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CHAPTER 50: GENERAL PROVISIONS

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STORM WATER DRAINAGE UTILITY

§ 50.01 PURPOSE.

The City of Maple Plain is currently faced with significant expenditures pertaining to storm water management projects such as storm sewer system upgrades, erosion and sediment control, maintenance cost, and NPDES Phase II storm water permit issues.

(Ord. 203, passed 8-26-2005)

§ 50.02 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BILLABLE ACREAGE. Total acreage of real property per Hennepin County Recorder's Office minus wetlands.

RESIDENT EQUIVALENCY FACTOR (REF). The amount of runoff generated by a typical single-family residential parcel, which represents the basic unit of the storm water utility charge structure.

UNDEVELOPED, OR VACANT, LAND. Any real property upon which there is no structure or hard surface, such as driveways, parking areas, or other intensive uses, which is not used in connection with another piece of property, and where topography and soils of the property have not been altered from their natural condition.

WETLAND. Land designation identified by the National Wetland Inventory (NWI).
(Ord. 254, passed 3-28-2011)

§ 50.03 STORM WATER DRAINAGE UTILITY ESTABLISHED.

A storm water drainage utility is hereby established pursuant to M.S. § 444.075, as it may be amended from time to time.
(Ord. 203, passed 8-26-2005)

§ 50.04 STORM WATER UTILITY BUDGET.

The city shall retain all fees within a storm sewer utility budget approved by the City Council for storm water management expenses including planning, engineering, monitoring, capital expenditures, personnel expenses, equipment, and operating of the utility.
(Ord. 203, passed 8-26-2005)

§ 50.05 STORM WATER UTILITY FEE AND CLASSIFICATIONS.

(A) The City of Maple Plain hereby establishes a monthly storm water utility fee, to be determined from time to time by resolution of the City Council. Determination of fees is based on the city's approved zoning designation per property. Legal, non-conforming property shall be charged based on that property's use at the time of the adoption of this code. Development of an undeveloped, or vacant, parcel or change in property use shall comply with the appropriate storm water utility fee charge.

(B) The residential equivalency factor (REF) for land use types in the city shall be as follows:

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Undeveloped, or vacant, land	1.5 REF per billable acre
Single-Family Residential	1 REF per parcel
Church/Institutional	1.5 REF per billable acre
Multi-Family	2 REF per billable acre
Mixed Use (Commercial/Retail)	3 REF per billable acre
Industrial	3 REF per billable acre
Office Park	3 REF per billable acre

(C) Other uses not listed in the foregoing table shall be classified by the City Engineer by assigning them to the most similar class from the standpoint of probable hydrologic response. (Ord. 203, passed 8-26-2005; Am. Ord. 254, passed 3-28-2011)

§ 50.06 BILLING.

(A) The storm water utility fee shall be billed quarterly to each parcel in accordance with the most current approved resolution. All rates and charges will be reviewed annually and adjusted as needed by the City Council.

(B) The total billable acreage for any real property with a wetland shall be reduced by the net wetland acreage on the property. A property owner may appeal the wetland determination, but must, at his or her own expense, provide a wetland delineation and present that information to the City Engineer and City Council for consideration. If accepted by the city, the total acreage of delineated wetland shall be used for any adjustment.

(Ord. 203, passed 8-26-2005; Am. Ord. 254, passed 3-28-2011)

§ 50.07 EXCEPTIONS.

The following land uses are exempt from storm water drainage fees:

(A) Public rights-of-way;

(B) Public parks; and

(C) City-owned properties.

(Ord. 203, passed 8-26-2005; Am. Ord. 254, passed 3-28-2011)

§ 50.08 CERTIFICATION OF DELINQUENT FEES.

A 10% penalty fee will be added each quarter on the unpaid amounts and certified annually. The amount not paid will be assessed and the City Administrator/Clerk will certify to Hennepin County the amounts past due with penalties together with the property identification and/or legal description of the premises served. Hennepin County shall thereafter enter the amounts as part of the tax levy on the premises to be collected during the following year.

(Ord. 203, passed 8-26-2005)

§ 50.09 EFFECTIVE DATE.

This subchapter shall have full force and effect upon its passage and publication.

(Ord. 203, passed 8-26-2005)

ILLICIT DISCHARGES AND CONNECTIONS

§ 50.20 PURPOSE AND INTENT.

(A) The purpose of this subchapter is to provide for the health, safety, and general welfare of the citizens of the City of Maple Plain, Minnesota, 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

subchapter 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.

(B) The objectives of this subchapter are:

(1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;

(2) To prohibit illicit connections and discharges to the municipal separate storm sewer system; and

(3) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this subchapter.
(Ord. 199, passed 2-28-2005)

§ 50.21 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED ENFORCEMENT AGENCY. Employees or designees of the director of the municipal agency designated to enforce this subchapter.

BEST MANAGEMENT PRACTICES (BMPs). 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 storm water, receiving waters, or storm water 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.

CLEAN WATER ACT. The Federal Water Pollution Control Act (33 U.S.C. §§ 1251 *et seq.*), as it may be amended from time to time.

CONSTRUCTION ACTIVITY. Activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of 5 acres or more. The activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

HAZARDOUS MATERIALS. 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.

ILLEGAL DISCHARGE. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in § 50.28.

ILLICIT CONNECTIONS. Either of the following:

(1) 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 the drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

(2) 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.

INDUSTRIAL ACTIVITY. Activities subject to NPDES industrial permits as defined in 40 C.F.R. pt. 122.26(b)(14), as it may be amended from time to time.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT. A permit issued by the EPA (or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b), as it may be amended from time to time) 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.

NON-STORM WATER DISCHARGE. Any discharge to the storm drain system that is not composed entirely of storm water.

PERSON. 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.

POLLUTANT. 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, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; 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.

PREMISES. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

STORM DRAIN SYSTEM. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

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STORM WATER. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from the precipitation.

STORM WATER POLLUTION PREVENTION PLAN. A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.

WASTEWATER. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

(Ord. 199, passed 2-28-2005)

§ 50.22 APPLICABILITY.

This subchapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

(Ord. 199, passed 2-28-2005)

§ 50.23 RESPONSIBILITY FOR ADMINISTRATION.

The Maple Plain City Council shall administer, implement, and enforce the provisions of this subchapter. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

(Ord. 199, passed 2-28-2005)

§ 50.24 ULTIMATE RESPONSIBILITY.

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

(Ord. 199, passed 2-28-2005)

§ 50.25 DISCHARGE PROHIBITIONS.

(A) *Prohibition of illegal discharges.*

(1) 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.

(2) 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 subchapter: 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 wet-land flows, swimming pools (if dechlorinated – typically less than 1 PPM chlorine), firefighting activities, and any other water source not containing pollutants;

(b) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety;

(c) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test; and

(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 Federal 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.

(B) Prohibition of illicit connections.

(1) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.

(2) 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.

(3) A person is considered to be in violation of this subchapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
(Ord. 199, passed 2-28-2005) Penalty, see § 50.999

§ 50.26 SUSPENSION OF MS4 ACCESS.

(A) Suspension due to illicit discharges in emergency situations. The Maple Plain City Council may, without prior notice, suspend MS4 discharge access to a person when the 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 authorized

enforcement agency may take the 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 subchapter may have their MS4 access terminated if the termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and 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 authorized enforcement agency.

(Ord. 199, passed 2-28-2005)

§ 50.27 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 the permit. Proof of compliance with the permit may be required in a form acceptable to the Maple Plain City Council prior to the allowing of discharges to the MS4.

(Ord. 199, passed 2-28-2005) Penalty, see § 50.999

§ 50.28 MONITORING OF DISCHARGES.

(A) *Applicability.* This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

(B) *Access to facilities.*

(1) The Maple Plain City Council shall be permitted to enter and inspect facilities subject to regulation under this subchapter as often as may be necessary to determine compliance with this subchapter. 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 authorized enforcement agency.

(2) Facility operators shall allow the Maple Plain City Council 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.

(3) The Maple Plain City Council shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

(4) The Maple Plain City Council 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 storm water flow and quality shall be calibrated to ensure their accuracy.

(5) 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 Maple Plain City Council and shall not be replaced. The costs of clearing the access shall be borne by the operator.

(6) Unreasonable delays in allowing the Maple Plain City Council access to a permitted facility is a violation of a storm water discharge permit and of this subchapter. 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 authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this subchapter.

(7) If the Maple Plain City Council has been refused access to any part of the premises from which storm water is discharged, and the city is able to demonstrate probable cause to believe that there may be a violation of this subchapter, 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 subchapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. 199, passed 2-28-2005)

§ 50.29 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The Maple Plain City Council will adopt requirements identifying best management practices of any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at his or her 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 these structural and non-structural BMPs. 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 the 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 compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

(Ord. 199, passed 2-28-2005) Penalty, see § 50.999

§ 50.30 WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or the 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 the structures will not become a hazard to the use, function, or physical integrity of the watercourse.
(Ord. 199, passed 2-28-2005) Penalty, see § 50.999

§ 50.31 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. the person shall take all necessary steps to ensure the discovery, containment, and cleanup of the release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Maple Plain City Council within 3 business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of the establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. The records shall be retained for at least 3 years.
(Ord. 199, passed 2-28-2005) Penalty, see § 50.999

§ 50.32 ENFORCEMENT.

(A) Whenever the Maple Plain City Council finds that a person has violated a prohibition or failed to meet a requirement of this subchapter, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. The notice may require without limitation:

- (1) The performance of monitoring, analysis, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of a fine to cover administrative and remediation costs; and

(6) The implementation of source control or treatment BMPs.

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

(Ord. 199, passed 2-28-2005)

§ 50.33 APPEAL OF NOTICE OF VIOLATION.

Any person receiving a notice of violation may appeal the determination of the authorized enforcement agency. 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 or her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

(Ord. 199, passed 2-28-2005)

§ 50.34 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 authorized enforcement agency, then representatives of the authorized enforcement agency 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.

(Ord. 199, passed 2-28-2005) Penalty, see § 50.999

§ 50.35 COST OF ABATEMENT OF THE 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 or by the expiration of the time in which to file an appeal, 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 subchapter shall become liable to the city by reason of the violation. The interest at the rate of 6% per annum shall be assessed on the balance beginning on the thirtieth day following discovery of the violation.

(Ord. 199, passed 2-28-2005)

§ 50.36 INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this subchapter. If a person has violated and continues to violate the provisions of this subchapter, the authorized enforcement agency 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.

(Ord. 199, passed 2-28-2005) Penalty, see § 50.999

§ 50.37 COMPENSATORY ACTION.

In lieu of enforcement proceedings, penalties, and remedies authorized by this subchapter, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, and the like.

(Ord. 199, passed 2-28-2005)

§ 50.38 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 subchapter 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 the nuisance may be taken.

(Ord. 199, passed 2-28-2005) Penalty, see § 50.999

§ 50.39 CRIMINAL PROSECUTION.

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

(Ord. 199, passed 2-28-2005) Penalty, see § 50.999

§ 50.40 REMEDIES NOT EXCLUSIVE.

The remedies listed in this subchapter are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

(Ord. 199, passed 2-28-2005)

INDUSTRIAL USE STRENGTH CHARGE**§ 50.55 RECITALS.**

The Metropolitan Waste Control Commission, a metropolitan commission organized and existing under the laws of the State of Minnesota (the “Commission”), in order to receive and retain grants in compliance with the Federal Water Pollution Control Act Amendments of 1972 and regulations thereunder (the “Act”), has determined to impose an industrial use sewer strength charge upon uses of the Metropolitan Disposal System (as defined in M.S. § 473.121, Subdivision 24, as it may be amended from time to time) to recover operations and maintenance costs of treatment works attributable to the strength of the discharge of industrial waste, the sewer strength charge being in addition to the charge based upon the volume of discharge. In order for the city to pay the costs based upon strength of industrial discharge and allocated to it each year by the Commission, it is hereby found, determined, and declared to be necessary to establish sewer strength charges and a formula for the computation thereof for all industrial users receiving waste treatment services within or served by the city. Furthermore, M.S. § 444.075, Subdivision 3, as it may be amended from time to time, empowers the city to make the sewer charge a charge against the owner, lessee, occupant, or all of them and certify unpaid charges to the County Auditor as a tax lien against the property served.
(Prior Code, § 48.01)

§ 50.56 ESTABLISHMENT OF STRENGTH CHARGES.

For the purpose of paying the costs allocated to the city each year by the Commission that are based upon the strength of discharge of all industrial users receiving waste treatment services within or served by the city, there is hereby approved, adopted, and established, in addition to the sewer charge based upon the volume of discharge, a sewer charge upon each person, company, or corporation receiving waste treatment services within or served by the city, based upon strength of industrial waste discharged into the sewer system of the city (the “strength charge”).
(Prior Code, § 48.02)

§ 50.57 ESTABLISHMENT OF STRENGTH CHARGE FORMULA.

For the purpose of computation of the strength charge established by § 50.56, there is hereby established, approved, and adopted in compliance with the Act the same strength charge formula designated in Resolution No. 76-172 adopted by the governing body of the Commission on 6-15-1976, attached and made a part hereof by reference, the formula being based upon pollution qualities and difficulty of disposal of the sewage produced through an evaluation of pollution qualities and quantities in excess of an annual average base and the proportionate costs of operation and maintenance of waste treatment services provided by the Commission.
(Prior Code, § 48.03)

§ 50.58 STRENGTH CHARGE PAYMENT.

It is hereby approved, adopted, and established that the strength charge established by § 50.56 shall be paid by each industrial user receiving waste treatment services and subject thereto before the twentieth day next succeeding the date of billing thereof to the user by or on behalf of the city, and the payment thereof shall be deemed to be delinquent if not so paid to the billing entity before the date. Furthermore, it is hereby established, approved, and adopted that if the payment is established, approved, and adopted that if the payment is not paid before the date an industrial user shall pay interest compounded monthly at the rate of 2/3 of 1% per month on the unpaid balance due. (Prior Code, § 48.04)

§ 50.59 ESTABLISHMENT OF TAX LIEN.

As provided by M.S. § 444.075, Subdivision 3, as it may be amended from time to time, it is hereby approved, adopted, and established that if payment of the strength charge established by § 50.56 is not paid before the sixtieth day next succeeding the date of billing thereof to the industrial user by or on behalf of the city, the delinquent sewer strength charge, plus accrued interest established pursuant to § 50.58, shall be deemed to be a charge against the owner, lessee, and occupant of the property served, and the city or its agent shall certify the unpaid delinquent balance to the County Auditor with taxes against the property served for collection as other taxes are collected; provided, however, that the certification shall not preclude the city or its agent from recovery of the delinquent sewer strength charge and interest thereon under any other available remedy. (Prior Code, § 48.05)

SEWER AND WATER**§ 50.70 SEWER AND WATER; GENERAL PROVISIONS.**

Sections 52.16 and 53.19 establish the responsibility between property owner and the city as it relates to construction, maintenance, and repair of water and sewer lines within the city. (Ord. 225, passed 8-25-2008)

REGULATIONS REGARDING EROSION CONTROL FOR CONSTRUCTION SITE RUNOFF

§ 50.100 INTENT.

To promote the health, safety and general welfare of the citizens of Maple Plain, Minnesota, by requiring storm water management practices for construction activity.
(Ord. 235, passed 6-22-2009)

§ 50.101 STATUTORY AUTHORIZATION.

This subchapter is adopted pursuant to M.S. § 462.351, as it may be amended from time to time, for cities and towns, and M.S. § 394.21, as it may be amended from time to time, for counties having a population of less than 300,000 according to the 1950 federal census) (1990).
(Ord. 235, passed 6-22-2009)

§ 50.102 FINDINGS.

The city hereby finds that uncontrolled land disturbing activity at construction sites are subject to soil erosion and other pollutants which enter into receiving water bodies adversely affecting the public health, safety and general welfare by impacting water quality, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the city to provide adequate water, sewage, flood control and other community services.
(Ord. 235, passed 6-22-2009)

§ 50.103 PURPOSE.

The purpose of this subchapter is to promote, preserve and enhance the natural resources within the city and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land disturbing activities that would have an adverse and potentially irreversible impact on water quality and environmentally sensitive land; by minimizing conflicts and encouraging proper installation and maintenance of best management practices (BMPs) for land disturbing activities; and by requiring detailed review standards and procedures for land disturbing activities proposed for such areas, thereby achieving a balance between development, redevelopment and protection of water quality and natural areas.
(Ord. 235, passed 6-22-2009)

§ 50.104 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. When inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directive.

APPLICANT. Any person who wishes to obtain a building permit, zoning or subdivision approval.

BEST MANAGEMENT PRACTICE (BMP). Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions and other management practices published by state or designated area-wide planning agencies.

DETENTION FACILITY. A permanent, natural or man-made structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of water.

DISCHARGE. The release, conveyance, channeling, runoff or drainage of stormwater, including snow melt from a construction site.

EXPOSED SOIL AREAS. All areas of the construction site where the vegetation (trees, shrubs, brush, grasses and the like) or impervious surface has been removed, thus rendering the soil more prone to erosion. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site. It does not include stockpiles or surcharge areas of gravel, concrete or bituminous. Once soil is exposed it is considered “exposed soil”, until it meets the definition of **FINAL STABILIZATION**.

FINAL STABILIZATION. The following activities must be completed:

(1) All soil disturbing activities at the site have been completed and a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions or geotextiles) have been employed;

(2) For individual lots in residential construction by the contractor, the contractor must either:

(a) Complete final stabilization as specified above; and

(b) Establish temporary stabilization including perimeter controls for an individual lot prior to occupation of the structure. If the contractor chooses this option, he or she must inform the owner in writing of the need for, and benefits of, final stabilization.

(3) The contractor must clean out all sediment from conveyances and from temporary sedimentation basins that are to be used as permanent water quality management basins. Sediment must be stabilized to prevent it from washing back into the basin, conveyances or drainage ways discharging off-site or to surface waters. The cleanout of permanent basins must be sufficient to return the basin to design capacity. All drainage ditches constructed to drain water from the site after construction is complete must be stabilized to preclude erosion; and

(4) All temporary synthetic and structural erosion prevention and sediment control BMPs (such as silt fence) must be removed as part of the final stabilization on the site.

LAND DISTURBING OR DEVELOPMENT ACTIVITIES. Any change of the land surface including removing vegetative cover, excavating, filling, grading and the construction of any structure.

PERSON. Any individual, firm, corporation, partnership, franchise, association or governmental entity.

PUBLIC WATERS. Waters of the state as defined in M.S. § 103G.00S, Subdivision 15, as it may be amended from time to time.

RETENTION FACILITY. A permanent, natural or man-made structure that provides for the storage of storm water runoff by means of a permanent pool of water.

SEDIMENT. Solid matter carried by water, sewage or other liquids.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP). A joint stormwater and erosion and sediment control plan that is a document containing the requirements of this subchapter, that when implemented will decrease soil erosion on a parcel of land and off-site non-point pollution.

STRUCTURE. Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, paved storage areas, fences and retaining walls.

WATERS OF THE STATE. As defined in M.S. § 115.01, Subdivision 22, as it may be amended from time to time, the term **WATERS OF THE STATE** means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

WETLANDS. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, **WETLANDS** must have the following 3 attributes:

- (1) Have a predominance of Hydric soils;

(2) Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of Hydrophytic vegetation typically adapted for life in saturated soil conditions; and

(3) Under normal circumstances support a prevalence of such vegetation.
(Ord. 235, passed 6-22-2009)

§ 50.105 SCOPE AND EFFECT.

(A) *Applicability.* Every applicant for a building permit, subdivision approval or a permit to allow land disturbing activities greater than or equal to 1 acre or part of a larger common plan or development greater or equal to 1 acre must submit a storm water pollution prevention plan to the Zoning Administrator. No building permit, subdivision approval or permit to allow land disturbing activities shall be issued until approval of the storm water pollution prevention plan or a waiver of the approval requirement has been obtained in strict conformance with the provisions of this subchapter. The provisions of division (B) below apply to all land, public or private.

(B) *Exemptions.* The provisions of this subchapter do not apply to:

(1) Any part of a subdivision if a plat for the subdivision has been approved by the City Council on or before the effective date of this subchapter;

(2) A lot for which a building permit has been approved on or before the effective date of this subchapter;

(3) Installation of fence, sign, telephone and electric poles and other kinds of posts or poles;

(4) Emergency work to protect life, limb or property; and

(5) Tilling, planting or harvesting of agricultural, horticultural or silvicultural (forestry) crops.
(Ord. 235, passed 6-22-2009)

§ 50.106 STORM WATER POLLUTION PREVENTION PLAN SUBMITAL PROCEDURES.

(A) *Application.* A written application for storm water pollution prevention plan approval, along with the proposed storm water pollution prevention plan, shall be filed with the city and shall include a statement indicating the grounds upon which the approval is requested, that the proposed use permitted by right or as an exception in the underlying zoning district, and adequate evidence showing that the proposed use will conform to the standards set forth in this subchapter. Prior to applying for approval of a storm water pollution prevention plan, an applicant may have the storm water pollution prevention

plan reviewed by the appropriate departments of the city. Two sets of clearly legible blue or black lined copies of drawings and required information shall be submitted to the Zoning Administrator and shall be accompanied by a receipt from the City Clerk evidencing the payment of all required fees for processing and/or financial securities in accordance with the city. Drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. At a minimum, the scale shall be 1 inch equals 100 feet.

(B) *Storm water pollution prevention plan.* At a minimum, the storm water pollution prevention plan shall contain the following information.

(1) *Existing site map.* A map of existing site conditions showing the site and immediately adjacent areas, including:

- (a) The name and address of the applicant, the section, township and range, north point, date and scale of drawing and number of sheets;
- (b) Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of adjoining roads, railroads, utilities, subdivision, towns and districts or other landmarks;
- (c) Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than 2 feet;
- (d) A delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site, including depth of water, a description of all vegetation which may be found in the water, a statement of general water quality and any classification given to the water body or wetland by the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency and/or the United States Army Corps of Engineers;
- (e) Location and dimensions of existing storm water drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate storm water is conveyed from the site, identifying the receiving stream, river, public water or wetland, and setting forth those areas of the unaltered site where storm water collects;
- (f) A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the applicant to render the soils suitable;
- (g) Vegetative cover and clearly delineating any vegetation proposed for removal; and
- (h) One hundred year floodplain, flood fringes and floodways.

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(2) *Site construction plan.* A site construction plan including:

- (a) Locations and dimensions of all proposed land disturbing activities;
- (b) Locations and dimensions of all temporary soil or dirt stockpiles;
- (c) Locations and dimensions of all construction site erosion control measures and best management practices (BMPs) necessary to meet the minimum BMP requirements listed in § 50.108; and
- (d) Schedule of anticipated starting and completion date of each land disturbing activity including the installation of construction site erosion control measures needed to meet the requirements of this subchapter.

(3) *Plan of final site conditions.* A plan of final site conditions on the same scale as the existing site map showing the site changes including:

- (a) Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;
- (b) A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials which will be added to the site as part of the development;
- (c) A drainage plan of the developed site delineating in which direction and at what rate storm water will be conveyed from the site and setting forth the areas of the site where storm water will be allowed to collect;
- (d) The proposed size, alignments and intended use of any structures to be erected on the site;
- (e) A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used; and
- (f) Any other information pertinent to the particular project which in the opinion of the applicant is necessary for the review of the project.

(4) *Permit number.* Copy of MPCA permit number for discharging stormwater from construction activity (MN R100001).
(Ord. 235, passed 6-22-2009)

§ 50.107 STORM WATER POLLUTION PLAN REVIEW PROCESS.

(A) *Process.* Storm water pollution prevention plans meeting the requirements of § 50.106 and minimum BMP requirements of § 50.108 will be reviewed by the Zoning Administrator or designated representative which may approve, approve with conditions or deny the storm water pollution prevention plan. If the stormwater pollution prevention plan is part of a large subdivision, the city may require the SWPPP be reviewed by the Planning Commission. The Planning Commission may approve, approve with conditions or deny the storm water pollution prevention plan. Following Planning Commission action, the storm water pollution prevention plan shall be submitted to the City Council at its next available meeting. City Council action on the storm water pollution prevention plan must be accomplished within 120 days following the date the application for approval is filed with the city.

(B) *Duration.* Approval of a plan submitted under the provisions of this subchapter shall expire 1 year after the date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of the approval, the applicant makes a written request to the city for an extension of time to commence construction setting forth the reason for the requested extension, the Planning Department may grant 1 extension of not greater than 1 single year. Receipt of any request for an extension shall be acknowledged by the city within 15 days. The city shall make a decision on the extension within 30 days of receipt. Any plan may be revised in the same manner as originally approved.

(C) *Condition.* A storm water pollution prevention plan may be approved subject to compliance with conditions reasonable and necessary to insure that the requirements contained in the ordinance are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require replacement of vegetation, establish required monitoring procedures, stage the work over time or require alteration of the site design to insure buffering.

(D) *Financial security.* Prior to approval of any storm water pollution prevention plan, the applicant shall submit a financial security in the amount specified by the current city fee and security structure. The securities shall guarantee completion and compliance with conditions within a specific time, which time may be extended in accordance with division (B) above. The adequacy, conditions and acceptability of any financial security shall be determined by the City Council or any official of the city as may be designated by resolution of the City Council.

(Ord. 235, passed 6-22-2009)

§ 50.108 MINIMUM CONSTRUCTION SITE BEST MANAGEMENT PRACTICES.

(A) *Storm water pollution prevention plan standards.* No storm water pollution prevention plan which fails to meet the standards contained in this section shall be approved by the City Council or designated representative.

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(B) *Site de-watering.* Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydrocyclones, swirl concentrators or other appropriate controls as appropriate. Water may not be discharged in a manner that causes erosion, scour or flooding of the site or receiving channels or a wetland.

(C) *Construction site waste.*

(1) **SOLID WASTE.** Collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other wastes must be disposed of properly and must comply with MPCA disposal requirements.

(2) **HAZARDOUS MATERIALS.** Oil, gasoline, paint and any hazardous substances must be properly stored, including secondary containment, to prevent spill, leaks or other discharge. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal of hazardous waste must be in compliance with MPCA regulations.

(3) **LIQUID WASTE.** All other non storm water discharges (concrete truck washout, vehicle washing, maintenance spills and the like) conducted during the construction activity shall not be discharged to the municipal storm sewer, wetlands, natural drainageways or waters of the state.

(D) *Tracking.* Vehicle tracking of sediment onto paved surfaces must be removed by street sweeping as needed to prevent discharge of sediment laden water from entering the city storm sewer system.

(E) *Drain inlet protection.* All storm drain inlets shall be protected during construction until final establishment has been accomplished or until approval from the city.

(F) *Site erosion and sediment control.*

(1) Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below. Sheetflow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas, unless shown to have resulted runoff rates of less than 1/2 feet/second across the disturbed area for the 1 year storage. Diverted runoff shall be conveyed in a manner that will not cause erosion, scour or flooding of the conveyance at receiving channels.

(2) All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any 1 time.

(3) All exposed soil areas with a must have temporary erosion protection or permanent cover for the exposed soil areas year round within 14 days of inactivity.

(4) For sites with more than 10 acres disturbed at 1 time, or if a channel originates in the disturbed area, 1 or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least 1% of the area draining to the basin and at least 3 feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of 3 feet. The basin discharge rate shall also be sufficiently low as to not cause erosion, scour or flooding along the discharge channel or the receiving water.

(5) Silt fences or equivalent control measures shall be placed along all side slopes and down slope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences or equivalent control measures must include a maintenance and inspection schedule.

(6) Any soil or dirt storage piles containing more than 10 cubic yards of material should not be located with a downslide drainage length of less than 25 feet from the toe of the pile to a roadway or drainage channel. If remaining for more than 7 days, they shall be stabilized by mulching vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than 7 days shall be controlled by placing silt fence or other equivalent barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than 25 feet of a roadway or drainage channel must be covered with tarps or suitable alternative control.

(G) *Inspection and maintenance.* All stormwater management BMPs shall be inspected weekly or after every 1/2 inch rain event by the applicant. If sediment has reached 1/3 the capacity of the sediment control practice, appropriate maintenance or replacement of the BMP must be completed to ensure maximum effectiveness.

(Ord. 235, passed 6-22-2009)

§ 50.109 COMPLETION OF WORK.

Work will be considered complete when all exposed soil areas have undergone final stabilization, as defined in § 50.104; is constructed to finish grade and is in conformance with all permit conditions of approval to the satisfaction of the city. The applicant or representative shall notify the city when the land disturbing operations are ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion control measures, have been completed and final stabilization has occurred in accordance with this subchapter.

(Ord. 235, passed 6-22-2009)

§ 50.110 ENFORCEMENT PROCEDURES.

(A) *Right of entry.* The applicant shall promptly allow the city and their authorized representatives, upon presentation of credentials to:

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(1) Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations, inspections or surveys;

(2) Bring such equipment upon the permitted site as is necessary to conduct such surveys and investigations;

(3) Examine and copy any books, papers, records or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site;

(4) Inspect the storm water pollution control measures;

(5) Sample and monitor any items or activities pertaining to storm water pollution control measures; and

(6) Any temporary or permanent obstruction to the safe and easy access of such an inspection shall be promptly removed upon the inspector's request. The cost of providing such access shall be born by the applicant.

(B) *Warning letter.* If upon inspection by the city or designated representative, the applicant fails to implement the erosion and sediment control practices outlined in the approved stormwater pollution prevention plan or minimum BMP standards outlined in § 50.104, the city will notify the applicant with a letter of warning which outlines the issues of noncompliance and a time line for completion of any work to bring the site into compliance.

(C) *Action against the financial security.* If appropriate actions by the applicant have not been completed within 7 days after notification by the city, the city may act against the financial security if any of the conditions listed below exist. The city shall use funds from this security to finance any corrective or remedial work undertaken by the city or a contractor under contract to the city and to reimburse the city for all direct cost incurred in the process of remedial work including, but not limited to, staff time and attorney's fees.

(1) The applicant ceases land disturbing activities and/or filling and abandons the work site prior to completion of the city approved grading plan.

(2) The applicant fails to conform to any city approved grading plan and/or the storm water pollution control plan as approved by the city, or related supplementary instructions.

(3) The techniques utilized under the storm water pollution control plan fail within 1 year of installation.

(4) The applicant fails to reimburse the city for corrective action taken under § 50.107.

(5) Emergency action under either division (D) below.

(D) *Emergency action.* If circumstances exist such that noncompliance with this subchapter poses an immediate danger to the public health, safety and welfare, as determined by the City Engineer, the city may take emergency preventative action. The city shall also take every reasonable action possible to contact and direct the applicant to take any necessary action. Any cost to the city may be recovered from the applicant's financial security.
(Ord. 235, passed 6-22-2009)

§ 50.999 PENALTY.

(A) *General.* Any person violating any provision of this chapter for which any specific penalty is prescribed shall be subject to § 10.99.

(B) *Regulations regarding erosion control for construction site runoff.* Any person, firm or corporation violating any provision of §§ 50.100 through 50.110 shall be fined not less than \$5 nor more than \$500 for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
(Ord. 235, passed 6-22-2009)

CHAPTER 51: SOLID WASTE

Section

Dumping Grounds

- 51.01 License required
- 51.02 Definitions
- 51.03 License requirements

Recycling

- 51.15 Definitions
- 51.16 Separation and collection of recyclable materials
- 51.17 Collection
- 51.18 Container requirements
- 51.19 Charges for recycling
- 51.20 Violations

DUMPING GROUNDS

§ 51.01 LICENSE REQUIRED.

No person shall engage in the business of collecting and disposing of garbage, refuse, rubbish, or other waste materials within the City of Maple Plain without first obtaining a license from the city. The City of Maple Plain may issue a number of commercial licenses for the collection of garbage, refuse, rubbish, and other waste, but can only issue 1 license for the collection of residential garbage, refuse, rubbish, and other waste. All licenses shall require the filing of an application with the city as provided below.

(Prior Code, § 39.01) Penalty, see § 10.99

§ 51.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DWELLING UNIT. Each residential living accommodation designed or used by a single family, except dwelling units which combine their garbage in a dumpster with commercial operations on the same premises or other dwelling in a common multi-housing complex.

GARBAGE. Shall be understood to include organic refuse resulting from the preparation of food, and decayed and spoiled food from any source.

INDUSTRIAL REFUSE. Shall be understood to include solid waste materials but not putrescible refuse from factories, processing plants, and other manufacturing enterprises.

MARKET REFUSE. Shall be understood to include waste materials and refuse from wholesale and retail stores, markets, and enterprises.

PERSON. Shall be understood to include individual, corporation, partnership, firm, association, or entity.

PUTRESCIBLE MATTER and PUTRESCIBLE WASTE. Shall be understood to include all organic matter without value for immediate use within the City of Maple Plain and which is subject to fetid or unhealthful decomposition.

RUBBISH. Shall be understood to include inorganic refuse of all kinds of particularly tin cans, glass bottles, glass jars, papers, ashes, sweepings, and other domestic waste of non-putrescible character.

WASTE and REFUSE. Shall be deemed to have the same meaning and to include all discarded materials.

(Prior Code, § 39.02)

§ 51.03 LICENSE REQUIREMENTS.

(A) *Generally.* The licensee for residential garbage hauling shall be issued a license by the city and that license shall incorporate and encompass the following requirements and criteria.

(B) *Requirements and criteria.*

(1) All licensees shall provide for the collection and disposal of residential garbage in a timely, orderly, and economic fashion and in such a way as the ordinances of the City of Maple Plain and the statutes and policies of the State of Minnesota with regard to solid waste disposal shall be adhered to.

(2) All licensees shall conduct their collection and disposal as to minimize the wear and damage to city streets, roads, and private property.

(3) All licensees shall collect residential garbage within the city on the day designated in the license in a legal and environmentally safe manner.

(4) All licensees shall provide and maintain all equipment necessary to perform its duties under the license and shall also provide all personnel necessary to provide those functions.

(5) All licensees shall charge a monthly residential rate that shall be negotiated and agreed upon by the licensee and the city.

(6) The residential garbage hauling license shall commence on April 1 and end on March 31 for whatever number of years has been negotiated between the city and the garbage hauler.

(7) All licensees shall be responsible to collect and dispose of an unlimited accumulation of weekly household garbage that are to be placed in 32-gallon containers. The licensees shall also collect brush that has been bundled with the weekly garbage collection.

(8) All licensees shall provide additional disposal service for large, commonly discarded household items that exceed the bulk or weight of the 32-gallon container. The cost of this service shall be negotiated annually with the city.

(9) All licensees shall provide free pick up to municipal parks and other municipal buildings and shall also provide free city-wide clean up in the spring and fall on dates to be pre-arranged between the licensee and the city.

(10) All licensees shall collect garbage from its customer's garage, or its customer's curb, and the rates charged to its customers shall reflect the collection point.

(11) All licensees shall provide public liability insurance, general liability, and automobile liability in the basic amount of \$300,000 per injury or death for any 1 person in any 1 occurrence, and \$600,000 for injury or death arising out of any 1 occurrence. The licensee shall also provide property damage liability in the amount of at least \$100,000 for any 1 occurrence.

(12) All licensees shall file a performance bond in the amount of \$10,000 to guaranty full compliance with this subchapter.

(13) All licensees shall indemnify and hold the city harmless from any liabilities, costs, claims, damages, or other expenses that may arise out of the licensees' business.

(14) All licensees shall provide for garbage collection in an enclosed and securely covered environment, and all equipment shall be in good repair and safe operating condition. The licensee's official company name together with the phone number shall be printed in legible letters not less than 4 inches in height on both sides of all equipment used within the city.

(15) All licensees shall establish and maintain an office, with telephone, and shall provide the telephone number to all dwelling units serviced by the licensee not less than 4 hours per day, Monday through Friday. All complaints shall be logged and provided to the city during each license renewal.

(16) All licensees shall be responsible for billing their customers.

(17) At any time that the licensee shall request a renegotiation of terms during the license period, the city may renegotiate the terms, or, at its option, issue a new RFP.

(18) Any licensee wishing to renew its license shall do so within 90 days of the end of the existing license year.

(19) The city may revoke any license issued under this subchapter upon reasonable notice and failure of licensee to perform any material condition of the license within 20 days after the notice. (Prior Code, § 39.03) Penalty, see § 10.99

RECYCLING

§ 51.15 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALUMINUM RECYCLABLES. Disposable containers fabricated primarily of aluminum commonly used for soda, beer, or other beverages.

CAN RECYCLABLES. All disposable containers fabricated primarily of metal or tin.

COLLECTION. The aggregation of recyclable materials from the place at which it is generated and includes all activities up to the time when the waste is delivered to a designated facility.

GLASS RECYCLABLES. Jars, bottles, and containers, which are primarily used for packing and bottling of various matter.

MULTIPLE-FAMILY DWELLING. A building or a portion thereof containing 3 or more dwelling units including detached, semidetached, and attached dwellings.

PAPER RECYCLABLES. News print and office paper but does not include magazines or similar periodicals.

RECYCLABLE MATERIALS. Materials that are separated from refuse for the purpose of recycling and include aluminum recyclables, can recyclables, glass recyclables, and paper recyclables.

RECYCLING. The process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use. (Prior Code, § 40.01)

§ 51.16 SEPARATION AND COLLECTION OF RECYCLABLE MATERIALS.

(A) It shall be the duty of every owner of a multiple-family dwelling unit having recyclable materials which accumulate on the premises to provide space for recyclable materials so that residents may place the recyclable material in a city-approved container and set the recyclable material out for collection in a manner that is designated by the city.

(B) The city shall ensure there are services available for the collection of recyclable materials from all single-family and multiple-family dwelling units. The city shall provide owners and occupants of multiple-family dwelling units with information regarding authorized recycling procedures.

(Prior Code, § 40.02)

§ 51.17 COLLECTION.

(A) Collection, removal, and disposal of recyclables shall be supervised by the city, which shall have the power to establish a time, method, and routes of service. The owners of multiple-family dwelling units shall make information regarding dates and times of collection of recyclables available to all tenants.

(B) It shall be unlawful for any person other than employees of the city or authorized hauler to distribute, collect, remove, or dispose of recyclable materials after the materials have been placed or deposited for collection.

(Prior Code, § 40.03) Penalty, see § 10.99

§ 51.18 CONTAINER REQUIREMENTS.

Containers shall initially be provided to owners of multiple-family dwelling units by the city or its authorized recycling hauler and shall be maintained in a clean and sanitary condition owners. Thereafter, owners shall be responsible for replacing containers or for purchasing extra containers as needed. The containers so provided shall be located in a manner so as to prevent them from being overturned or obstructing pedestrian or motor vehicle traffic. The containers shall be located in such a manner so as to allow for collection by the city-approved recycling hauler.

(Prior Code, § 40.04) Penalty, see § 10.99

§ 51.19 CHARGES FOR RECYCLING.

The city shall charge owners of multiple-family dwelling units the cost of the recycling contract, together with any actual administrative costs expended by the city, by adding the costs to the water bills for each multiple-family dwelling unit, on a pro rata basis, based upon the total number of units serviced by the recycling contract.

(Prior Code, § 40.05)

§ 51.20 VIOLATIONS.

The violator shall be given a written warning for the initial violation. Penalties that remain unpaid for more than 30 days shall be charged to the utility account of the violator. Any penalty that is placed on a utility account shall be an assessment against the violator's property. The amount shall be certified with the County Auditor and collected in the same manner as taxes against the premises. (Prior Code, § 40.06) Penalty, see § 10.99

CHAPTER 52: CITY SANITARY SEWER

Section

- 52.01 Generally
- 52.02 Definitions
- 52.03 Sewage disposal and connections with sewer
- 52.04 Private sewer disposal
- 52.05 Types of waste prohibited
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- 52.09 Entry upon private property
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- 52.12 Construction requirement
- 52.13 Independent systems
- 52.14 Repair of public right-of-way
- 52.15 Variances
- 52.16 Construction, maintenance, and repair

§ 52.01 GENERALLY.

The entire city sanitary sewer system shall be operated as a public utility and convenience from which revenues will be derived, subject to the provisions of this code. The city, through its designated representative, shall supervise all sewer connections made to the city sanitary sewer system and all excavations for the purpose of installing or repairing the same.
(Prior Code, § 46.01)

§ 52.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING SEWER. The extension from the building plumbing to the public sewer or other place of disposal.

GARBAGE. Solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

INDUSTRIAL WASTES. The liquid wastes from industrial processes as distinct from sanitary sewage.

PERSON. Any individual, firm, company, association, society, corporation, or group.

PUBLIC SEWER or **CITY SEWER.** A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.

SEWER. A pipe or conduit for carrying sewage.
(Prior Code, § 46.02)

§ 52.03 SEWAGE DISPOSAL AND CONNECTIONS WITH SEWER.

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the city or in any area under its jurisdiction, any human or animal excrement, garbage, or other objectionable waste.

(B) It shall be unlawful for any person to discharge into any natural outlet within the city or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters.

(C) Except as herein provided it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(D) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city is hereby required at his or her expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this code within 90 days after date of official notice to do so. Until the connection, the owners of all houses, buildings, or properties for human occupancy, employment, recreation, or other purposes, situated and abutting shall comply with all codes and regulations applying to private septic systems and their use.

(E) The owner of all houses, buildings, or properties where cesspools and septic tanks have been in existence prior to the construction of the sanitary sewer, shall connect with the public sewer when the septic tanks and cesspools are in need of repairs, or reconstruction, or, in any event not later than 12 months after the sewer becomes available.
(Prior Code, § 46.03) Penalty, see § 10.99

§ 52.04 PRIVATE SEWER DISPOSAL.

(A) Before commencement of construction of buildings in an area where sewers are not provided, a permit in writing must be secured from the City Council. The application for the permit shall be made on a form furnished by the city which the applicant shall supplement by any plans, specifications and other information as the Plumbing Inspector may reasonably require. A permit and inspection fee of \$20 shall be paid to the City Administrator/Clerk at the time the application is filed.

(B) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City Inspector. He or she shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the Inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Inspector.

(C) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Minnesota and the city code or ordinances. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 24,000 square feet. No septic tank or cesspool shall be permitted to discharge into any public or natural outlet.

(D) At the time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this code, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(E) Contents of septic tanks must be pumped out and hauled away by proper tank trucks. Contents of all cesspools, distribution tanks, or any similar tanks must be drained by pumping. Written permission must be obtained before pumping or dumping any contents in the city sewage system.

(F) Backfilling above the cover level of any cesspool, septic tank, or similar tanks, or any building sewer, shall not commence until permission has been granted by the Municipal Inspector.

(G) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the municipality.
(Prior Code, § 46.04)

§ 52.05 TYPES OF WASTE PROHIBITED.

(A) (1) More than 100 mg/l of fats, wax, grease, or oils (hexane soluble), whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32F and 150F (0C and 65C) at the point of discharge into the sewer system;

(2) Liquids, solids, or gases which by reason of their nature or quantity are or may be sufficient to cause fire or explosion or be injurious in any other way to the metropolitan disposal system

or to the operation of the system. At no time shall 2 successive readings on an explosimeter, at the point of discharge into the sewer system, be more than 5% nor any single reading over 10% of the Lower Explosive Limit (L.E.L.);

(3) Any noxious or malodorous solids, liquids, or gases, which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair;

(4) Any toxic substances, chemical elements, or compounds in quantities sufficient to interfere with the biological processes or efficiency of treatment works, or that will pass through a treatment works and cause the effluent therefrom or the water into which it is discharged, to fail to meet applicable state or federal standards;

(5) Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension;

(6) Radioactive wastes or isotopes of the half-life or concentration that they are in noncompliance with present or future regulations issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the metropolitan disposal system or personnel operating it;

(7) Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or other interference with the proper operation of any disposal system, such as grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood plastic gas tar, asphalt, residues, residues from refining or processing of fuel or lubricating oil, gasoline, naphtha, and similar substances;

(8) Any mineral acids, waste acid pickling, or plating liquors from the pickling or plating of iron, steel, brass, copper or chromium, or any other dissolved or solid substances which the Chief Administrator determines will or may endanger health or safety, or attack or corrode any part of the metropolitan disposal system;

(9) Liquids or vapors having a temperature higher than 150F immediately prior to discharge into a disposal system;

(10) Phenols or other taste- or odor-producing substances in concentrations which the Chief Administrator determines will or may cause the effluent from the metropolitan disposal system or the water into which it is discharged to fail to meet applicable state or federal standards;

(11) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride);

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(c) Unusual BOD, chemical oxygen demand, or chlorine requirements, in such quantities as to constitute a significant load on the treatment works; and/or

(d) Unusual volume of flow or concentration of waste constituting slugs.

(12) Any substance which is not amenable to treatment or reduction by the type of sewage treatment processes employed to a degree sufficient to permit the effluent from the treatment works and the water in which it is discharged to meet applicable state and federal standards; and

(13) Any waste containing concentrations in excess of the following:

(a) Chromium (Total) - 25.0 mg/l;

(b) Chromium (Hexavalent) - 10.0 mg/l;

(c) Copper - 5.0 mg/l;

(d) Cyanide (Total) - 10.0 mg/l;

(e) Cyanide (Readily released at 150F and pH=4.5) - 2.0 mg/l;

(f) Iron - 50.0 mg/l;

(g) Lead - 0.5 mg/l;

(h) Mercury - none at levels acutely toxic to humans or other animals or plant life;

(i) Nickel - 10.0 mg/l;

(j) Zinc - 15.0 mg/l; and

(k) Temperature (except where higher temperatures are required by law) - not over 150F, allowable pH range = 5.5 - 9.5.

(B) (1) The admission into the public sewers of any waters or wastes:

(a) Having a 5-day Biochemical Oxygen Demand greater than 500 parts per million by weight;

(b) Containing more than 500 parts per million by weight of suspended solids;

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(c) Containing any quantity of substances having the characteristics described in division (A) above; or

(d) Having an average daily flow greater than 2% of the average daily sewage flow of the city sewer system shall be subject to the review and approval of the City Council.

(2) The owner shall provide, at his or her own expense, the preliminary treatment as may be necessary to:

(a) Reduce the Biochemical Oxygen Demand to 500 parts per million and the suspended solids to 500 parts per million by weight;

(b) Reduce objectionable characteristics or constituents to within the maximum limits provided for in divisions (A)(1) through (A)(10) above; or

(c) Control the quantities and rates of discharge of the water or wastes.

(3) Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the City Council and of the Water Pollution Control Commission of the State of Minnesota, and no construction of the facilities shall be commenced until the approvals are obtained in writing.

(C) Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense. His or her failure to do so shall be construed as a public nuisance and the city reserves the right to discontinue service.

(D) The owner of the property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer line to facilitate observation, sampling and measurement of the wastes. The manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City Council. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

(E) All measurements, tests, and analyses of the characteristics of waters and waste to which reference is made in subsections a and b above shall be determined in accordance with methods employed by the Minnesota Department of Health, and shall be determined at the control manhole provided for in division (D) above, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(F) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any 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.

(G) It shall be unlawful to discharge into the city sanitary sewer system any industrial wastes unless prior approval of the Treatment Plant Operator is obtained. The Treatment Plant Operator shall approve the discharge of industrial wastes when, in his or her opinion, the proposed wastes will not be of an unusual amount or character, and are not in excess of the limitation of this code. The Treatment Plant Operator shall continue to review the amount and character of the industrial waste and shall revoke his or her approval of their discharge into the city sanitary sewer system when in his or her opinion the wastes are unusual in the amount or character and in excess of the limitations of the code. Notice of revocation of approval shall be mailed by certified mail to the last known address of the owner. The owner shall have 10 days from the date of mailing of the notice within which to file an appeal therefrom by filing a notice of intent to appeal with the City Administrator/Clerk, whereupon the Council shall within 30-days review the decision of the Treatment Plant Operator to revoke approval.

(Prior Code, § 46.05) Penalty, see § 10.99

§ 52.06 DISCHARGE OF SURFACE WATERS PROHIBITED.

(A) *Generally.* It shall be unlawful to discharge or cause to be discharged into the city sewer system, either directly or indirectly, any storm water from roofs, paved areas, yards, courtyards, area drains, or subsoil drains.

(B) *Subsoil drain.* Where subsoil drains are placed under the cellar or basement floor or are used to surround the outer walls of a building, they shall be made of open jointed or horizontally split or perforated clay tile or cement tile not less than 4 inches in diameter. They shall be a part of the building storm drain or be discharged into a properly designed sump.

(C) *Building subdrains.* Building subdrains located below the public storm sewer level shall be discharged into a sump or receiving tank. The sump shall be constructed substantially in compliance with plans and specifications on file in the office of the City Inspector and the contents of the sump shall be automatically lifted and discharged to the outside of the building. The contents of the sump shall not be discharged directly into the street.

(D) *Air conditioning discharge.* No water shall be discharged from any air conditioning unit or system either directly or indirectly into the city sanitary sewer system.

(Prior Code, § 46.06) (Am. Ord. 233, passed 4-13-2009) Penalty, see § 10.99

§ 52.07 TAMPERING WITH MUNICIPAL SEWER SYSTEM PROHIBITED.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the city sewer system.

(Prior Code, § 46.07) Penalty, see § 10.99

§ 52.08 CERTAIN CONNECTIONS PROHIBITED.

(A) No buildings located on property lying outside the limits of the city shall be connected to the city sanitary sewer system unless there is a proper contract between the city and the other local government containing the building served.

(B) No sewer connection shall be made to any building or house unless the building or house has at least a vented main line.

(Prior Code, § 46.08) Penalty, see § 10.99

§ 52.09 ENTRY UPON PRIVATE PROPERTY.

The City Inspector, so designated, and other duly authorized employees of the city, bearing proper credentials and identification, shall at reasonable times be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing in connection with the operation of the city sanitary sewer system.

(Prior Code, § 46.09)

§ 52.10 RATES AND CHARGES.

(A) (1) For sewer service and the availability thereof, any person connecting premises to the public sewer agrees to pay the rates and charges established therefor, from time to time by Council resolution. In addition to all other charges, each permit to connect shall be accompanied by a special connection fee equal to the lateral unit assessment of \$500 for the sewers in the abutting street or rights-of-way plus a plant unit assessment in the amount of \$50 for each residential dwelling unit, or equivalent, to be connected after the date of this code. All the special connection fees shall be paid into the sewer fund of the city to offset repairs and upgrades made to the sanitary sewer system by the city.

(2) In respect to property which shall be connected with the city sewer system for the discharge and disposal of any waste unusual in either character or amount, then, in addition to all applicable charges hereunder, the City Council reserves the right to impose the supplemental sewage rate change as the City Council shall determine is reasonable and warranted on the basis of all relevant factors.

(3) The City Council may, by its resolution, provide that any charge for sewer connection, as provided by division (A)(1) above, be transmitted to the County Auditor to be payable in not more than 15 annual installments of principal plus 10% annual interest on the unpaid balance from year to year, and to provide further that all connection charges and interest collected by the County Treasurer therefrom shall be paid over to the City Administrator/Clerk in the same manner as other city taxes.

(4) Any application for connection permit shall state whether the subject premises has paid an assessment and, if so, the amount so assessed and the legal description of the premises as originally assessed.

(5) The charges established pursuant to this code shall be a lien on the real estate benefitted thereby and against which same is established, and shall be of equal rank with the liens or taxes levied under the general laws of the state, and shall become due and payable as fixed by the resolution establishing the charges. The charges may also at the option of the city be enforced against the owner, lessee, or occupant of the property benefitted by the connection service, or availability of service, or against all of them in a civil action without the waiver of other remedies.

(6) (a) Rates during the year for a single-family residential users of the sewage system are based on the amount of water used during the first quarter of the year, or the quarter to be billed, whichever is less. If the single-family residential customer establishes residence during the year, the sewer base shall be established by first quarter records from their previous place of residence. If there are no records available from the previous place of residence, then the first quarter sewer base shall be determined by multiplying the number of occupants of the residence by 6,000 gallons/occupant. That base shall remain in effect until the first quarter records are established by actual first quarter of the year usage.

(b) The city shall inspect all single-family residential sewer and surface water drainage systems are properly hooked up so as not to contribute to the infiltration of the sewer system. The city shall notice any property owner/occupant whose system is not properly hooked up and shall give the property owner/occupant a reasonable amount of time to correct the system depending on the corrections needed. Determination of the time necessary to correct a defective system shall be made by the Public Works Director. In the event a property owner fails to correct the infiltration problem within the time period specified by the city, or if a property owner fails to respond to the notice from the city, a \$500 charge, per quarter, shall be added to the property sewer charge commencing the next quarter following the determination of non-compliance. This charge shall be in addition to the base rate established for single-family residential users.

(Am. Ord. 177, passed 9-14-1999; Am. Ord. 207, passed 4-24-2006; Am. Ord. 233, passed 4-13-2009)

(7) (a) *Rate 1.* Single-family residential with approved drain system based on the first quarter water usage:

1. One to 6,000: \$74.03.

2. Senior citizens that qualify for the senior water rate will be charged a reduced rate for sewer service of \$30.77 per quarter for one to 8,000 gallons of actual water used. Senior citizens, age 65 or older, must consume 8,000 gallons of water or less in order to qualify for the reduced rate.

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3. Six thousand and one gallons and above: \$6.10 per 1,000 gallons on the first quarter basis gallons of water usage per quarter.

(b) *Rate 2.* All other users of the sewer system based on actual water usage:

1. One to 6,000 gallons according to the rate schedule as defined in § 52.10(A)(7)(a)(1).

2. Six thousand and one gallons and above according to the rate schedule as defined in § 52.10(A)(7)(a)(3) per 1,000 gallons on the first quarter basis gallons of water usage per quarter.

(Am. Ord. 190, passed 5-27-2003; Am. Ord. 208, passed 5-22-2006)

(B) Statements for sewer rental charges for the preceding quarterly period shall be mailed to each customer at the dates as prescribed by the City Council. The statements shall be due and payable to the Administrator/Clerk on or before the fifteenth of the month following date of bill.

(C) Any amounts due hereunder for sewage charges may be collected in an action brought for that purpose in the name of the city; or the Administrator/Clerk may certify to the County Auditor the amounts due for sewer charges, including penalty, together with the legal description of the premises served and the County Auditor shall thereupon enter the amount with the tax levy on the premises collectible with the taxes for the next ensuing year.

(D) Any homeowner who is delinquent on his or her sewer or water bill shall lose the benefit of the first quarter calculation described in division (A)(6) above. The rate for any homeowner who loses the first quarter of the year status shall be based upon actual water usage.

(E) The Council shall determine annually, by resolution, those accounts that will revert from the first quarter of the year status to a status of actual use. Council action shall come only after notification to delinquent homeowners of the proposed action with an opportunity for homeowners to be heard by the Council. The Council may determine that a hardship exists in certain cases and permit homeowners with delinquent sewer and water bills to maintain the favorable treatment under division (A)(6) above. The proposed resolution, and notice to the homeowner, will set out the last date for payment before the homeowner loses the favorable rate status described in division (A)(6) above.

(Prior Code, § 46.10) (Am. Ord. 251, passed 12-13-2010; Am. Ord. 253, passed 3-14-2011; Am. Ord. 255, passed 6-13-2011; Am. Ord. 263, passed 3-26-2012; Am. Ord. 271, passed 12-10-2012)

§ 52.11 PERMITS, LICENSES, FEES, BOND, AND INSURANCE.

(A) Any person desiring to make connection to the city sanitary sewer system shall comply with this code. The application shall be submitted on blanks and furnished by the city, and shall be accompanied by plans and specifications and the other information as is desired by the City Inspector, together with a permit and inspection fee of \$5. All costs and expenses incident to the installation and connection shall be borne by the owner, and the owner shall indemnify the city for any loss or damage that may directly or indirectly be occasioned by the installation of the sewer connection including restoring streets and surfaces. Any person, firm, or corporation who shall commence work of any kind for which a permit is required under this code, without first having received the necessary permit therefor, shall, when subsequently securing the permit, be required to pay double the fees provided by this code for the permit and shall be subject to all penal provisions of this code.

(B) Permits shall only be issued when the applications show that the work is to be done by persons, firms, or corporations, who have been duly registered by the city to engage in the business of sewer installation within the city, and who have paid the required fee and filed the bonds and insurance certificates required under this chapter. No permit shall be issued until the plumbing in the building to be served is inspected by the City Inspector and altered, if necessary, to conform to the Minnesota Plumbing Code, to the extent necessary to permit a proper and safe connection to the city sanitary sewer system. Upon completion of the work, a copy of the permit shall be signed and dated by the licensed individual or firm making the sewer installation and delivered to the City Inspector at the time he or she makes his or her final inspection of the work. The City Inspector shall sign the permit to show that the work and material conform to the City Codes. The permit shall also be filled out showing the kind and size of pipe, the kind of joint used, the length of the building sewer connection, the depth at the street, the depth at the house, the distance from either side of the house where the connection is made to the house plumbing, and any other information listed on the permit form or required by the City Inspector.

(C) Before any person, firm, or corporation is registered to engage in the business of sewer installation within the city, he or she shall make application to the city for the registration, shall pay the following fee and shall file with the City Administrator/Clerk the following bond, insurance, and other requirements.

(1) The applicant must be a Master Plumber currently licensed by the State of Minnesota.

(2) The fee for the registration shall be \$5 per year and each registration shall terminate on January 1, next after its issuance. Registration shall not be transferable. Where the term of the registration is less than a year, the fees shall be prorated with a minimum fee of \$1.

(3) A surety bond in the face amount of the estimate for the project running to the city, conditioned that the city will be saved harmless from any loss, damage, cost, or expense, by reason of improper or inadequate performance or compliance with the terms of this code by the registrant or his or her agents or employees.

(4) A certificate of insurance or copies of public liability and property damage insurance policies approved by the City Council, containing a provision that they shall not be canceled without 10 days written notice to the City Administrator/Clerk, showing coverage of not less than \$100,000 for injuries, including same limit for each person in an amount not less than \$300,000 on account of any one accident, and property damage insurance in the amount of not less than \$50,000.

(D) The City Council may revoke any registration at any time if the registrant shall violate the provisions of this or any other code of this city. No registrant shall allow his or her name to be used by any person for the purpose of doing work within the city.
(Prior Code, § 46.11)

§ 52.12 CONSTRUCTION REQUIREMENT.

(A) *Generally.* The following materials and construction methods and none other shall be used in making sewer connections to the city sewer system.

(B) *Materials.* All pipe shall be 4 inches in diameter or larger. Extra heavy cast-iron soil pipe, conforming to the A.S.T.M. standard Specifications A-74-42, or 4 inches in diameter or larger, Polyvinyl Chloride sewer pipe, Type W-1 as manufactured by the Cretex Companies, Inc. or approved equal. The material used in the manufacture of the pipe shall be Type III conforming to A.S.T.M. Specifications D-1784. The pipe shall be designed to withstand internal pressure of at least 25 psi. When the clearance between the building sewer and any water service line is less than 10 feet or when the clearance between the building sewer and any well is less than 20 feet, cast-iron soil pipe must be used for the building sewer. If water and sewer services are laid in the same trench the sewer should be laid underneath.

(C) *Joints and connections.* Type of joints shall comply with the following specifications: on case iron pipe the joints shall be runner ring gasketed joints. The joints shall be solvent cemented joints made

with a joint cement of PVC as recommended by the manufacturer. Vitriified clay tile joints shall consist of rubber ring type. If pipe is installed on filled or unstable ground, the building sewer shall be of cast-iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the City Inspector. All joints and connections shall be made gastight and watertight. All joints between pipes of different materials shall be by specially designed fitting, or if fittings are not available the special method as approved by the City Inspector.

(D) *Alignment.* No building sewer shall contain bends or a combination of bends which at any point shall be greater than 45 degrees, and no more than 4 bends, regardless of angle, shall be permitted in any single building sewer, except where manholes are constructed at the points and in manner as directed by the City Inspector. No building sewer shall be laid parallel to any bearing wall or footing unless further distant than 3 feet from any the bearing wall or footing. No connecting sewer shall be laid within 20 feet of any well. If no cleanout is provided then 1 with a minimum 4-foot opening must be provided outside of the house within 3 feet of the foundation or before the first bend. On long runs a cleanout must be provided each 75 feet.

(E) *Excavation.* All excavations shall be open-trench work unless otherwise authorized by the City Inspector. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation the pipe is to be laid on is good and firm, the earth shall be pared or molded to give a full support to the lower third of each pipe. Bell holes shall be dug to provide ample space for pouring of joints. Care must be exercised in backfilling below the center line of the pipe in order to give it proper support. Backfilling shall not be done until the section to backfill has been inspected and approved by the City Inspector.

(F) *Use of old house sewers.* All sewer connections shall be made directly to the pipe outlet from the building served provided the pipe outlet is either cast iron or polyvinyl chloride. No cesspool or septic tank shall be connected to any portion of a building sewer that is also laid across or over any existing cesspool or septic tank. The existing cesspool or septic tank shall first be pumped clean and filled with granular material to the surrounding ground level, except that if the septic tank is needed for subsurface drainage, the City Inspector may allow continued use for this purpose. Where a building sewer is laid across or over any existing cesspool, or septic tank, only cast-iron soil pipe, conforming to the A.S.T.M. Standard Specification A-74-42, shall be used for that portion of the connecting sewer which is laid across or over the existing cesspool or septic tank, and if interposed in a polyvinyl chloride sewer pipe, the cast-iron soil pipe shall be of the same diameter as the plastic pipe.

(G) *Connections at stub only.* Every building sewer shall be connected to the city system only at the stub provided for the property served by the connection except where otherwise expressly authorized by the City Council or its designated representative. Wherever possible, stubs shall have been provided for each separate structure and all connections to the public sanitary sewer shall be made to the stubs. In the event the stub which has been installed cannot be used, then the property owner shall pay the full cost of making the connection elsewhere. In the event it becomes necessary to install a wye branch, this shall be done by installing a polyvinyl chloride wye on the existing pipe and carefully cutting an opening in the pipe with an approved saw. The wye shall be installed by the use of solvent and held in place with 2 stainless steel clamps. Any other methods of making connection to the main sewer shall be subject to the approval of the City Council.

(H) *Tunneling.* Tunneling for distances of not more than 6 feet, or to such a length that it may be serviced with a single length of cast-iron pipe but not more than 20 feet in length, is permissible in yards, courts, or driveways of any building site. When pipes are driven, the drive pipe shall be at least 1 size larger than the pipe to be laid.

(I) *Connection level.* Whenever possible, the building sewer shall join the building at an elevation which is below the basement floor of the building. In all buildings in which any connection below the basement floor would be too low to permit gravity flow to the city sewer system, sanitary sewage shall be lifted by approved artificial means and then discharged into the building sewer.

(J) *Cover.* The minimum cover over building sewer connections shall be 6 feet in order to prevent freezing. Where 6 feet is not practical at the building then 6 feet shall be attained as soon as possible. All the connections must be approved by the City Inspector before work commences. Wherever possible, the cover shall be maintained at 7 feet.
(Prior Code, § 46.12) Penalty, see § 10.99

§ 52.13 INDEPENDENT SYSTEMS.

(A) The drainage and plumbing system of each new building and of new work installed in an existing building shall be separate from and independent of any other building except as provided in division (B) below and every building shall have an independent connection with a public sewer when such is available.

(B) Where a building stands to the rear of another building on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building only with the approval of the City Council. Where such a building sewer is extended, a cleanout shall be provided immediately inside the rear wall of the front building and at the property line if it is a divided property.
(Prior Code, § 46.13)

§ 52.14 REPAIR OF PUBLIC RIGHT-OF-WAY.

No connection to the city sanitary sewer system shall be finally approved until all streets, pavements, curbs, and boulevards or other public improvements, thereon, have been restored to their former condition to the satisfaction of the City Council.
(Prior Code, § 46.14)

§ 52.15 VARIANCES.

The City Council may permit variations from the strict appliance of any of the provisions of this Code if it is satisfied that there are special circumstances or conditions affecting the premises for which the variance is requested and that the granting of the variation will not materially affect adversely health,

safety, or general welfare of public or private property. Any variation permitted under this provision must be noted on the permit.

(Prior Code, § 46.15)

§ 52.16 CONSTRUCTION, MAINTENANCE, AND REPAIR.

The cost of construction of all sewer lines from the main to the building is the sole responsibility of the property owner. The property owner is also responsible for all repairs to sewer lines between the property line and building. Repairs between the property line and the sewer main are the responsibility of the city. The property owner is responsible for routine maintenance of the sewer lines from the city sewer mains to the building. Maintenance includes, but is not limited to, keeping the lines clear from freeze-ups and removal of debris and roots.

(Ord. 225, passed 8-25-2008)

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CHAPTER 53: CITY WATER

Section

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- 53.09 Placement and operation of required equipment
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- 53.11 Damaging meters prohibited
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- 53.15 Multi-family dwellings
- 53.16 Senior citizen rate considerations
- 53.17 Connections beyond city boundaries
- 53.18 Consent to regulations
- 53.19 Assessment of unpaid charges
- 53.20 Construction, maintenance, and repair

§ 53.01 USE CONFINED TO PREMISES.

No person shall permit water from the city water supply system to be used without prior approval of the city. No more than 1 residence shall be connected to any stop box without the expressed consent of the city.

(Prior Code, § 47.01) Penalty, see § 10.99

§ 53.02 DISCONTINUANCE OF SERVICE FOR CODE VIOLATIONS.

(A) Service may be discontinued if at any time:

(1) The owner or occupant of the premises served, or any person working on any pipes or equipment thereon which are connected with the city water supply system, has intentionally violated any of the requirements of the code of the city relative to the water supply system or connections therewith;

(2) The owner or occupant of the premises served threatens to violate, or cause to be violated, any of the provisions of this code;

(3) Any charge for water, service, meter, meter parts, or any other financial obligations imposed on the present or former owner or occupant of the premises served, by the provisions of this code is unpaid; and/or

(4) Fraud or misrepresentation by the owner or occupant in connection with an application for service.

(B) Water shall not be turned off from any service pipe between the hours of 9:00 a.m. on Friday and 9:00 a.m. on the following Monday.
(Prior Code, § 47.02)

§ 53.03 DEFICIENCY OF WATER AND SHUTTING OFF WATER.

The city shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections, or from any other cause whatever. In case of fire, or alarm of fire, the water may be shut off to ensure a supply for firefighting or in making repairs or constructing new works, or in an emergency, the water may be shut off at any time as long as necessary for completion of the project or until the cessation of the emergency.

(Prior Code, § 47.03)

§ 53.04 FIRE HYDRANT CONNECTIONS.

It shall be unlawful for any person, except when authorized by the City Administrator/Clerk or except members of the City Fire, Street, and Water Departments when performing their official duties, to open or interfere with any of the hydrants or gates of the city water supply system. The permit shall be granted by the City Administrator/Clerk only upon application in writing, subject to the regulations as may be prescribed by the City Council, upon payment of a deposit fee of \$5. Any person withdrawing water from a fire hydrant or gate of the city water supply except for extinguishment of a fire or other city purposes shall be obligated to pay the city \$1,00 per thousand gallons of water used. No person shall be granted a permit to withdraw water from a hydrant or gate without meter for a period in excess of 20 days. Upon return of any equipment furnished by the city and deduction of charges computed on the per diem basis, any balance of the deposit shall be returned to the depositor. In case of withdrawal of water from a hydrant or gate without permit, the above charge shall be in addition to other penalties provided for violation of this code.

(Prior Code, § 47.04) Penalty, see § 10.99

§ 53.05 RESTRICTED HOURS FOR SPRINKLING.

Whenever the City Council shall by resolution determine that a shortage of water supply threatens the city, it may by resolution limit the times and hours during which water may be used from the city water supply system for lawn and garden sprinkling, irrigation, car washing, air conditioning, or other uses specified herein; a copy of the resolution shall thereupon be mailed to each water customer. Two days after the mailing of the resolution any water customer who shall cause or permit water to be used in violation of the provisions of the resolution shall be charged \$25 for each day of the violation, which charge shall be added to his or her next water bill; continued violation is hereby prohibited and shall be cause for discontinuance of water service.

(Prior Code, § 47.05)

§ 53.06 PERMITS FOR SERVICE CONNECTIONS.

(A) No connection or service tapping shall be made with a city water main without a permit therefor which shall be issued by the city upon application by a master plumber.

(B) No permit herein required shall be granted unless application therefor be made in writing and signed by the owner or his or her agent duly authorized to do the work. The application must state clearly the kind of service for which the connection is intended, the size and kind of pipe to be used, the street and number, which side of the street, if on a corner, on which street to be tapped, with a diagram of the property to be supplied, showing the streets, the boundary, the block on which it is situated, with the distance from the nearest corner, the full name and address of the owner, the purpose for which the water is to be used, and what plumbing work in the premises, if any, has been done by an unlicensed plumber; and the application shall show all other particulars necessary to the full understanding of the subject. No permit shall authorize anything not stated in the application. For any misrepresentation in the application the permit may be suspended; and if the misrepresentation appears to be willful, the permit will be revoked.

(C) Permits shall describe the location and size of each connection, and size must not be departed from in any degree.

(Prior Code, § 47.06) Penalty, see § 10.99

§ 53.07 TAPPING AND CONNECTION FEES AND CHARGES.

(A) Fees for permitting the tapping of a water main shall be paid per connection for each unit in the amounts listed in the following schedule. There shall also be an additional \$50 access charge for commercial and industrial units. Before any permit is issued, there shall also be paid any other sums required under this section.

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	<i>Residential Connection Charge</i>	<i>Non-Resident Connection Charge</i>	<i>Commercial Connection Charge</i>
2008	\$2,432	\$4,865	\$9,729
2009	\$2,517	\$5,035	\$10,070
2010	\$2,605	\$5,211	\$10,422
2011	\$2,697	\$5,393	\$10,787
2012	\$2,791	\$5,582	\$11,164
2013	\$2,889	\$5,778	\$11,555
2014	\$2,990	\$5,980	\$11,959
2015	\$3,095	\$6,189	\$12,378
2016	\$3,203	\$6,406	\$12,811
2017	\$3,315	\$6,630	\$13,260
2018	\$3,431	\$6,862	\$13,724
2019	\$3,551	\$7,102	\$14,204
2020	\$3,675	\$7,351	\$14,701
2021	\$3,804	\$7,608	\$15,216
2022	\$3,937	\$7,874	\$15,748
2023	\$4,075	\$8,150	\$16,299
2024	\$4,217	\$8,435	\$16,870
2025	\$4,365	\$8,730	\$17,460
2026	\$4,518	\$9,036	\$18,072
2027	\$4,676	\$9,352	\$18,704
2028	\$4,840	\$9,679	\$19,359
2029	\$5,009	\$10,018	\$20,036
2030	\$5,184	\$10,369	\$20,737

(Am. Ord. 191, passed 9-9-2003; Am. Ord. 191, passed 9-11-2006; Am. Ord. 219, passed 12-10-2007)

(B) No permit shall be issued to tap or connect with any water main of the city either directly or indirectly from any lot or tract or land unless the City Administrator/Clerk shall have certified:

(1) That the lot or tract of land to be served by the connection or tap 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, that proceedings for levying the assessment have been or will be commenced in the course; or

(3) If no assessment has been levied, and no assessment proceedings will be completed in due course, but a sum equal to the portion of cost of constructing the water main which would be assessable against the lot or tract has been paid to the city.

(C) If no certificate can be issued by the City Administrator/Clerk, no permit to tap or connect to any water main shall be issued unless the applicant shall pay an additional connection fee which shall be equal to the portion of the cost of construction of the main which would be assessable against the lot or tract to be served by the tapping or connection. The assessable cost is to be determined by the City Administrator/Clerk upon the same basis as any assessment previously levied against other property for that main. Any sum received by the city under this division (C) shall be paid into a special suspense account until it shall be determined by the City Council whether the property served by the connection under the permit will be assessable for any other water main; if it shall be determined that no other main shall be so assessable, then the fee shall be credited to the fund for the water main to which the connection was made, but if the tract or lot served by the connection is subsequently assessed for another water main, the sum shall be transferred to the fund for the main and credited against the amount assessable against the tract or lot.

(Prior Code, § 47.07)

§ 53.08 EXCAVATION PERMITS REQUIRED.

No person shall excavate in a public street to service a water main, make connection therewith, or for any purpose which will expose a water main, unless given a permit to do so by the city in accordance with the requirements of this code.

(Prior Code, § 47.08) Penalty, see § 10.99

§ 53.09 PLACEMENT AND OPERATION OF REQUIRED EQUIPMENT.

(A) *Corporation cocks and laying of service pipes.* The corporation cocks inserted in the distributing pipe must be of the size specified in the permit order. Every service pipe must be laid sufficiently waving to allow of not less than 1 foot of extra length, and in the manner as to prevent rupture by settlement. The service pipe must be placed not less than 8 feet below the surface and in all cases so arranged as to prevent rupture from freezing.

(B) *Stop boxes.* Service pipes must extend from the main to the inside of the building; or if not taken into a building then to a hydrant or other fixtures which it is intended to supply. A stop-cock accessible from the surface through a sleeve without digging in all cases must be placed outside in a box at the property line, and a shutoff or other stopcock with waste, of the size and strength required, shall

be placed close to the inside wall of the building, well protected from freezing. All stop boxes at the property line must be set in front of the building intended to be supplied, not to exceed 2 feet from the line of the building or part thereof. All stop boxes and cocks must conform to the specifications of the City of Maple Plain therefor.

(C) *Pipe sizes.* The minimum pipe size shall be 3/4 inch, I.D. All others shall be as approved by the City Engineer.

(D) *Time for insertion.* If from any cause the plumber laying the service pipe should fail to have the corporation cock inserted at the time specified in his or her application, notice must be given the city fixing another day on which he or she wishes the corporation cock to be inserted. The notice must be given at least 2 days previous to the excavation for laying of the service pipe, and the corporation cock must be inserted before 5:00 p.m. except in special cases, and then the work shall be done only upon a written order from the city.

(E) *Turning on water.* No person shall turn on any water supply at the stop box without a permit from the City Administrator/Clerk and no permit will be issued unless the house number, as given by the Building Inspector, is prominently displayed, and no permit shall be given anyone but a master plumber. The city reserves the right to turn off any water supply if the number is not displayed after a written notice has been sent to the owner as appearing on its books.

(F) *Supply from 1 corporation cock.* No more than 1 house or building shall be supplied from 1 corporation cock, except by special permission of the City Administrator/Clerk. Whenever 2 or more parties are supplied from 1 pipe, connecting with the distribution main, each building or part of building must have a separate stop box at the property line.

(G) *Repair of leaks.* In case of failure upon the part of any consumer or owner to repair any leak occurring upon her or his or her service pipe within 24 hours after verbal or written notice has been given upon the premises, the water will be shut off from the same and will not be turned on until the sum of \$5 has been paid. When the waste of water is great, or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately upon the giving of the notice.

(H) *Old corporation cocks.* When new buildings are erected on the sites of old ones, and it is desired to increase or change the old water service, no connection with the mains shall be given until all the old corporation cocks shall have been removed and the main plugged. If any contractor, worker, or employee upon the building shall cause or allow any service pipe to be hammered together at the ends to stop the flow of water, or save the expense in removing the pipe from the main, the owner of the building, the worker and contractor shall, upon conviction thereof, be fined not less than \$50 nor more than \$100 and shall remove the service pipe from the main; if he or she shall fail to do so on 24-hours notice, he or she shall be obligated to pay the city the cost incurred by it for the removal.

(I) *Meter setting devices.* Meter setting devices for 5/8 inch, 3/4 inch, and 1 inch meters shall be of copper pipe including the house side valve, provided that if copper cannot be obtained the meter setting device may be of another non-corrodible metal approved by the City Engineer.

(J) *Excavations for tapping water mains.* Excavations made for the purpose of making a tap from any city water main shall be at least 2 and ½ feet wide by 4 feet long inside the property line, the 4 feet to be measured from a point 6 inches beyond the side of the main opposite to that which is to be tapped and from the point toward the building with which the water connection is to be made. The excavations shall extend to the depth of at least 12 inches lower than the bottom of the water main. Ample clear space shall be allowed around the main in all cases to insert the tapping machine. All excavations for tapping shall be safely curbed to the satisfaction of the city.

(K) *Water meter setting.* All water meters hereinafter installed shall be in accordance with the following rules.

(1) The bottom of the meter shall not be less than 4 inches, or more than 12 inches from the top of the finished basement floor line; and the meter shall not be set more than 12 inches measured horizontally from the inside line of the basement wall.

(2) The service pipe from the city water main to the meter, where the same enters the building, shall be brought through the basement floor in a vertical position, so that a connection may be made thereto with an ell to which may be attached the stop and waste, and meter, or the pipe may be brought through the basement floor, in a vertical position and bent above the floor at a right angle; and the stop and waste, and meter attached in such a manner that the meter shall stand in a proper, vertical position. In no case shall there be more than 12 inches of pipe exposed between the point of the entrance through the basement floor and the stop and waste, and the stop and waste shall be connected directly to the meter.

(3) All meter installations shall have a stop and waste on the street side of the meter, which stop and waste shall, in every case, connect directly to the tail piece furnished with the meter.

(4) The water pipe connecting with the city water main shall not be run under any basement wall, before being connected to the water meter.

(L) *Size of connections.* Connections with the main for ordinary domestic supply shall be ¾ of an inch or 1 inch, except with permission of the City Administrator/Clerk.
(Prior Code, § 47.09) Penalty, see § 10.99

§ 53.10 WATER METERS.

(A) Except for extinguishment of fires, or when authorized by special permit from the City Administrator/Clerk and for temporary purposes only, no person shall use water from the water supply system of the city, or permit water to be drawn therefrom, except the same be metered by passing through a meter supplied or approved by the city. No person not authorized by the City Administrator/Clerk shall connect, disconnect, take apart, or in any manner change, or cause to be changed, or interfere with any such meter or the action thereof.

(B) The City Council shall from time to time fix the charge to be made to customers for new, replacement, water meters in original connection installations and payment for some shall be made in advance before delivery for installation. The cost of the replacement water meters shall be fixed from time to time by Council resolution.

(C) Whenever any meter shall become obstructed or out of order, the city shall cause it to be repaired. The cost of the repairs to be paid out of the water fund unless the meter had been damaged by freezing or willful neglect by someone outside of the city employ. On request of any customer, the city will test the meter. There shall be a \$10 service fee for the test unless error in the meter is found. All water meters obtained from the city shall remain the property of the city and may be replaced at any time by the city if found to be worn or defective beyond repair. The replacement shall be paid for from the water fund.

(Prior Code, § 47.10) Penalty, see § 10.99

§ 53.11 DAMAGING METERS PROHIBITED.

No person shall damage or knowingly or negligently permit damage to be done to a water meter on his or her premises or elsewhere. Any person damaging any such meter or knowingly or negligently permitting the same to be damaged shall pay all costs of making the required repairs to the meter upon demand therefor by the city.

(Prior Code, § 47.11) Penalty, see § 10.99

§ 53.12 COST OF INSTALLATION BORNE BY CONSUMER.

The cost of original installation of all plumbing between the stop box and the meter, as well as all repairs to the same, shall be borne entirely by the consumer. The plumbing shall at all reasonable times be subject to inspection by the city. Any repairs found to be necessary by the representatives shall be made promptly or the city will discontinue service.

(Prior Code, § 47.12)

§ 53.13 ACCESS TO BUILDINGS.

City officials and employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the city water supply system for reading of meters and inspections.

(Prior Code, § 47.13)

§ 53.14 RATES AND CHARGES FOR WATER USAGE.

(A) The following rates and charges shall apply to all consumers of water from the city water system including, but not limited to, residential units, churches, schools, and commercial and industrial designated operations in the amount and categories as follows.

(B) Rates are subject to regular review and amended by the City Council from time to time.

<i>Conservation Tier Rate - All Zoning Classifications</i>			
<i>0 - 6,000</i>	<i>6,001 - 12,000</i>	<i>12,001 - 24,000</i>	<i>24,001+</i>
\$5.70	\$5.99	\$6.28	\$6.91

(C) Base rate (service charge) - all zoning classifications:

<i>Year</i>	<i>Charge</i>
2012	\$7.62
2013	\$8.00
2014	\$8.40
2015	\$8.82
2016	\$9.26
2017	\$9.72
2018	\$10.21
2019	\$10.72
2020	\$11.25
2021	\$11.81
2022	\$12.40
2023	\$13.02
2024	\$13.68
2025	\$14.36
2026	\$15.08
2027	\$15.83

(D) Water treatment charge:

(1) Single-Family and Multi-Family Residential:

<i>Year</i>	<i>Charge</i>
2011	\$25.00
2012	\$25.00
2013	\$25.00
2014	\$25.00
2015	\$25.00
2016	\$25.00
2017	\$25.00
2018	\$25.00
2019	\$25.00
2020	\$25.00
2021	\$25.00
2022	\$25.00
2023	\$25.00
2024	\$25.00
2025	\$25.00
2026	\$25.00

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(2) Commercial and Industrial:

<i>Year</i>	<i>Charge</i>
2011	\$30.00
2012	\$30.00
2013	\$30.00
2014	\$30.00
2015	\$30.00
2016	\$30.00
2017	\$30.00
2018	\$30.00
2019	\$30.00
2020	\$30.00
2021	\$30.00
2022	\$30.00
2023	\$30.00
2024	\$30.00
2025	\$30.00
2026	\$30.00

(E) Non-residential rates. The per 1,000 gallon water rate for any residential, commercial, industrial or other persons receiving after service outside the corporate limits of the city shall pay an additional 25% per 1,000 gallons of water consumed per Tier Rate. Refer to § 53.17 for water service connections outside the corporate limits of the city.

(Am. Ord. 219, passed 12-10-2007; Am. Ord. 238, passed 12-14-2009; Am. Ord. 241, passed 2-12-2010; Am. Ord. 251, passed 12-13-2010; Am. Ord. 263, passed 3-26-2012; Am. Ord. 271, passed 12-10-2012)

§ 53.15 MULTI-FAMILY DWELLINGS.

Water rates and charges for all multi-family residential buildings, such as apartment buildings, with only 1 water meter shall be based on the total consumption of the building divided by the number of units to determine the consumption per unit. Multi-family customers are billed according to the Residential Conservation Tier Rate.

Example: 30 Unit Complex 300,000 Gallons Consumed
 $300,000/30 = 10,000$ Gallons Per Unit

First 6,000 Gallons x 0-6,000 Rate Charge

Remaining 4,000 Gallons x 6,001 - 12,000 Rate Charge

(Ord. 238, passed 12-14-2009)

§ 53.16 SENIOR CITIZEN RATE CONSIDERATIONS.

Senior citizens, age 65 or over, living in a single-family residence and using less than 8,000 gallons of water per quarter may file for a credit which would exempt them from the water rate service charge. The quarterly water treatment charge is not included in this exemption.

(Prior Code, § 47.15) (Ord. 208, passed 5-22-2006; Am. Ord. 219, passed 12-10-2007; Am. Ord. 238, passed 12-14-2009)

[Text continues on page 51]

§ 53.17 CONNECTIONS BEYOND CITY BOUNDARIES.

In any and all cases where water mains of the city have been or shall be extended to or constructed in any road, street, alley, or public highway adjacent to or outside the corporate limits of the city, the City Council only is authorized to issue permits to the owners or occupants of properties adjacent to, or accessible to, the water mains to tap and make proper water service pipe connections with the water mains to tap and make proper water service pipe connections with the water mains of the city in conformity with and subject to all the terms, conditions, and provisions of the codes of the city relating to the tapping of the city water mains and making water service pipe connections therewith, and to furnish and supply water from the water works system of the city to the owners and occupants of properties adjacent or accessible to the water mains of the city through and by means of water meters duly installed. Water service rendered to the persons shall be subject to all provisions of this code, and persons accepting the service shall thereby agree to be bound and obligated by the code. (Prior Code, § 47.16) (Am. Ord. 238, passed 12-14-2009)

§ 53.18 CONSENT TO REGULATIONS.

Every person applying for water service from the city systems, and every use of water or owner of property for which the application is made, shall be deemed by the application to consent to all the rules, regulations, and rates contained in the codes of the city and to all modifications thereof and all new rules, regulations, or rates duly adopted. (Prior Code, § 47.17) (Am. Ord. 238, passed 12-14-2009)

§ 53.19 ASSESSMENT OF UNPAID CHARGES.

The city is hereby given the power to assess and levy in the same manner as other taxes, any unpaid water accounts against the property upon which the account has accrued, and the same shall become a lien against the property. A \$150 penalty shall be added to any unpaid water account that is assessed and collected with taxes. The City Council is authorized to waive the penalty amount in cases of hardship. (Prior Code, § 47.18) (Am. Ord. 193, passed 11-10-2003; Am. Ord. 238, passed 12-14-2009)

§ 53.20 CONSTRUCTION, MAINTENANCE, AND REPAIR.

The cost of construction of all water lines from the main to the building is the sole responsibility of the property owner. The property owner is also responsible for all repairs to water lines between the property line and building. Repairs between the property line and the water main are the responsibility of the city. The property owner is responsible for routine maintenance of the water and sewer lines from the city water mains to the building. Maintenance includes, but is not limited to, keeping the lines clear from freeze-ups and the removal of debris and roots. (Ord. 225, passed 8-25-2008; Am. Ord. 238, passed 12-14-2009)

