

CHAPTER VII

PUBLIC UTILITIES

Section 700 - Storm sewer utility

700.01. Storm sewer system; statutory authority; utilities superintendent. Minnesota Statutes, section 444.075, authorizes cities to impose just and reasonable charges for the use and availability of storm sewer facilities (“charges”). By this section, the city elects to exercise such authority. The city utilities superintendent shall discharge the responsibilities imposed by this chapter, together with such other duties as may be required or assigned to that person. (Amended, Ord. No. 2017-05, Sec. 1)

700.03. Findings and determinations. In providing for such charges, the findings and determinations set out in this subsection are made.

- a) In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the city has constructed, operated and maintained a storm sewer system (“the system”). This section is adopted in the further exercise of such authority and for the same purposes.
- b) The system, as constructed, heretofore has been financed and paid for through the imposition of special assessments and ad valorem taxes. Such financing methods were appropriate to the circumstances at the time they were used. It is now necessary and desirable to provide an alternative method of recovering some or all of the future costs of improving, maintaining and operating the system through the imposition of charges as provided in this section.
- c) In imposing charges, it is necessary to establish a methodology that undertakes to make them just and equitable. Taking into account the status of completion of the system, past methods of recovering system costs, the topography of the city and other relevant factors, it is determined that it would be just and equitable to assign responsibility for some or all of the future costs of operating, maintaining and improving the system on the basis of the expected storm water runoff from the various parcels of land within the city during a standard one-year rainfall event.
- d) Assigning costs and making charges based upon typical storm water runoff cannot be done with mathematical precision but can only be accomplished within reasonable and practical limits. The provisions of this section undertake to establish a reasonable and practical methodology for making such charges.

700.05. Rates and charges. Subdivision 1. Residential equivalent factor. Rates and charges for the use and availability of the system are to be determined through the use of a “residential equivalent factor” (“REF”). For the purposes of this section, one REF is defined as the ratio of the average volume of surface water runoff coming from one acre of land and subjected to a particular use, to the average volume of runoff coming from one acre of land subjected to typical single-family residential use within the city during a standard one-year rainfall event.

Subd. 2. Determination of REF’s for land uses. The REFs for the following land uses within the city and the billing classifications for those land uses are as follows:

<u>Land Uses</u>	<u>REF</u>	<u>Classification</u>
Cemeteries, vacant	.25	1
Parks and railroads	.75	2
Two-family residential	1.00	3
Single-family residential	1.00	4
Public and private schools and institutional uses, airport	1.25	5
Multiple-family residential uses and churches	3.00	6
Commercial, industrial and warehouse uses	5.00	7

Subd. 3. Other land uses. Other land uses not listed in the foregoing table are to be classified by the city manager, or its designee, by assigning them to the classes most nearly like the listed uses, from the standpoint of probable hydrologic response. Appeals from the city’s determination of the proper classifications may be made to the city council in the same manner as other appeals from administrative determinations. (Amended, Ord. No. 2017-05, Sec. 1)

700.07. Establishing basic rate. In determining charges, the city council may from time to time, by resolution establish a basic system rate to be charged against one acre of land having an REF of one. The charge to be made against each parcel of land will then be determined by multiplying the REF for the parcel’s land use classification times the parcel’s acreage times the basic system rate. (Amended, Ord. No. 2017-05, Sec. 1)

700.09. Standard acreage. For the purpose of simplifying and equalizing charges against property used for single-family and two-family residential purposes, each of such properties is considered to have an acreage of one-fifth acre.

700.11. Adjustments of charges. The city council may by resolution, from time to time, adopt policies providing for the adjustment of charges for parcels or grounds of parcels, based upon hydrologic data supplied by affected property owners, demonstrating an actual hydrologic response substantially different from the REF being used for the parcel or parcels. The adjustment may be made only after receiving the recommendation of the city manager, or its designee, and may not be made effective retroactively. If the adjustment would have the effect of changing the REF for all or substantially all of the land uses in a particular classification, however, such adjustment must be accomplished by amending the REF table in subsection 700.05, subdivision 2. (Amended, Ord. No. 2017-05, Sec. 1)

700.13. Excluded lands. A charge for system availability of service will not be made against land which is either (i) public street right-of-way or (ii) vacant and unimproved with substantially all of its surface having vegetation as ground cover.

700.15. Supplying information. The owner, occupant or person in charge of any premises must supply the city with such information as the city may reasonably request related to the use, development and area of the premises. Willful failure to provide such information or to falsify it is a violation of this subsection.

700.17. Estimated charges. If the owner, occupant or person in charge of any premises fails or refuses to provide the information requested, as provided in subsection 700.15, the charge for such premises must be estimated and billed in accordance with such estimate, based upon information then available to the city.

700.19. Billings and collections. Bills for charges for the use and availability of the system must be rendered by the finance department in accordance with usual and customary practice in rendering of water and sanitary sewer service bills. Bills must be rendered quarterly, must be payable at the office of the city finance department and may be rendered in conjunction with billings for water or sanitary sewer service, or both.

700.21. Penalties and remedies for delinquency or default in paying billings. Penalties and remedies for late payments or non-payment of billings are the same as those applicable to billings rendered for water and sanitary sewer service.

700.23. Use of revenues. Revenues received from charges are to be placed in a separate storm sewer system account and used first to pay the normal, reasonable and current costs of operating and maintaining the system. Revenues from time to time received in excess of such costs may be used to finance improvements to and betterment of the system.

700.25. Responsibility. Each owner shall be responsible for maintaining, cleaning, repairing and replacement of their private connection up to the publicly owned catch basin or the publicly owned drain tile system. The city shall not be liable for any stoppages or back-ups in the public storm sewer system. (Added, Ord. No. 2017-05, Sec. 1)

Section 705 - Sewer system; private sewers

705.01. Definitions. Subdivision 1. For the purposes of this section the terms defined in this subsection have the meanings given them.

Subd. 2. “Sewage works” means facilities for collecting, pumping, treating and disposing of sewage.

Subd. 3. “Superintendent” means the city utilities superintendent in the public works department. (Amended, Ord. No. 2011-1, Sec. 1) (Amended, Ord. No. 2017-05, Sec. 2)

Subd. 4. “Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm water as may be present.

Subd. 5. “Sewer” means a pipe or conduit for carrying sewage.

Subd. 6. “Public sewer” means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

Subd. 7. “Sanitary sewer” means a sewer which carried sewage and to which storm, surface and ground waters are not intentionally admitted.

Subd. 8. “Storm sewer or storm drain” means a sewer which carried storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

Subd. 9. “Industrial wastes” means the liquid wastes from industrial processes as distinct from sanitary sewage.

Subd. 10. “Garbage” means all putrescible animal, vegetable, or other matter that attends the preparation, consumption, display, dealing in or storage of meat, fish, fowl, birds, fruit or vegetables, including the cans, containers or wrappers wasted along with such materials. (Amended, Ord. No. 2017-05, Sec. 2)

Subd. 11. “Properly shredded garbage” means the wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

Subd. 12. “Building drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

Subd. 13. “Building sewer” means the extension from the building drain to the public sewer or other place of disposal.

Subd. 14. “Biochemical oxygen demand” or “BOD” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C., expressed in parts per million (ppm) by weight. (Amended, Ord. No. 2017-05, Sec. 2)

Subd. 15. “ph” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Subd. 16. “Suspended solids” means solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

Subd. 17. “Natural outlet” means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

Subd. 18. “Watercourse” means the channel in which a flow of water occurs, either continuously or intermittently.

Subd. 19. “Sewage treatment plant” means an arrangement of devices and structures used for treating sewage.

705.03. Public sewers; general rules. Subdivision 1. Deposits. It is unlawful to place, deposit or permit to be deposited in an unsanitary manner human or animal excrement, garbage, or other objectionable waste in public or private property in the city.

Subd. 2. Discharge of sewage. It is unlawful to discharge sanitary sewage, industrial wastes, or other polluted waters into a natural outlet in the city.

Subd. 3. Septic tanks. Except as otherwise provided in this section, it is unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Subd. 4. Sewer connections. The owner of a house, building or properties used for human occupancy, employment, recreation, or other purpose, situated within the city and abutting on a street, alley, or right-of-way in which there was located on August 5, 1955 or thereafter located a public sanitary sewer of the city, is required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this section within 90 days after the date of official notice to do so. The owner of a house, building or property where cesspools or drainfields and septic tanks have been in existence prior to the construction of the sanitary sewer, must connect with the public sewer when such cesspools, drainfields or septic tanks are in need of repairs, reconstruction or pumping.

705.05. Private sewers. Subdivision 1. Permits. Building permits or plumbing permits for new construction of buildings or for the alteration of existing buildings will not be granted unless a direct connection to the public sanitary sewer is provided for. The city's building or plumbing inspector must examine plans and specifications of the applicant to insure compliance with this subsection. (Amended, Ord. No. 2017-05, Sec. 2)

Subd. 2. Connection. When a public sewer becomes available to a property served by a private sewage disposal system, a direct connection must be made to the public sewer in compliance with this section and any septic tanks, cesspools and other similar private sewage disposal facilities must be abandoned and filled with suitable material.

Subd. 3. Septic tanks; cesspools; filling. Contents of abandoned septic tanks or cesspools may be pumped into the sewer or may be emptied by flowing the contents thereof into the building sewer pipe at the property line, provided that a screen is placed at the inlet to the pipe to prevent obstructions from entering the system. After such draining into the sewer system the line must be flushed with clean water for a period of two hours. Solids may not be permitted to enter the sewer system.

705.07. Building sewers. Subdivision 1. Permit required. It is unlawful to uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city and otherwise complying with the terms of this section. (Amended, Ord. No. 2011-1, Sec. 2)

Subd. 2. To whom issued. Permits for building sewers and connections may be issued only to master plumbers and pipelayers card holders licensed and bonded in accordance with appendix IV of this code. (Amended, Ord. No. 2011-1, Sec. 2)

Subd. 3. Plumbers; insurance. Prior to the commencement of construction work the master plumber must obtain a policy of insurance against damages to property or injury or death to persons, which policy must indemnify and save harmless the city and all of its officers and personnel against any claim, demand, damages, actions, or causes of action arising out of or by reason of the doing of the work or activities related to incident thereto, and from any costs, disbursements or expenses of defending the same. The property damage insurance coverage must, at minimum, meet the city's liability limits contained in Minnesota Statutes, section 466.04, as amended. Proof of insurance must be filed with the city clerk prior to commencement of construction work. The policy must provide that the city is to be notified immediately of any termination of or modification to such insurance. Changes in insurance coverage or insurance carriers must be reported immediately to the city clerk. If the insurance coverage provided in this section is inadequate in amount, then the master plumber must indemnify and save harmless the city and all of its officers and personnel in like manner. (Amended, Ord. No. 2011-1, Sec. 2) (Amended, Ord. No. 2017-05, Sec. 2)

Subd. 4. Application for permit. The master plumber or pipelayers card holder must make application for a building sewer permit on forms furnished by the city. The permit application must be supplemented by any plans, specifications, or other information that the superintendent may reasonably require, and accompanied by the fee imposed by appendix IV. A permit card with a permit number furnished by the city must be prominently displayed on the property where sewer connection is being made. The permit card must be displayed for the duration of the building sewer work. (Amended, Ord. No. 2011-1, Sec. 2) (Amended, Ord. No. 2017-05, Sec. 2)

Subd. 5. Costs. Costs and expenses incident to the installation and connection of the building sewer must be borne by the owner of the property. The owner must indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Subd. 6. Separate building sewers. A separate and independent building sewer must be provided for every building. Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the superintendent, to meet all the requirements of this section. (Amended, Ord. No. 2017-05, Sec. 2)

Subd. 7. Construction materials. The Minnesota Plumbing Code, as amended, is hereby adopted and incorporated in this section by reference. All sanitary sewer construction and material shall meet the requirements of the Minnesota Plumbing Code, as amended, except as follows: (Amended, Ord. No. 2011-1, Sec. 2) (Amended, Ord. No. 2017-05, Sec. 2)

- a) If the distance is farther than 75 feet from the street to the building, a four-inch cleanout pipe with leak-proof cover set just below grade must be installed and brought to the surface of the ground from the sanitary sewer service at a distance not to exceed each 75-foot interval. (Added, Ord. No. 2011-1, Sec. 2)

- b) The diameter of all building sewer pipe must be equal to or less than the diameter of the service stub. (Added, Ord. No. 2011-1, Sec. 2)
- c) All quarter bends used in the sewer lines must be longsweep of bends. (Added, Ord. No. 2011-1, Sec. 2)
- d) A maximum of only two quarter bends will be permitted in a building sewer without cleanout. (Added, Ord. No. 2011-1, Sec. 2)
- e) No construction of the building sewer will be allowed until the service has been uncovered to establish the maximum building sewer grade. If the distance is farther than 100 feet from the street to the building, grade will be established and maintained by stubs and batter boards. (Added, Ord. No. 2011-1, Sec. 2)
- f) Only joints connected with approved connectors will be allowed connecting the building sewer to the building drain or the building drain to the public sewer. (Added, Ord. No. 2011-1, Sec. 2)
- g) Joints and connectors must be made gastight and watertight. (Added, Ord. No. 2011-1, Sec. 2)

Subd. 8. Private sewer crossings. Building sewer pipe may be laid across existing cesspools and septic tanks providing pipe rests on a steel reinforced concrete slab, the ends of which rest directly on the concrete block walls. The two center sections of a regular cesspool cover laid parallel with each other may be used.

Subd. 9. Building intersection. Whenever possible the building sewer must be brought to the building at an elevation below the basement floor. No building sewer may be laid parallel to or within three feet of any bearing wall which might thereby be weakened. The depth must be sufficient to afford protection from frost. The building sewer must be laid at a uniform grade and in straight alignment insofar as possible. (Amended, Ord. No. 2017-05, Sec. 2)

Subd. 10. Pumps. In buildings in which a building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain must be lifted by approved artificial means and discharged to the building sewer.

Subd. 11. Excavations. Excavations required for the installation of a building sewer must be open trench work unless otherwise approved by the superintendent. Tunnelling may be permitted but no tunnel may exceed six feet in length and the pipe must be installed so as to permit inspection of all joints. Backfill may not be placed until work has been inspected.

Subd. 12. Connections. The connection for the building sewer into the public sewer must be made at the “Y” branch, if such branch is available at a suitable location. If the public sewer has no properly located “Y” branch available, the owner must at the owner’s expense make a machine-cut hole into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of approximately 45 degrees. A 45 degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection must be the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint must be made, and the connection made secure and watertight by use of approved saddle or encasement in concrete. All new, repaired, or reconstructed connections into the public sewer shall be made with connections approved by the superintendent, or its designee, and shall be fully connected into the main so as not to allow the intrusion of roots, clear water, or other material not originating from inside the building. Special fittings may be used for the connection only when approved by the superintendent and the city engineer. Where building sewers or house sewers have been provided for each separate structure, all connections to the public sanitary sewer must be made where building sewers and house sewers have been installed. Connection with the public sanitary sewer at any other location must be approved by the engineer prior to the starting of any construction. If the building sewer or house sewer which has been installed cannot be used, then the property owner must pay the full cost of making the connection elsewhere. (Amended, Ord. No. 2011-1, Sec. 2) (Amended, Ord. No. 2017-05, Sec. 2)

Subd. 13. Inspection of work. The applicant for the building sewer permit must notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection must be made under the supervision of the superintendent, or its designee. (Amended, Ord. No. 2011-1, Sec 2) (Amended, Ord. No. 2017-05, Sec. 2)

Subd. 14. Barricades. Excavations for building sewer installation must be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disbursed in the course of the work must be restored in a manner satisfactory to the city. Traffic control must be accomplished by following rules of the Minnesota Uniform Traffic Control Manual, as amended. (Amended, Ord. No. 2011-1, Sec. 2)

Subd. 15. Responsibility. Each owner shall be responsible for maintaining, cleaning, repairing, and replacement of the sewer lateral from the building to the public sewer main. The city shall not be liable for any stoppages in the portion of the sewer lateral that are privately owned. (Added, Ord. No. 2017-05, Sec. 2)

705.09. Storm water discharge. Subdivision 1. Designation of storm sewers. Storm water and other unpolluted drainage must be discharged to such sewers as are specifically designed as storm sewers, or to a natural outlet approved by the city council. Industrial cooling waters or unpolluted process waters may be discharged upon approval of the city council to a storm sewer, or natural outlet. Discharge of sump pump, footing drain and other runoff-related water into storm sewers is strictly prohibited pursuant to Section 730 of this Code. (Amended, Ord. No. 2002-01, Sec. 1; Ord. No. 2011-1, Sec. 3) (Amended, Ord. No. 2017-05, Sec. 2)

Subd. 2. Wastes prohibited in sewers. Except as provided in this section, it is unlawful to discharge or cause to be discharged any of the following described waters or wastes to any public sewer: (Amended, Ord. No. 2002-01, Sec. 1)

- a) Liquid or vapor having a temperature higher than 150 degrees F.
- b) Water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease.
- c) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- d) Garbage that has not been properly shredded.
- e) Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plasters, disposable diapers, baby wipes, surface or sanitizing wipes, linens, and other similar wet-strength paper materials, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works. (Amended, Ord. No. 2017-05, Sec. 2)
- f) Water or wastes having a ph lower and 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage works.
- g) Waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
- h) Water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.
- i) Noxious or malodorous gases or substances capable of creating a public nuisance.

Subd. 3. Interceptors. Grease, oil, and sand interceptors must be provided when necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors must not be required for private living quarters or dwelling units. All such interceptors must be of a type and capacity approved by the engineer, and must be located as to be readily and easily accessible for cleaning and inspections. Grease and oil interceptors must be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They must be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place must be gastight and watertight. Where installed, grease, oil and sand interceptors must be maintained by the owner, at the owner's expense, in continuously efficient operation at all times. (Amended, Ord. No. 2002-01, Sec. 1)

705.11. Approval of industrial wastes. Subdivision 1. Prohibited wastes. The admission into the public sewers of any water or wastes enumerated in this subsection must be approved by the city engineer, or its designee: (Amended, Ord. No. 2017-05, Sec. 2)

- a) A five day BOD greater than 300 parts per million by weight; or
- b) Containing more than 350 parts per million by weight of suspended solids; or
- c) Containing any quantity of substances having the characteristics described in subsection 705.09, subdivision 3.
- d) Having an average daily flow greater than 2% of the average daily sewage flow of the city.

The owner must provide at the owner's expense such preliminary treatment as may be necessary to:

- a) Reduce the BOD to 300 parts per million by weight and the suspended solids to 350 parts per million by weight; or
- b) Reduce objectionable characteristics or constituents to within the maximum limits provided for in subsection 705.09 of this code; or
- c) Control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities must be submitted for the approval of the city engineer, or its designee, and of the Minnesota Pollution Control Agency. No construction of facilities may be commenced until written approvals are obtained from each. (Amended, Ord. No. 2017-05, Sec. 2)

Subd. 2. Preliminary treatment facilities. Where preliminary treatment facilities are provided for any waters or wastes, they must be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

Subd. 3. Control manholes. The owner of property served by a building sewer carrying industrial waste must install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole, when required, must be accessibly and safely located, and must be constructed in accordance with plans approved by the city engineer, or its designee. The manhole must be installed by the owner at the owner's expense, and must be maintained by the owner so as to be safe and accessible at all times. (Amended, Ord. No. 2017-05, Sec. 2)

Subd. 4. Test methods. Measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in subdivisions 1 and 2 of this subsection will be determined in accordance with methods employed by the Minnesota Department of Health, and will be determined at the control manhole provided for in subdivision 3 of this subsection, or from suitable samples taken at the control manhole. If a special manhole has not been required, the control manhole will be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. (Amended, Ord. No. 2017-05, Sec. 2)

Subd. 5. Industrial exceptions. Nothing in this section is to be construed to prevent a special agreement or arrangement between the city and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern.

05.13. Damage. It is unlawful to maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment that is a part of the municipal sewage works.

705.15. Inspections. The city engineer, superintendent, and other duly authorized employees of the city bearing proper credentials and identification may enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this section.

Section 710 - Sanitary sewer service charges

710.01. Definitions. Subdivision 1. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 2. “Normal sewage” means water-carried waste products from residences, public buildings, business or industrial establishments, schools, or any other buildings or structures, including the excrements or other discharge from human beings or animals, together with such ground water infiltration as may be present.

Subd. 3. “Industrial waste” means a liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing, trade, business, the development of any natural resource or a similar activity.

Subd. 4. “Sewer charges” means and includes, without limitation, sewer rate charges, permit charges, availability charges, connection charges and any rate or charge authorized by Minnesota Statutes, section 444.075 or imposed by this section. (Added, Ord. No. 2017-05, Sec. 3)

Subd. 5. “Strength charge” means a charge imposed on users of the sanitary sewer system that is based on wastewater volume and chemical oxygen demand or total suspended solids levels that exceed based concentrations as established by the board of the Metropolitan Council. The strength charge is in addition to any other charges or fees that may apply to the user. (Added, Ord. No. 2017-05, Sec. 3)

Subd. 6. “Superintendent” means the city utilities superintendent in the public works department. (Added, Ord. No. 2017-05, Sec. 3)

710.03. Classification of users. Users of the city’s sanitary sewer system are classified as follows: (Amended, Ord. No. 2017-05, Sec. 3)

Land Uses	User Classification
Residence or residential unit (two motel/hotel units equal one residential unit)	1
Gas station	
Church	
Garage	
Drive-in	
Barber shop, four chairs or less	
Neighborhood grocery	
Bakery	
Business establishment with ten or less employees having private rest room facilities only.	

(Amended, Ord. No. 2017-05, Sec. 3)

Bowling alley 2
Roller rink
Restaurant
Bank
Business establishment with more than ten but less than 26 employees with private rest room facilities only.

(Amended, Ord. No. 2017-05, Sec. 3)

On sale liquor establishment not serving food 3
Meat market
Medical clinic
Drug store with fountain and lunch counter
Business establishment with more than 25 but less than 51 employees with private rest room facilities only.
Beauty shop

(Amended, Ord. No. 2017-05, Sec. 3)

On sale liquor establishment, serving food, with seating capacity of less than 101 persons 4
Business establishment with more than 50 or less than 76 employees with private rest room facilities only.

(Amended, Ord. No. 2017-05, Sec. 3)

On sale liquor establishment, serving food, with seating capacity over 100 persons 5
Business establishment with more than 75 employees and private rest room facilities only
Laundromat
Large supermarket with refuse disposal units.

(Amended, Ord. No. 2017-05, Sec. 3)

Buildings classified as personal property and located on land leased from the Metropolitan Airports Commission at the Crystal Airport. 6

(Amended, Ord. No. 2017-05, Sec. 3)

710.05. Sewer use rates. Subdivision 1. Charges imposed. The rates and charges for the use and service of the sanitary sewer system are fixed by this subsection. The rates and charges are made against each lot, parcel of land, unit or premises connecting directly or indirectly to the system and from which only normal sewage is discharged into the system.

Subd. 2. Flat charges. Where the rate is not based upon the metered use of water, the quarterly charges provided in appendix IV apply for the respective user classifications established in subsection 710.03.

(Amended, Ord. No. 94-14, Sec. 1) (Amended, Ord. No. 2017-05, Sec. 3)

Subd. 3. Schools. For a public or private school the quarterly charge will be charged whether school is in session or not and will be based upon the metered water consumption on the premises served. The minimum quarterly charge is provided in appendix IV. If a school has an unmetered private water supply the minimum quarterly charge applies. (Amended, Ord. No. 94-14, Sec. 1) (Amended, Ord. No. 2017-05, Sec. 3)

Subd. 4. Metered flow charge. For premises where the sewer service charge is based upon metered use of water the charge is to be computed at the rate provided in appendix IV. (Amended, Ord. No. 94-14, Sec. 1) (Amended, Ord. No. 2017-05, Sec. 3)

Subd. 5. Commercial, industrial and institutional uses.

- a) Consumption. The sewer service charge is based upon metered water consumption on the premises served. The minimum quarterly charge is provided in appendix IV. If the premises has an unmetered private water supply system, the quarterly charges set forth in subdivision 2 apply. (Amended, Ord. No. 2017-05, Sec. 3)
- b) Strength Charge. Anyone discharging waste into the sanitary sewer system at a chemical oxygen demand or total suspended solids concentrations in excess of the base levels established by the board of the Metropolitan Council shall be subject to a strength charge in addition to the sewer service charge and any other charges which may apply to the user. The amount of the charge is based on the user's type of production or a strength charge formula as established by the Metropolitan Council and which is incorporated herein by reference. (Amended, Ord. No. 2017-05, Sec. 3)

Subd. 6. Residential units. The sewer service charge for residential units is the quarterly charge set by subdivision 2 of this subsection. Each available unit of occupancy in a multiple residence is a residential unit.

Subd. 7. Crystal airport personal properties. There will be no sewer service charge if the water service is turned off.

Subd. 8. Additional Charges. To the extent the Metropolitan Council charges a fee for use of the Metropolitan Disposal System that is in addition to the fees and charges imposed by this section, the user is responsible for paying such additional fees or charges directly to the Metropolitan Council or to the city if the charge is imposed on the city for such use. (Added, Ord. No. 2017-05, Sec. 3)

710.07. Metered water supply. Subdivision 1. Installation. A meter recording the use of water may be installed on any nonresidential lot, parcel, premises or unit enumerated in subsection 710.03, and thereafter the sewer use rate will be based upon such use of water. The engineer may require and order the installation of the meter on any such lot, parcel, premises, or unit or class thereof where it is determined that the flat charges are impractical to apply or result in inequitable charges because they are insufficient or excessive. Thereafter the rate will be based upon use of water as metered. (Amended, Ord. No. 2011-1, Sec. 6)

Subd. 2. Maintenance of meters. A water meter installed for use or used as a basis for the computation of sewer rates must be installed and maintained in good operating condition at all times. The installation of a water meter must be without expense to the city. Water meters must be of a type approved by the superintendent, or its designee, and must accurately measure all water received on the premises. Installation of and maintenance of the meter must be made in accordance with chapter IV of this code, specifically the provisions in Section 425.11, subdivision 5. (Amended, Ord. No. 2011-1, Sec. 6) (Amended, Ord. No. 2017-05, Sec. 3)

710.09. Water credit. If the lot, parcel of land, or premises discharges normal sewage or industrial waste into the sanitary sewerage system, either directly or indirectly, and it can be shown to the satisfaction of the city engineer, or its designee, that a portion of the water measured by the water meter does not and cannot enter the sanitary sewerage system, then the city engineer, or its designee, may permit or require the installation of other or additional meters in such a manner that the quantity of water which actually could enter the sewer system may be determined. In these cases, the charges or rates will be based upon the amount of water which enters the sanitary sewerage system. (Amended, Ord. No. 2011-1, Sec. 7) (Amended, Ord. No. 2017-05, Sec. 3)

710.11. Information. The owner, occupant, or person in charge of any premises will supply the city with such information as the city may reasonably require related to use of water, use of sewer, or sewer rates. Willful failure to provide such information or willful falsification of such information is a violation of this section as is willful failure to comply with any requirement or order issued pursuant to this section.

710.13. Estimated bills. If the owner, occupant or person in charge of any premises fails or refuses to provide information as provided in subsection 710.11 of this code or fails or refuses to comply with any requirement of this section, then the charge for the premises will be estimated and billed accordingly.

710.15. Pro-ration of charges. For a fraction of a quarter the charges and rates for non-metered units will be pro-rated according to the month of the quarter in which connection to the sewer is made.

710.17. Billing. Bills for charges for the use and service of the sewerage system will be made out by the city office in accordance with the usual and customary practices. Bills must be rendered quarterly. (Amended, Ord. No. 2017-05, Sec. 3)

710.19. Collections. Subdivision 1. Enforcement. A bill for sewer charges is due and payable on the 20th day of the month in which the bill is rendered. If payment of the billing has not been received by the city by the 25th day of the applicable month, a penalty of 10% of the billed amount will be added to the billed amount. The city may certify an unpaid bill, together with costs and interest, to the taxpayer services division manager for collection together with taxes against the property served as authorized by Minnesota Statutes, sections 279.03 and 444.075. This certification will be made regardless of who applied for sewer services, whether it was the owner, tenant or other person. Applications for sewer service will contain an explanation in clear language that unpaid sewer bills will be collected with real estate taxes in the following year. The city may also bring a civil action or pursue other remedies to collect unpaid charges. (Added, Ord. No. 94-14, Sec. 2) (Amended, Ord. No. 2017-05, Sec. 3)

Subd. 2. Fees and interest. When unpaid charges are certified for collection with taxes the term “charges” includes a certification fee set by appendix IV and interest on the unpaid charges at the annual rate set by appendix IV. (Added, Ord. No. 94-14, Sec. 2) (Amended, Ord. No. 2017-05, Sec. 3)

710.21. Special rates; senior citizens and disabled persons. The city council may by resolution establish maximum sewer and water use rates for senior citizens and disabled persons, qualifications for, and the method of administering such special rates. (Amended, Ord. No. 2017-05, Sec. 3)

Section 715 - City water system

715.01. Utilities superintendent. The city utilities superintendent is to discharge the responsibilities imposed by this section, together with such other duties as may be required or assigned to that person, and shall be referred to in this section as the “superintendent.” (Amended, Ord. No. 2017-05, Sec. 4)

715.03. General operation. The municipal water system is to be operated as a public utility and convenience from which revenue will be derived under the management and control of the city council, subject to the provisions of the agreement of the joint water commission. The system is to be operated and maintained in such a manner as to provide its service with maximum efficiency.

715.05. Use of water restricted to authorized persons. It is unlawful to make, construct or install a water service installation or make use of a water service that is connected to the water system except in the manner provided in this section.

715.07. Damage to water system. It is unlawful to remove or damage a structure, appurtenance or property of the water system, or fill or partially fill any excavation, or raise or open any gate constructed or maintained for the water system.

715.09. (Reserved, Ord. No. 2011-1, Sec. 8)

715.11. Deficiency of water; shutting off water. The city is not liable for a deficiency or failure in the supply of water to consumers. In case of fire, or alarm of fire, or in making repairs or construction of new works, water may be shut off and may remain shut off as long as deemed necessary by the superintendent, or its designee. (Amended, Ord. No. 2017-05, Sec. 4)

715.13. Supply from one service. Not more than one housing unit or building may be supplied from one service connection except by special permission of the superintendent, or its designee. (Amended, Ord. No. 2017-05, Sec. 4)

715.15. Tapping of mains prohibited. It is unlawful for a person except one employed or authorized by the city to tap a distribution main or pipe of the water supply system or insert stopcocks or ferrules therein.

715.17. Repair of leaks. The consumer or owner must maintain the service pipe from the building side of the curb stop or building side of the building gate valve into the house or building. In the case of failure upon the part of a consumer or owner to repair a leak occurring in the service pipe within 24 hours after verbal or written notice from the superintendent, the water will be disconnected and will not be turned on until a penalty charge has been paid and the leak repaired. If the waste of water is great or if damage is likely to result from the leak, the water may be disconnected immediately pending repairs. The maintenance responsibility of the consumer or owner begins where connection is made into the curb stop. The curb stop and the service connection extending beyond the curb stop into the city's main are owned by the city. (Amended, Ord. No. 2011-1, Sec. 9) (Amended, Ord. No. 2017-05, Sec. 4)

715.19. Abandoned services.

- a) Service installations that have been abandoned to not be used by property owner in the foreseeable future or have not been used for three years may be disconnected and plugged at the main by the city at the discretion of the city, and the related expense of the city will be charged to the property as an unpaid utility bill. (Amended, Ord. No. 2011-1, Sec. 10)
- b) As an alternative, at the discretion of the city engineer, or its designee, the owner may pay to the city the Alternative Service Abandonment Fee shown in appendix IV. This fee relieves the owner of any future responsibility for the abandoned water service instead of plugging the main at the owner's expense. (Added, Ord. No. 2011-1, Sec. 10) (Amended, Ord. No. 2017-05, Sec. 4)
- c) When buildings are reconstructed or redeveloped and it is desired to increase or change the old water service, connections with the mains may not be made until all old services have been removed and the main plugged by the owner's authorized contractor after said contractor obtains the required utility street cut permit from the city, and any related expense of the city will be charged to the property as an unpaid utility bill. (Amended, Ord. No. 2011-1, Sec. 10)

715.21. Excavation and construction requirements.

- a) An excavation for the water system may not be made until a permit for the connection has been issued by the superintendent, or its designee. The permit fee is set in appendix IV. (Amended, Ord. No. 2017-05, Sec. 4)
- b) Excavations for making a tap from city water mains must conform to Federal Register Part 2 Department of Labor, Occupational Safety and Health Administration, 29 CFR 1926, Occupational Safety and Health Standards - Excavations: Final Rule. The excavations must extend to a depth at least 12 inches lower than the bottom of the water main. Ample clear space must be allowed for insertion of tapping machine. Excavations must be safe. If not determined safe by the tapper a tap may not be made. A safe ladder must be furnished by the contractor for use of entry, tapping, inspection and exiting.

- c) In compliance with the Minnesota Plumbing Code, separation of water service pipes and sewer service pipes must be no less than ten feet apart horizontally or may be placed in a common trench if the bottom of the water service pipe is kept at a minimum of 12 inches above the top of the sewer pipe at all points and the water pipe is placed on a solid shelf at one side of the common trench. A common trench may also be used without the separation requirements if the sewer pipe is of ductile iron, schedule 40 plastic, or SDR35 ASTM D3034 plastic pipe and the water pipe is of copper or ductile iron. (Amended, Ord. No. 2017-05, Sec. 4)

715.23. Private water supplies. Subdivision 1. No connections. It is unlawful to connect a water pipe of the water system with a pump, well, tank or piping that is connected with any other source of water supply. If such cross connections are found to exist, the owner or the owner's plumber must give notice to the superintendent, or its designee, and make an immediate correction of the problem. Failure to correct the problem will result in the discontinuation of the city's water supply. (Amended, Ord. No. 2017-05, Sec. 4)

Subd. 2. New private wells prohibited. It is unlawful to construct or install a new private water well within the city. Existing private water wells may continue to be used and maintained until such time as they are required to be sealed under Minnesota Statutes, section 103I.301 or other applicable law. (Added, Ord. No. 2017-05, Sec. 4)

715.25. Use confined to premises. It is unlawful to permit water from the water system to be used for any purpose, except upon that person's premises unless written consent is obtained from the superintendent, or its designee. (Amended, Ord. No. 2017-05, Sec. 4)

715.27. 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 may issue permits to the owners or occupants of properties adjacent or accessible to the water mains to make proper water service pipe connections with the water mains of the city, and to be supplied with water in conformity with the applicable provisions of this section and subject to the contract for the supply of water between the city and the city of Minneapolis or other municipalities. (Amended, Ord. No. 2011-1, Sec. 11)

715.29. Restrictions against sprinkling; other limitations of water use. Water customers and consumers are governed by the applicable regulations promulgated by the city of Minneapolis as to the limitations in the time and manner of using water and such other applicable regulations promulgated by the joint water commission affecting the preservation, regulations and protection of the water supply. If the city council determined that a shortage of water supply threatens the city, the council may by resolution limit the times and hours during which water may be used from the water system. If there is a critical water deficiency or other emergency affecting water availability, the city manager or mayor may order temporary measures to reduce water demands until the council has an opportunity to meet and determine the need to extend, expand, or discontinue the measures. It is unlawful to cause or permit water to be used for anything other than in home use during the period covered by the order issued by the city manager or mayor, or by the council resolution. A daily penalty will be charged for this violation as provided in appendix IV. Charges will be added to that person's next utility bill. (Amended, Ord. No. 2017-05, Sec. 4)

715.31. Applications. Subdivision 1. Applications for service installations and for water service are made to the city on printed forms as provided by the city. (Amended, Ord. No. 2011-1, Sec. 12)

Subd. 2. Applications for service installations and for water service must be made by the owner or agent of the property to be served and state the size and location of service connection required. The applicant must, at the time of making application, pay to the city the amount of fees or deposit required for the installation of the service connection set in appendix IV. Applications for services larger than one inch must be accompanied by two sets of plans or sketches indicating preferred location or service pipe and size of service based on building demand.

Subd. 3. When service connections have been installed, application for water service may be made to the city, either by the owner, agent, tenant or occupant of the premises. (Amended, Ord. No. 2011-1, Sec. 12)

Subd. 4. The size of water service connections and meters, along with the installation thereof, must be approved by the superintendent, or its designee. (Amended, Ord. No. 2017-05, Sec. 4)

Subd. 5. A meter yoke will be furnished to the contractor or plumber at the time a connection permit is issued. (Amended, Ord. No. 2011-1, Sec. 12)

Subd. 6. The plumber must notify the city inspection department within 24 hours after piping is complete and ready for meter and remote radio transmitter installation, giving street address and permit number. (Amended, Ord. No. 2011-1, Sec. 12) (Amended, Ord. No. 2017-05, Sec. 4)

Subd. 7. Water billing starts at the time of installation of the water meter, or if the meter is not installed, seven days after completion of outside piping whereby the billing will be calculated upon the minimum quarterly rate prorated on a monthly basis. (Amended, Ord. No. 2017-05, Sec. 4)

715.33. Service charges. Subdivision 1. A permit must be obtained from the city to connect to the existing water service leads at the curb stop box and interior plumbing. (Amended, Ord. No. 2011-1, Sec. 13) (Amended, Ord. No. 2017-05, Sec. 4)

Subd. 2. The owner is required to repair and restore any right-of-way that is disturbed while making connections to the city's water service. All repair and restoration must be completed in accordance with city standards. If the owner fails to repair or restore a disturbed right-of-way as required by this subdivision, the city may make all necessary repairs and restoration and, if not reimbursed by the owner, the city is authorized to specially assess the property for the costs associated therewith under Minnesota Statutes, chapter 429 and other pertinent statutes for certification to the director of property taxation of Hennepin County and collection with the current taxes. (Amended, Ord. No. 2017-05, Sec. 4)

- a) When restoring a roadway all backfill materials must be mechanically compacted in 12 inch layers to the density of the adjacent material in the roadway area in accordance with the Minnesota Department of Transportation standard specifications to the existing street grade. (Amended, Ord. No. 2011-1, Sec. 13) (Amended, Ord. No. 2017-05, Sec. 4)
- b) The owner must install, or have installed, the service connections from the water main to the property line. Payment for the service connections must be made before the work is started. (Amended, Ord. No. 1022-1, Sec. 13)
- c) Service larger than two inch requires the owner to contract a qualified tapper who must be approved by the superintendent, or its designee. The tapping sleeves must be stainless steel. The sleeves must be mechanical joint or approved equal with a flanged outlet for connection to the tapping sleeve. The tapping sleeves must be as manufactured by Ford “fast tap” with ductile iron gland and stainless steel bolts or JCM model 432 stainless steel tapping sleeve, or approved equal. The owner must also provide valves and valve boxes. The valves must be resilient seat manufactured to meet applicable requirements of AWWA C500 and AWWA C109-80, as amended. The resilient seat valves must be Waterous, American, Clow or Mueller. The valve boxes must be Tyler 6860 or approved equal. (Amended, Ord. No. 2011-1, Sec. 13) (Amended, Ord. No. 2017-05, Sec. 4)

715.35. Damage to shutoff box. Before any grading or excavation is started, the water shutoff box must be located and checked for damage by the contractor. Location ties will be furnished by the superintendent, or its designee, at time connection permit is issued. If the shutoff box can not be located or is found bent or in a damaged condition, the superintendent is to be called at once. The contractor assumes all responsibility for damage to the shutoff box unless the superintendent, or its designee, certifies that damage existed before excavation or grading started. (Amended, Ord. No. 2017-05, Sec. 4)

715.37. Time for connections. If the plumber or contractor laying the service pipe fails to have the connection made at the time specified in the application, notice must be given to the superintendent fixing another day on which the plumber wishes to make connection. The notice must be given at least two days previous to the excavation for laying of the service pipe, and the connection must be made before 2:30 p.m. except in special cases, and then the work may be done only upon a written order from the superintendent. (Amended, Ord. No. 2011-1, Sec. 14) (Amended, Ord. No. 2017-05, Sec. 4)

715.39. Property Assessments. The permit fee for water main tapping will be paid for each connection in the amount specified in appendix IV. In addition, before any permit is issued, the following conditions must be complied with:

- a) A permit will not 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 finance officer has 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.
 - 2) If no assessment has been levied for the construction cost, the proceedings for levying an assessment have been or will be completed in due course.
 - 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 the lot or tract has been paid to the city.
- b) If the certificate cannot be issued by the city finance officer, or its designee, a permit to tap or connect to any water main may not be issued unless the applicant has paid an additional connection fee, equal to the portion of the cost of construction of the main which would be assessable against the lot or tract to be serviced by such tapping connection, including interest at a rate equal to the interest rate of 20 years or the amount of years the assessment was decreased, when it is determined by the city's public works director, or its designee, that the improvement was not subject to utilization until a later date. The assessable cost is to be determined 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 will be charged for similar tapping or connection with the main, allocated on frontage basis, or both. (Amended, Ord. No. 2017-05, Sec. 4)

715.41. Location and installation of stop boxes and building gate valve. Curb stop boxes must be installed at a point on the property line most suitable to the property, and must be left in an accurate vertical position when back filling is completed. Curb stop boxes will be installed at an approximate depth of 7 1/2 feet below the grade established by the public works director. Type K copper tubing must be used for installation of water services. The curb stop must be mounted on a concrete block for a good base support. The building gate valve if wet tapped must be located next to the watermain within two feet and must remain at the same depth as the watermain. This will be considered the building shut off. Whenever possible a wet tap is recommended so as not to interrupt existing customers.

715.43. Supervision by plumber. Piping connections from curb box to house supply piping must be made under the supervision of a licensed plumber.

715.45. Turning on water. Only an authorized city employee may turn on or off any water supply at the stop box.

715.47. Accounts; how kept. Accounts must be kept on the books of the finance department by the house and street number and under the account number assigned thereto, and by the name of the owner or of the person signing the application for service. Bills and notices sent by the finance department will 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 must file an application therefor with the finance department. An error in address must be promptly reported to the finance department. Responsibility for a notice of change of ownership rests with the owner. For purposes of this section the term “owner” has the meaning given by subsection 105.01, subdivision 8.

715.49. Water rates. Subdivision 1. Schedule. The rate due and payable to the city by each water user within the city for water taken will be charged consistent with the rates contained in appendix IV, payable periodically, subject, however, to a service charge to each water user for each period during which water service is furnished. This service charge represents fixed or capital costs associated with maintenance of the water system. The charges and units of water are set and defined by resolution of the city council on an annual basis in appendix IV. (Amended, Ord. No. 2011-1, Sec. 15)

Subd. 2. Estimates. In the case that it is not possible to obtain a reading from the meter, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the past year. (Amended, Ord. No. 2011-1, Sec. 15)

Subd. 3. Billing. Where service is for less than a full billing period, the charge will be prorated.

Subd. 4. Extraterritorial rates. Rates due and payable by each water user located beyond the territorial boundaries of the city will be determined by special contract. (Amended, Ord. No. 2011-1, Sec. 15) (Amended, Ord. No. 2017-05, Sec. 4)

Subd. 5. Rates when no connection made. Where a service pipe is connected to the stop box and laid into the building with no intention of connection to the building piping for use immediately, the service charge set in subsection 715.49, subdivision 1 shall apply. (Amended, Ord. No. 2011-1, Sec. 15) (Amended, Ord. No. 2017-05, Sec. 4)

Subd. 6. Meter and transmitter required. A meter must be installed on the street valve in the house and a remote radio transmitter outside regardless of whether inside piping is connected. (Amended, Ord. No. 2011-1, Sec. 15) (Amended, Ord. No. 2017-05, Sec. 4)

Subd. 7. Discontinuation. If a water customer elects to discontinue the use of the municipal water system, the regular or service charge continues until such date as the service pipe is excavated and disconnected at the stop box. (Amended, Ord. No. 2011-1, Section 15) (Amended, Ord. No. 2017-05, Sec. 4)

Subd. 8. The service charge set forth in appendix IV does apply to any residence in which the owner and head of the household is receiving retirement survivors insurance or disability insurance under the Social Security Act, 42 U.S.C. section 301, as amended. (Amended, Ord. No. 2011-1, Sec. 15)

715.51. Payment of charges. Any prepayment or overpayment of charges may be retained by the city and applied on subsequent quarterly statements.

715.53. Penalty for late payment. Each billing for water service not paid when due incurs a penalty charge of 10% of the amount past due.

715.55. Collection. Subdivision 1. An amount due for water charges may be certified to the taxpayer services division manager for collection with real estate taxes in accordance with Minnesota Statutes, sections 444.075 and 279.03. This certification will be made regardless of who applied for water services, whether it was the owner, tenant or other person. Applications for water service will contain an explanation in clear language that unpaid water bills will be collected with real estate taxes in the following year. The city may bring a civil action or other remedies to collect unpaid charges. (Amended, Ord. No. 94-14, Sec. 3) (Amended, Ord. No. 2017-05, Sec. 4)

Subd. 2. Charges; fees and interest. For purposes of this subsection the term “water charges” means and includes without limitation water rate charges, permit charges, availability charges, connection charges and any rate or charge authorized by Minnesota Statutes, section 444.075 or imposed by this section. When unpaid charges are certified for collection with taxes the term “charges” includes a certification fee set by appendix IV and interest on the unpaid charges at the annual rate set by appendix IV. (Amended, Ord. No. 2017-05, Sec. 4)

715.57. Water meters. Subdivision 1. Except for extinguishment of fires only authorized city employees may use water from the water system or permit water to be drawn therefrom, unless the same is metered by passing through a meter supplied or approved by the city. Only persons authorized by the superintendent, or its designee, may connect, disconnect, take apart, or in any manner change, or cause to be changed, or interfere with any such meter or the action thereof. (Amended, Ord. No. 2017-05, Sec. 4)

Subd. 2. A water meter fee must be paid by customers for the furnishing of water meters and remote radio transmitters by the city. The customer must pay the fee before the water meter and remote radio transmitter are installed by the city. The fee required is not a customer service deposit and is not computed with reference to or based upon service supplied; the fee is required to insure the safekeeping and proper maintenance of the meter only, and for no other purpose. The fee is set by appendix IV. The fee stands to the credit of the property where the meter is installed, rather than to credit of the owner of the property at the time of the original fee payment. The water meter fee is non-refundable. (Amended, Ord. No. 2011-1, Sec. 16)

Subd. 3. The city will maintain and repair all meters and remote radio transmitters when rendered unserviceable through ordinary wear and tear and replace them if necessary. However, where replacement, repair, or adjustment of any meter or remote radio transmitter is rendered necessary by the act, neglect, including damage from hot water backup, freezeups, or carelessness of the owner or occupant of any premises, the expense caused the city thereby will be charged against and collected from the water customer. (Amended, Ord. No. 2011-1, Sec. 16)

Subd. 4. A consumer may, by written request, have a meter (up to one inch) tested by the water department; at which time the owner may be present or have a representative present. If the meter is found to register within 2% of being correct, it shall be deemed satisfactory and a charge will be made for making the test in accordance with appendix IV. If the meter is found to register incorrectly by more than 2%, no charge will be made for making the test. If the meter is found to over-register more than 2%, there will be a proportional deduction made from the previous water bill. (Amended, Ord. No. 2017-05, Sec. 4)

Subd. 5. Meters and remote radio transmitter ownership. Except for additional or auxiliary meters, water meters and remote radio transmitters are the property of the city. (Amended, Ord. No. 2011-1, Sec. 16)

Subd. 6. Accessibility. Authorized city employees, authorized contractors and authorized employees of the authorized contractors have free access at reasonable hours to all parts of every building and premises connected with the water system for reading, inspection and repair of meters and remote radio transmitters. Failure to provide access may result in one or more of the following actions: (Amended, Ord. No. 2011-1, Sec. 16) (Amended, Ord. No. 2017-05, Sec. 4)

- a) Imposition, along with and in addition to other charges for service, of a quarterly penalty charged as established by appendix IV. (Amended, Ord. No. 2017-05, Sec. 4)
- b) Termination of service to the premises.
- c) Billing and collecting for service to the premises on an estimated consumption basis whether or not meter readings are being obtained.

Subd. 7. Commercial or industrial buildings must be metered with one master meter of adequate size, as approved by the superintendent, or its designee. If additional or auxiliary meters are desired for recording the subdivision of such supply, the meters must be furnished and set up by the owner or consumer at the owner's or the consumer's expense, and the owner or consumer must assume all responsibility of reading, billing and maintaining same. (Amended, Ord. No. 2017-05, Sec. 4)

715.59. Water meter setting. Water meters must be installed in accordance with the following rules:

- a) The service pipe from the water main to the meter, when the same enters the building, must be brought through the floor in a vertical position.
- b) The meter must be located so that the bottom is not less than 12 inches above the finished floor line and not greater than 24 inches above the finished floor line. A full flow street side valve must be placed approximately 12 inches above the floor. In addition a gate valve or ball valve must be installed on the house side adjacent to the meter, or just above the meter yoke. Fittings and pipe are to be red brass or bronze. Full flow valves must be 125 pounds standard. The meter must be set not more than 12 inches measured horizontally from the inside line of the basement wall, unless an alternate method is approved by the superintendent, or its designee. An approved yoke must be provided to support the meter in the proper vertical position. Meters larger than one inch must be set on a pedestal. The outside remote radio transmitter must be installed not less than three nor more than five feet above grade level and mounted on the side of the building five feet from the front. (Amended, Ord. No. 2011-1, Sec. 17) (Amended, Ord. No. 2017-05, Sec. 4)
- c) Meters two inch or greater in size must be equipped with a bypass line equal to one-half the size of the existing pipe size so that in the event a meter needs to be tested, repaired, or replaced, the building will still have a minimum amount of water supplied. The bypass line must be valved on each side, in addition to the meter valves and when completed must be sealed by the city utility department. This seal may not be tampered with and will be subject to a fine if seal is found tampered with or broken.
- d) Meter, valves and yoke must be kept readily accessible at all times. (Amended, Ord. No. 2011-1, Sec. 17)

715.61. Charges for the availability of municipal water. Subdivision 1. The purpose of this subsection is to establish a system of charges for the availability of municipal water in order to provide for an equitable sharing of the cost of the municipal water system and is adopted pursuant to Minnesota Statutes, section 444.075.

Subd. 2. Properties in the city that (i) are improved and have water-consuming plumbing facilities and (ii) that abut upon streets or other places where water mains are located are subject to the charges provided for in this subsection.

Subd. 3. Schedule of charges. Periodic charges may be made against all properties not connected to the municipal water system. Charges are set by appendix IV. Charges against properties not connected to the municipal water systems and not listed above will be made on the basis of the meter size which would be needed if the property were connected to the municipal water system, based upon sizes of meters installed on similar properties elsewhere in the city.

Subd. 4. Accounts and procedures. Accounts will be kept, bills will be rendered and collected, and charges will be made for delinquent accounts in accordance with the procedures applicable to charges for municipal water.

715.63. Private hydrant service charge. There is an annual service charge, in appendix IV, for private fire hydrants, payable by each owner upon whose property the hydrant is situated. These hydrants must conform to the type specified by the city. Any other type must be replaced by the owner and at the owner's expense. The charge covers a yearly maintenance program at which time the city will operate and lubricate the operating nut, nozzle caps and visually inspect all bolts and nuts that are above existing grade. Any replacement of parts will be billed to the owner at the owner's expense and will include the city's cost for labor. (Amended, Ord. No. 2011-1, Sec. 18) (Amended, Ord. No. 2017-05, Sec. 4)

715.65. Water service; discontinuing of seasonal customers; freeze-ups. Subdivision 1. Water service, discontinuing. A consumer desiring to discontinue the use of water must notify the city's water department. (Amended, Ord. No. 2017-05, Sec. 4)

Subd. 2. Seasonal customers. There are no seasonal customers for water and sanitary sewer services. Charges are based upon the consumption of water. If there is no consumption for that month, a fee is charged according to the current rate schedule or the customer may have the water shut off and turned on at the curb box at the current fee.

Subd. 3. Freeze-ups. Water breaks due to freezing lines, in which a residence is not in use, are the responsibility of the owner. The owner will be charged for all water consumption as well as any sewer rates. An owner may appeal their sewer billing to the city council.

715.67. Discontinuance of water service. Subdivision 1. Grounds. Water service to a property may be shut off at a curb stop box by the city for the following reasons: (Amended, Ord. No. 2011-1, Sec. 19)

- a) Violation of a provision of this code relating to the operation, maintenance or connection to the water system by any person; (Amended, Ord. No. 2011-1, Sec. 19)
- b) Fraud or misrepresentation by an owner or occupant in connection with an application for service or for services provided under this section; (Amended, Ord. No. 2011-1, Sec. 19)
- c) Failure of the owner or occupant to pay rates and charges or other financial obligations under this section for water service when due. (Amended, Ord. No. 2011-1, Sec. 19)

Subd. 2. Shut-off procedures. If the city manager, or its designee, determines that grounds exist for shutting off water service, the city will notify the owner or occupant or both of the city's intent to shut off water service by mailed written notice not less than ten days nor more than 30 days prior to the date of shut-off. The notice must state that the owner or occupant or both may request a hearing before the city council at its next regularly scheduled meeting and that at the hearing the owner or occupant or both may present testimony as to why the service should not be shut off. The request for a hearing must be presented in writing to the city manager not later than the fifth day after mailing of the notice. A request from either the owner or occupant is sufficient to require the hearing. If a request for a hearing is received, the city may not shut off service until the hearing has been held and then only at the direction of the city council. If a request for a hearing is not timely received, the city may shut off the water service without further notice. (Amended, Ord. No. 2017-05, Sec. 4)

Subd. 3. Emergency shut-off. The procedure in subdivision 2 does not apply to water shut-off pursuant to subsection 715.17. (Amended, Ord. No. 2017-05, Sec. 4)

715.69. Fire services. Subdivision 1. The construction of fire services must be made under the personal supervision of an authorized employee of the city. The cost of this supervision will be charged to the owner. (Amended, Ord. No. 2011-1, Sec. 20)

Subd. 2. Private fire protection services may be constructed with detect meters. All outlet valves must be sealed, and the system approved by the city's water department and fire department shall conform with all building codes. Detector checks the same size as building piping must be installed in all fire lines with a rising stem gate valve on each side of the check. All fire service lines will be equipped with a Watts Model 909 backflow preventer or approved equal unless waived by the superintendent, or its designee. This requirement includes, but is not limited to, annual testing to be performed by the owner, and a copy of such test to be presented to the city. Testing must be done by an accredited backflow preventer tester. (Amended, Ord. No. 2017-05, Sec. 4)

Subd. 3. Fire protection systems may be opened in case of fire or for inspection and may not supply water for domestic use other than fire suppression purposes.

Subd. 4. When seals on a fire protection system are broken the owner or occupant must notify the city's water department within 24 hours. (Amended, Ord. No. 2017-05, Sec. 4)

Subd. 5. If more than one service is installed on the same premises, the piping of one may not be connected with the other, except with permission of the city engineer, or its designee. (Amended, Ord. No. 2011-1, Sec. 20) (Amended, Ord. No. 2017-05, Sec. 4)

Subd. 6. The fire marshal may limit the size of fire protection services where the street mains are not adequately sized in order to protect public interest.

Subd. 7. If the owner or occupant of any premises is found to be using water from a fire service for purposes other than fire protection, the city's water department may require the owner of the premises to furnish and install, at the owner's expense and under the direction of the water department, an approved water meter and radio and to keep the same in accurate operating condition. (Amended, Ord. No. 2011-1, Sec. 20) (Amended, Ord. No. 2017-05, Sec. 4)

715.71. Fire hydrants; permit required to use. Subdivision 1. Hydrants are available throughout the city, but the use of a fire hydrant, unless authorized by the city's water department, is prohibited. Temporary service from fire hydrants is available for contractors. A hydrant rental fee is required for usage of a hydrant for small water users. A hydrant rental fee, along with a metered charge, is required for tank filling and prolonged usages of fire hydrant. The meter will be furnished by the city's water department. (Amended, Ord. No. 2011-1, Sec. 21) (Amended, Ord. No. 2017-05, Sec. 4)

Subd. 2. Permits to use a fire hydrant will be issued for each individual job or contract, and for a minimum of 30 day periods as the superintendent, or its designee, may determine. The permit must state the location of the hydrant and will be for the use of that hydrant and none other. (Amended, Ord. No. 2017-05, Sec. 4)

Subd. 3. The user must make an advance cash deposit per appendix IV to guarantee payment for water used and to cover breakage and damage to hydrant and water meter. The deposit will be refunded upon expiration of the permit, less applicable charges for use. (Amended, Ord. No. 2011-1, Sec. 21)

Subd. 4. The user will pay a rental charge for each hydrant meter per appendix IV and the current water rates will be charged. (Amended, Ord. No. 2011-1, Sec. 21)

Subd. 5. Hydrants may be opened only with a hydrant operating wrench. The hydrant must be fully opened in order to operate properly. (Amended, Ord. No. 2011-1, Sec. 21)

Subd. 6. The fire hydrant will be checked before and after the usage. Any damage done will be charged to the holder of the permit.

Subd. 7. Hydrant meters not returned at the end of the construction season and kept over winter months will be charged an additional rental charge upon return of the meter. (Added, Ord. No. 2011-1, Sec. 21)

715.73. Senior citizen rates. The city council may by resolution establish maximum water and sewer use rates for senior citizens and disabled persons, the qualifications for, and the method of administering the special rates. (Amended, Ord. No. 2017-05, Sec. 4)

Section 720 - Street lighting

720.01. System established. The city street lighting system is established and continued. The system consists of street lighting facilities, whether owned by the city or otherwise, for which the city purchases and supplies electrical energy from a public utility.

720.03. Costs of system. The costs of the street lighting system are the actual costs as billed to the city by the public utility, plus 10% for administrative expense.

720.05. Billing; billing units. Subdivision 1. Unit defined. For purposes of this section a billing unit is:

- a) a single family residence,
- b) an individual dwelling unit in a multiple-unit dwelling, which must be considered to be 3/4 of one billing unit, (Amended, Ord. No. 2017-05, Sec. 5)
- c) each two dwelling units in a motel or hotel,
- d) each commercial or industrial office, store, plant, warehouse or institution,
- e) each school building, and
- f) each church building.

Subd. 2. Billing. The service charge to be billed to each billing unit is determined by dividing the total system cost by the number of billing units. The city clerk, or its designee, is to send quarterly bills to each billing unit directed to the same person to whom city sewer and water billings are sent for that unit. If a billing unit is not connected to the city water or sewer system the bill is to be sent to the owner of the billing unit. Bills are to be sent to all such units whether occupied or unoccupied. In the case of vacant property or property upon which construction is in progress, a bill may not be sent until city water and sewer service commences, or might have commenced if the property were to connect to city water and sewer service, and such billing will be pro-rated for the period of actual liability for street lighting service. (Amended, Ord. No. 2017-05, Sec. 5)

720.07. Assessment of unpaid bills. On or before November 1st of each year, the city clerk, or its designee, will list the total unpaid charges for street lighting service against each separate lot or parcel to which they are attributable. The city council will then spread the charges against property benefited as a special assessment under Minnesota Statutes, section 429.101 and other pertinent statutes for certification to the director of property taxation of Hennepin County and collection the following year along with the current taxes. (Amended, Ord. No. 2005-16, Sec. 1) (Amended, Ord. No. 2017-05, Sec. 5)

725 - Assessment of unpaid utility charges
(Added, Ord. No. 95-14, Sec. 1)

725.01. Authority. This section is adopted pursuant to section 8.03 of the city charter.

725.03. Assessment of unpaid utility bills. Subdivision 1. Additional authority. The method of collecting unpaid utility charges provided for in this section is in addition to other collection methods specified in this chapter and law.

Subd. 2. Assessment of unpaid bills. On or before November 1 of each year, the city clerk, or its designee, will list the total unpaid charges for utility services governed by this chapter against each separate lot or parcel to which the charges are attributable. The city council will then spread the charges against property benefited as a special assessment under Minnesota Statutes, section 429.101 and other pertinent statutes for certification to the taxpayer services division manager of Hennepin County and collection the following year together with current taxes. (Amended, Ord. 2004-10, Sec. 1) (Amended, Ord. No. 2017-05, Sec. 6)

Subd. 3. Definition of charges. For purposes of this section, the term “utility charges” means without limitation: water rate, sewer rate, storm sewer rate charges; permit charges; late payment charges; availability charges; connection charges, and any rate or charge authorized by Minnesota Statutes, section 444.075 or imposed by this chapter and appendix IV.

Section 730 – Illicit discharges into the
sanitary sewer system

(Added, Ord. No. 2002-01, Sec. 2) (Amended, Ord. No. 2017-05, Sec. 7)

730.01. Purpose. The discharge of water from roof, surface, groundwater sump pump, footing tile, swimming pool, or other natural precipitation into the city sewerage system results in flooding and overloading of the sewerage system. When this water is discharged into the sanitary sewer system it is treated at the sewage treatment plant. This results in very large and needless expenditures. The city council, therefore, finds it in the best interest of the city to prohibit such discharges.

730.03. Discharge prohibited. Except as otherwise expressly authorized in this section, no water from any roof, surface, groundwater sump pump, footing tile, swimming pool, or other natural precipitation shall be discharged into the sanitary sewer system. Dwellings and other buildings and structures which require, because of infiltration of water into basements, crawl spaces, and the like, a sump pump discharge system shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer system, except as provided herein. A permanent installation shall be one which provides for year round discharge capability to either the outside of the dwelling, building, or structure, or is connected to city storm sewer or discharge through the curb and gutter to the street. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge, and if connected to the city storm sewer line, shall include a check valve and an air gap located in a small diameter structure.

730.05. Disconnection. Any person with a yard drain, roof surface, groundwater sump pump, footing tile, or swimming pool connected to and/or discharging into the sanitary sewer system shall disconnect or remove same. Any disconnects or openings in the sanitary sewer system shall be closed or repaired in an effective, workmanlike manner. (Amended, Ord. No. 2017-05, Sec. 7)

730.07. Inspection. Every person owning improved real estate 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 buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. In lieu of having the city inspect their property, any person may furnish a certificate from a licensed plumber certifying that their property is in compliance with this section. (Amended, Ord. No. 2017-05, Sec. 7)

730.09. Future inspections. Each sump pump connection identified will be reinspected periodically.

730.11. New construction. All new dwellings with sumps for which a building permit is issued shall have a pump and shall be piped to the outside of the dwelling before a certificate of occupancy is issued. (Amended, Ord. No. 2017-05, Sec. 7)

730.13. Surcharge. A surcharge as specified in appendix IV is hereby imposed on property owners who are not in compliance with this section or who have refused to allow their property to be inspected to determine if there is compliance. All properties found during reinspection to have violated this section will be subject to the penalty for all months between the two most recent inspections. (Amended, Ord. No. 2011-1, Sec. 22) (Amended, Ord. No. 2017-05, Sec. 7)

730.15. Winter discharge. The city manager, or its designee, is authorized to issue a permit to allow a property owner to discharge surface water into the sanitary sewer system. The permit shall authorize such discharge only from November 15 to March 15 and a property owner is required to meet at least one of the following criteria in order to obtain the permit: (Amended, Ord. No. 2017-05, Sec. 7)

- a) The freezing of the surface water discharge from the sump pump or footing drain is causing a dangerous condition, such as ice buildup or flooding, on either public or private property.
- b) The property owner has demonstrated that there is a danger that the sump pump or footing drain pipes will freeze up and result in either failure or damage to the sump pump unit or the footing drain and cause basement flooding.
- c) The water being discharged from the sump pump or footing drain cannot be readily discharged into a storm drain or other acceptable drainage system.

Following ten days written notice and an opportunity to be heard, the city manager, or its designee, may require a property to discharge their sump pump into the sanitary sewer from November 15 to March 15 if surface water discharge is causing an icy condition on streets. (Amended, Ord. No. 2017-05, Sec. 7)

Section 735 – Illicit discharges into storm drainage system
(Added, Ord. No. 2017-05, Sec. 8)

735.01. Purpose and objectives. The purpose of this section is to provide for the health, safety, and general welfare of the city’s citizens 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 section 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 section are:

- a) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
- b) To prohibit illicit connections and discharges to the municipal separate storm sewer system.
- c) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this section.

735.03. Definitions. Subdivision 1. For the purposes of this section the terms defined in this subsection have the meanings given them.

Subd. 2. “Authorized enforcement agency” means the city of Crystal.

Subd. 3. “Best management practices” or “BMPS” means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Subd. 4. “Clean Water Act” means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Subd. 5. “Construction activity” means activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Subd. 6. “Hazardous materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Subd. 7. “Illicit discharge” means any direct or indirect non-storm water discharge to the storm drain system, except as exempted in this section.

Subd. 8. “Illicit connection” means any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system 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 an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Subd. 9. “Industrial activity” means activities subject to NPDES Industrial Permits as defined in 40 CFR, section 122.26 (b)(14).

Subd. 10. “Municipal separate storm sewer system” or “MS4” means the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned and operated by the city and designed or used for collecting or conveying stormwater, and is not used for collecting or conveying sewage.

Subd. 11. “National Pollutant Discharge Elimination System (NPDES) storm water discharge permit” means a permit issued by the EPA (or by a state under authority delegated pursuant to 33 USC § 1342 (b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual group, or general area-wide basis.

Subd. 12. “Non-storm water discharge” means any discharge to the storm drain system that is not composed entirely of storm water.

Subd. 13. “Person ” means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and action as either the owner or as the owner’s agent.

Subd. 14. "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, pesticides, herbicides, and fertilizers; hazardous substances and wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Subd. 15. "Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Subd. 16. "Storm drain system" means 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.

Subd. 17. "Storm water" means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Subd. 18. "Storm water pollution prevention plan" means 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 stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Subd. 19. "Wastewater" means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

735.05. Applicability. This section shall apply to all water entering the storm drain system generated on any developed or undeveloped lands unless explicitly exempted by the city.

735.07. Responsibility for administration. The city shall administer, implement, and enforce the provisions of this section. Any powers granted or duties imposed upon city may be delegated in writing by the city engineer to persons or entities acting in the beneficial interest of or in the employ of the city.

735.09. Severability. The provisions of this section are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this section or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this section.

735.11. Ultimate responsibility. The standards set forth herein and promulgated pursuant to this section and minimum standards; therefore this section does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

735.13. Discharge prohibitions. Subdivision 1. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- a) The following discharges are exempt from discharge prohibitions established by this section: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, dechlorinated swimming pools, and any other water source not containing pollutants.
- b) Discharges specified in writing by the authorized by the city as being necessary to protect public health and safety.
- c) Dye testing is an allowable discharge, but requires a verbal notification to the city agency prior to the time of the test.
- d) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Subd. 2. Prohibition of illicit connections.

- a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- b) 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 the connection.
- c) A person is considered to be in violation of this section if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

- d) Improper connections in violation of this section must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval from the city.
- e) Any drain or conveyance that has not been documented in plans, maps, or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the city requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer, or that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the city.

735.15. Watercourse protections. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly 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.

735.17. Industrial or construction activity discharges. Any person subject to an industrial or construction 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 form acceptable to the city council prior to the allowing of discharges to the MS4.

735.19. Monitoring of discharges. Subdivision 1. Applicability. This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

Subd. 2. Access to facilities.

- a) The city or their designee shall be permitted to enter and inspect facilities subject to regulation under this section as often as may be necessary to determine compliance with this section. 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 representatives of the city.
- b) Facility operators shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

- c) The city shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the city to conduct monitoring and/or sampling of the facility's storm water discharge.
- d) The city has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- f) Unreasonable delays in allowing the city access to a permitted facility are a violation of a storm water discharge permit and of this section. A person who is the operator of the facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the city reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this section.
- g) If the city has been refused access to any part of the premises from which stormwater is discharged, and the city is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the city may seek issuance of a search warrant from any court of competent jurisdiction.

735.21. Best management practices. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of structural and non-structural best management practices (BMPs), as adopted or provided by the city. Further, any person responsible for a property or premise, which 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 municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

735.23. Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the city's public works department in person or by phone or email no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

735.25. Enforcement. Subdivision 1. Notice of violation. Whenever the city finds that a person has violated a prohibition or failed to meet a requirement of this section, the city may order compliance by written notice of violation to the responsible person. The notice of violation shall contain:

- a) The name and address of the alleged violator;
- b) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- c) A statement specifying the nature of the violation;
- d) A description of the remedial measures necessary to restore compliance with this section in a time schedule for the completion of such remedial action;
- e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- f) A statement that the determination of violation may be appealed to the city by filing a written notice of appeal within 15 days of service of notice of violation; and
- g) A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by the city or their designee and the expense thereof shall be charged to the violator.

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.

Subd. 2. Compensatory action. In lieu of enforcement proceedings, penalties, and remedies authorized by this section, the city may impose upon a violator alternative compensatory action, such as attendance at compliance workshops, creek cleanup, etc.

Subd. 3. Suspension of MS4 access.

- a) Suspension due to illicit discharges in emergency situations. 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 which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. 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 MS4 or Waters of the United States, or to minimize danger to persons.
- b) Suspension due to the detection of illicit discharge. Any person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of its MS4 access. The violator may petition the city for reconsideration and a hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the city.

Subd. 4. Criminal prosecution. Any person that has violated or continues to violate this section shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$1,000 dollars per violation per day and/or imprisonment for a period of time not to exceed 90 days. The city may recover all attorneys' fees, court costs, and other expenses associated with enforcement of this section, including sampling and monitoring expenses.

735.27. Appeal of notice of violation. Any person receiving a Notice of Violation may appeal the determination of the city. The notice of appeal must be received within 15 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority 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 or their designee shall be final.

735.29. Enforcement measures after appeal. If the violation had not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 15 days of the decision of the municipal authority upholding the decision of the city, then representatives of the city shall 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 the government agency or designated contractor to enter upon the premises for the purposes set forth above.

735.31. Cost of abatement of violation. Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the city by reason of such violation.

735.33. Injunctive relief. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this section. If a person has violated and continues to violate the provisions of this section, 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.

735.35. 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 section 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.