TO STORM SEWERS:**

- A. Permit Required: No person shall connect any drain to a storm sewer of the City without first obtaining a permit to do so.
- B. Granting of Permits: The Public Works Director shall grant permits only to applicants who are licensed by the City.
- C. Hook Up Permit Fee: The fee for a permit to hook up to a City storm sewer shall be set by City Council resolution. (Ord. 377, 9-10-62; amd. 1995 Code)
- D. Additional Fees: Before any hook up permit shall be issued, the following conditions shall be complied with:
  1. No permit shall be issued to connect with any storm sewer system to the City directly or indirectly from any lot or tract of land unless the Public Works Director shall have certified:
    - a. That such lot or tract of land has been assessed for the cost of construction or the storm sewer main or line with which the connection is made, or
    - b. If no assessment has been levied for such construction cost, the proceedings for levying such assessment have been or will be completed in due course, or
    - c. If no assessment has been levied and no assessment proceedings will be completed in due course, that a sum equal to the portion of cost of constructing said storm sewer main which would be assessable against said lot or tract has been paid to the City, or
  2. If no such certificate can be issued by the Public Works Director no permit to connect to any storm sewer main shall be issued unless the applicant shall pay an additional connection fee which shall be equal to the portion of the cost of construction of the said storm sewer main which would be assessable against said lot or tract to be served by such connection. Said assessable cost is to be determined by the Public Works Director upon the same basis as any assessment previously levied against other property for the said main, including interest at a rate equal to the interest rate of the original assessment from the date of the original assessment and continuing for a period of 20 years or the amount of years the assessment was payable, whichever is less. Interest may be waived or decreased, when it is determined by the Public Works Director that the improvement was not subject to

utilization until a later date. If no such assessment has been levied, the assessable cost will be determined upon the basis of the uniform charge which may have been or which shall be charged for similar storm sewer improvements, determined on the basis of the total assessable cost of said main or line, allocated on a frontage basis, acreage basis, or both.

3. No building permit shall be issued for any building where the affected lot or parcel of land has been benefited by an assessed storm sewer improvement unless the provisions of this subsection have been complied with. (Ord. 745, 12-30-74; amd. 1995 Code)

### **803.03: STORM WATER ILLICIT DISCHARGE AND CONNECTIONS:**

- A. Purpose: The purpose of the ordinance is to promote, preserve and enhance the natural resources within the City and protect them from adverse effects caused by non-storm water discharge by regulating discharges that would have an adverse and potentially irreversible impact on water quality and environmentally sensitive land. This ordinance will provide for the health, safety, and general welfare of the citizens of the City of Roseville through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:
  1. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges by any person.
  2. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.
  3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.
- B. Definitions: For the purposes of this ordinance, the following terms, phrases, words and their derivatives shall have the meaning stated below.
  1. BEST MANAGEMENT PRACTICE (BMP): Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.
    - a. Non-structural BMP: Practices that focus on preserving open space, protecting natural systems, and incorporating existing landscape features such as wetlands and stream corridors to manage storm water at its source. Other practices include clustering and concentrating development, minimizing disturbed areas, and reducing the size of impervious areas.
    - b. Structural BMP: a physical device that is typically designed and constructed to trap or filter pollutants from runoff, or reduce runoff velocities.
  2. COMMERCIAL: Activity conducted in connection with a business.
  3. DISCHARGE: Adding, introducing, releasing, leaking, spilling, casting, throwing, or emitting any pollutant, or placing any pollutant in a location where it is likely to pollute waters of the state.
  4. EQUIPMENT: Implements used in an operation or activity. Examples include, but are not limited to; lawn mowers, weed whips, shovels, wheelbarrows and construction equipment.

5. **EROSION:** any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of man and nature.
6. **GROUNDWATER:** Water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under conned, unconfined, or perched conditions, in near surface unconsolidated sediment or regolith, or in rock formations deeper underground.
7. **ILLEGAL/ ILLICIT DISCHARGE:** Any direct or indirect non-storm water discharge to the storm drainage system, except as exempted in this chapter.
8. **ILLICIT CONNECTION:** Either of the following:
  - a. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system (including any non-storm water discharge) including wastewater, process wastewater, and wash water and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City; or,
  - b. Any drain or conveyance connected from a residential, commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.
9. **IMPERVIOUS SURFACE:** A hard surface area which either prevents or retards the entry of water into the ground. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, or other surfaces which similarly impede the natural infiltration of surface and storm water runoff.
10. **MAXIMUM EXTENT PRACTICABLE (MEP):** A standard for water quality that applies to all MS4 operators regulated under the NPDES program. Since no precise definition of MEP exists, it allows for maximum flexibility on the part of MS4 operators as they develop and implement their programs to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of pollutants.
11. **MECHANICAL CLEANING TECHNIQUES:** Arranging the collision between the substance being removed and some object. Mechanical cleaning techniques include: sweeping, shoveling, or blowing. This does NOT include using water to clean the surface.
12. **MPCA:** The Minnesota Pollution Control Agency.
13. **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4):** The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying storm water, and which is not used for collecting or conveying sewage.
14. **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES):** The national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements under sections 307, 318, 402, and 405 of the Clean Water Act, United States Code, title 33, sections 1317, 1328, 1342, and 1345.
15. **PERSON:** Any individual, firm, corporation, partnership, franchise, association or governmental entity.
16. **PERVIOUS SURFACE:** Pervious areas permit water to enter the ground by virtue of their porous nature or by large voids in the material. Commonly pervious areas

have vegetation growing on them.

17. **POLLUTANT:** Any substance which, when discharged has potential to or does any of the following:
  - a. Interferes with state designated water uses;
  - b. Obstructs or causes damage to waters of the state;
  - c. Changes water color, odor, or usability as a drinking water source through causes not attributable to natural stream processes affecting surface water or subsurface processes affecting groundwater;
  - d. Adds an unnatural surface film on the water;
  - e. Adversely changes other chemical, biological, thermal, or physical condition, in any surface water or stream channel;
  - f. Degrades the quality of groundwater; or
  - g. Harms human life, aquatic life, or terrestrial plant and wildlife; A Pollutant includes but is not limited to dredged soil, solid waste, incinerator residue, garbage, wastewater sludge, chemical waste, biological materials, radioactive materials, rock, sand, dust, industrial waste, sediment, nutrients, toxic substance, pesticide, herbicide, trace metal, automotive fluid, petroleum-based substance, wastewater, and oxygen-demanding material.
18. **POLLUTE:** To discharge pollutants into waters of the state.
19. **POLLUTION:** The direct or indirect distribution of pollutants into waters of the state.
20. **PREMISES:** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips
21. **SANITARY SEWER:** a pipe, conduit, or sewer owned, operated, and maintained by the City and which is designated by the Public Works Director as one dedicated to the exclusive purpose of carrying sanitary wastewater to the exclusion of other matter
22. **STATE DESIGNATED WATER USES:** Uses specified in state water quality standards.
23. **STORM DRAINAGE SYSTEM:** Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
24. **STORM WATER:** Any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.
25. **SURFACE WATERS** means all waters of the state other than ground waters, which include ponds, lakes, rivers, streams, wetlands, ditches, , and public drainage systems except those designed and used to collect, convey, or dispose of sanitary sewage.
26. **STORM WATER POLLUTION PREVENTION PLAN (SWPPP):** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm water, Storm water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.
27. **VEHICLE:** Any "motor vehicle" as defined in Minnesota Statutes. Also includes watercraft, trailers and bicycles.
28. **WATERCOURSE:** A natural channel for water; also, a canal for the conveyance of water, a running stream of water having a bed and banks; the easement one may have in the flowing of such a stream in its accustomed course. A water course may be dry sometimes.

29. **WATERS OF THE STATE:** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.
  30. **WASTEWATER:** Any water or other liquid, other than uncontaminated storm water, discharged from a facility or the by-product of washing equipment or vehicles
- C. **Applicability:** This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the City Council.
  - D. **Administration:** The Public Works Director is the principal City official responsible for the administration, implementation, and enforcement of the provisions of this ordinance. The Director may delegate any or all of the duties hereunder
  - E. **Exemptions:** No person shall cause any illicit discharge to enter the storm sewer system or any surface water unless such discharge:
    1. Consists of non-storm water that is authorized by an NPDES point source permit obtained from the MPCA;
    2. Is associated with fire fighting activities or other activities necessary to protect public health and safety;
    3. Is one of the following exempt discharges: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, dechlorinated swimming pools and any other water source not containing pollutants;
    4. Consists of dye testing discharge, as long as the Public Works Director is provided a verbal notification prior to the time of the test.
  - F. **Illegal Disposal and Dumping**
    1. No person shall throw, deposit, place, leave, maintain, or keep any substance upon any street, alley, sidewalk, storm drain, inlet, catch basin, or other drainage structure, business place, or upon any public or private land, so that the same might be or become a pollutant, unless the substance is in containers, recycling bags, or any other lawfully established waste disposal device.
    2. No person shall intentionally dispose of grass, leaves, dirt, or landscape material into a water resource, buffer, street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.
  - G. **Illicit Discharges and Connections**
    1. No person shall use any illicit connection to intentionally convey non-storm water to the City's storm sewer system.
    2. The construction, use, maintenance or continued existence of illicit connections to the storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
    3. A person is considered to be in violation of this ordinance if the person connects a line conveying wastewater to the storm sewer system, or allows such a connection to continue.
  - H. **General Provisions:** All owners or occupants of property shall comply with the

following general requirements:

1. No person shall leave, store, deposit, discharge, dump, or otherwise expose any chemical or septic waste in an area where discharge to streets or storm sewer system may occur. This section shall apply to both actual and potential discharges.
  - a. Private sanitary sewer connections and appurtenances shall be maintained to prevent failure, which has the potential to pollute surface water.
  - b. Recreational vehicle sewage shall be disposed to a proper sanitary waste facility. Waste shall not be discharged in an area where drainage to streets or storm sewer systems may occur.
  - c. For pools, the pool's water should be tested before draining to ensure that PH levels are neutral and chlorine levels are not detectable. Pool water should be discharged over a vegetated area before draining into the storm sewer system. Unsealed receptacles containing chemicals or other hazardous materials shall not be stored in areas susceptible to runoff.
2. The washing down of commercial equipment and vehicles shall be conducted in a manner so as to not directly discharge wastewater where drainage to streets or storm sewer system may occur.
3. Removal of pollutants such as grass, leaves, dirt and landscape material from impervious surfaces shall be completed to the maximum extent practicable using mechanical cleaning techniques.
4. Mobile washing companies (carpet cleaning, mobile vehicle washing, etc) shall dispose of wastewater to the sanitary sewer. Wastewater shall not be discharged where drainage to streets or storm sewer system may occur.
5. Storage of materials, machinery and equipment shall comply with the following requirements:
  - a. Objects, such as equipment or vehicle parts containing grease, oil or other hazardous substances, and unsealed receptacles containing chemicals or other hazardous materials shall not be stored in areas susceptible to runoff.
  - b. Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills, or discharges.
6. Debris and residue shall be removed as follows:
  - a. All vehicle parking lots and private streets shall be swept at least once a year in the spring to remove debris. Such debris shall be collected and disposed of according to state and federal laws governing solid waste.
  - b. Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries shall be contained immediately, removed as soon as possible and disposed of according to state and federal laws governing solid waste.
- I. Industrial or Construction Activity Discharges. Any person subject to an industrial activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a manner acceptable to the Public Works Director prior to the allowing of discharges to the storm sewer system. Any person responsible for a property or premise, who is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the storm sewer system. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.
- J. Access to Facilities
  1. When the City has determined that there is a danger to the health, safety or welfare

of the public, city representatives shall be permitted to enter and inspect facilities subject to regulation under this ordinance to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to city representatives.

2. In lieu of an inspection by a City representative, the property owner shall furnish a certificate from a licensed plumber, in a form acceptable to the City, certifying that the property has not discharged prohibited material into the municipal storm sewer system. Failure to provide such certificate of compliance shall make the property owner immediately subject to the suspension of storm sewer access as provided for in section M of this section until the property is inspected and/or compliance is met, including any penalties and remedies as set forth in section N below.
  3. Unreasonable delays in allowing city representatives access to a permitted facility is a violation of a storm water discharge permit and of this ordinance.
  4. The City may seek issuance of a search warrant for the following reasons:
    - a. If city representatives are refused access to any part of the premises from which storm water is discharged, and there is probable cause to believe that there may be a violation of this ordinance; or
    - b. there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder; or
    - c. to protect the overall public health, safety, and welfare of the community.
- K. Watercourse Protection. Every person owning property through which a watercourse passes or is directly adjacent to a watercourse, shall keep and maintain that part of the watercourse free of trash, debris, and other obstacles that would pollute, contaminate, or retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
- L. Notification of Spills. Notwithstanding other requirements of law, as soon as any person has information of release of materials which result or may result in illegal discharges of pollutants into the storm sewer system, or water of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release according to state and federal laws.
- M. Suspension of Storm Sewer System Access
1. Suspension due to illicit discharges in emergency situation: The City may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, to the storm sewer or waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the storm sewer system or the waters of the state, or to minimize danger to persons.
  2. Suspension due to the detection of illicit discharge: All persons discharging to the MS4 in violation of this ordinance may have their access terminated if such termination serves to abate or reduce an illicit discharge. It is a violation of this ordinance to reinstate access to premises that have been terminated pursuant to this section without the prior approval of the City.
- N. Enforcement
1. Notice of Violation: A violation of this ordinance is a Public Nuisance. When it has been determined that a person has violated a prohibition or failed to meet a



requirement of this Ordinance, the Public Works Director may order compliance by written notice of violation to the person(s) responsible for the violation. Such notice may require without limitation:

- a. The performance of monitoring, analysis, and reporting;
- b. The elimination of illicit connections or discharges;
- c. That violating discharges, practices, or operations shall cease and desist;
- d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- e. Payment of a fine to cover administrative and remediation costs;
- f. The implementation of source control or treatment BMPs;
- g. The development of a corrective action plan to prevent repeat discharges; and/ or
- h. Any other requirement deemed necessary.

If abatement of a violation and/ or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

2. **Appeal of Notice of Violation:** Any person receiving a Notice of Violation may appeal the determination of the Public Works Director. The notice of appeal must be received within 7 days from the date of the Notice of Violation. Hearing on the appeal before the City Manager or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the City Manager or his/ her designee shall be final.
3. **Enforcement Measures after Appeal:** If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 7 days of the decision of the City Manager upholding the decision of the Public Works Director, then city representatives shall have the right to enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow city representatives to enter upon the premises for the purposes set forth above.
4. **Cost of Abatement of the Violation:** Within 15 days after abatement of the violation, the person(s) responsible for the violation will be notified of the cost of abatement, including administrative costs. The person(s) given such notice may file a written protest objecting to the amount of the costs within 7 days. If the amount due is not paid within a timely manner as determined by the decision of the City Manager or by the expiration of the time in which to file an appeal, the amount due shall constitute a lien upon, and the City shall have the right to assess such cost against the property owned by such violator(s) pursuant to Minnesota Statute § 429.101.
5. **Injunctive Relief:** It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
6. **Compensatory Action:** In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the City may impose upon a violator alternative compensatory action such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.
7. **Violations Deemed a Public Nuisance:** In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and

is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

8. Criminal Prosecution: A violation of this ordinance is a misdemeanor.
9. Costs and Expenses: The City may recover all attorney's fees, court costs, staff expenses, clean-up costs, and any other expenses associated with enforcement of this ordinance including, but not limited to, sampling and monitoring expenses.
10. Remedies Not Exclusive: The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies.

(Ord. 1388, 2-22-2010)

### **803.04: GRADING, EROSION AND SEDIMENTATION CONTROL:**

- A. Purpose: The purpose of this article is to regulate grading and to control or eliminate soil erosion and sedimentation resulting from construction activity within the City. This Section establishes standards and specifications for grading practices which protects drainage, conservation practices and planning activities which minimize soil erosion and sedimentation. (Ord. 1550, 6-4-2018)
- B. Scope: Except as exempted by the definition of the term "land disturbance activity" in Section 803.04.C7, any person, entity, state agency, or political subdivision thereof proposing land disturbance activity within the City shall apply to the City for the approval of the grading, erosion and sediment control plan. No land shall be disturbed until the plan is approved by the City and conforms to the standards set forth in this article. (Ord. 1550, 6-4-2018)
- C. Definitions: The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
  1. Best Management Practice (BMP): Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.
  2. Certificate of Completion: the certificate issued after the final inspection of the site has been completed, temporary erosion control has been removed and the site has been fully restored.
  3. City of Roseville Erosion Control Specifications: practices described in, but not limited to, the following manuals:
    - a. Minnesota Stormwater Manual
    - b. Minnesota DOT Erosion Control Manual
    - c. Minnesota Pollution Control Agency's "Protecting Water Quality in Urban Areas" handbook (Ord. 1550, 6-4-2018)
  4. Erosion: any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of man and nature.
  5. Erosion and sediment control plan: a document containing the requirements of Section 803.04 D that, when implemented, will prevent or minimize soil erosion on a parcel of land and off-site sediment damages.
  6. Erosion and sediment control practice specifications and erosion and sediment control practices: the management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by the City.

7. Land disturbance activity: Any activity, including clearing, grading, excavating, transporting and filling of land, greater than 5,000 square feet, and/or placement or grading of 50 cubic yards of earthen materials on a parcel of land located directly adjacent to a water resource or located within the shoreland overlay district. Land disturbance activity does not mean the following:
    - a. Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work disturbing less than 500 square feet.
    - b. Tilling, planting, or harvesting or agricultural, horticultural, or silvicultural crops disturbing less than 500 square feet.
    - c. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
    - d. Emergency work to protect life, limb, or property and emergency repairs. However, if the land disturbance activity would have required an approved erosion and sediment control plan except for the emergency, the land area disturbed shall be shaped and stabilized in accordance with the requirement of the local plan-approving authority or the city when applicable. (Ord. 1550, 6-4-2018)
  8. Permittee: a person, entity, state agency, corporation, partnership, or political subdivision thereof engaged in a land disturbance activity.
  9. Sediment: solid mineral or organic material that, in suspension, is being transported or has been moved from its original site by air, water, gravity, or ice, and has been deposited at another location.
  10. Sedimentation: the process or action of depositing sediment that is determined to have been caused by erosion.
  11. Water Resource: any stream, channel, wetland, storm pond, or lake within the City. (Ord. 1550, 6-4-2018)
- D. Grading, Erosion and Sediment Control Plan:
1. Required: Every Permittee for a building permit, a subdivision approval, or a permit to allow land disturbance activities must submit a grading, erosion and sediment control plan to the City Engineer. No building permit, subdivision approval, or permit to allow land disturbance activities shall be issued and no earth disturbing activity shall commence until approval of the grading, erosion and sediment control plan by the City.  
Projects coordinated by Ramsey County or Mn/DOT do not require a permit; however, the City must be notified of the project and be provided a copy of the grading, erosion and sediment control plan, as well as an estimated schedule for commencement and completion. The City will notify the designated contact if the grading plan is not being followed, if erosion control measures should fail, or if erosion control measures require maintenance with the expectation that the deficiencies will be corrected.  
If no permit has been obtained, a stop work order shall be issued on the construction and a fine shall be issued in an amount equal to twice the required permit fee. A completed grading, erosion and sediment control plan and permit application shall be submitted before construction will be allowed to resume.  
Obtaining a permit does not exempt the permittee from obtaining permits required by other government regulatory agencies. (Ord. 1550, 6-4-2018)
  2. Criteria addressed: The grading, erosion and sediment control plan shall address the following criteria:
    - a. Account for existing drainage patterns
    - b. Control the storm water leaving the site

- c. Conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
  - d. Stabilize all exposed soils and soil stockpiles
  - e. Establish permanent vegetation
  - f. Prevent sediment damage to adjacent properties and other designated areas
  - g. Schedule of erosion and sediment control practices
  - h. Criteria for the use of temporary sedimentation basins
  - i. Stabilization of steep slopes
  - j. Stabilize all waterways and outlets
  - k. Protect storm sewers from the entrance of sediment, debris and trash
  - l. Control waste, such as discarded building materials, concrete truck washout, chemicals, litter, sanitary waste, etc. that may adversely impact water quality
  - m. When working in or crossing water resources, take precautions to contain sediment.
  - n. Restabilize utility construction areas as soon as possible
  - o. Protect paved roads from sediment and mud brought in from access routes
  - p. Dispose of temporary erosion and sediment control measures
  - q. Maintain all temporary and permanent erosion and sediment control practices
  - r. Removal of sediment from streets at the end of each day
  - s. Dewatering methods and outletting of stormwater
  - t. Site inspection plan & record of rainfall amounts
  - u. Final stabilization (Ord. 1550, 6-4-2018)
3. Contents of Plan: The grading, erosion and sediment control plan shall include the following:
- a. Contact information for the Permittee
  - b. Project description: the nature and purpose of the land disturbance activity and the amount of grading involved, including the amount of material removed and imported to the site
  - c. Phasing of construction: the nature and purpose of the land disturbance activity and the amount of grading, utilities, and building construction
  - d. Existing and proposed site conditions: existing and proposed topography, vegetation, and drainage
  - e. Adjacent areas, neighboring streams, lakes, wetlands, residential areas, roads, etc., which might be affected by the land disturbance activity
  - f. Soils: soil names, mapping units, erodibility
  - g. Critical erosion and Environmentally Sensitive areas: areas on the site that have potential for serious erosion problems and local water resources.
  - h. Erosion and sediment control measures: methods to be used to control erosion and sedimentation on the site, both during and after the construction process
  - i. Temporary and Permanent stabilization: how the site will be stabilized during and after construction is completed, including specifications
  - j. Storm water management: how storm runoff will be managed, including methods to be used if the development will result in increased peak rates or volume of runoff
  - k. Maintenance: schedule of regular inspections and repair of erosion and sediment control structures
  - l. Calculations: any that were made for the design of such items as sediment basins, diversions, waterways, and other applicable practices (Ord. 1510 09-26-16) (Ord. 1550, 6-4-2018)

E. Plan Review:

1. General: The City appoints the City Engineer to review the grading, erosion and sediment control plan to ensure compliance with the City of Roseville Design Standards and Grading, Erosion and Sediment Control Standards.
2. Permit required: If the City determines that the grading, erosion and sediment control plan meets the requirements of this article, the City shall issue a permit, valid for a specified period of time that authorizes the land disturbance activity contingent on the implementation and completion of the grading, erosion and sediment control plan.
3. Denial: If the City determines that the grading, erosion and sediment control plan does not meet the requirements of this article, the City shall not issue a permit for the land disturbance activity. The grading, erosion and sediment control plan must be resubmitted for approval before the land disturbance activity begins. No land use and building permits may be issued until the Permittee has an approved grading, erosion and sediment control plan.
4. Permit suspension: If the City determines that the approved plan is not being implemented according to the schedule or the control measures are not being properly maintained, all land use and building permits must be suspended and stop work order issued until the Permittee has fully implemented and maintained the control measures identified in the approved erosion and sediment control plan. (Ord. 1550, 6-4-2018)

F. Plan Implementation And Maintenance:

1. All grading should follow the approved grading, erosion and sediment control plan. If temporary grading is needed, it should be reflected in the grading, erosion and sediment control plan. (Ord. 1550, 6-4-2018)
2. All storm water pollution controls noted on the approved grading, erosion and sediment control plan shall be installed before commencing the land disturbance activity, and shall not be removed without City approval or issuance of a Certificate of Completion. (Ord. 1550, 6-4-2018)
3. The Permittee shall be responsible for proper operation and maintenance of all stormwater pollution controls and soil stabilization measures in conformance with best management practices. The Permittee shall also be responsible for maintenance, clean-up and all damages caused by flooding of the site or surrounding area due to in-place grading, erosion and sediment control. The foregoing responsibilities shall continue until a Certificate of Completion is issued to the Permittee by the City for the land disturbance activity and the obligations of the grading, erosion and sediment control permit have been satisfied. (Ord. 1550, 6-4-2018)

G. Modification of Plan:

An approved grading, erosion and sediment control plan may be modified on submission of an application for modification to the City and subsequent approval by the City Engineer. In reviewing such application, the City Engineer may require additional reports and data and possible modification of escrow. (Ord. 1550, 6-4-2018)

H. Escrow Requirement:

The City shall require the Permittee to escrow a sum of money sufficient to ensure the grading is completed per the approved grading plan. The escrow shall also be sufficient to ensure the inspection, installation, maintenance, and completion of the grading, erosion and sediment control plan and practices. Escrow amounts shall be set as detailed in the adopted City fee schedule. Upon project completion and the issuance of a Certificate of Completion any remaining amount held in escrow shall be returned to the Permittee. (Ord. 1550, 6-4-2018)

I. Enforcement:

1. If the City determines the grading, erosion and sedimentation control is not being implemented or maintained according to the approved plan, the Permittee will be notified and provided with a list of corrective work to be performed. The corrective work shall be completed by the Permittee within forty-eight (48) hours after notification by the City. Notification may be given by:
  - a. Personal delivery upon the Permittee, or an officer, partner, manager or designated representative of the Permittee.
  - b. E-mail or facsimile by sending such notice to the e-mail address or facsimile number provided by the Permittee.
2. Failure to Do Corrective Work: If a Permittee fails to perform any corrective work or otherwise fails to conform to any provision of this ordinance within the time stipulated, the City may take any one or more of the following actions:
  - a. Issue a stop work order whereupon the Permittee shall cease all land disturbance activity on the site until such time as the City determines the corrective measures that are necessary to correct the conditions for which the stop work order was issued. Once the necessary corrective actions have been determined the Permittee shall perform the corrective work. All corrective work must be completed before further land disturbance activity will be allowed to resume.
  - b. Complete the corrective work using City forces or by separate contract. The issuance of a land disturbance permit constitutes a right-of-entry for the City or its contractor to enter upon the construction site for the purpose of completing the corrective work.
  - c. Impose a monetary fine in an amount equal to twice the required permit fee.
  - d. Charge the Permittee for all staff time expended and costs incurred by the City to:
    - i. perform any corrective work required by the City,
    - ii. perform such inspections and reinspections of the site on which the land disturbance activity is occurring as the City deems necessary, and/or
    - iii. coordinate and communicate with the Permittee regarding any corrective work, inspections, reinspections or other remedial actions which the City deems necessary to implement as a result of the failure of the Permittee to conform to the provisions of this ordinance, and
    - iv. remedy any other failure of the Permittee to conform to provisions of this ordinance.

The cost for staff time shall be determined by multiplying the staff member's hourly rate times 1.9 times the number of hours expended, for all staff members (including administrative employees) involved in such corrective work, communications, coordination of activities, inspections, reinspections and other remedial actions. All amounts charged shall be paid by the Permittee within 30 days of the delivery by the City of a written invoice which describes such charges.
  - e. Draw on the escrow amount for all staff costs incurred, and payments due to the City as a result of the exercise by the City of any remedy available to the City pursuant to this ordinance.
  - f. Assess that portion of any unpaid charges which are attributable to the removal or elimination of public health or safety hazards from private property pursuant to Minnesota Statutes Section § 429.101.
  - g. Pursue any other legal equitable remedy which is available to the City.
3. Appeal of Notice of Violation: Any person receiving a Notice of Violation may appeal the determination of the Public Works Director. The notice of appeal must be received within 7 days from the date of the Notice of Violation. Hearing on the appeal before

the City Manager or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the City Manager or his/ her designee shall be final.

4. The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies. (Ord. 1416, 9-26-2011) (Ord. 1550, 6-4-2018)

### **803.05: STORMWATER BEST MANAGEMENT PRACTICE (BMP) MAINTENANCE:**

- A. Maintenance of Stormwater BMPs. The City requires that stormwater BMPs be maintained.
  1. Private Stormwater BMPs - All private stormwater BMPs shall be maintained by the property owner so that the BMPs are in proper condition consistent with the performance standards for which they were originally designed.
    - a. Ponds, Stormwater Wetlands, and other non-structural BMPs
      - i. Removal of settled materials - All settled materials from ponds, sumps, grit chambers, and other BMPs, including settled solids, shall be removed and properly disposed of on a five (5) year interval. One (1) to five (5) year waivers from this requirement may be granted by the City when the owner presents evidence that the BMP has additional capacity to remove settled solids in accordance with the original design capacity.
    - b. Infiltration, Filtration, Underground Storage, and other structural BMPs
      - i. Quarterly inspections, unless otherwise specified in a maintenance agreement, of the Private Stormwater BMPs and, if necessary, removal of all litter, debris, sediment, and replacement of mulch, vegetation, and eroded areas to ensure establishment of healthy functioning plant life therein; and
      - ii. A five (5) year certification, by a stormwater professional acceptable to the City, is required that demonstrates the Stormwater BMPs are functioning in accordance with the approved plans and have maintained the proper operation of the stormwater treatment as a Stormwater Management BMP according to the City Standards. The quarterly inspection(s) and certification(s) shall be made available to the City upon request without prior notice.
  2. Maintenance plan required - No private stormwater BMPs may be approved unless a maintenance plan is provided that defines who will conduct the maintenance, the type of maintenance, and the maintenance intervals.
  3. Inspection - The City shall inspect or require the inspection of, all stormwater BMPs during construction, during the first year of operation, and at least once every five years thereafter, or as budget allows.
  4. Maintenance of Publicly Owned Stormwater BMPs - The City shall annually perform the maintenance of the in place stormwater BMPs within the City as provided for in the local water management plan or watershed management plan. Further, the City shall notify the owners of other publicly owned stormwater BMPs if scheduled maintenance is needed according to periodic site inspections or maintenance plans on file.
- B. Inventory of Stormwater BMPs. Upon adoption of this Chapter, the City shall inventory and maintain a database for all private and public stormwater BMPs within the City requiring maintenance to assure compliance with this ordinance. The City shall notify owners of public and private stormwater BMPs of the need for conducting maintenance at least every five years.
- C. Severability. The provisions of this ordinance are severable, and if any provisions of this

ordinance, or application of any provision of this ordinance to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this ordinance shall remain in full force and effect.

- D. **Failure to maintain Private Stormwater BMPs:** It is the responsibility of the property owner to maintain all private stormwater BMPs in accordance with the original standards. If during a City inspection the BMP does not meet City standards, the City will notify the owner in writing of the deficiencies. Failure to properly maintain the BMP after notification could result in administrative penalties and abatement processes under Chapter 407 and/or 906 of the City Code. (Ord. 1550, 6-4-2018)