

ORDINANCE

By Reich

Amending Title 19 of the Minneapolis Code of Ordinances relating to Water, Sewers and Sewage Disposal.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 505.10 contained in Chapter 505, In General, be amended to read as follows:

505.10. - Permits required. No person shall lay, relay or repair any branch or service ~~sewer~~ or water pipe, or tap or make any connection with any ~~sewer~~ or water main, without first having obtained a permit to do the same, as follows: If a water pipe or main, a permit shall then be obtained from the city engineer to make any necessary openings in any street, avenue, alley or public ground for the same; ~~if a sewer pipe or main, the necessary permit shall be obtained from the city engineer.~~

Section 2. That Section 505.20 contained in Chapter 505, In General, be amended to read as follows:

505.20. - Permit to tap required. No person other than an authorized officer of the city or an employee in the office of the city engineer shall tap or make any perforation or opening of any kind in any ~~sewer,~~ water main ~~or any public or private sewer or drain,~~ or any public or private service pipe within the boundaries of any street, avenue, alley or public ground without first having obtained a permit therefor as provided by the city council.

Section 3. That Section 505.40 contained in Chapter 505, In General, be amended to read as follows:

505.40. - Inspection and excavation fees. Before the issuance of any permit, the plumber or other person authorized to excavate in the streets, avenues, alleys or public grounds for any purpose as above named shall deposit with the city finance department a sufficient amount of money to cover the expense of inspection of such work and the restoration of the street. ~~The inspection fees shall be as follows:~~

Storm sewer line or sanitary sewer line for house connection;	Fee	Additional Fee Over Two Visits
For first 75 feet or fraction thereof	\$58.00	\$58.00
For each additional 60 feet or fraction thereof in excess of the first 75 feet, an additional fee of	58.00	N/A
<i>Water line for house connection:</i>		
For first 75 feet or fraction thereof	58.00	58.00

For each additional 60 feet or fraction thereof in excess of the first 75 feet, an additional fee of	58.00	N/A
<i>Water inspection, large tap where manhole is built:</i>		
For first 75 feet or fraction thereof	58.00	58.00
For each additional 60 feet or fraction thereof in excess of the first 75 feet, an additional fee of	58.00	N/A
<i>Repair inspection:</i>		
For first 75 feet or fraction thereof	58.00	58.00
For each additional 60 feet or fraction thereof in excess of the first 75 feet, an additional fee of	58.00	N/A

Section 4. That Section 505.60 contained in Chapter 505, In General, be amended to read as follows:

505.60. - Pipes subject to inspection. All ~~sewer, drain or~~ water pipes which shall be laid, relaid or repaired on any private premises shall be subject to the inspection of the city engineer, and the person who is causing the same to be laid, relaid or repaired as well as the person laying, relaying or repairing the same shall give the city engineer all reasonable facilities for so inspecting the laying, relaying or repairing of the same, and all work in connection therewith, and the same shall be laid, relaid or repaired according to the directions of the city engineer, where the same has not been prescribed by the city council.

Section 5. That Section 505.70 contained in Chapter 505, In General, be amended to read as follows:

505.70. - Separation of pipes. No ~~sewer or~~ water pipes shall be put into the same opening, nor shall either ~~of them~~ be put into any opening with any gas or other pipe, but each of said pipes must be far enough from all others to admit of the repair or removal or relaying of any one without disturbing any other one.

Section 6. That Section 505.80 contained in Chapter 505, In General, be amended to read as follows:

505.80. - Refusal of water for nonpayment of fees. The ~~superintendent of the waterworks~~ Director of Water Treatment and Distribution Services shall refuse to turn on water for any person who has had a connection made with any of the water mains or service pipes of the city or with any private service pipe who shall refuse or neglect to pay to the city finance officer any balance which may be due the city after exhausting the deposit made to pay the expense of inspection and repaving.

Section 7. That Section 505.90 contained in Chapter 505, In General, be amended to read as follows:

505.90. - Tapping mains adjoining tax delinquent property. (a) Wherever public water mains ~~or public sewers~~ have been or shall be constructed and the cost thereof has been or is wholly or partly paid out of funds of the city, and payment of any assessment levied against any abutting property for the purpose of reimbursing the city for the cost of said water mains ~~or sewers~~ shall have or does become delinquent, and the lands assessed have been or are forfeited to the State of Minnesota for nonpayment of taxes and assessments, no person owning or in possession of said lands shall be entitled to use, tap or connect said delinquent tax lands to any such public water main ~~or sewer~~, and no permit to do so shall be issued to any person owning or in possession of said tax delinquent lands, unless such owner or person in possession shall first pay to the city finance officer all delinquent, unpaid and deferred installments of assessments levied against said lands as follows:

If said tax delinquent lands are or have been sold pursuant to Sections 282.01 through 282.12, Minnesota Statutes, and the proceeds of said sale are insufficient to meet the balance of said assessments due and deferred, penalties and interest, said owner or person in possession shall pay said balance before use of, tapping connection to, or issuance of a permit for the same, which balance shall be determined by the city engineer from the records of said sale and the assessment proceeding in which said assessments were levied.

In case property abutting upon any water main ~~or sewer~~ was or is not subject to assessment at the time such water main ~~or sewer~~ was or is constructed, either by reason of the fact that said property was or is tax delinquent land forfeited to the state, or otherwise exempt from assessment, and the owner or person in possession of such abutting property shall make application for permit to tap such water main ~~or sewer~~, no such permit shall be granted, nor shall such owner or person in possession be permitted to use, tap or make connection with any such water main ~~or sewer~~ unless such person shall first pay into the city treasury the cost of the construction of said water main ~~or sewer~~, together with interest from the date of construction to the date of payment, a sum of money equal to such amount per front foot as shall have been determined at the time such water main ~~or sewer~~ was or is constructed and assessed against other property then subject to assessment. Said payment shall be determined by the city engineer, but shall not exceed (in case of tapping a water main) the cost of laying a street water main six (6) inches in diameter in front of said premises, ~~nor (in case of tapping a sewer) the cost of laying a street sewer two (2) feet in diameter in front of said premises.~~

(b) The city engineer shall issue a certificate of the amount to be paid to the city finance officer, which the city finance officer shall receive and credit to the fund from which disbursed. Upon payment of the amount indicated by said certificate, permit shall be issued in the manner otherwise provided by this Code.

Section 8. That Section 505.100 contained in Chapter 505, In General, be amended to read as follows:

505.100. - Revocation of license for violations. Any person licensed to make connections with the ~~sewers,~~ water ~~or other~~ mains who shall be guilty of any violation of this chapter shall be immediately deprived of such license, by the revocation thereof by the city council, in addition to other penalties provided by this Code.

Section 9. That Chapter 511, Sewers and Sewage Disposal, of the Minneapolis Code of Ordinances be and is hereby repealed in whole and replaced with a new Chapter 511 to read as follows:

ARTICLE I. – GENERALLY

511.10. - Definitions. The following words shall have the following meanings for the purpose of this chapter.

Alternative Treatment Technology. Any treatment technology or structural alteration to a building drain, proposed as an alternative to a grease interceptor.

Area drain. A receptacle designed to collect and convey surface or stormwater to the drainage system.

Building Drain. The part of the lowest piping of a drainage system that receives the discharge from waste and other drainage pipes inside the walls of a building and conveys it to the sanitary sewer service lateral.

Building Official. The Construction Code Services Building Official or designee.

City sanitary sewer collection system. The sanitary sewer infrastructure that is owned and maintained by the City of Minneapolis, including pipes, manholes, tunnels, lift stations, and other constructions, devices and appurtenances used for conveying sewage or industrial waste or other wastes to the regional wastewater collection and treatment system.

Clearwater. Any surface flow, runoff, or drainage that does not contain any hazardous substance or sewage. This includes but is not limited to NPDES permitted discharges, stormwater and water from foundation and footing drains and basement sump pumps.

Flammable Waste Interceptor. A device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter including but not limited to oil, grease and flammable wastes from normal wastes while permitting normal sewage or liquid wastes to discharge into the drainage system by gravity.

FOG. Fats, oils, or grease generated by food service establishments during food preparation, food service, and/or kitchen cleanup, or generated by industrial facilities as a byproduct. FOG includes brown grease and yellow grease.

FOG Control Plan. A document describing a facility's Best Management Processes and records management including a log of cleanouts of FOG from the facility's system with dates the cleanout was accomplished that meets the City's minimum standards for the content of a FOG Control Plan. The City will, from time to time, establish and make available on its web site the minimum standards for the content of a FOG Control Plan.

FOG Control Program. The city's regulatory program to prevent the introduction and accumulation into the public sanitary sewer system of fats, oil and grease (FOG) that may cause or contribute to sanitary sewer blockages and obstructions.

FOG Haulers. Companies licensed by the City that pump out and clean grease interceptors.

Food Service Establishment (FSE). Any facility preparing and/or serving food for commercial use or sale. This term shall include operations such as cutting, preparing, handling, cleaning, cooking, and packaging food items of any kind. These facilities include restaurants, cafes, lunch counters, cafeterias, bars and clubs, hotels, hospitals, convalescent homes, factory or school kitchens, catering kitchens, bakeries, meat packing facilities, or other establishments where grease is introduced into the sanitary sewer system. Individual dwelling units or private living quarters are not Food Service Establishments for the purposes of this definition.

Gravity Grease Interceptor. A plumbing appurtenance or appliance, generally installed outdoors, complying with the Plumbing Code or designed by a registered professional engineer and approved by the City Engineer or City Engineer's Designee or Building Official, that is installed in a sanitary sewer system to intercept nonpetroleum fats, oils, and greases (FOG).

Grease. A material composed primarily of FOG from animal or vegetable sources. Grease, for the purposes of this Chapter, does not include petroleum-based products.

Grease Interceptor. A hydromechanical, gravity, or engineered system plumbing appurtenance or appliance that is installed in a sanitary sewage drainage system to intercept nonpetroleum fats, oil, and greases (FOG) from a wastewater discharge.

Hazardous substances. Material which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hydromechanical Grease Interceptor. This definition comports with Uniform Plumbing Code (2009) 210.0, which states: "A plumbing appurtenance or appliance that is installed in a sanitary sewage drainage system to intercept nonpetroleum fats, oils, and grease (FOG) from a wastewater discharge and is identified by flow rate, and separation and retention efficiency. The design incorporates air entrainment, hydromechanical separation, interior baffling, and/or barriers in combination or separately, and one of the following:

- A – External flow control, with air intake (vent), directly connected
- B – External flow control, without air intake (vent), directly connected
- C – Without external flow control, directly connected
- D – Without external flow control, indirectly connected"

IAPMO/ANSI Uniform Plumbing Code (2009) 210.0.

Liquid waste. The discharge from any fixture, appliance, or appurtenance that does not receive fecal matter.

May. The word "May" has a permissive meaning for the purpose of this chapter.

Metropolitan Disposal System. The regional sanitary sewer collection and treatment system owned and maintained by the Metropolitan Council created by the Minnesota Legislature (Laws of 1967, Chapter 896). It is a system of interceptor sewer pipes, lift stations, meter stations, and treatment facilities for the conveyance, treatment and disposal of domestic waste, industrial waste and other waste from residential, commercial, institutional, and industrial users in the metropolitan area.

Non-Structural Best Management Practices. For the purposes of this chapter, Non-Structural Best Management Practices are actions to minimize FOG discharges that can be undertaken with minimal time for advance engineering, plan preparation, review or approval. They include education, training, schedules of activities, prohibitions of specified practices, maintenance procedures or other management practices that minimize FOG discharges.

Owner. For the purposes of this chapter, Owner shall mean the person who is listed as the contact person on the current rental licensing application on file with the city, if any, or if none, the person listed as owner by the city assessor on the homestead record, or if none, the taxpayer as shown by the records of the city assessor.

Private sanitary sewer system. The infrastructure connected to the City system or regional system that is owned and maintained by a private land owner. It includes the lateral(s), appurtenances and connection(s) or wye(s).

Public Sanitary Sewer System. The public sanitary sewer system consists of sanitary sewer pipes, lift stations, force mains, and all other constructions, devices, and appliances appurtenant thereto. It consists of the collection system owned and maintained by the City of Minneapolis and the Metropolitan Council used for conveying sewage or industrial waste or other wastes to a point of ultimate disposal.

Quick Start BMPs. Non-Structural Best Management Practices that can be undertaken with minimal time for advanced engineering, plan preparation, review or approval.

Rainleader. Any conduit that conveys stormwater to a point of discharge, including, but not limited to, downspouts and area drains.

Sanitary sewer service lateral. A pipe and appurtenances that carry wastewater from the collection point on a property to the public sanitary sewer system. It includes the connection or wye segment that connects to the public sanitary sewer system, regardless of who owns the property where the connection is made to the sewer main or any other element of the public sanitary sewer system.

Sanitary sewer service lateral repair. The repair, reconstruction or rehabilitation of any portion of a private sanitary sewer system.

Sanitary sewer service line. See sanitary sewer service lateral.

Sewage. The water-carried waste from residences, buildings, institutions or any mobile source, including the excrementitious or other discharge from bodies of human beings or animals.

Shall. The word "Shall" has a mandatory, not permissive, meaning for the purpose of this chapter.

Stormwater Runoff. Rain or snow melt that runs off the land instead of seeping into the ground.

Structural Best Management Practices (Structural BMPs). Structural best management practices, for the purposes of this Chapter, are grease interceptors or alternative treatment technology intended to minimize FOG discharges. Structural BMPs include structural alterations to building drains.

Wastewater. The portion of the spent water of a community that is sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, and industrial plants and institutions.

511.20. - Violations of this Code. Any person who violates any provision of this chapter shall be guilty of an ordinance violation and subject to the punishment and penalties of Sections 1.30(a), 1.40 and Chapter 2 of this Code.

511.30. - Administrative Procedures. Any person subject to fines or penalties for a violation of the requirements of this chapter has a right to make an administrative appeal using the procedures and deadlines established in Chapter 2 of this Code. Such decisions shall be binding on the department. An appellant who disagrees with the hearing officer's decision may thereafter seek any judicial remedy provided by law.

ARTICLE II. SANITARY SEWER SERVICE LATERALS AND CONNECTIONS

511.40. - Ownership and Responsibility for Sanitary Sewer Service Laterals and Connections. The sanitary sewer service lateral is owned in its entirety by the land owner whose property is connected to the public sanitary sewer system. The responsibility for its cleaning, maintenance or repair lies with the property owner. Regardless of who owns the property where the connection is made to the sewer main or any other element of the public sanitary sewer system, the property owner is responsible for ownership and maintenance and activities required to provide for the dependable and economical functioning of the sanitary sewer system, throughout the design or useful life, whichever is longer of the sanitary sewer system, and at the level of performance for which the sanitary sewer system was constructed. Operation and maintenance includes replacement. The owner is responsible to provide that the sanitary sewer service lateral is adequate for its proper purposes.

511.50. - Responsibility to Keep Free of Obstruction. The responsibility for the cleaning, maintenance or repair of the sanitary sewer service lateral shall include but not be limited to a responsibility to prevent the occurrence of or promptly eliminate any grease, settled solids, roots or any other material that restricts the flow into the public sanitary sewer system or causes the deposit of such materials into the public sanitary sewer system. Building drains and laterals shall be kept in good repair to eliminate backups and intrusion of roots and groundwater. The City Engineer or City Engineer's Designee reserves the right to inspect building drains and laterals as provided by law, including televising, to verify compliance with this requirement.

511.60. - Responsibility to Keep in Good Operating Condition, Written Order, Citations and Civil Fines. The entire length and each piece of the lateral, whether or not in active use, shall be maintained and kept in operating condition by the owner adequate to collect and transmit all wastewater that is discharged into the public sanitary sewer system. Any failure to maintain the lateral and keep it in operating condition adequate to collect and transmit all wastewater that is discharged into the public sanitary sewer system may result in the City Engineer or City Engineer's Designee issuing a written order to the owner of the property setting forth the correction or repair required to be done and specifying the date by which such repair is to be completed. The date will be determined by the City Engineer or City Engineer's Designee according to the level of hazard and may vary from fifteen (15) to one hundred eighty (180) calendar days after the date of the notice. The written order will also state any requirements for televising and video recording of the sanitary sewer service lateral by the owner, to determine condition. Any property owner that has received a written order to make sanitary sewer service lateral repairs or corrections and/or submit required televising and video recording or any condition that is potentially non-compliant shall comply with such order by the date specified.

An owner failing to comply with such an order by the date specified may be subject to administrative enforcement pursuant to Chapter 2 of this Code. The City, in its discretion, may also take any other appropriate and available enforcement action provided by law or use any available remedy to make the lateral consistent with city standards or to protect the city's system from a non-compliant lateral. These remedies shall include, but not be limited to: (1) Disconnection of the lateral, and (2) The city or its contractor televising and video recording the service lateral to determine its condition and the city or its contractor making the necessary corrections, repairs or replacements and applying all the costs and related expenses of all such work to the property owner's utility bill, and if not paid, assessing all of the cost of the work including reasonable overhead and attorney fees to the property as a special assessment on the tax rolls. If applied as a special assessment, the assessment procedures will be those outlined in this Chapter.

The City shall obtain any owner permissions or other permissions that are required to enter any particular piece of property where work will be performed. If an owner subject to an order under this section disputes the authority or legal reasonableness of the order issued by the City Engineer or City Engineer's Designee, the owner shall serve a written protest and request for a meeting for review of the order with the City Engineer or City Engineer's Designee. The written protest and request shall state all grounds for the protest and shall be served on the City Engineer within ten (10) calendar days of receipt of the order. The City Engineer or the City Engineer's designee shall conduct a meeting with the appellant regarding the order within 15 calendar days of receiving the protest and request or before the date specified for performance of the order, whichever occurs first.

511.70. - Sewer Lateral Disconnection. When making new sanitary sewer service lateral connections or modifications to existing sanitary sewer service lateral connections to the public sanitary sewer system, all existing unused sanitary sewer service laterals to the property shall be removed, or abandoned and bulkheaded in a manner satisfactory to the City Engineer or City Engineer's Designee, When buildings are demolished or removed, all existing sanitary sewer service laterals to the property shall be removed, or abandoned and bulkheaded in a manner satisfactory to the City Engineer or City Engineer's Designee. Installation of a sewer lateral or removal of an existing sewer lateral shall be performed only with the proper permits.

511.80. - Sewer Lateral Testing Required for Re-Use. If the property owner intends to re-use the sewer lateral, it shall be tested and all necessary repairs or replacements performed in accordance with this Chapter, and it shall be video-inspected as witnessed at the property by a utility inspector named by the City Engineer.

511.90. - Inspection of sanitary sewer pipes and service laterals. All components of the public sanitary sewer system, or components of the private sanitary sewer service laterals, shall be subject to the inspection of the City Engineer or the City Engineer's designee. All work on the public sanitary sewer system, or components of the sanitary sewer service laterals must be done under the supervision of an inspector named by the City Engineer or City Engineer's designee. For inspection or work on sanitary sewer service laterals, the city shall obtain any owner permissions or other permissions that are required.

511.100. - Rules for sewer connections. The following rules must be observed and carried out in all work on or relating to sewer connections:

(1) Connections with sewers must be made with the wye already put in by the city. Deviations from this requirement may only be made if the City Engineer or City Engineer's designee gives written consent before any such change is made.

(2) Any new connections must be made within the middle third of the interior height of the sewer to which the connection is made.

(3) All connection pipes must be laid in a true line from the sewer to the curb.

(4) All joints of sewer pipes must be made in the best available manner and to the satisfaction of the City Engineer or City Engineer's designee.

(5) After the pipe is properly laid and inspected, the backfilling must proceed at once and it must be thoroughly tamped, and so done that there shall be no surplus earth left.

(6) Should there be a deficiency of earth to fill the excavation, then the plumber or person doing such work must supply such deficiency with clean sand or other material approved by the City Engineer or City Engineer's designee.

(7) No rock of any sort larger than four (4) inches in any direction may be put into any excavation.

(8) Right-of-way restoration shall be done in accordance with excavation permit requirements. Such restoration shall assure that the general area is returned to the same condition that existed before the commencement of the work and that the work is performed in accordance with the standards and with the materials specified by the City Engineer or City Engineer's designee.

(9) All work must be done under the supervision of an inspector named by the City Engineer.

(10) Any sanitary sewer service lateral installed between the public sanitary sewer system main and the right-of-way line must be laid at a depth of not less than nine (9) feet as measured to the top of the pipe at the curb line. Any sanitary sewer pipe installed between the right-of-way line and the building line must be laid at a depth of not less than seven (7) feet as measured to the top of the pipe at the building line.

511.110. - Permit required for changes. No person shall lay, relay or repair, or make any extension or addition to or alteration of any sanitary sewer service lateral connected with the public sanitary sewer system without first having obtained from the City Engineer or City Engineer's designee a written permit to do so for each building or place where such work is to be performed and to make any necessary openings in any street, avenue, alley or public ground for the same. The fee for each permit shall be an amount as established in the schedule contained in the rate resolution, which the applicant shall pay to the city finance department, who shall issue a receipt therefor to be presented by the applicant to the City Engineer or City Engineer's designee before such permit be issued. In case of a second offense by any person in doing the work above mentioned without a permit, the City Engineer or City Engineer's designee shall have authority to refuse any further permits to such person.

511.120. - All work to be done by plumber. Any and all work on sanitary sewer service laterals including connections and work inside buildings must be performed by a master plumber. The City Engineer or City Engineer's designee shall grant such permit on application of any such licensed plumber, if such laying, relaying, repairing, or making such connection shall, in their judgment, be necessary and proper. Such permits shall describe the exact location at which laying, relaying, repairing, or making of such connection shall be done, which locations must not be departed from by such plumber in any degree, except on the written consent made on said permit by the officer giving the same.

511.130. - Permit Fees. Before the issuance of any permit, the plumber or other person authorized to excavate in the streets, avenues, alleys or public grounds for any purpose as above named shall deposit with the city finance department a sufficient amount of money to cover the expense of inspection of such work and the restoration of the street. The fees shall be proposed by the City Engineer and established from time to time by City Council resolution.

511.140. - Expense for street restoration. The amount for the restoration of the street shall be as estimated by the City Engineer or City Engineer's designee in each case. After the refilling has been done and the work completed, the City Engineer or City Engineer's designee shall issue to the plumber or such other person a certificate directed to the city finance department, stating the amount of expense incurred by the city on account of the restoration of the street, and thereupon the city finance department shall return to said plumber or person such amount that the deposit made with the finance department exceeds the sum of such certified expense; in case such expense for restoration of the street shall exceed the amount of deposit made with the city finance department, such excess shall be paid within three (3) days to the city finance officer by such plumber or person.

511.150. - Notice when connection ready for inspection. The person who is to make the connection with any sewer or drain shall give notice at the office of the City Engineer or City Engineer's designee when such work is ready for inspection.

511.160. - Supervision of work on sewer pipes. The work of laying, relaying or repairing any sewer pipe or making any sewer connection with any main sewer for any private person, within the limits of any street, avenue, alley or public ground in the city, shall be done under the directions of the City Engineer or City Engineer's designee, and every person doing any such work shall do the same according to the directions of the City Engineer or City Engineer's designee.

511.170. - Responsibility of user. No proprietor, occupant, lessee or tenant of any building shall knowingly use or cause to be used, in any form, any sanitary sewer service lateral not constructed substantially as herein provided, without the written permission of the City Engineer or City Engineer's designee.

511.180. - Revocation of license for violations. Any person licensed to make connections with the public sanitary sewer system who shall be determined by the City Engineer or City Engineer's designee to be in violation of this chapter may be deprived of such license, by the revocation thereof by the city council, in addition to other penalties provided by this Code. A written notice of license revocation will be issued by the City Engineer or City Engineer's designee. If the person subject to license revocation under this section disputes the authority or legal reasonableness of the proposed revocation, the person shall serve a written protest and request for a meeting for review of the notice of license revocation with the City Engineer or City Engineer's designee. The written protest and request shall state all grounds for the protest and shall be served on the City Engineer within 10 calendar days of receipt of the written notice. The City Engineer or the City Engineer's designee shall conduct a meeting with the appellant regarding the revocation within 15 calendar days of receiving the protest and request. If following the meeting and decision of the City Engineer or City Engineer's designee, the person subject to license revocation still disputes a proposed revocation of the person's license, such person can make a written request within ten days thereof for a hearing in front of the appropriate committee of the City Council or in front of such hearing officer or administrative law judge as the committee shall determine in its sole discretion. If the hearing is in front of a hearing officer or administrative law judge, such hearing officer or administrative law judge shall conduct the hearing, receive evidence, and make written findings, conclusions, and a recommendation on the issue of license revocation. The hearing officer or administrative law judge shall submit the written findings, conclusions, and a recommendation on the issue of license revocation to the committee for

consideration at a meeting thereof. The committee shall make a recommendation and forward it and the record for action by the full Council.

ARTICLE III. – PROHIBITED DISCHARGES TO SANITARY SEWER

511.190. - Prohibited discharges to sanitary sewer. (a) *Clearwater and stormwater drainage to sanitary sewers prohibited.* No person shall discharge or cause to be discharged into the sanitary sewer system any non-sewage or non-wastewater, including but not limited to, rainwater, stormwater, snowmelt, groundwater, or noncontact cooling water. Groundwater or surface water determined to be contaminated may be exempt from this prohibition as determined by the City Engineer or the City Engineer's designee.

(b) *Connections not permitted.* Rainwater pipes, rainleaders, area drains, foundation drains, drain tile, sump pumps or other connections used for conveying stormwater and clearwater from any building, structure, ground or premises shall be not connected or reconnected with any sanitary sewer system.

(c) *Exceptions for new parking ramps.* Drains from an uncovered top deck of a new parking ramp shall not be connected to the sanitary sewer system. The uncovered top deck shall not discharge stormwater to the other ramp floors. Ramp drains on all other floors shall be discharged to the sanitary sewer system through a flammable waste interceptor.

511.200. - Previously allowed connections, order to disconnect, permit required, Enforcement action.

(a) *Existing connections not permitted.* Rainwater pipes, rainleaders, area drains and other connections used for conveying stormwater and clearwater from any building, structure, ground or premises which were legally connected to the sanitary sewer system prior to 1961 or those which were connected later by city permission shall be disconnected from the sanitary sewer system pursuant to this Chapter.

(b) *Notification.* The City Engineer or City Engineer's designee shall provide a written order to the owner informing the owner that they are required to disconnect from the sanitary sewer system as specified in the order.

(c) *Permit required.* As required by the official order the property owner must obtain a rainleader disconnection permit and complete the disconnection prior to expiration of the permit, or request a time extension to the requirement of disconnection by the noted due date.

(d) *Enforcement actions.* An owner failing to comply with such an order by the date specified may be subject to administrative enforcement pursuant to Chapter 2 of this Code. The City, in its discretion, may also take any other appropriate and available enforcement action provided by law or use any available remedy to disconnect from the sanitary sewer system. These remedies shall include, but not be limited to: the city or its contractor making the necessary disconnection of the connections used for conveying stormwater and clearwater to the sanitary sewer system, or any part thereof as it shall deem appropriate, and applying all the costs and related expenses of all such work to the property owner's utility bill, and if not paid, assessing all of the cost of the work including reasonable overhead and attorney fees to the property as a special assessment on the tax rolls. If applied as a special assessment, the assessment procedures will be those will be outlined in this Chapter. The City shall obtain any owner permissions, search warrants, court orders, or other permissions that are constitutionally required to enter any particular piece of property where work will be performed.

The owner shall continue to have the responsibility to do any additional work required to complete the disconnection from the city's sanitary sewer and direct the water for surface drainage in a manner that complies with all local, state and federal laws.

(e) *Order to connect to storm sewer.* If the City Engineer or City Engineer's designee determines based on the nature of the property that there is no reasonable way to disconnect rainwater pipes, rainleaders, area drains or other connections used for conveying stormwater and clearwater from any building, structure, ground or premises other than by connecting them to the city's storm sewer system, then the City Engineer or City Engineer's designee may order the owner in a reasonable period of time of not less than thirty (30) days to disconnect from the sanitary sewer system by connecting to the city's storm sewer system as specified in a Utility Connections permit issued by the City Engineer or City Engineer's designee. The owner shall be responsible for the design and construction of the connecting line or lines within the terms of the permit and shall be responsible for all costs associated with the connection to the city's storm sewer system. The owner shall be responsible for all costs of maintenance, repair and replacement of the connection.

(f) *Failure to respond.* Failure to obtain a permit and disconnect or obtain a time extension pursuant to the terms of any official notification or order shall subject the property owner to penalties as provided by sections 1.30(a), 1.40, and Chapter 2 of this Code.

(g) *Exceptions for existing parking ramps.* Drains from an uncovered top deck of an existing parking ramp shall not be connected to the public sanitary sewer system. An uncovered top deck shall not discharge stormwater to the other ramp floors. Ramp drains on all other floors shall be permitted to discharge to the public sanitary sewer system in so far as the discharge is not in conflict with state and federal requirements and other Minneapolis Codes.

511.210. - Downspout placement. Except as provided herein, all rainleader downspouts shall be placed so that drainage is to the back and/or to the front of the property. Downspouts shall be allowed in the existing side yards where adjacent structures are separated by more than ten (10) feet and where the downspout discharge point is no closer than ten (10) feet from an adjoining structure. The owner is responsible for arranging-drainage in a manner that complies with the law. Rainwater from downspouts shall be drained so as not to cause flooding of or dampness in walls, ceilings or floors in any portion of the building or in any adjacent building, structure or property. Downspout placement shall not be prohibited so long as no conflicts exist with applicable City Codes. For example, a building downspout shall not be prohibited from discharging to the building's property lot or common alleyway unless an applicable law, regulation or City Code prohibits it.

511.220. – Rainleader Disconnection Permit requirement. (a) *Permit required.* No person shall perform a disconnection of any rainwater pipe, rainleader, area drain or other connections used for conveying stormwater and clearwater from any building, grounds or premises from the sanitary sewer system without first having obtained a rainleader disconnection permit from the City Engineer or City Engineer's designee.

(b) *Permit expiration.* Permits issued under this Section shall be valid for the period during which the proposed activity takes place or is scheduled to take place, whichever is shorter, but in no event shall a permit be valid for more than one (1) year.

511.230. - Permit fee. The fee for obtaining a disconnection permit shall be established by resolution.

511.240. - Requests for inspection. The contractor or permit holder shall make a request for inspection with the City Engineer or City Engineer's designee before any work of the contractor or permit holder on disconnection of any rainwater pipe, rainleader, area drain or other connection used for conveying stormwater and clearwater from any building, grounds or premises from the sanitary sewer system is covered up or concealed and shall file this request within forty-eight (48) hours after the completion of any work done by said contractor or permit holder.

511.250. - Manner of disconnection. The disconnection of any rainwater pipe, rainleader, area drain or other connections used for conveying stormwater and clearwater from any building, grounds or premises from the sanitary sewer system shall be accomplished by a complete and permanent method and performed in a competent manner. Any disconnection, plugging, capping, rerouting, altering, or modifying must be done in accordance with all applicable state rules and Minneapolis ordinances.

511.260. - Time extension. (a) *Time extension for compliance.* An owner may request a time extension to comply with a notification to disconnect. A time extension for one (1), two (2) or three (3) years may be requested and renewed prior to expiration as provided for in subsection (d). A request for a time extension must be submitted on a form provided by the City Engineer or City Engineer's designee with payment of a filing fee in an amount set by resolution.

(b) *Time extension approval.* A request for a time extension will be approved upon payment of a time extension fee in an amount set by resolution, and only in those cases in which the facts presented to the City Engineer or City Engineer's designee demonstrate to the reasonable satisfaction and professional judgment of the City Engineer or City Engineer's designee that timely disconnection would not be safe, prudent, or feasible and that a delay in disconnection is consistent with plans for the area's public infrastructure. For example, a disconnection that when performed would pose an increased risk to public health, or a disconnection that when performed would contribute to localized flooding would not be safe, prudent, or feasible. A time extension shall not be for a period longer than the period necessary to reasonably plan for and achieve compliance consistent with plans for the area's public infrastructure and keeping in mind the city's overriding interest in limiting inflow of stormwater into the city's sanitary sewer system to prevent the possibility of sewage backing up into homes and businesses, and prevent discharge of raw sewage into the Mississippi River.

(c) *Conditions of a time extension granted.* If a time extension is granted, the City Engineer or City Engineer's Designee reserves the right to require minimization of the continued inflow, prohibit expansion of the inflow and impose other reasonable conditions based upon the facts in each case. The time extension may be reopened to require additional work if previously undisclosed or unknown information or changing regulatory requirements or other conditions makes additional work necessary.

The fee for a time extension issued to buildings or premises shall be calculated by the City Engineer or City Engineer's Designee based on the following formula:

The current sewer utility rate multiplied by the square footage of the area contributing rainwater to the sanitary sewer system multiplied by the average annual rainfall, in feet, in the Minneapolis/St. Paul area for the prior 10 years, for example, from 2008 to 2017 as determined by the National Oceanic and Atmospheric Administration (NOAA) National Centers for Environmental Information (31.40 inches = 2.62 feet).

Sample calculation: Current Sewer Rate in 2018 was \$3.88 per unit of water; one water unit = 100 ft³. Average Rainfall for prior 10 years = 2.62 ft; Area contributing = 2000 ft².

$$(\$3.88/100 \text{ ft}^3)(2000 \text{ ft}^2)(2.62\text{ft}) = \$203.31$$

(d) *Time extension renewal.* Prior to the expiration of an existing time extension, the owner may request an extension on a form provided by the authority pursuant to subsection (a).

511.270. - Appeal of order to disconnect or of time extension disapproval. *Right to Appeal, Procedure.* If an owner subject to the charges under this section disputes the authority or legal reasonableness of the time extension disapproval issued by the City Engineer or City Engineer's designee, the owner shall serve a written protest and request for an administrative hearing with the City Engineer within ten (10) days of receipt of the charges. The written protest and request shall state all grounds for the protest and shall be served on the City Engineer within ten (10) calendar days of receipt of the disapproval. The City engineer or the City Engineer's designee shall conduct an informal administrative hearing regarding the order within fifteen (15) calendar days of receiving the protest and request. If following the informal administrative hearing and the decision of the City Engineer or City Engineer's designee, a person subject to the time extension disapproval still disputes the disapproval, such person can make a written request within ten (10) days thereof for a hearing in front of the appropriate committee of the City Council or in front of such hearing officer or administrative law judge as the committee shall determine in its sole discretion. If the hearing is in front of a hearing officer or administrative law judge, such hearing officer or administrative law judge shall conduct the hearing, receive evidence, and make written findings, conclusions, and a recommendation on the issue of the time extension disapproval. The hearing officer or administrative law judge shall submit the written findings, conclusions, and a recommendation on the issue of the time extension disapproval to the committee for consideration at a meeting thereof. If the matter was referred to a hearing officer or administrative law judge, the committee shall then consider the matter based on the findings, conclusions, and recommendation, upon any responsive written comments submitted on behalf of the licensee, and upon the record of the hearing. The committee shall make a recommendation and forward it and the record for action by the full Council. If the matter was not referred to a hearing officer or administrative law judge, the committee shall conduct the hearing, receive evidence, and adopt written findings, conclusions, and a recommendation on the issue of the time extension disapproval. The committee shall make a recommendation and forward it and the record for action by the full Council.

511.280. - Disclaimer. The city in no way guarantees or implies that areas will be free from flooding or flood damages. The city does not assume a specific duty as to individual property owners to enforce this ordinance, but is enacting this chapter as a general regulation. This Chapter is not intended for reliance by individual property owners. This Article shall not create liability on the part of the city or its officers or employees for any flood damage that may result from the failure to comply with any portion of this chapter or any administrative decisions made pursuant thereto, whatever the cause.

ARTICLE IV - FATS, OIL and GREASE (FOG) CONTROL PROGRAM

511.290. - Plumbing Code adopted. Minnesota Rules, Part 4714, the Plumbing Code is hereby adopted by reference and is incorporated into this article and made a part hereof.

511.300. - FOG Control Program participation required; discharge prohibited. Food service establishments (FSEs) and other industrial or commercial establishments generating wastewater containing FOG are subject to this ordinance. The FOG Program establishes policies, requirements, guidelines, procedures, remedies and penalties. The goal of the program is to aid in preventing the introduction and accumulation into the public sanitary sewer system of fats, oil and grease that will cause or contribute to sanitary sewer blockages and obstructions. Food service establishments and other industrial or commercial establishments generating wastewater containing FOG are subject to this chapter. This ordinance regulates such originators by requiring that grease interceptors and other devices and equipment be used to control FOG, and by requiring that such devices and equipment be installed, implemented and maintained in accordance with the provisions hereof. No Food Service Establishment (FSE) shall discharge any FOG into any portion of the public sanitary sewer system except in accordance with a FOG Control Plan Implementation Schedule for that facility that has been reviewed and accepted by the City Engineer or City Engineer's designee in writing, as provided for herein. Individual dwelling units, private living quarters, communal apartment house kitchens, dormitory style accommodations and employee break rooms are exempt from Fog Control Program requirements and penalties.

511.310. - Additional FOG control prohibitions. (a) Any structural alteration to a building drain of a structure designed to house a FSE is prohibited unless it meets the requirements of this ordinance and is approved by the Building Official.

(b) Discharge of wastewater containing grease accumulation from cleaning of fixtures and other equipment or tools in an FSE, including hood filters and floor mats, is prohibited.

(c) Introduction of any additives into the public sanitary sewer system for the purpose of emulsifying FOG or biologically or chemically treating any substance introduced into the public sanitary sewer system for purpose of treatment or pretreatment of wastewater, is prohibited unless a specific written authorization by the City Engineer or City Engineer's designee is obtained.

(d) Operation of grease interceptors is prohibited if the unit has accumulated waste, including, but not limited to, FOG and food solids, accounting for 25 percent or more of the total operating depth of the grease interceptor.

(e) Any grease interceptor shall be emptied of all material, including solids and liquids each time it is serviced. Discharge of any FOG or any other solid materials removed from the grease interceptor to the public sanitary sewer system is prohibited.

511.320. - Liability of Owners. The owner of the FSE, the owner of the structure in which it is located if different from the owner of the FSE, and the owner of any structure occupied by more than one FSE, shall be jointly and severally liable for compliance with the FOG Control Program, the servicing and maintenance of grease interceptors or alternative treatment technology, the servicing and maintenance of the sanitary sewer service laterals, and for any required servicing and maintenance of any portion of the public sanitary sewer system located downstream from said structure to remove any accumulations of FOG therefrom.

511.330. - Inspections, Remedial Actions, FOG Control Plan Requirements, and Compliance Procedures. City inspectors will carry out routine inspections for compliance with the provisions of this chapter relating to FOG or the use of the sanitary sewer system. For inspection related to FOG or use of the sanitary sewer system, the city shall obtain any owner permissions, search warrants, court orders, or other permissions that are constitutionally required.

In the event of noncompliance with the City's FOG Control Program, the following remedial actions, penalties, and/or assessments may be applied:

(1) *Tier 1. Written Notice, Education and Non-Structural Best Management Practices (BMPs) ('Quick Start' BMPs).* If a FOG discharge or improper maintenance is identified by a City inspector, the inspector shall issue a Tier 1 written notice to the owner of the FSE of non-compliance with the FOG Control Program specifying each item or instance of non-compliance with the requirements of the FOG control program. Noncompliance may include FSEs with no FOG equipment or improperly sized or maintained FOG equipment. The FSE shall minimize FOG discharges by adopting Tier 1 'Quick-Start' practices that can be undertaken with minimal time for advance engineering, plan preparation, review or approval practices.

For the purposes of this chapter, Tier 1 Non-Structural Best Management Practices are education, training, schedules of activities, prohibitions or practices, maintenance procedures or other management practices that minimize FOG discharges. The FSE shall be subject to re-inspection in 30 days.

(2) *Tier 2. Written Notice, Structural Best Management Practices (BMPs) and FOG Control Plan.*

a. *FOG Control Tier 2 Written Notice.* If a FOG discharge or improper maintenance is still identified 30 or more days after Tier 1 written notice, the inspector shall issue a Tier 2 written notice to the owner of the FSE that a FOG Control Plan must be developed and submitted to the City Engineer or City Engineer's designee for review and acceptance. The FOG Control Plan shall describe Tier 1 BMPs and Tier 2 BMPs to minimize FOG discharges including maintenance and self-inspection practices. For the purposes of this chapter, Tier 2 Structural Best Management Practices (Structural BMPs) are grease interceptors, alternative treatment technology to minimize FOG discharges, or structural alterations to building drains. Any installation of a grease interceptor or alternative treatment technology, or structural alteration to a building drain, must be in accordance with the Plumbing Code and approved by the Building Official.

b. *FOG Control Plan requirements.* The FOG Control Plan must conform to the following installation requirements:

1. Any installation of a grease interceptor or alternative treatment technology, or structural alteration to a building drain, shall only be carried out in accordance with a permit issued by the Building Official and in accordance with the Plumbing Code.

2. Only the plumbing fixtures producing greasy waste shall be piped to the interceptor.

3. Except as provided for in subsection 511.330(2)(b)(5), any property designed for or intended to be used for an FSE must have a grease interceptor installed before a permit to discharge into the public sanitary sewer system will be issued, and the grease interceptor must be constructed on the property occupied by the structure in a location outside of any building, so as to allow reasonably convenient and unrestricted access at any time to City representatives for the purposes of inspection, sampling, and testing. City representatives shall obtain any owner permissions, search warrants, court orders, or other permissions that are constitutionally required. Such grease interceptor must comply with all rules as set forth in the Plumbing Code.

4. Except as provided for in subsection 511.330(2)(b)(5), property owners of new commercial construction structures designed to house multiple FSEs on a single parcel shall be responsible for installing and maintaining a single grease interceptor to serve all of the FSEs housed on the parcel unless the property owner demonstrates to the City Engineer or City Engineer's designee that it is not practicable to install and maintain a single grease interceptor to serve all of the FSEs located in the structure. In such case the City Engineer or City Engineer's designee has discretion to approve a plan for such structure providing for more than one grease interceptor or a combination of grease interceptors to service such property, which approval shall be in writing. The approved plan shall include the minimum number of grease interceptors that can reasonably serve the structure. The BMP program shall specifically include service for all approved grease interceptors.

5. Exception from grease interceptor requirements. If the FSE demonstrates to the reasonable satisfaction of the City Engineer or City Engineer's designee that installation of a grease interceptor is not feasible, the City Engineer or City Engineer's designee may grant an exception allowing the FSE to install alternative treatment technology determined by the City Engineer or City Engineer's designee to be effective at adequately controlling the release of FOG into the public sanitary sewer system. The FSE bears the burden of demonstrating that the installation of a grease interceptor is not feasible. The request for an exemption shall include the following information if relevant:

i. Evidence of a lack of available exterior space necessary to place an interceptor relative to the location of the sewer main;

ii. Evidence of a lack of adequate slope for gravity flow between kitchen plumbing fixtures in the FSE and the sanitary sewer service lateral;

iii. A description of and specifications for the alternative treatment technology that will be installed; and

iv. Evidence that the size, available seating or type of food preparation does not generate any significant volume of FOG.

6. *Tier 2 FOG Control Plan Submission.* The FSE shall submit the proposed FOG Control Plan within 90 days of the Tier 2 written notice, for review and acceptance by the City Engineer or City Engineer's designee. An FSE may request a time extension to comply with submission of the FOG Control Plan.

7. *Request for time extension.* A time extension of up to one-half year (180 days) for the FOG Control Plan may be requested within 90 days of the Tier 2 written notice. A request for a time extension must be submitted on a form provided by the City Engineer or City Engineer's designee with payment of a filing fee to cover review, administration and handling costs. The filing fee shall be established by resolution. A request must include an explanation of why the extension is needed. Within thirty (30) days, the City Engineer or City Engineer's designee will notify the FSE of acceptance or non-acceptance of the request for time extension. A request for a time extension will be approved only if the FSE has demonstrated it is needed due to complexity of alterations.

8. *Tier 2 FOG Control Plan review, acceptance and implementation.* Within thirty (30) days, the City Engineer or City Engineer's designee will review the submitted FOG Control Plan and will either accept the Control Plan, or will require modifications and resubmittal. Following written acceptance of the FOG Control Plan by the City Engineer or City Engineer's designee, the FSE shall implement the Control Plan BMPs within 12 months of the date of written acceptance.

9. *FOG Control Plan maintenance and inspection.* The FSE shall maintain FOG Control Plan BMPs in accordance with the accepted FOG Control Plan.

a. *Proper removal and disposal.* In maintaining and cleaning grease interceptors and any other approved grease control device, the FSE shall be responsible for the proper removal and disposal of the captured material by appropriate means. If not performed by personnel under the direct control and direction of any such owner, such removal and haul shall be performed by a FOG hauler that is a waste hauler currently licensed by the City or a liquid waste hauler holding a current Metropolitan Council permit. All grease waste shall be taken to a licensed and approved disposal facility for disposal and in no manner shall any grease interceptor container be discharged by an FSE or a FOG hauler to the public sanitary sewer system, or stormwater system. A log of cleaning dates, volume and disposal method shall be kept on-site and made available to inspectors. Each FOG hauler shall sign the log, certifying each date of cleanout.

b. *Written notice and FOG Control Plan resubmission.* After Control Plan implementation, if inspection, testing, or other sampling activity by the City Engineer or City Engineer's designee identifies any user that is contributing excessive FOG that results in extraordinary maintenance activity or repair two or more times in a single calendar year, to maintain the integrity of the public sanitary sewer system a Tier 2 written notice will be issued and the FSE will be required to modify and resubmit the Control Plan according to this Chapter, until FOG reduction requirements are met.

c. *Tier 3 – Written Notice, Citations and Civil Fines.* Any FSE that has received a Tier 2 written notice, and is non-compliant with the FOG Control Plan Requirements and Compliance Procedures may receive a Tier 3 written notice and may be subject to administrative enforcement pursuant to Chapter 2 of this Code, or any other appropriate and available enforcement provided by law. Administrative citations may be issued for Tier 3 non-compliance or to continuing violators.

d. *Tier 4 – Written Notice, License Revocation or Disconnection of Water and Sewer Service.* If FOG Control Program reduction requirements are not met by following the Tier 2 process or following the Tier 3 process, and there is continued introduction of FOG into the public sanitary sewer system resulting in partial or complete obstruction or an overflow, a Tier 4 written order may be issued to the FSE informing the owner of the FSE and the owner of the structure in which it is located if different from the owner of the FSE that after 40 calendar days the FSE's Food License may be revoked by the City Council and/or that the water and sewer service to the FSE and to the structure in which the FSE is located may be discontinued. The City, in its discretion, may also take any other appropriate and available enforcement action provided by law. If a person subject to the order under this section disputes the authority or legal reasonableness of the order issued by the City Engineer or City Engineer's designee, such person shall serve a written protest and request for a meeting for review of the order with the City Engineer. The written protest and request shall state all grounds for the protest and shall be served on the City Engineer within ten calendar days of receipt of the order. The City Engineer or the City Engineer's designee shall conduct a meeting with the appellant regarding the order within 15 calendar days of receiving the protest and request. If following the meeting and decision of the City Engineer or City Engineer's designee, the person subject to license revocation still disputes a proposed revocation of the person's license, such person can make a written request within ten days thereof for a hearing in front of the appropriate committee of the City Council or in front of such hearing officer or administrative law judge as the committee shall determine in its sole discretion. If the hearing is in front of a hearing officer or administrative law judge, such hearing officer or administrative law judge shall conduct the hearing, receive evidence, and make written findings, conclusions, and a recommendation on the issue of license revocation. The hearing officer or administrative law judge shall submit the written findings, conclusions, and a recommendation on the issue of license revocation to the committee for consideration at a meeting thereof. If the matter was referred to a hearing officer or administrative law judge, the committee shall

then consider the matter based on the findings, conclusions, and recommendation, upon any responsive written comments submitted on behalf of the licensee, and upon the record of the hearing. The committee shall make a recommendation and forward it and the record for action by the full Council. If the matter was not referred to a hearing officer or administrative law judge, the committee shall conduct the hearing, receive evidence, and adopt written findings, conclusions, and a recommendation on the issue of license revocation. The committee shall make a recommendation and forward it and the record for action by the full Council.

511.340. - FOG hauler licensing. Any FOG haulers removing FOG on behalf of a Minneapolis FSE and discharging into a designated collection system shall hold a current solid waste hauler's license issued by the City. Any person servicing a grease interceptor must dispose of the material according to all applicable rules and regulations. Each hauler shall also sign the log maintained by the FSE, certifying each date of cleanout. All grease waste shall be taken to a licensed and approved disposal facility for disposal and in no manner shall any grease interceptor container be discharged by a FOG hauler to the public sanitary sewer system, or stormwater system.

511.350. - Charge for remedial maintenance or repair of the building drain or sanitary sewer service lateral. The costs for curing lateral failures or resulting overflows, including cleaning and maintenance, caused in whole or in part by FOG, are the responsibility of the FSE.

511.360. - Charges for remedial maintenance or repair of the public sanitary sewer system. If action is taken by the City Engineer or by the Metropolitan Disposal System to control a partial or complete obstruction of the public sanitary sewer system to prevent a public health hazard, any FSE found to have discharged wastewater or waste containing FOG that contributed to the partial or complete obstruction shall be required to reimburse all cleanup, maintenance and repair costs of abating such condition. In situations where multiple FSEs are identified as contributing FOG the City Engineer will apportion the cost of the cleanup, maintenance, and repair costs based on each FSE's percentage share of the average annual total sanitary sewer charges for all such owners. If an owner subject to the charges under this section disputes the authority or legal reasonableness of the charges issued by the City Engineer or City Engineer's designee, the owner shall serve a written protest and request for a meeting for review of the charges with the City Engineer within 10 days of receipt of the charges. The written protest and request shall state all grounds for the protest and shall be served on the City Engineer within ten calendar days of receipt of the billing. The City engineer or the City Engineer's designee shall conduct a meeting with the appellant regarding the order within 15 calendar days of receiving the protest and request. If following the meeting and decision of the City Engineer or City Engineer's designee, a person subject to the reimbursement requirement still disputes the proposed reimbursement requirement, such person can make a written request within ten days thereof for a hearing in front of the appropriate committee of the City Council or in front of such hearing officer or administrative law judge as the committee shall determine in its sole discretion. If the hearing is in front of a hearing officer or administrative law judge, such hearing officer or administrative law judge shall conduct the hearing, receive evidence, and make written findings, conclusions, and a recommendation on the issue of the reimbursement requirement. The hearing officer or administrative law judge shall submit the written findings, conclusions, and a recommendation on the issue of the reimbursement requirement to the committee for consideration at a meeting thereof. If the matter was referred to a hearing officer or administrative law judge, the committee shall then consider the matter based on the findings, conclusions, and recommendation, upon any responsive written comments submitted on behalf of the licensee, and upon the record of the hearing. The committee shall make a recommendation and forward it and the record for action by the full Council. If the matter was not referred to a hearing officer or administrative law judge, the committee shall conduct the hearing, receive evidence, and adopt written findings, conclusions, and a recommendation on the issue of the

reimbursement requirement. The committee shall make a recommendation and forward it and the record for action by the full Council.

ARTICLE V. -- ASSESSMENT, METERS and BILLING

511.370. - Assessment for Sanitary Sewers. Whenever the City Council deems it necessary to lay, re-lay or extend sanitary sewers through any street or alley of the City, or any portion thereof, the city council shall have the authority to levy and collect by special assessment the cost thereof or a portion thereof, in their discretion, upon the property on both sides of such street or alley fronting upon such improvement, and the cost shall not exceed the estimated cost of the main (including all necessary manholes and other appurtenances). The cost not provided for by such assessment, including the cost of laying mains upon crossing streets, as well as the proportion which would otherwise be assessed against any property which is by law exempt from such assessment, shall be paid out of the sewer enterprise fund established by this Code or as otherwise established by law.

511.380. - Assessment for repairs to sanitary sewer service laterals. (a) The owner of any property having a sanitary sewer service lateral in need of repair or replacement may request and authorize the City on forms prescribed by the City Engineer or City Engineer's designee to make all necessary repairs and replacements to the sanitary sewer service lateral. Such authorization by the owner to the city shall constitute, and such authorization form shall provide for, the right to enter upon the premises as may be necessary to make such repairs and replacement; a waiver and release by the owner of any and all claims and damages against the city arising out of the making of such repairs and replacement; and the consent of the owner to any unpaid charges for such work to be collected as a special assessment against the property as provided herein. The city, upon receiving such authorization from the owner, may immediately cause the repairs or replacement of the sanitary sewer service lateral to be done under its direction and control. The said repair or replacement costs shall be initially provided for by an advance of funds from the sewer enterprise fund to be reimbursed from the collection of such charges.

(b) The city, upon completion of any such repairs or replacement work, shall notify such owner of the amount of the charges for such work which the owner may pay to the city on or before September first. This amount may include an administrative charge set by the city council.

(c) If the charges or any part thereof for any such work is unpaid by September first, the city shall prepare a proposed assessment roll listing the amount of charges unpaid and the benefited property which shall be filed with the city clerk. The city council shall assess and levy and cause to be collected the amount of such costs as a special assessment upon and against the property benefited in the manner provided by Minnesota Statutes, Sections 429.061, 429.071 and 429.081. Such costs so assessed shall be payable in a single installment except that the city council may provide that the costs so assessed may be paid in not to exceed five (5) equal annual installments. The interest rate shall be set annually by the city's finance officer and shall reflect the current interest rate environment, the term of the loan, lost investment earnings, and administrative costs to the city.

511.390. - Sanitary Sewer utility charges. The aggregate of all charges, whether collected pursuant to the City's charter or ordinances, Minnesota Statutes, Section 444.075, special laws, or other authority including charges for billing, metering, debt service, and other sewer related charges that are billed periodically to users of the public sanitary sewer system for the purpose of paying the cost of operation and maintenance of the public sanitary sewer system, including the sewage treatment works; for the capital cost of construction of such system, including the principal and interest on bonds sold for such construction; for paying Minneapolis' share of the MCES' annual budget as provided in Minnesota Statutes Chapter 473; and for activities in accordance with regulations established pursuant to the Clean Water

Act and Minnesota Rules and Statutes, specifically including the costs of obtaining and complying with permits required by law, a sewer utility charge shall be levied and assessed against every lot, parcel of land, building, or premises now or hereafter having connection to the public sanitary sewer system or otherwise discharging domestic sewage, commercial or industrial wastewater, or other liquid, gaseous, or solid wastes either directly or indirectly to the public sanitary sewer system. Sanitary sewer charges may be fixed:

- (1) On the basis of water consumed; or
- (2) By reference to a reasonable classification of the types of premises to which service is furnished; or
- (3) By reference to the quantity, pollution qualities and difficulty of disposal of sewage produced; or
- (4) On any other equitable basis including any combination of equitable bases referred to above, but specifically excluding use of the basis referred to in Minnesota Statutes, Section 444.075, subdivision 3b, clause (1); and otherwise without limit.

511.400. - Sanitary sewer rates established. Sewer rental rates shall be set by City council resolution. Pursuant to Minnesota Statutes, Section 116A.22, whenever payment remains in default for sewage disposal services furnished to real property, the City Council may annually levy an assessment equal to such unpaid costs including penalty and interest against each property so served and upon which the utility charge is unpaid. The same administrative procedures for payments, delinquencies and service termination shall be applied to sewer rental charges as are applied for water use under Chapter 509 of the Minneapolis Code of Ordinances.

511.410. - Deduct water meters (minus meters). With the proper application, plan review, and permit, any commercial water user may purchase, from the City of Minneapolis or a vendor approved by the City Engineer or City Engineer's designee, a deduct water meter to eliminate sewer charges for water used that does not enter the public sanitary sewer system. Examples include water for underground irrigation purposes, production process water, or cooling tower makeup water. Such deduct meter shall be fitted with an appropriate backflow prevention device as required by the building code. All costs associated with the purchase, installation, testing, and maintenance of the deduct meter and reading equipment, as well as the fees for any required inspections of the backflow prevention devices, shall be the responsibility of the water user. It is the responsibility of the property owner to maintain the meter and carry out monthly meter reporting. No credits will be estimated for meter malfunction or other meter error unless approved documentation is received from the meter owner. In no case will credits be granted for periods exceeding three months. Deduct meters shall be charged an administrative charge each month to cover the costs of reading, billing, customer service, processing, and maintaining records. The administrative charge shall be established annually in the City Council Rate Resolution. Rules related to deduct water meters shall be in accordance with standards set by the City Engineer or City Engineer's designee.

511.420. - Private water supply meters. Any water user using a private water supply shall provide a meter at the source per Chapter 509 of this Code. Said meter shall be used to determine the sanitary sewer charges. All costs associated with the meter including purchase, installation, testing, maintenance and inspection fees shall be the responsibility of the water user. Rules related to private water supply meters shall be in accordance with standards set by the City Engineer or City Engineer's designee.

511.430. - Sewer-only meters. Any water user may use a sewer-only meter to measure flow to the public sanitary sewer system. Any such meter needs to be approved as to design by the City Engineer or City Engineer's designee. All costs associated with purchase, installation, testing, and maintenance of the meter and fees for any required inspections shall be the responsibility of the water user. Rules related to these meters shall be in accordance with standards set by the City Engineer or City Engineer's designee.

511.440. - Test wells, dewatering wells, and miscellaneous temporary discharges. Any test well, dewatering well, or miscellaneous temporary discharges to the public sanitary sewer system shall be metered to determine the sanitary sewer charges. If metering is impractical on a temporary basis, the water volume shall be agreed to with the City Engineer or City Engineer's designee. Rules related to the meter or agreements shall be in accordance with standards set by the City Engineer or City Engineer's designee.

511.450. - Water-only meters. Where water meters are used for the following purposes no sewer charge will be applied:

(1) Hydrant meters used to measure water usage for irrigation, where permitted by the City of Minneapolis Water Treatment and Distribution Services Division.

(2) Hydrant meters used to measure water usage on a demolition or construction site where no flow will enter the public sanitary sewer system, where permitted by the City of Minneapolis Water Treatment and Distribution Services Division.

(3) Water meter installed in a separate account for irrigation purposes only, where permitted by the City of Minneapolis Water Treatment and Distribution Services Division.

ARTICLE VI. - PUBLIC SANITARY SEWER COLLECTION SYSTEM

511.460. - Disposing of wastes from outside city. No person shall bring into the city the contents of any cesspools, holding tanks, privy vaults, septic tanks, or other containers, devices or structures located outside the city and discharge into, dump or place such contents into any of the sewers of the city. This section shall not limit or affect the rights of any municipality or other persons having a valid contract with the city for the disposal of sewage or wastewater.

511.470. - Tampering with system prohibited. Except for City employees acting in the course of employment, no person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof, including but not limited to manhole covers from any sewer or water manhole in the streets or use such manhole for any purpose whatever, without first obtaining a written permit from the City Engineer or City Engineer's designee.

511.480. - Private wastewater disposal systems prohibited. It is established that private wastewater disposal systems are not allowed without special approval of the City Engineer and City Council.

511.490. - Declaration of Policy and Benefits. It is hereby declared and ordained that the establishment and operation of the City sanitary sewer collection system is necessary and conducive to the public health, safety, welfare, and convenience of the City and its inhabitants; that such system shall constitute and be a public utility plant and convenience from which revenues may and shall be derived; and that service to be rendered to the inhabitants, industries, and properties by the collection of wastewater confers direct and indirect benefits to the inhabitants, industries and properties of the City for which reasonable rates and charges may be imposed.

511.500. - Connection to public sanitary sewer collection system required. The owner of any house, building, or properties of any character where wastewater develops or occurs is hereby required, at the owner's expense, to install, and thereafter maintain, suitable private building sanitary drains and sanitary sewer service laterals and to connect such facilities directly with the public sanitary sewer system in accordance with the provisions of this ordinance.

511.510. - Damage to drainage system or public sewer. It shall be unlawful to deposit, by any means whatsoever, into a plumbing fixture, floor drain, interceptor, sump, receptor, or device which is connected to a drainage system, public sanitary sewer system, private sanitary sewer system, any ashes, cinder, solids, rags, flammable, poisonous, or explosive liquids or gases, oils, grease, or any other thing whatsoever that is capable of causing damage to the drainage system or public sanitary sewer system or which is a violation of or may contribute to a violation of the City's National Pollution Discharge Elimination System or other permits.