

TITLE 10

WATER AND SEWER

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CHAPTER 1

PUBLIC WATER SYSTEM

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10-1-1: **SYSTEM ESTABLISHED:** A municipal water system (hereinafter called the water system) is hereby established to be operated as a public utility. (Amended Ord. 55, 5-5-1981; amd. 2003 Code)

10-1-2: **WATER UNIT DEFINED:** A "water unit" (hereinafter called unit) shall be one residential equivalent connection based on usage of one hundred thousand (100,000) gallons per year. (Amended Ord. 55, 5-5-1981)

10-1-3: **COMPLIANCE WITH PROVISIONS:** No person shall install any water service or use any water service which is connected to the water system except in the manner provided in this chapter. (Amended Ord. 55, 5-5-1981)

10-1-4: **CONNECTION TO WATER SYSTEM:**

A. Application For Service And Installation:

1. All applications for service installations and for water service shall be made to the City Clerk by the owner or agent of the property to be served and shall state the size and location of service connection required. The

applicant shall, at the time of making application, pay to the city the amount of fees or deposit required for the installation of the service connection as hereinafter provided. Applications for services larger than one inch (1") shall be accompanied by two (2) sets of plans, or sketches, indicating preferred location of service pipe and size of service based on building demand.

2. The size of water service connections and meter shall be subject to the approval of the City Engineer.

3. Water billing shall start at the time of installation of the water meter or, in the event the meter is not installed, seven (7) days after completion of outside piping, and shall be calculated upon the minimum quarterly rate, prorated on a semimonthly basis.

B. Permit To Connect; Charges:

1. A permit must be obtained to connect to the existing water service leads at the curb stop box. The fee for the permit shall be set pursuant to subsection 10-1-9A of this chapter. The city shall install or have installed all service connections from the water main to the curb stop box including the stop box. Payment for service connections must be made before the work is started and should be based upon one and one-half (1.5) times the estimate of costs provided by the City Engineer. Any excess deposit shall be returned to the applicant.

2. Additional charges shall be paid at the time of making application for tapping and making connections with the water main to where the curb stop box and service lead is not previously installed. The charge shall include the tapping of the water main, corporation cocks, the installation of a service line, the installation of a curb stop box, cost of restoring disturbed areas and all other costs related to such installation. (Amended Ord. 55, 5-5-1981)

3. There shall be a connection charge pursuant to Subsection 10-1-9A of this chapter levied by the city to contribute to the payment of the costs of the Andover public water system facilities. The City Council shall set by ordinance the charges to be made for nonresidential installations¹. (Amended Ord. 55, 5-5-1981; amd. 2003 Code)

4. When water services have been stopped because of a violation of this chapter, the city shall collect a fee before service is restored.

5. If a person desires to connect to the system and service a parcel that has not been assessed for the cost of water main and lateral construction,

¹ See section 1-7-3 of this code.

then before a permit is granted, the city shall collect an amount from the applicant that is determined by the city Assessment Policy and Public Improvement Financing Policy. (Amended Ord. 55, 5-5-1981)

10-1-5: **SUPPLY FROM ONE CONNECTION AND ONE METER:** No more than one housing unit or building shall be supplied from one service connection except by permission of the City Council. Each housing unit or building served shall have a separate water meter. (Amended Ord. 55, 5-5-1981; amd. 2003 Code)

10-1-6: **INSTALLATION AND CONSTRUCTION REQUIREMENTS:**

- A. Excavations; Connection Permit Required: No excavation shall be made until a permit for the connection has been issued by the city.

- B. Water Service Pipes Near Building Sewers:
 - 1. No water service pipe or water connection shall be installed in the same trench, or closer than ten feet (10') horizontally to a sewer or private property line; except that the water pipe on private property may be in a common trench with a sewer drain which is of a material that is in conformance with the current Minnesota Plumbing Code as adopted by the city ¹ and the Minnesota Department of Health regulations.

 - 2. Where it is desired to lay the water service pipe and the building sewer pipe in the same trench, or in separate trenches less than ten feet (10') apart, the water service pipe shall be above the sewer pipe unless approved by the City Engineer. It shall be placed at least one foot (1') above the sewer and on a solid shelf excavated at one side of the trench. The sewer pipe shall be of a material that is in conformance with the Minnesota Plumbing Code and the Minnesota Department of Health regulations with tested watertight joints. The water service pipe shall be watertight and corrosion resistant. Copper pipe and ductile iron pipe are acceptable for this construction. In all cases, precautions shall be taken to assure a firm foundation for the pipes. The intervening space between the pipes shall be backfilled with compacted earth.

- C. Installations On Surfaced Streets: In case the installation is on a surfaced street, the following shall apply: all backfilled materials shall be mechanically compacted in a twelve inch (12") layer to the density of the adjacent material in the roadway area and to the existing street grades in accordance with Minnesota Department of Transportation standards. Complete surface restoration shall be made. Compaction testing shall be done to ensure proper density. Testing shall be done by a certified testing company.

¹ See section 9-1-1 of this code.

- D. Service Pipe Installations And Specifications: Every service pipe shall be laid so as to allow at least one foot (1') of extra length in order to prevent rupture by settlement. The service pipe must be placed no less than seven feet (7') below the ground and in such a manner as to prevent rupture by freezing. Service pipes must extend from the curb stop box to the inside of the building or, if not taken into the building, then to the hydrant or fixtures which it is intended to supply. Type K copper tubing shall be up to and including two-inch (2") services. All underground joints are to be mechanical, except joints under floors shall be silver soldered unless otherwise approved by the City Building Official. Joints of copper tubing shall be kept to a minimum with not more than one joint used for service for each seventy feet (70') in length. Splicing may be approved with three (3) piece unions only. All joints and connections shall be left uncovered until inspected by the City Building Official and tested at normal water line pressure. Unions must be three (3) part type. All services over two inches (2") shall be ductile iron pipe. Connections with the mains for domestic supply shall be at least one inch (1") up to the curb stop box.
- E. Installation Of Curb Stop Box: Curb stop boxes will be installed on the right-of-way line at a location best suited to the property and shall be left in a vertical position when backfilling is completed. Curb stop boxes will be installed at an approximate depth of seven feet (7') below the finished ground elevation, and the top of the curb stop box shall be adjusted to be flush with the finished ground elevation. Curb stop boxes must be firmly supported by masonry block. No person shall erect any fence or plant any tree or other landscaping that would obstruct the use of the curb stop box or cause damage to same.
- F. Supervision And Inspections: All piping connections from the curb stop box to house supply piping shall be made under the supervision of a licensed plumber subject to inspection by the City Building Official. The piping connection made to the curb stop box on the house side shall be inspected by the City Building Official. The water meter installation shall be inspected, tested and the meter sealed by the Public Utilities Department. (Amended Ord. 55, 5-5-1981; amd. 2003 Code)

10-1-7: **LICENSED PLUMBERS¹**: No individual, partnership, corporation or other business association shall perform plumbing contracting work for another within the city without first having obtained a license as provided by this code; except that such license need not be obtained if said individual, partnership, corporation, or other business association holds a license from the State Board of Health. Every individual, partnership, corporation or other business association holding a license from the State Board of Health as provided above and doing plumbing contracting work for another within the city shall have on file with the

¹ See also title 3, chapter 3 of this code and section 10-2-5 of this title.

City Clerk a copy of the current license issued by the respective agency or such other evidence of such license as may be provided by the respective agency. All insurance and bond requirements shall be governed by state law. (Amended Ord. 22, 6-11-1974; amd. 2003 Code)

10-1-8: **WATER METERS:**

- A. Metered Water Required: Except for extinguishment of fires, no person, unless otherwise authorized by the Public Utilities Department, shall use water from the water system or permit water to be drawn therefrom, unless the same be metered by passing through a meter supplied or approved by the city.
- B. Installation Requirements: All water meters hereafter installed shall be in accordance with the following rules:
1. The service pipe from the water main to the meter, when the same enters the building, shall be brought through the floor or bottom course of concrete block or foundation where depth permits.
 2. The meter shall be located so that the bottom is from twelve inches (12") to twenty-four inches (24") above the finished floor line.
 3. The meter shall be set out not less than twelve inches (12") measured horizontally from the inside line of the basement wall. The meter shall be readily accessible to the meter reader and shall not be located in crawl spaces, closets or under stairways.
 4. All meter installations shall have a gate valve on the street side of the meter. A gate valve shall also be installed on the house side of the meter. All fittings and pipe shall be red brass or bronze. Gate valves shall be brass one hundred twenty five (125) pounds standard. Ball valves may be used in lieu of gate valves on the house side of the meter. A meter yoke shall be required on all residential water meters.
- C. Charges: A charge established pursuant to Subsection 10-1-9A of this chapter shall be paid by customers to the city for water meters, including installations and check valves, and payment for same shall be made at the time of water service application. This payment shall be made only once, subject to the following provisions of this section.
- D. Large Water Lines; Additional Meters: Where a customer has need for a larger line in addition to his domestic line, as in the case of a commercial consumer who needs a one inch (1") line for normal use and a six inch (6") or eight inch (8") line for a fire sprinkler system, he/she will be permitted to run one line into the premises and Y off into two (2) lines at the building. When this is done, the meter will be attached to the small or domestic line, and a check valve as well as a one inch (1") detection

meter shall be put on the large line.

- E. **Repair And Replacement Of Meters:** The city shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them if necessary. When replacement, repair, or adjustment of any meter is rendered necessary by any act of neglect (including damage from freezing or hot water backup) or carelessness of the owner or occupant of the premises, any expense caused the city thereby shall be charged against and collected from the water consumer. (Amended Ord. 55, 5-5-1981; amd. 2003 Code)
- F. **Testing Meters:** A consumer may, by written request, have his meter tested by depositing the amount established pursuant to Subsection 10-1-9A of this chapter. In case a test should show an error of over five percent (5%) of the water consumed, a correctly registering meter will be installed, and the bill will be adjusted accordingly, and the testing deposit refunded. Such adjustment shall not extend back more than one billing period from the date of the written request.
- G. **Meters Are City Property:** All meters and remote readers shall be and remain the property of the city.
- H. **Access To Premises:** Authorized city employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the water system for reading of meters and inspections.
- I. **Discontinuance Of Service; Notice Of Final Reading:** It shall be the responsibility of the consumer to notify the city to request a final reading at the time of customer's building change. (Amended Ord. 55, 5-5-1981)
- J. **Tampering With, Damage To Meter:** No person not authorized by the Public Utilities Department shall connect, disconnect, take apart, or in any manner change, or cause to be changed, or interfere with any meter, remote reader and wire, or break any meter or valve seal. (Amended Ord. 55, 5-5-1981; amd. 2003 Code)

10-1-9: **RATES, FEES AND CHARGES:**

- A. **Set By Ordinance:** The City Council shall adopt by ordinance, a schedule of all water rates, fees, and charges for permits, penalties or service referenced in this chapter¹. Such ordinance will be published once in the official newspaper of the city. This ordinance may be amended from time to time if operating costs indicate a need. The connection charge, the debt retirement, and capital depreciation part of the water usage rate,

¹ See section 1-7-3 of this code.

and area special assessment for water trunks shall be adjusted by the ENR index annually on January 1 of each year.

B. Water Rates:

1. The rate due and payable by a user within the city for water taken from the water system commencing March 31, 1981, shall be established pursuant to Subsection A of this section. (Amended Ord. 55, 5-5-1981; amd. 2003 Code)

2. In case the meter is found to have stopped or to be operating in a faulty manner, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the year.

3. Rates due and payable by each water user located beyond the territorial boundaries of the city shall be determined by special contract.

4. The minimum rates established pursuant to Subsection A of this section shall begin to accrue after connection of the service pipe with the curb stop box.

5. A meter shall be installed on the street valve in the house and remote register outside regardless of whether inside piping is connected.

6. In the event a water customer elects to discontinue the use of the municipal water, the regular or minimum charge shall continue until such date as service is disconnected at the curb stop box.

C. Bills For Service: All bills and notices shall be mailed or delivered to the address where service is provided. If nonresident owners or agents desire personal notice sent to a different address, they shall so note on the water service applications. Any changes or error in address shall be promptly reported to the city clerk.

D. Payment Of Charges: Any prepayment or overpayment of charges may be retained by the city and applied on subsequent quarterly charges.

E. Penalty For Late Payment: If a quarterly service charge is not paid when due, a penalty of ten percent (10%) shall be added thereto. (Amended Ord. 55, 5-5-1981)

F. Action To Collect Charges: In the event a user fails to pay his/her water fee within a reasonable time, said fee shall be certified by the City Clerk and assessed against the property on which the charges were incurred, and forwarded to the County Auditor for collection. (Amended Ord. 55, 5-5-1981; amd. 2003 Code)

10-1-10: **REPAIRS:**

- A. Determination Of Need For Repairs: Based on the information supplied by the property owner or available to the city, the city will make a determination whether a problem exists in that portion of the service which is the city's responsibility. If the problem appears to exist in the areas for which the city has no responsibility, the private owners will be responsible for correction of the problem.

- B. Thawing Of Water Services: The city will attempt to thaw water service on request of the resident. If the problem is found within that portion of the service for which the private owner is responsible, the private owner thereafter will be responsible for thawing the service and correction of the problem.

- C. Excavation And/Or Repair Of Water Service: The city will arrange for the investigative digging up and repair of any water service where the problem apparently exists within that area for which the city has responsibility. Unless it is clearly evident, however, that the problem is the responsibility of the city, the excavation and repair will not be made until the property owner requests the city, in writing, to excavate and/or repair the service and agrees to pay the cost. The owner further agrees to waive public hearing and be special assessed the cost of such excavation and repair if the problem is found to be other than the city's responsibility. The city will make the determination for responsibility for cost of investigation and/or repair. The matter of whether the dig up is done by city forces or contracted would depend on the urgency or need of repair and the availability of city forces to do the work. Recovery by the city for faulty construction will depend upon the circumstances and the decision of the city attorney on the likelihood of recovery. (Amended Ord. 55, 5-5-1981)

- D. Failure To Repair; Disconnection Of Service: In case of failure upon the part of any consumer or owner to repair any leak occurring in his service pipe within twenty four (24) hours after verbal or written notice thereof, the water may be turned off by the Public Utilities Department and shall not be turned on until the leak has been repaired and a fee pursuant to Subsection 10-1-9A of this chapter has been paid to the city. (Amended Ord. 55, 5-5-1981; amd. 2003 Code)

10-1-11: **USE OF WATER FOR AIR CONDITIONING**¹: All air conditioning systems which are connected directly or indirectly with the public water system must be equipped with water conserving and water regulating devices as approved by the City Engineer or City Building Official. Permits shall be required for the installation of all air conditioning systems to the public water system². (Amended Ord. 55, 5-5-1981)

¹ See also title 9, chapter 2 of this code.

² See also subsection 3-3-5A2 and section 9-2-4 of this code.

10-1-12: **USE OF HYDRANTS:**

- A. Permit Requirements: Except for extinguishment of fires, no person, unless authorized by the Public Utilities Department, shall operate fire hydrants or interfere in any way with the water systems without first obtaining a permit to do so from the city as follows:
1. Term Of Permit; Contents: A permit to use a fire hydrant shall be issued for each individual job or contract and for a minimum of thirty (30) days and for such additional thirty (30) day periods as the city shall determine. The permit shall state the location of the hydrant and shall be for the use of that hydrant and none other.
 2. Deposit Required: The user shall make an advance cash deposit to guarantee payment for water used and to cover breakage and damage to the hydrant and meter, which shall be refunded upon expiration of the permit, less applicable charges for use.
 3. Relinquish Use During Emergencies: The user shall relinquish the use of the hydrant to authorized city employees in emergency situations.
 4. Rental Charge: The user shall pay a rental charge for each day, including Saturdays, Sundays and legal holidays, and a fee, both such charge and fee in such amounts as set forth by ordinance³.
- B. Temporary Connection To Fire Hydrants: A temporary connection will be made by the Public Utilities Department to a fire hydrant for the owner of a private water system, subject to the time periods, conditions, and payment specified in Subsection A of this section. In addition, the method of connection to the private system shall conform to all requirements of this chapter, and the type of meter used shall meet the approval of the Public Utilities Department. (Amended Ord. 55, 5-5-1981; amd. 2003 Code)

³ See section 1-7-3 of this code.

10-1-13: **DEFICIENCY OF WATER:**

- A. General Requirements: 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 whatsoever. In case of fire, or alarm of fire, or in making repairs or construction of new works, water may be shut off at such time and kept off as long as necessary. In addition, the City Council or City Administrator shall have the right to impose reasonable restrictions on the use of the city water system in emergency situations. (Amended Ord. 55, 5-5-1981; amd. 2003 Code)
- B. Irrigation And Sprinkling Restrictions: The following irrigation and sprinkling restrictions shall apply to those persons on the municipal water system:
1. Cross Connections Prohibited: No person shall construct, cause to be constructed or operate any device which provides a cross connection between the municipal water supply and a private well or the sewer system.
 2. Waste Of Water Prohibited:
 - a. Customers shall maintain taps, faucets, valves and other water facilities so that water waste is eliminated from seeps, dripping faucets, etc.
 - b. No person shall waste water deliberately by allowing irrigation or sprinkling water to run off onto the street or into the drains.
 3. Permission To Use Hydrant: No person shall open, close or tamper with any fire hydrant except under the authorization of the Public Utilities Department personnel.
 4. Odd-Even Day Sprinkling: Sprinkling will be curtailed from May 1 through August 31. Even numbered houses can sprinkle on even numbered calendar days. Odd numbered houses can sprinkle on odd numbered calendar days.
 5. Prohibited Hours: There will be no watering in the city (on the city water system), odd or even, between the hours of twelve o'clock (12:00) noon and six o'clock (6:00) P.M.
 6. Warning; Penalty: There will be only one written warning for violators of the sprinkling restrictions. Any subsequent violations carry a penalty as set forth by city ordinance.

7. Exemptions:

a. Newly sodded or seeded yards will be exempt from the odd-even restriction for a period of two (2) weeks only. Overseeding or spot patching of existing established yards can be watered every day with a hand controlled hose. No watering will be allowed between twelve o'clock (12:00) noon and six o'clock (6:00) P.M.

b. Other exemptions are: car washing, filling of children's swimming pools, children playing in a hose operated sprinkler or water toy.

8. Additional Restrictions:

a. Additional curtailment of water usage in dry weather will be by order of the City Administrator. When restricted, no person shall discharge water for the purposes of watering lawns, shrubs, trees, washing cars or structures. All unnecessary uses of water are prohibited for the duration of the imposed restriction. If such restriction endangers the life of a new lawn, shrubs or trees, the Water Department shall be notified. If justified, limited permission may be granted to deviate from restrictions.

b. If more drastic restrictions are necessary, orders may issued by the City Administrator to take necessary action to protect the water system so that ample water may be available for health, sanitation and fire protection. (Amended Ord. 55, 5-5-1981; amd. 2003 Code)

10-1-14: **DISCONNECTION OF SERVICE:**

A. Disconnection By City: Water service may be shut off at any connection whenever:

1. The owner or occupant of the premises served, or any person working on any pipes or equipment thereon which are connected with the water system, has violated, or threatens to violate, any of the provisions of this chapter.

2. Any charge for water, service, meter, or any other financial obligations imposed on the present or former owner or occupant served is unpaid.

3. Fraud or misrepresentation by the owner or occupant of the premises serviced in connection with an application for service.

B. Permit To Disconnect; Fee: A permit must be obtained to disconnect from the existing water service leads at the curb stop box. The fee for the permit shall be set pursuant to Subsection 10-1-9A of this chapter. (Amended Ord. 55, 5-5-1981)

10-1-15: **ABANDONED OR UNUSED SERVICES:**

- A. If the premises served by water has been abandoned, or if the service has not been used for one year, then the service shall be shut off at the curb stop box by the Public Utilities Department and the water meter will be removed.
- B. When new buildings are erected on the site of old ones, and it is desired to increase or change the old water service, no connections with the mains shall be made until all the old service has been removed and the main taps plugged, or yoked connections are installed by the city at the owner's expense. (Amended Ord. 55, 5-5-1981)

10-1-16: **PROHIBITED ACTS AND CONDITIONS:**

- A. **Unauthorized Tapping Of Mains:** No person, except persons authorized by the City Engineer or Public Utilities Department, shall tap any distributing main or pipe of the water supply system or insert stopcocks or ferrules therein.
- B. **Unauthorized Turning On Of Water:** No person, except an authorized Public Utilities Department employee, shall turn on or off any water supply at the curb stop box.
- C. **Supplying Water To Other Premises:** No person shall permit water from the water system to be used for any purpose to circumvent this chapter, unless authorized by the City Engineer or Public Utilities Department. (Amended Ord. 55, 5-5-1981; amd. 2003 Code)
- D. **Use Of Other Water Supply:** No water pipe of the water system shall be connected with any pump, well, tank, or piping that is connected with any other source of water supply, except to service the municipal systems.
- E. **Damage To System:**
 - 1. No unauthorized person shall remove or damage any structure, appurtenance, or part of the water system or fill or partially fill any excavation or move any gate valve used in the water system.
 - 2. No person shall make any connection of an electric welder to the city water main, appurtenance or service or use an electric welder for the purpose of thawing frozen water mains, appurtenances or services. (Amended Ord. 55, 5-5-1981)

10-1-17: **CONNECTIONS OUTSIDE CITY LIMITS:** Where water mains of the city are in any street or alley adjacent to or outside the corporate limits of the city, the City Council may issue permits to the owners or occupants of properties adjacent or accessible to such water mains to make proper water service pipe connections with such water mains of the city and to be supplied with water in

conformity with the applicable provisions of this chapter and subject to any contract for the supply of water between the city and any other municipality. (Amended Ord. 55, 5-5-1981)

10-1-18: **PRIVATE WELLS¹:**

- A. Use Of Private Wells: Except where municipal water is not available, it shall be unlawful to construct, reconstruct, or repair any private water system which is designed or intended to provide water for human consumption. Private wells, to provide water for other than human consumption, may be constructed/maintained and continued in use after connection is made to the water system, provided there is no means of cross connection between the private well and municipal water supply at any time. Hose bibbs that will enable the cross connection of the two (2) systems are prohibited on internal piping of the well system supply. Where both private and city systems are in use, outside hose bibbs shall not be installed on both systems.
- B. New Homes And Buildings: All new homes or buildings shall connect to the municipal water system if water is available to the property. Where new homes or buildings do not have water available to the property, the City Council shall determine whether and under what conditions the municipal water systems will be extended to serve the property. (Amended Ord. 55, 5-5-1981)
- C. Existing Homes And Buildings: At such time as municipal water becomes available to existing homes or buildings, a direct connection shall be made to such public system within a period of time as determined by the City Council. If such connection is not made pursuant to this chapter, a penalty shall be levied in an amount as set forth by ordinance².
- D. Unused Wells: If the well is not used after the time a municipal water connection is made:
 - 1. Within thirty (30) days after the municipal water connection is made, the owner or occupant must advise the City Building Official that the well has been sealed.
 - 2. Wells must be abandoned in accordance with the Minnesota Department of Health Water Well Abandonment Code. (Amended Ord. 55, 5-5-1981; amd. 2003 Code)

¹ See section 3-3-5 of this code for permit and fee requirements.

² See section 1-7-3 of this code.

10-1-19: **ADMINISTRATION AND ENFORCEMENT:**

- A. Administration And Enforcement Official: The City Engineer shall assume and discharge the responsibilities imposed by this chapter, along with such other duties as may be required or assigned to him. (Amended Ord. 55, 5-5-1981; amd. 2003 Code)

- B. Powers And Authority Of Inspectors: The Building Official, Public Utilities Department employees and other duly authorized employees of the city, upon proper identification, shall be permitted to enter upon all properties for the purpose of inspections, observation and testing in accordance with the provisions of this chapter. (Amended Ord. 55, 5-5-1981)

10-1-20: **VIOLATION; PENALTY:** Any person, firm or corporation who shall violate any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as defined by state law. (Amended Ord. 55, 5-5-1981)

CHAPTER 2

SEWER USE AND SERVICE

SECTION:

- 10-2-1: Definitions
- 10-2-2: Use Of Public Sewers Required
- 10-2-3: Private Wastewater Disposal Systems
- 10-2-4: Building Sewers And Connections
- 10-2-5: Contractor Licensing Requirements
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- 10-2-8: Pretreatment Or Flow Equalizing Facilities
- 10-2-9: Industrial Users
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- 10-2-11: Measurements, Tests And Analyses
- 10-2-12: Special Agreements
- 10-2-13: Power And Authority Of Inspectors
- 10-2-14: Violation; Penalties

10-2-1: **DEFINITIONS:** Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

BIOCHEMICAL OXYGEN DEMAND (BOD):

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°C), expressed in milligrams per liter.

BUILDING DRAIN:

That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') outside the inner face of the building wall.

BUILDING OFFICIAL:

Officer or other designated authority charged with the administration and enforcement of this chapter.

BUILDING SEWER:	The extension from the building drain to the public sewer or other place of disposal, also called house connection.
CITY:	City of Andover.
EASEMENT:	An acquired legal right for the specific use of land owned by others.
FLOATABLE OIL:	Oil, fat, or grease, in a physical state such that it may separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.
GARBAGE:	The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
INDUSTRIAL WASTES:	The wastewater from industrial processes, trade, or business as distinct from domestic sanitary wastes.
NATURAL OUTLET:	Any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface or ground water.
pH:	The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ion, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10.
PERSON:	Any individual, firm, company, association, society, corporation, or group.
PROPERLY SHREDDED GARBAGE:	The wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") in any dimension.
PUBLIC SEWER:	A common sewer controlled by a governmental agency or public authority.

SANITARY SEWER:	A sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
SEWER:	A pipe or conduit that carries wastewater.
SHALL; MAY:	"Shall" is mandatory; "may" is permissive.
SLUG:	Any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty four (24) hour concentration of flows during normal operation and shall adversely affect the collection system.
STORM DRAIN (Sometimes Termed STORM SEWER):	A drain or sewer for conveying water, ground water, subsurface water, or unpolluted water from any source.
SUSPENDED SOLIDS:	Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods For The Examination Of Water And Wastewater" and referred to as non-filterable residue.
UNPOLLUTED WATER:	Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers.
WASTEWATER:	The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water, and storm water that may be present.

**WASTEWATER
FACILITIES:**

The structures, equipment, and processes required to collect and carry away domestic and industrial wastes and dispose of the effluent.

WATERCOURSE:

A natural or artificial channel for the passage of water either continuously or intermittently. (Amended Ord. 32, 11-25-1975; amd. 2003 Code)

10-2-2: USE OF PUBLIC SEWERS REQUIRED:

- A. **Discharge Of Human And Animal Wastes:** It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or objectionable waste.
- B. **Discharges Into Natural Outlets:** It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any wastewater or other polluted waters. (Amended Ord. 32, 11-25-1975)
- C. **Connection To Sewer System Required:** 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 the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within one year after date of due notice to do so. (Amended Ord. 32, 11-25-1975; amd. 2003 Code)
- D. **Discharges Into System:** Discharge of wastewater into building sewers and sanitary sewer system shall be in conformance with the Metropolitan Waste Control Commission rules and regulations. (Amended Ord. 32, 11-25-1975)

10-2-3: PRIVATE WASTEWATER DISPOSAL SYSTEMS¹:

- A. **Private Systems Permitted:** Where a public sanitary sewer is not available under the provisions of Subsection 10-2-2C of this chapter, the building sewer shall be connected to a private wastewater disposal system complying with the Minnesota State Plumbing Code and the provisions of the city private waste disposal ordinance².

¹ See also chapter 4 of this title and sections 3-3-5, 12-12-4 and 13-4-6H2 of this code.

² See chapter 4 of this title.

- B. Responsibility For Private System: The owner shall operate and maintain the existing private wastewater disposal facilities in accordance with the recommendations of the State Department of Public Health at no expense to the city.
- C. Availability Of Public Sewer:
1. Nonconforming Private System: At such time as a public sewer becomes available to a property served by a nonconforming private wastewater disposal system, a direct connection shall be made to the public sewer within thirty (30) days.
 2. Conforming Private System: At such time as a public sewer becomes available to a property served by a conforming private wastewater disposal system, a direct connection shall be made to the public sewer within a period of time as determined by Council resolution.
 3. Cleaning And Filling Of Private System: Immediately upon hookup to the public system, any septic tanks, cesspools, or similar private wastewater disposal facilities may be required, at the discretion of the Building Official, to be cleaned of sludge, collapsed and backfilled with a suitable granular material. (Amended Ord. 32, 11-25-1975)
 4. Failure To Connect To Public System: If such connection is not made pursuant to this chapter, the city shall enter into a contract with a licensed contractor to have the connection made, and the cost shall be assessed to the property taxes, unless authorized by the City Council to do otherwise. (Amended Ord. 32, 11-25-1975; amd. 2003 Code)

10-2-4: **BUILDING SEWERS AND CONNECTIONS:**

- A. Permit To Connect¹:
1. Permit Required: No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Building Official.
 2. Classes Of Permits: There shall be two (2) classes of building sewer permits: a) for residential and commercial services; and b) for service to establishments producing industrial wastes.
 3. Application For Permit: In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by plans, specifications, or other

¹ See also section 3-3-5 of this code.

information considered pertinent in the judgment of the Building Official. (Amended Ord. 32, 11-25-1975)

4. Fees¹: A permit and inspection fee as set forth by ordinance for a residential or commercial building sewer permit, or fee as set forth by ordinance for an industrial building sewer permit shall be paid to the city at the time the application is filed, plus an administrative fee as set forth by ordinance to cover processing costs.

5. Approval Of Permit: Upon approval of the permit, the city will furnish the applicant sanitary sewer service stub elevations and location ties.

B. Separate Building Sewers Required: A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another, 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.

C. Construction Specifications:

1. Building sewer pipe and fitting materials and construction shall be in accordance with the current Minnesota Plumbing Code². If polyvinyl chloride (PVC) pipe is used, it shall meet the current requirements of the American Society for Testing and Materials Designation D3034.73A, SDR-35 extra heavy wall thickness (minimum wall thickness: 4"-0.125"; 6"-0.180"; 8"-0.240").

2. The size and slope of the building sewer shall be subject to the approval of the Building Official, and in no event shall the diameter be less than four inches (4") and the slope less than one-eighth inch (1/8") per foot. Any variation shall be subject to the approval of the Building Official. The service stub and the building drain shall be uncovered and the differential elevation determined before construction is begun. Where practicable, the building sewer shall be laid on a uniform grade. It shall be the responsibility of the service line contractor to investigate the location of all existing public utility lines including telephone conduits, gas, water and sewer mains, and power conduits which may be in place at the site of the operations. The contractor shall utilize the Gopher State One-Call System before work has begun at those locations. In case the aforementioned public utilities are broken or damaged in any way by the contractor's operations, the utility shall be notified immediately and the damage repaired without delay at no charge to the city. (Amended Ord. 32, 11-25-1975; amd. 2003 Code)

¹ See subsection 1-7-3J of this code.

² See section 9-1-1 of this code.

3. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three feet (3') of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid in straight alignment insofar as possible, and changes in direction shall be made only with properly curved pipes and fittings. Cleanouts will be required at all ninety-degree (90°) bends and for every seventy-five feet (75') of service line from the service stub to the house connection. Cleanouts will not be required at forty-five degree (45°) bends or less. All ninety degree (90°) bends will be wide sweep ells.
4. Wherever any building drain is too low to permit gravity flow to the municipal sewer, sewage carried by such drain shall be lifted by approved artificial means and discharged into the building sewer.
- D. Connections To System: The connection of the building sewer into the public sewer shall conform to the requirements of the Minnesota Building and Plumbing Code¹, State Water Well Construction Code or other applicable rules and regulations of the city. The sanitary sewer line, if constructed of plastic pressure pipe, must be at least fifty feet (50') away from a private water supply that is greater than fifty feet (50') in depth and at least one hundred feet (100') away from a private water supply that is less than fifty feet (50') in depth. The sanitary sewer line, if constructed of extra heavy cast iron soil pipe, must be at least twenty feet (20') away from a private water supply regardless of the well depth. Any deviation from the prescribed procedures and materials must be approved by the Building Official before installation. If existing sanitary sewer services cannot be found after diligent search or are not located properly for providing the needed service, a saddle type connection shall be made, provided the Building Official or representative approves. Connections of the saddle type shall be made in a smooth, round hole and machine drilled into the main sewer pipe. The fittings used in the connection shall be made in such a manner as to ensure that no protrusion of the fitting into the main sewer pipe shall result. The connector shall fit perfectly to the contour of the inside of the sanitary sewer and shall be specifically designed to fit the particular size main sewer pipe into which the connection is made. The machine-drilled hole shall be of such size to provide one-eighth inch (1/8") clearance between the outside of the fitting and the hole. The space thus provided shall be completely filled with joint material. The space between the shoulder of the fittings and the face of the main sewer pipe shall be one-eighth inch (1/8") thick, and this space shall be completely filled with joint material. The joint material used for this type house service connection shall be completely waterproof and shall be capable of withstanding any condition of stress or strain likely to be

¹ See section 9-1-1 of this code.

encountered in normal sanitary sewer construction or maintenance.

- E. Excavations: All excavations in the city streets and rights-of-way shall be in accordance with the city street opening ordinance¹. Excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a satisfactory manner to comply with city ordinances. (Amended Ord. 32, 11-25-1975)
- F. Surface Water Runoff: No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the City Engineer for purposes of disposal of polluted surface drainage.
- G. Inspections: The applicant for a sewer permit shall notify the Building Official when the building sewer is ready for inspection. The inspection of the installation for the public sewer system to the house shall be made by the Building Official or representative before backfilling. (Amended Ord. 32, 11-25-1975; amd. 2003 Code)
- H. Liability For Costs And Expenses: All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by said installation.
- I. Responsibility For System:
 - 1. The sewer service from the main in the street to the home shall be the property of the owner and protected and maintained by him/her. The city is, however, responsible for:
 - a. Defects in materials within the portion of the service installed under city contract that may become apparent within a one-year period following acceptance and final payment for the construction by the city.
 - b. The city is responsible for any faulty construction within that section of the service installed under city contract.
 - 2. Based upon the information supplied by the property owner or available to the city, the city will make a determination as to whether a problem

¹ See title 8, chapter 2 of this code.

exists in that portion of the service which is the city's responsibility. If the problem appears to exist in the areas for which the city has no responsibility, the private owners will be completely responsible for correction of the problem. (Amended Ord. 32, 11-25-1975)

10-2-5: **CONTRACTOR LICENSING REQUIREMENTS¹:**

A. Installing, Constructing Sewer Systems:

1. License Required: No person, firm or corporation shall engage in the business of altering, repairing, installing or constructing sanitary sewer connections within the city without first obtaining a license to carry on such occupation from the city.

2. Security:

a. Insurance: The applicant shall file with the City Clerk policies of public liability and property damage insurance which shall remain in force and effect during the entire term of said license and which shall contain a provision that they shall not be canceled without ten (10) days' written notice to the city. Public liability insurance shall not be less than one hundred thousand dollars (\$100,000.00) for injuries including accidental death to any one person and subject to the same limit for each person in an amount of not less than three hundred thousand dollars (\$300,000.00) on account of any one accident, and property damage insurance in the amount of not less than fifty thousand dollars (\$50,000.00) for each accident and not less than one hundred thousand dollars (\$100,000.00) aggregate. No work shall be done under this license until said insurance policies have been filed and approved by the city.

b. Bond: The applicant shall file with the City Clerk for surety a bond guaranteeing the conformance and compliance of work with this chapter. Said bond shall be in an amount of two thousand dollars (\$2,000.00). The city shall hold said bond for one year following the license period. Failure to comply with provisions and requirements of this chapter shall result in forfeiture of the bond.

3. Filing And Review Of Application: Application for license shall be filed with the City Clerk and shall be reviewed and subject to the approval of the city.

4. Revocation Or Refusal To Review License: Any installation, construction, or alteration of a sanitary sewer connection by a licensee in violation of any provision of this chapter, or refusal on the part of a

¹ See also sections 10-1-7 and 10-4-2, amendment 7080.0700 of this title.

licensee to correct such defective work, shall be cause for revocation of or refusal to renew a license. Said license may be revoked or refused for renewal by the city at any time for cause which shall be documented in writing. (Amended Ord. 32, 11-25-1975)

B. Sewage Pumpers:

1. License Required: No person, firm or corporation designated as sewage pumpers shall discharge sludge into the designated discharge location within the city without first obtaining a license from the city to carry on such occupation.

2. Filing And Review Of Application: Application for license shall be filed with the City Clerk and shall be reviewed and subject to the approval by the city.

C. Additional Requirements:

1. Application For License: Applications for such license shall be made annually on a form provided by the City Clerk.

2. Term Of License: Licenses shall be in effect from January 1 to December 31.

3. Renewal Of Licenses: All licenses required in this section shall be renewed annually. (Amended Ord. 32, 11-25-1975; amd. 2003 Code)

D. Hearing On Revocation Or Refusal To Renew Licenses: Before any license issued under the provisions of this section may be revoked or renewal refused, the licensee shall be given a hearing by the City Council to show cause why such license should not be revoked or refused. Notice of the time, place and purpose of such hearing shall be in writing. (Amended Ord. 32, 11-25-1975)

10-2-6: **DISCHARGES INTO PUBLIC SYSTEM:**

A. Storm And Surface Water Runoff:

1. No person shall discharge or cause to be discharged any unpolluted waters such as storm water, ground water, roof runoff, subsurface drainage, or cooling water to any sewer. Storm water runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewer by permission of the City Engineer.

2. Storm water other than that exempted under Subsection A1 of this section and all other unpolluted drainage shall be discharged to such

sewers as are specifically designated as storm sewers or to a natural outlet approved by the City Engineer and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged to a storm sewer or natural outlet on approval of the City Engineer and other regulatory agencies.

B. Prohibited Discharges: No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
3. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch, manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

C. Discharges Subject To Review:

1. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have any adverse effect on the receiving stream, or will not otherwise endanger lives, limbs, public property, or constitute a nuisance. The City Engineer may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the City Engineer shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or

characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the City Engineer are as follows: (Amended Ord. 32, 11-25-1975; amd. 2003 Code)

- a. Wastewater having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (65° Celsius).
- b. Wastewater containing more than twenty-five milligrams per liter (25 mg/l) of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
- c. Wastewater from industrial plants containing floatable oils, fat, or grease.
- d. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Metropolitan Waste Control Commission for such materials.
- f. Any waters or wastes containing odor-producing substances exceeding limits that may be established by the City Engineer.
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Engineer in compliance with applicable state or federal regulations.
- h. Quantities of flow, concentrations, or both which constitute a "slug" as defined in Section 10-2-1 of this chapter.
- i. Waters or wastes containing substances which are not amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- j. Any waters or wastes that, by interaction with other waters or wastes in the public sewer system, release obnoxious gases from suspended solids that interfere with the collection system or create a condition deleterious to structures and treatment processes.

2. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection C1 of this section and which, in the judgment of the City Engineer may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city engineer may:

- a. Reject the wastes;
- b. Require pretreatment to an acceptable condition for discharge to the public sewers;
- c. Require control over the quantities and rates of discharge; and/or
- d. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 3 of this Title.

3. When considering the above alternatives, the Building Official shall give consideration to the economic impact of each alternative on the discharger. If the Building Official permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Building Official.

- D. Sludge From Private Systems: Sludge from private sewage disposal systems can be discharged into the sanitary sewer system at a designated location established by the County. (Amended Ord. 32, 11-25-1975; amd. 2003 Code)

10-2-7: **INTERCEPTORS:** Grease, oil, and sand interceptors shall be provided when, in the opinion of the Building Official, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Subsection 10-2-6C1c of this chapter, or any flammable wastes, sand, or other harmful ingredients; except, that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Building Official and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal that are subject to review by the Building Official. Any removal and hauling of the collected materials not performed by owner personnel must be performed by waste disposal firms currently licensed by the city. (Amended Ord. 32, 11-25-1975)

10-2-8: **PRETREATMENT OR FLOW EQUALIZING FACILITIES:** Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Amended Ord. 32, 11-25-1975)

10-2-9: **INDUSTRIAL USERS:** When required by the Building Official, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be constructed in accordance with plans approved by the Building Official. The structure shall be installed by the owner at his/her expense and shall be maintained by him/her so as to be safe and accessible at all times. (Amended Ord. 32, 11-25-1975)

10-2-10: **INFORMATION REQUIRED:** The Building Official may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

- A. Wastewater discharge peak rate and volume over a specified time period.
- B. Chemical analyses of wastewaters.
- C. Information on raw materials, processes, and products affecting wastewater volume and quality.
- D. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- E. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- F. Details of wastewater pretreatment facilities.
- G. Details of systems to prevent and control the losses of materials through spills to the municipal sewer. (Amended Ord. 32, 11-25-1975)

10-2-11: **MEASUREMENTS, TESTS AND ANALYSES:** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods For The Examination Of Water And Wastewater" published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Building Official. (Amended Ord. 32, 11-25-1975)

10-2-12: **SPECIAL AGREEMENTS:** No statement contained in this chapter

shall be construed as preventing any special agreement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment. Special agreements or arrangements and all parts of this chapter shall be in conformance with the Metropolitan Waste Control Commission rules and regulations. (Amended Ord. 32, 11-25-1975)

10-2-13: **POWER AND AUTHORITY OF INSPECTORS:** The Building Official and other duly authorized employees of the city, upon proper identification, shall be permitted to enter upon all properties for the purpose of inspections, observation, measurement, sampling and testing in accordance with the provisions of this chapter. (Amended Ord. 32, 11-25-1975)

10-2-14: **VIOLATION; PENALTIES:**

- A. Notice Of Violation: Any person found to be violating any provision of this chapter shall be served by the Building Official with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Violation; Penalty: Any person who shall continue any violation beyond the time provided for in the written notice shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished according to prevailing state laws. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Liability For Violation: Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation. (Amended Ord. 32, 11-25-1975)

CHAPTER 3

SEWER SERVICE CHARGES

SECTION:

- 10-3-1: Metropolitan Waste Control Commission Service Availability And Connection Charge
- 10-3-2: Trunk Sanitary Sewer Connection Charge
- 10-3-3: Sewer Rental Charges
- 10-3-4: Industrial User Strength Charge
- 10-3-5: Violation; Penalties

10-3-1: **METROPOLITAN WASTE CONTROL COMMISSION SERVICE AVAILABILITY AND CONNECTION CHARGE:**

- A. Narrative: The Metropolitan Waste Control Commission has determined to reserve unused capacity in the metropolitan disposal system each year, commencing in 1973, for local government units in which new buildings to be connected to the system and new connections to the system are connected during such year; and to allocate the debt service costs of such unused capacity for the year among such local government units as provided in Metropolitan Sewer Board Resolution 72-225 and Metropolitan Waste Control Commission Resolution 77-193. In order for the city to pay such costs allocated to it each year, it will be necessary to establish sewer service availability and connection charges for all buildings to be constructed or connected to the metropolitan disposal system on or after January 1, 1973.
- B. Charges Established:
 - 1. For the purposes of paying costs of reserve capacity allocated to the city each year by the Metropolitan Waste Control Commission, there is hereby established a charge for:
 - a. The availability of treatment works and interceptors comprising the metropolitan disposal system; and
 - b. Connections, direct and indirect, to the metropolitan disposal system.
 - 2. The charge is imposed on each building or structure in that portion of

the city lying within Metropolitan Waste Control Commission District Number 2 and each connection to the metropolitan disposal system directly or through the city's system, construction of which is commenced on or after January 1, 1973. The charge shall be payable upon the issuance of a building permit or a connection permit, whichever shall come first. (Amended Ord. 203, 2-18-1997)

3. The charge for each building or structure shall be equal to the number of units of sewage volume which it shall discharge multiplied by that amount as set forth by ordinance per the Metropolitan Waste Control Commission's directive.

4. A unit of sewage volume shall be one hundred thousand (100,000) gallons per year and shall be assigned as follows:

a. Single-family houses, townhouses, duplex units, condominiums and apartments shall each comprise one unit; (Amended Ord. 203, 2-18-1997; amd. 2003 Code)

b. Other buildings and structures shall be assigned one unit for each one hundred thousand (100,000) gallons of flow or part thereof that it is estimated they will discharge;

c. Public housing units and housing units subsidized under any federal program for low and moderate income housing shall be counted at seventy five percent (75%) of the unit equivalent for that type of housing;

d. Units existing or for which building permits were issued prior to January 1, 1973, shall be counted as one-half (1/2) the unit equivalent for that type of housing, if connected to the metropolitan disposal system prior to January 1, 1974, and shall be counted at the full rate thereafter.

e. Senior citizens, those sixty two (62) years of age or older, may be eligible for a fifty percent (50%) reduction on sewer rates based on annual income guidelines as determined by the City Council. (Amended Ord. 203, 2-18-1997)

f. Permanently disabled individuals may be eligible for a fifty percent (50%) reduction on sewer rates based on the following:

(1) The individual has received an award letter from the Social Security Administration indicating the individual is one hundred percent (100%) disabled and entitled to Social Security benefits for such disability and meets the Andover

annual income guidelines; or

(2) The individual has received an award letter and/or formal statement from any other pension administration indicating the individual is one hundred percent (100%) disabled and is entitled to benefits from the pension administration for such disability and meets the Andover annual income guidelines. (Ord. 291, 6-15-2004)

C. Administration Of Provisions: The City Building Official or his/her designee shall prepare or revise building permit or sewage connection permit application forms to provide information necessary for the computation of the number of units assignable to the building or structure in question, and shall collect the applicable charge before issuance of a permit. The Building Official shall make such information available to the Metropolitan Waste Control Commission upon request. If, upon filing a report covering such permit with the Metropolitan Waste Control Commission, the commission determines that a greater number of units is assignable to the building or structure in question, any additional amount of cost allocated to the city as a result shall be paid by the person or company to whom the permit was granted. (Amended Ord. 203, 2-18-1997)

D. Payment Of Charge Required:

1. The property owners that have not previously paid a Sewer Availability Charge (SAC) will pay this charge at the time of application for the building sewer permit. The SAC charge will be in accordance with the MWCC fee schedule¹.

2. The schedule of equivalent SAC units shall be in accordance with those adopted by the MWCC as indicated in the list of standard city trunk connection charge units in Section 10-3-2 of this chapter. (Amended Ord. 32, 11-25-1975)

E. Violation; Penalty: Any person who violates any provision of this section, with the exception of subsection D, shall be guilty of a misdemeanor and shall be subject to applicable fines and imprisonment defined by state law. (Amended Ord. 203, 2-18-1997)

10-3-2: **TRUNK SANITARY SEWER CONNECTION CHARGE:**

A. For lots vacant as of the effective date of this chapter, there shall be the following requirement: before a permit is issued allowing a connection to a sewer line or main in the city, there shall be paid a trunk sanitary sewer connection charge for each Sewer Availability Charge (SAC) unit charged

¹ See subsection 1-7-3J of this code.

to the connection. The connection charge is for the construction, reconstruction, repair, enlargement, improvement or other obtainment and the maintenance, operation and use of the sanitary sewer lines or mains, lift or pumping stations, and other sewerage treatment facilities of the city. Such charges shall be in addition to any and all connection or service charges that are required hereunder. (Amended Ord. 32, 11-25-1975)

B. For the purposes of this section, the city trunk sanitary sewer connection charge unit will be computed as follows:

1. Single-family houses, townhouses, and duplex units shall each comprise one unit.
2. Condominiums and apartments shall each comprise one unit.
3. Other buildings and structures shall be assigned one unit for each one hundred thousand (100,000) gallons of flow annually which is estimated they will discharge; and commercial and industrial structures shall be assigned a minimum of one unit.

Standard city trunk sanitary sewer connection charge unit for various commercial facilities shall be computed in accordance with current Metropolitan Waste Control Commission standards. (Amended Ord. 32, 11-25-1975; amd. 2003 Code)

C. The City Council shall determine which type of facility and parameter shall apply for each sewer connection requested. The city trunk sewer connection charge for a facility not included in the above list will be determined by the City Council. A request for a trunk sewer connection charge unit determination should be made prior to the issuance of the building permit.

D. Structures that contain two (2) or more facilities shall be charged a combined amount equal to the total sewer connection charge for each facility.

E. The city trunk sewer connection charge unit shall be a whole number, with fractional portions resulting from calculations rounded to the nearest whole number.

F. The trunk sewer connection fee shall be as set forth by ordinance¹. (Amended Ord. 32, 11-25-1975; amd. 2003 Code)

¹ See subsection 1-7-3J of this code.

10-3-3: SEWER RENTAL CHARGES¹:

- A. Rental Charge: All premises located within the corporate limits of the city served by the city sewer system shall pay a sewer rental fee to the city as set forth by ordinance, payable quarterly or monthly for each Sewer Availability Charge (SAC) unit.
- B. Schedule Of Charges: The sewer rental fee for residential dwellings with city water in place shall be based on the following schedule:
1. Residential Use: For each living unit, the sewer use charge shall be as set forth by ordinance, payable quarterly.
 2. Nonresidential Use:
 - a. Charges for nonresidential sewer use shall be based upon the number of residential equivalent connections (RECs) computed for each building or structure receiving municipal sewage service. Such computations are to be done as follows: building Sewer Availability Charge units (SAC units) x 100,000 gal. per yr. divided by 87,000 equals no. RECs. The charge per REC shall be as set forth by ordinance, payable quarterly. The city may require a nonresidential building user to provide a water meter, approved by the Public Utilities Department, that will accurately measure all water supplied to the premises. In February of each year, the meter readings shall be reviewed and one REC assigned to each 73,000 gallons of water consumed in the pervious one year period. If the number of RECs computed by reference to water usage varies from RECs computed by the above formula, the charges for that calendar year shall be determined by reference to RECs computed by water usage. The city may change the per month charges and the figures used in computing the RECs by resolution.
 - b. Each nonresidential user shall be charged a minimum of one REC. Any fraction thereof of REC shall be adjusted to the next highest one-half (1/2) REC.
- C. Payment Of Charges; Late Fee: The sewer rental charge shall be payable to the city. A penalty of ten percent (10%) shall be added to all bills not paid by the date affixed for final payment. (Amended Ord. 32, 11-25-1975; amd. 2003 Code)

¹ See subsection 1-7-3J of this code for specific amounts.

- D. Assessment Of Unpaid Charges: In the event that a user fails to pay his sewer rental fee within a reasonable time as determined by the city, said fee shall be certified by the City Clerk and assessed against the property connected to the sewer system and forwarded to the County Auditor for collection. (Amended Ord. 32, 11-25-1975)

10-3-4: **INDUSTRIAL USER STRENGTH CHARGE:**

- A. Purpose And Authority: The Metropolitan Waste Control Commission, a metropolitan commission organized and existing under the laws of the state (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 user sewer strength charge upon users in the metropolitan disposal system (as defined in Minnesota Statutes Section 473.121, Subdivision 24) to recover operation and maintenance costs of treatment works attributable to the strength of the discharge of industrial waste, such sewer strength charge being in addition to the charge based upon the volume of discharge. In order for the city to pay such costs based upon the 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, Minnesota Statutes Section 444.075, subdivision 3, empowers the city to make such sewer 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.
- B. Charge Established: 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, firm, or corporation receiving waste treatment services within or served by the city, based upon strength of industrial waste discharged into the sewer system in the city (the "strength charge"). (Ord. 224, 7-1-1997)
- C. Formula For Determining Charge: For the purpose of computation of the strength charge established in Subsection B of this section, there is hereby established, approved and adopted in compliance with the act, the same strength charge formula designated in Resolution 76-172 and Resolution 76-173 adopted by the Commission, such 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. (Ord. 224, 7-1-1997; amd. 2003 Code)

- D. **Payment Of Charge; Late Payments:** It is hereby approved, adopted and established that the strength charge established in Subsection B of this section shall be paid by each industrial user receiving waste treatment services and subject thereto before the twentieth day succeeding the date of billing thereof to such user by or on behalf of the city, and such payment thereof shall be deemed to be delinquent if not so paid to the billing entity before such date. Furthermore, it is hereby established, approved and adopted that if such payment is not paid before such date, an industrial user shall pay interest compounded monthly at the rate of two-thirds of one percent (2/3%) per month on the unpaid balance due.
- E. **Delinquent Charges A Lien:** As provided by Minnesota Statutes Section 444.075, Subdivision 3, it is hereby approved, adopted and established that if payment of the strength charge established in Subsection B of this section 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, said delinquent sewer strength charge, plus accrued interest established pursuant to Subsection D of this section, shall be deemed to be a charge against the owner, lessee and occupant of the property served, and the city or its agents shall certify such unpaid delinquent balance to the County Auditor with taxes against the property served for collection as other taxes are collected; provided, however, that such certification shall not preclude the city or its agents from recovery of such delinquent sewer strength charge and interest thereon under any other available remedy. (Ord. 224, 7-1-1997)

10-3-5: VIOLATION; PENALTIES:

- A. **Notice Of Violation:** Any person found to be violating any provision of this chapter, with the exception of Subsections 10-3-1A, B, C and E and Section 10-3-4, shall be served by the Building Official with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. **Violation; Penalty:** Any person who shall continue any violation beyond the time provided for in the written notice shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished according to prevailing state laws. Each day in which any such violation shall continue shall be deemed a separate offense.

- C. Liability For Violation: Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation. (Amended Ord. 32, 11-25-1975)

CHAPTER 4

INDIVIDUAL SEWAGE TREATMENT SYSTEMS¹

SECTION:

- 10-4-1: Purpose, Applicability, and Authority
- 10-4-2: General Provisions
- 10-4-3: Standards Adopted
- 10-4-4: Permits
- 10-4-5: Violations and Penalties

10-4-1: **PURPOSE, APPLICABILITY, AND AUTHORITY:**

- A. Purpose. It is the purpose and intent of this ordinance to establish standards for the design, location, construction, operation, and maintenance of Subsurface Sewage Treatment Systems (SSTS).
- B. Applicability. This ordinance shall apply to those sites or facilities which are licensed, permitted, or otherwise regulated by City ordinance. The sewer provisions of this ordinance shall also apply to any premises in the City that are not served by a sewage treatment system permitted by the Minnesota Pollution Control Agency or are located in a city or township which has not adopted a subsurface sewage treatment system ordinance.
- C. Authority. This ordinance is adopted pursuant to the authorization and requirements contained in Minnesota Statutes §145A.05, 115.55 and Minnesota Administrative Rules Chapter 7082. (*Ord. 221, 5-6-1997; amd. 2003 Code; amd. 1-2-07, Ord. 338; Ord. 432*)

10-4-2: **GENERAL PROVISIONS:**

- A. Treatment Required. All sewage generated, in unsewered areas shall be treated and dispersed by an approved SSTS or a system permitted by the Minnesota Pollution Control Agency.

¹ See also sections 3-3-5, 10-2-3, and 13-4-6H2 of this code.

- B. Administrative Policy and Procedures. The provisions of the Andover City Ordinance, Title 1, apply to the administration and enforcement of this Ordinance, unless otherwise expressly provided for in this Ordinance.
- C. Administration. This Ordinance shall be administered by the Andover City Building Inspections Department. The term "Department," where used in this ordinance and the Administrative Procedures Ordinance, shall mean the Andover City Building Inspections Department.
- D. Compliance. No person shall cause or permit the location, construction, alteration, extension, conversion, operation, or maintenance of a subsurface sewage treatment system, except in full compliance with the provisions of this ordinance.
- E. Conditions. Violation of any condition imposed by the City on a license, permit, or variance, shall be deemed a violation of this ordinance and subject to the penalty provisions set forth in this ordinance.
- F. Site Evaluation, System Design, Construction, Inspection, and Servicing. Site evaluation, and system design, construction, inspection and system servicing shall be performed by Minnesota Pollution Control Agency licensed SSTS businesses or qualified employees of local governments or persons exempt from licensing in Minn. R. 7083.0700. For lots platted after April 1, 1996, a design shall evaluate and locate space for a second soil treatment area.
- G. Inspection. No part of an individual sewage treatment system shall be covered until it has been inspected and approved by the Department. If any part of the system is covered before being inspected and approved as herein provided, it shall be uncovered upon the direction of the Department. The Department shall cause such inspections as are necessary to determine compliance with this ordinance. It shall be the responsibility of the permittee to notify the Department that the system is ready for inspection. If the integrity of the system is threatened by adverse weather if left open and the Department is unable to conduct an inspection, the permittee may, after receiving permission from the Department document compliance with the ordinance by photographic means that show said compliance and submit that evidence to the Department prior to final approval being sought.
- H. Compliance Inspection Required. A SSTS compliance inspection is required:
1. For a new or replacement SSTS.
 2. When altering an existing structure to add a bedroom.
 3. When a parcel having an existing system undergoes development, subdivision, or split.
- I. Imminent Public Health and Safety Threat; Failing System; and Surface Discharge.

1. A subsurface sewage treatment system which poses an imminent threat to public health and safety shall immediately abate the threat according to instructions by the Department and be brought into compliance with this ordinance in accordance with a schedule established by the Department, which schedule will not exceed ten (10) months.
 2. A failing system, an SSTS that is not protective of groundwater, shall be brought into compliance within twenty-four months after receiving notice from the Department.
 3. An SSTS discharging raw or partially treated wastewater to ground surface or surface water is prohibited unless permitted under the National Pollution Discharge Elimination System.
- J. Conflict Resolution. For SSTS systems regulated under this Ordinance, conflicts and other technical disputes over new construction, replacement and existing systems will be managed in accordance with the Andover City Administrative Procedures Ordinance, Title 1.
- K. Septic Tank Maintenance. The owner of a sewage tank, or tanks, shall regularly, but not less frequently than every three years (unless otherwise approved by the Department due to limited use), inspect the tank(s) and measure the accumulations of sludge, and scum. If the system is pumped, measurement is not needed. The owner shall remove and sanitarily dispose of septage whenever the top of the sludge layer is less than 12 inches below the bottom of the outlet baffle or the bottom of the scum layer is less than 3 inches above the bottom of the outlet baffle. Removal of septage shall include complete removal of scum and sludge.
- L. Non-Complying Systems. Existing systems which are non-complying, but not an imminent health or safety threat, failing, or discharging to surface, may continue in use so long as the use is not changed or expanded. If the use changes or is expanded, the non-complying elements of the existing system must be brought into compliance.
- M. Non-Complying Work. New individual sewage treatment system construction that is non-compliant, or other work on a system that is non-complying, must be brought into compliance with this ordinance in accordance with a schedule established by the Department, which schedule will not exceed seven days unless the Department finds extenuating circumstances.
- N. Change In Use. A Certificate of Compliance may be voided if, subsequent to the issuance of the certificate, the use of the premises or condition of the system has changed or been altered.
- O. Setback Reduction. Where conditions prevent the construction, alteration, and/or repair of an individual sewage treatment system on an existing developed parcel

of real property, the Department may reduce property line and building setbacks and system sizing requirements provided said reduction does not endanger or unreasonably infringe on adjacent properties and with the concurrence of the affected properties.

- P. Floodplain. An SSTS shall not be located in a floodway or floodplain. Location within the flood fringe is permitted provided that the design complies with this ordinance and all of the rules and statutes incorporated by reference.
- Q. Class V Injection Wells. All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, part 144, are required by the Federal Government to submit SSTS inventory information to the Environmental Protection Agency. (*Amd. 1/2/07, Ord. 338; Amd. 1/2/07, Ord. 338; Amd. 1/2/07, Ord. 338; Ord. 221, 5-6-1997; amd. 2003 Code; Amd. 1/2/07, Ord. 338*)

10-4-3 STANDARDS ADOPTED

- A. Minnesota Rules Adopted. Minnesota Rules, Chapters 7080 and 7081, that are in effect on the date of passage of this ordinance, relating to subsurface sewage treatment systems, are hereby adopted by reference and made a part of this ordinance as if fully set forth herein.
- B. Rules Amended. The rules, adopted in Section 3.01 are amended as follows:
 - 1. Compliance Inspection - 15 Percent Vertical Separation Reduction. MR 7080.1500 Subp. 4D is amended to allow 15 percent reduction of vertical separation (separation distance no less than 30.6 inches) may be determined to be compliant for existing systems to account for settling and variable interpretation of soil characteristics.
- C. Holding Tanks. Holding tanks may be allowed for the following applications; as replacement to a failing existing system, an SSTS that poses an imminent threat to public health and safety, or for an existing lot in which a SSTS cannot feasibly be installed and the Department finds extenuating circumstances.
- D. System Abandonment. An SSTS, or component thereof, that is no longer intended to be used must be abandoned in accordance with the adopted standards of this Ordinance. (*Ord. 432, 11/19/13*)

10-4-4 PERMITS

- A. Permit Required. No person shall cause or allow the location, construction, alteration, extension, conversion, or modification of any subsurface sewage treatment system without first obtaining a permit for such work from the

Department. No person shall construct, alter, extend, convert, or modify any structure which is or will utilize subsurface sewage treatment system without first obtaining a permit.

1. All work performed on an SSTS shall be done by an appropriately licensed business, qualified employees or persons exempt from licensing.¹ Permit applications shall be submitted by the person doing the individual subsurface sewage treatment system construction on forms provided by the Department and accompanied by required site and design data, and permit fees.
2. Permits shall only be issued to the person doing the individual sewage treatment system construction.
3. Permit applications for new and replacement SSTS shall include a management plan for the owner that includes a schedule for septic tank maintenance.
4. A permit is not required for minor repairs or replacement of damaged or deteriorated components that do not alter the original function, change the treatment capacity, change the location of system components or otherwise change the original system's design, layout, or function.

B. Operating Permit. An operating permit shall be required of all owners of new holding tanks, Type IV and V systems; MSTs and other SSTS that the Department has determined requires operational oversight.

1. Application. Application for an operating permit shall be made on a form provided by the Department.
2. Holding Tanks. The owner of holding tanks installed after the effective date of this Ordinance shall provide the Department with a copy of a contract with a licensed sewage maintenance business for monitoring and removal of holding tank contents. (*Ord. 432, 11/19/13*)

¹ See also sections 10-1-7 and 10-2-5 of this Title

10-4-5 VIOLATIONS AND PENALTIES

- A. Misdemeanor. Any person who fails to comply with the provisions of this ordinance may be charged with a misdemeanor and upon conviction thereof, shall be punished therefore, as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- B. Injunctive Relief. In the event of a violation or a threat of violation of this ordinance, the Department may institute appropriate actions or proceedings to include injunctive relief to prevent, restrain, correct or abate such violations or threatened violations; and the City Attorney may institute a civil action.
- C. Civil Action. In the event of a violation of this ordinance, the City may institute appropriate actions or proceedings to include injunctive relief to prevent, restrain, correct, or abate such violations, or threatened violations, and the City Attorney may institute such action. (*Ord. 432, 11/19/13*)

CHAPTER 5

STORM WATER MANAGEMENT

SECTION:

- 10-5-1: Findings
- 10-5-2: Storm Water Utility Established
- 10-5-3: Definitions
- 10-5-4: Storm Water Drainage Fee
- 10-5-5: Credits
- 10-5-6: Exceptions
- 10-5-7: Payment Of Fee
- 10-5-8: Recalculation Of Fees
- 10-5-9: Penalty For Late Payment
- 10-5-10: Collection Of Delinquent Fees

10-5-1: **FINDINGS:** The City Council of the City of Andover recognizes that the control and regulation of storm water drainage is necessary to protect the environment and the public health, safety and welfare. The Council further recognizes the state and federal regulations intended to protect the nation's lakes and waterways will place a significant burden on the city's finances. The Council therefore finds that it is in the best interest of the city and its citizens for all contributors to the city's storm water drainage system to pay a proportionate share of the city's cost in complying with those regulations and maintaining an effective storm water drainage system. (Ord. 271, 6-17-2003)

10-5-2: **STORM WATER UTILITY ESTABLISHED:** Pursuant to Minnesota Statutes Section 444.075 the city's storm water drainage system will be operated as a public utility from which revenues will be derived subject to the provisions of this chapter and Minnesota State Statutes. The storm water drainage utility will be a part of the Engineering Department and under the administration of the City Engineer. (Ord. 271, 6-17-2003)

10-5-3: **DEFINITIONS:** For purposes of this chapter, the following definitions will apply:

RESIDENTIAL EQUIVALENT
FACTOR (Hereafter REF):

The ratio of the average volume of runoff generated by one acre of a given land use to the average amount of runoff generated by one acre of "single-family urban" land use during a standard rainfall event.

STORM WATER
DRAINAGE FEE:

The quarterly charge developed for each parcel of land pursuant to established city policies and regulations. (Ord. 271, 6-17-2003)

10-5-4: **STORM WATER DRAINAGE FEE:** A storm water drainage fee for each parcel of land within each category shall be as follows:

<u>Land Use Category</u>	<u>REF</u>
Business, commercial, industrial and public	2.1
Churches	1.0
Developed parks	0.5
Elementary and middle schools	1.0
High schools	1.0
Manufactured housing	1.2
Multiple housing	1.1
Single-family rural, estate, suburban and farmstead	0.5
Single-family urban	1.0

For the purpose of calculating the storm water drainage fee, all developed single-family urban parcels will be considered to have an acreage of one-half (1/2) acre.

The storm water drainage rate will be established from time to time by fee schedule by resolution of the City Council. (Ord. 271, 6-17-2003)

10-5-5: **CREDITS:** The City Council may, by resolution, adopt policies recommended by the City Engineer, for the adjustment of the storm water drainage fee for certain parcels upon which hydrologic data, supplied by the owner of the parcel, demonstrates a hydrologic response substantially different from the adopted standards. Such adjustments of storm water drainage fees will not be made retroactively. (Ord. 271, 6-17-2003)

10-5-6: **EXCEPTIONS:** The following land uses are exempt from storm water drainage fees:

- A. Public rights-of-way.
- B. Vacant, unimproved land with ground cover.
- C. Lakes, wetlands, creeks, rivers, and similar bodies of water. (Ord. 271, 6-17-2003)

10-5-7: **PAYMENT OF FEE:** The storm water drainage fee will be computed quarterly and invoiced through the city's contracted billing service. The fee will be due and payable with that statement. The property owner will be the party ultimately responsible for payment of the fee whether or not the owner occupies the premises. Any prepayment or overpayment of the fee will be retained by the city and applied against subsequent quarterly fees. (Ord. 271, 6-17-2003)

10-5-8: **RECALCULATION OF FEES:** Any property owner or party responsible for the payment of the storm water drainage fee may, in writing addressed to the City Engineer, request the city to re-determine or recalculate a particular invoice for the fee. The city must receive such request within three (3) months of the mailing of the invoice by the city. (Ord. 271, 6-17-2003)

10-5-9: **PENALTY FOR LATE PAYMENT:** Each quarterly statement for the storm water drainage fee which is not paid when due will incur a penalty of ten percent (10%) of the past due amount. (Ord. 271, 6-17-2003)

10-5-10: **COLLECTION OF DELINQUENT FEES:**
In the event a user fails to pay his storm water drainage fee within a reasonable time, said fee shall be certified by the City Clerk and assessed against the property on which the charges have incurred, and forwarded to the county auditor for collection. (Ord. 271, 6-17-2003)

CHAPTER 6

CONSTRUCTION SITE EROSION AND WASTE CONTROL

SECTION:

- 10-6-1: Declaration of Policy
- 10-6-2: Definitions
- 10-6-3: Application and SWPPP Requirements for Contractor
- 10-6-4: Right of Entry Provision
- 10-6-5: Onsite Activity Requirements
- 10-6-6: Erosion Control and Site Stabilization
- 10-6-7: Inspections and Investigations
- 10-6-8: Sanctions for Compliance

10-6-1: **DECLARATION OF POLICY:** During the construction process, soil and debris is highly vulnerable to erosion by wind and water. Eroded soil and debris endangers water resources by reducing water quality and causing the siltation of aquatic habitat or fish and other desirable species. Eroded soil and debris also necessitates cleaning sewers and ditches.

The purpose of this ordinance is to safeguard persons, protect property and prevent damage to the environment in the City. It is intended to also promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land and generates debris.

The information in this ordinance is supplemental to language in other ordinances, plans, policies, guidelines and contracts included but not limited to the following:

1. City of Andover Water Resource Management Plan (WRMP);
2. Building Rules and Guidelines; and
3. Development contracts.

10-6-2: **DEFINITIONS:**

BEST MANAGEMENT PRACTICES (BMP'S): Technique or series of techniques, which are proven to be effective in controlling runoff, erosion, sedimentation and construction debris confinement.

CITY: City of Andover.

CITY ENGINEER: Andover City Engineer or other designated authority charged with the administration and enforcement of this chapter.

CONSTRUCTION DEBRIS: Any waste generated as a result of construction including but not limited to discarded building materials, concrete truck washout, chemicals, litter or refuse and sanitary waste.

CONTRACTOR: Any person who's responsible for abiding by the applicable requirements set forth in this ordinance.

DNR: Minnesota Department of Natural Resources.

EROSION: The wearing away of the ground surface as a result of the movement of wind, water, ice and/or land disturbance activities.

EROSION CONTROL: A measure that prevents erosion.

ESTABLISHED YARD: A yard that has permanent ground cover established suitable for long-term erosion control including but not limited to seed, sod, native plants, shrubbery, trees, rock or mulch.

GRADING, DRAINAGE AND EROSION CONTROL PLAN: A city and local watershed approved plan required prior to commencement of any site grading, which details grading requirements, drainage characteristics and erosion control methods.

LOCAL WATERSHED: The local regulating authority for watershed management; the two servicing Andover include the Coon Creek Watershed District (CCWD) and Lower Rum River Watershed Management Organization (LRRWMO) respectively.

MPCA: Minnesota Pollution Control Agency.

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

ROUGH GRADE: The stage at which the grade approximately conforms to the approved plan.

SITE: Any real property upon which improvements are to be made.

SITE GRADING: Excavation or fill of material, including the resulting conditions thereof.

STORM DRAIN/STORM SEWER: A drain or sewer for conveying storm water runoff, ground water, subsurface water or unpolluted water from any source.

SUSPENDED SOLIDS: Total suspended matter that either floats on the surface of, or is in suspension in water and/or other liquids.

10-6-3: **APPLICATION AND SWPPP REQUIREMENTS FOR CONTRACTOR:** It is the responsibility of the Contractor to obtain all the necessary permits from the MPCA and abide by all the requirements set forth in the General Stormwater Permit for Construction Activity (Permit Number: MN R 100001).

10-6-4: **RIGHT OF ENTRY PROVISION:**
Every licensee shall allow any peace officer, health officer, or properly designated officer or employee of the City to enter, inspect, and search the grounds of the licensee at reasonable hours without a warrant.

10-6-5: **ONSITE ACTIVITY REQUIREMENTS:**

Debris Storage: All construction debris shall be kept in an enclosed building or properly contained in a covered container designed for such purposes throughout the construction process.

Waste Disposal: It shall be the responsibility of the Contractor to dispose of all construction debris in a manner approved by the City.

Construction Entrance Criteria: The Contractor shall take all the necessary measures to prevent sediment from entering the City streets during the construction process. Such practices shall occur in the manner as prescribed in section 8.2 of this chapter.

Site Dewatering: Water pumped from the site shall be treated prior to entering a wetland, lake, river or stream to meet requirements set forth by DNR, MPCA and local watershed rules and regulations.

10-6-6: **EROSION CONTROL AND SITE STABILIZATION:**

Erosion Control Placement Requirements: Silt fence shall be installed on individual lots to protect the following:

1. Wetlands;
2. Sedimentation ponds, basins or drainage swales;
3. Established yards;
4. Valuable pieces of natural lands; and
5. Special circumstances determined by the City Engineer or designee.

Silt Fence Installation Procedures: Silt fence shall be installed to meet the City of Andover standard details per Standard Drawing No. 601.

Site Erosion Control Timelines for Compliance: Silt fence shall be installed in all the locations of the site per the Grading, Drainage and Erosion Control Plan. No grading shall take place until verbal authorization is given by the City Engineer or designee.

Silt fence shall be installed in the locations as prescribed in section 6.1 of this chapter prior to the release of a building permit to the builder for each individual lot. No permit shall be issued until the City Engineer or designee signs the Building Permit Application.

Temporary Site Stabilization: Sites that are to be left with barren soils exposed for more than two weeks following the completion of rough grading due to weather conditions, time of season, construction phase or other reason shall be temporarily stabilized by establishing adequate ground cover with City or watershed approved measures, which may include but is not limited to one or more of the following:

1. Straw fiber blanket;
2. Mulch;
3. Hay;
4. Seed or sod; or
5. Tarping

10-6-7: **INSPECTIONS AND INVESTIGATIONS:**

The City shall do periodic inspections to ensure that proper erosion control and construction debris containment measures are met.

10-6-8: **SANCTIONS FOR COMPLIANCE:**

Violations Declared: A case where a BMP has failed, was removed, was not properly installed, was not installed or was not managed properly, which increases the potential for pollutants to waters of the state includes but is not limited to the following:

1. Silt fence failure or improper installation;
2. Non-storm water discharges on impervious surfaces;
3. Garbage, refuse, construction debris; and
4. The presence of barren soils for an extended period of time.

Corrective Measures: The following are corrective measures that shall be taken, as directed by the City:

1. Repairing and/or adding silt fence;
2. Removing pollutants from impervious surfaces including streets and gutters not limited to sand or other sediment, brush, garbage, refuse, construction debris, oils and concrete washout by an effective means;

3. Picking up garbage, refuse or construction debris in and amongst the grounds of the development and/or adjacent properties; and
4. Stabilizing the site by furnishing adequate ground cover to lessen wind and water erosion as prescribed in section 6.4 of this chapter.

Procedure for Correction: Upon the determination of a violation, a deadline for correction shall be given with notification of penalties for failing to comply.

The Contractor shall be notified both orally and in writing, and will be given a reasonable timeframe for correcting the violation.

Penalties for Non-compliance: Failure to meet the deadline will result in one or more of the following penalties:

1. The City performing the necessary work or contracting for the completion of the work and billing the contractor for said services and/or using escrow funds;
2. Discontinuing the issuance of any permits or Certificate of Occupancies (CO's) in the development or for the individual lot;
3. Stop work orders; and
4. Discontinuing scheduled inspections.

Violation; Misdemeanor: Any person who is found to violate any section of this Ordinance shall be charged with a misdemeanor and, upon conviction thereof, shall be subject to a misdemeanor penalty as then defined by Minnesota law. Additionally, the City may exercise any civil remedy available under Minnesota law for the enforcement of this Ordinance including civil action, mandamus, injunctive relief, declaratory action, or the levying of assessments. (Ord. 346 / 6-19-07)

CHAPTER 7

ILLCIT DISCHARGE DETECTION AND ENFORCEMENT

SECTION:

10-7-1:	Purpose/Intent
10-7-2:	Definitions
10-7-3:	Applicability
10-7-4:	Responsibility For Administration
10-7-5:	Severability
10-7-6:	Discharge Prohibitions
10-7-7:	Industrial or Construction Activity Discharges
10-7-8:	Right of Entry
10-7-9:	Recordkeeping Procedures
10-7-10:	Violations Deemed a Public Nuisance
10-7-11:	Appeal Of Notice Of Violation
10-7-12:	Injunctive Relief
10-7-13:	Compensatory Action
10-7-14:	Penalties
10-7-15:	Remedies Not Exclusive

10-7-1: **PURPOSE/INTENT:** The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the City through the regulation of non-storm water discharges to the Municipal Separate Storm Sewer System (MS4), as required by federal and state law, and to establish inspection and monitoring procedures for this purpose.

10-7-2: **DEFINITIONS:**

BEST MANAGEMENT PRACTICES (BMP'S): Management practices or techniques to prevent or reduce the discharge of pollutants to the MS4.

CLEAN WATER ACT: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments.

CONSTRUCTION ACTIVITY: Activities subject to NPDES Construction Permits.

FACILITY: A commercial, industrial or institutional building.

ILLCIT DISCHARGE: Any non-storm water discharge to the MS4 that will contribute to pollution. Exceptions include water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, springs, water

from crawl space pumps, footing drains, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water and discharges from fire fighting activities.

INDUSTRIAL ACTIVITY: Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

MS4: Municipal Separate Storm Sewer System.

MUNICIPAL SEPARATE STORM SEWER SYSTEM: A conveyance or system of conveyances, owned or operated by the City, which discharges to a water of the state and is designed or used for collecting or conveying storm water and which is not a combined sewer.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT: A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)).

PREMISES: A building, lot, parcel of land, or portion of land.

10-7-3: APPLICABILITY: This chapter shall apply to all water entering the MS4 unless explicitly exempted by the City.

10-7-4: RESPONSIBILITY FOR ADMINISTRATION: The City, or its designee, shall administer, implement, and enforce the provisions of this chapter.

A. Inspections and Investigations: The City may perform inspections to ensure compliance with this chapter.

10-7-5: SEVERABILITY: The provisions of this chapter are hereby declared to be severable.

10-7-6: DISCHARGE PROHIBITIONS:

A. Prohibition of Illicit Discharges: No person shall discharge or cause to be discharged into the MS4 any illicit discharges.

B. Exemptions: The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited, except the following exemptions:

1. Any water source not containing pollutants.
2. Discharges specified in writing by the City as being necessary to protect public health and safety.

10-7-7: **INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES:** Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City prior to the allowing of discharges to the MS4.

10-7-8: **RIGHT OF ENTRY:** The City shall be permitted to enter and inspect commercial, industrial or institutional facilities subject to regulation to determine compliance with this chapter.

10-7-9: **RECORDKEEPING PROCEDURES:** The City shall keep adequate records of all correspondence related to the contents of this chapter for no less than six (6) years.

10-7-10: **VIOLATIONS DEEMED A PUBLIC NUISANCE:** Any condition caused or permitted to exist in violation of this chapter is declared and deemed a nuisance which may be summarily abated or restored at the violator's expense, as set forth in City Code 4-1-4, and/or for which a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

10-7-11: **APPEAL OF NOTICE OF VIOLATION:** Any person receiving a Notice of Violation may appeal the determination of the City. The notice of appeal must be received within fourteen (14) days from the date of the Notice of Violation. Hearing on the appeal before the City Council shall take place within fifteen (15) days from the date of receipt of the notice of appeal.

10-7-12: **INJUNCTIVE RELIEF:** If a person has violated or continues to violate the provisions of this chapter, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compel the person to perform abatement or remediation of the violation.

10-7-13: **COMPENSATORY ACTION:** In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the City may impose alternative compensatory actions.

10-7-14: **PENALTIES:**

- A. **Financial Penalty:** Upon the first abatement of a nuisance, the property may be subject to the costs outlined in Section 10-7-10. An additional financial penalty may be imposed on properties upon a second violation. The cost would be based on the specific event. Each successive violation abated thereafter may be subject to a cumulative penalty per occurrence.
- B. **Misdemeanor Penalty:** Any person violating a provision of this chapter shall be guilty of a misdemeanor as defined by state law and subject to the penalties therefore. Each day in which such violation continues shall constitute a separate offense.

10-7-15: **REMEDIES NOT EXCLUSIVE:** The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City of Andover to seek cumulative remedies. (Ordinance 401, 12-21-10)