

202. CITY PLUMBING AND SEWAGE SYSTEM

- 202.010. PLUMBING INSPECTOR: APPOINTMENT AND QUALIFICATIONS. The City Council may appoint a Plumbing Inspector. The person appointed to the position of Plumbing Inspector shall be knowledgeable in approved methods of plumbing construction, the statutes of the State of Minnesota relating to plumbing work and the Minnesota Plumbing Code as adopted by the Minnesota State Board of Health as amended.

The Plumbing Inspector shall not inspect his/her own work. Another licensed inspector must perform such inspections.

- 202.020. PLUMBING INSPECTOR: POWER AND DUTIES. It shall be the duty of the Plumbing Inspector to enforce the provisions of this chapter. The Plumbing Inspector shall inspect all of the work relative to or incidental with the installation of plumbing or sewage equipment of any kind.

When the installation of any such plumbing or disposal systems or material used is found to be in a dangerous or unsafe condition, he/she shall notify the person owning, using, operating or installing the same to place such defective plumbing or sewer installations in a safe condition and he/she shall immediately place a notice in a conspicuous place upon such dangerous or unsafe construction stating that the workmanship, design or material is unsafe and that it shall not be used until it is put in a safe condition. It shall be unlawful to use said installation or materials until it has been placed in a safe condition and has been inspected and approved by the Plumbing Inspector.

The Plumbing Inspector shall have the right during reasonable hours to enter any building in the discharge of his/her duties or for the purpose of making any inspection which he/she might deem necessary in the performance of his/her particular duties.

The Plumbing Inspector shall, when necessary, call upon the police for assistance in enforcing any of the provisions of this Code.

The Plumbing Inspector shall have authority to recommend the employment by the governing body of such technical or expert consultants as might become necessary to ensure proper construction and public safety.

- 202.030. PERMIT REQUIRED. No alterations or additions shall be made to the existing plumbing in any building, no plumbing shall be placed in any building, and no sewage disposal system shall be constructed without first securing a permit except when the value of such work and material does not exceed \$ 1,000.00.

Any permit issued shall become invalid after ninety (90) days from the date of issuance unless the work for which the permit was issued has been started. This time limit may be extended by the City Council if application for extension is made in writing prior to the permit expiration date. All sewer services shall be installed by a plumber licensed by the State of Minnesota and bonded to the City of Birchwood Village.

Any owner, occupant or licensed plumber may install, repair or make alteration to the building drain or building sewer lines provided that said construction is conducted under the regulations of this ordinance. Prior to receiving a permit for plumbing work, as outlined herein, a satisfactory showing must be made that such plumber, excavator, or sewer installer is carrying liability insurance with an accredited company with the City of Birchwood Village as one of the assured in such policy insuring the City of Birchwood against loss in the sum of \$100,000.00 and \$300,000.00 as customarily provided in such policies. Plumbers, excavators, and sewer installers shall post a \$2,000.00 bond.

Upon completed of any work completed outside of the residential property, the licensed individual that received the permit must submit to the City a document indicating the kind and size of pipe, the kind of joint used, the length of sewer installed, the depth at the street, the depth at the house, and/or the distance from either side of the house where the connection is made to the house plumbing.

- 202.040. PERMIT FEES. Permit fees for sanitary sewer construction, connection, enlargement, alteration, and/or repair shall be set, regulated, and/or changed by the City Council in its sole and absolute discretion.

Any person beginning work without first obtaining a permit shall be required to pay double the established fees.

- 202.050. MINNESOTA PLUMBING CODE ADOPTED. Except as specifically stated in this chapter, the Plumbing Inspector shall follow and enforce the provisions of the Minnesota Plumbing Code.

- 202.060. USE OF PUBLIC SANITARY SEWER SYSTEM REQUIRED. To protect the general health and welfare of the City, it is required that the wastes from any plumbing system of any residence, dwelling or building be discharged into the public sanitary sewer system. Outside toilets or cesspools are not permitted. This does not prohibit the use of portable chemical toilet facilities on public property or construction sites.

- 202.070. CONNECTING TO SEWER LINE. Sewer service lines shall be installed at the expense, including materials and labor, of the property owner within the right-of-way by a licensed plumber bonded to operate in the City. Before connecting to the City sanitary sewer, the property owner shall pay the fee set in the fee schedule. The fee shall relate to the cost of establishing and providing the City sanitary

sewer system. In addition, the property owner shall pay to the City the Metropolitan Council Environmental Services Sewer Access Charge (MCES SAC). However, the City shall waive one City fee and one MCES SAC if the dwelling unit, or a dwelling unit that the dwelling unit replaces, including after a lot split, subdivision or consolidation:

1. was connected to City sanitary sewer service before January 1, 2009; or
2. previously paid the City fee and MCES SAC.

These fees and charges shall apply to connections to City sanitary sewer from properties inside or outside of the City. Not more than one City fee and one MCES SAC shall be waived for each dwelling unit replaced. Where an existing sewer main cannot be used to establish a connection, the City may assess additional costs.

- 202.070.1. For service to the property for which a sewer service line has not been previously installed from the main sewer line to the property line, the owner, occupant or user shall contract with a licensed plumber for the installation of said line and all payments required shall be assumed by the owner, occupant, or user. Only plumbers bonded to operate in the City shall be allowed to install service lines within public right-of-way.
- 202.070.2. For service to property outside of the City, the owner, occupant or user shall pay to the City at the time of application for permit an amount not less than the payments made by or charges placed against comparable properties for like service within the City in an amount as may be established by the City Council.
- 202.071. MULTIPLE CONNECTIONS. Multiple connections of more than one building to a single building sewer or sewer service line shall be permitted only by special application to the City. These types of multiple connections are strongly discouraged and shall be stringently reviewed by the City Building Official, City Engineer, Planning Commission and City Council. The applicant shall submit a detailed sketch showing location, grades and special structures to the City Engineer for review prior to applying for a permit. All costs involved for the engineering review shall be paid by the applicant along with the other required fees at the time of issuance of the permit. The charge for the cost of the trunk lines, lift station, force mains and disposal facilities shall be levied against each property sought to be connected either through single sewer services or multiple connections.
- 202.072. SERVICE RESPONSIBILITY. The sanitary sewer service shall be installed, maintained and repaired by the property owner that is served. The service shall include the sanitary sewer at the connection point to the main and any service main and appurtenances from that point to the connection to the residential property.
- 202.080. EXCAVATING WORK.

- 202.080.1. All installation work or repair of connections to the sewer system including grades, bends, and backfilling shall be inspected by the Plumbing Inspector. All work and excavations shall be protected by barricades and warning markers and lights reasonable and suitable for the purpose. The City shall be held harmless of any claim or loss as might otherwise arise for damage, loss or injury caused by or arising by reason of such work being performed.
- 202.080.2. No digging in any City street shall be permitted except by special written permission from the City. Backfilling shall be thoroughly compacted by mechanical means to 100% Standard Proctor density. The top 12 inches of the excavation shall be backfilled with Minnesota Department of Transportation Class 5 gravel base material. The base shall be compacted and a 3.5 inch thick bituminous surface (placed in two lifts) shall be installed with the Minnesota Department of Transportation Specification No. 2341.
- 202.080.3. The plumbing contractor shall be responsible for restoring the city street in accordance with the paragraph above and shall furnish a deposit in an amount set by the City Council to assure compliance. Said deposit shall be used to correct any deficiencies. If the cost of repairs exceeds the amount on deposit with the City, the plumbing contractor shall be liable to the City for any additional cost. After 16 months the City Treasurer shall refund the plumbing contractor or his designee any remaining balance of the deposit which has not been used for the repair of the city street.
- 202.080.4. No work shall be covered or backfilled until authorized by the Plumbing Inspector. Before authorizing the covering of any work, the Plumbing Inspector shall establish the horizontal and vertical locations of installed service laterals. The Plumbing Inspector may elect to accept data provided by the contractor or owner to establish the location of the service lateral. The City may order the owner to uncover any service lateral for which the horizontal and vertical locations have not been determined prior to covering and the City may withhold the entire deposit until the information is provided and may pursue other remedies for violation of this provision.
- 202.090. CONSTRUCTION REQUIREMENTS. All building sewers and sewer service lines (non-pressure) shall be polyvinyl chloride (PVC) pipe meeting the requirements of ASTM D1784 and D3034, with an SDR of 35, or ASTM F789 and D3034, and have push-on joints with elastomeric gaskets. All pressure pipes shall be SDR 26. Individual service lines shall be not less than 4 inches in diameter and shall be placed at a uniform grade of not less than 1/4 of an inch per foot. Clean-outs shall be provided at each change in direction greater than 45 degrees from the direction of flow and at intervals not to exceed 100 feet. Multiple connections of more than one building shall be approved only by the City Engineer as described under 202.071. No interconnection of the existing private sewer system shall remain upon connection to the public system. If a sewer service connection is such that gravity flow to the public sewer main is available and a sewage lift pump is

presently used, said sewage lift pump shall be disconnected, discontinued, and removed from service.

202.093 IRRIGATION SYSTEMS. A permit is required for installation of a permanent in-ground irrigation system installed after April 1, 2022.
“Amended by Ordinance 2022-02-07; March 8, 2022”

202.094 FUNCTIONAL BACKFLOW PREVENTION DEVICES REQUIRED. All irrigation systems, whether installed after April 1, 2022 or before April 1, 2022, shall have a functioning automatic backflow prevention device designed and installed to prevent backflow of irrigation water into the City water supply system. The valve shall be of a type approved by the building official and installed pursuant to a permit and inspection. Per UPC, Sec. 605.3.1, dual check-valve backflow preventers shall comply with ASSE 1024 or CSA B64.6 605.4.
“Amended by Ordinance 2022-02-07; March 8, 2022”

202.095 COSTS ASSESSABLE TO PROPERTY OWNER FOR DAMAGES CAUSED BY LACK OF FUNCTIONING BACKFLOW PREVENTION.
In addition to the criminal consequences for the violation of the City Code, the property owner(s) of an irrigation system lacking a suitable functioning backflow prevention device is responsible for any and all costs incurred by the City resulting from contamination of the City water supply from a backflow originating from an irrigation system on their property. Said costs may be assessed to the property taxes of said property owner, if not paid within 30 days of demand.
“Amended by Ordinance 2022-02-07; March 8, 2022”

202.100. ILLICIT DISCHARGE DETECTION AND ELIMINATION: PURPOSE AND OBJECTIVES. The purpose of this Ordinance is to provide for the health, safety and general welfare of the citizens of Birchwood Village through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by the State and Federal Law. This Ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) MS4 permit process.

The objectives of this Ordinance are:

202.100.1. To regulate the contribution of pollutants to the municipal separate storm sewer system by stormwater discharges by any user.

202.100.1.2. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.

202.100.1.3. To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this ordinance.

- 202.100.2. DEFINITIONS. For the purpose of this ordinance, the following terms shall have the following meanings:
- 202.100.2.1. Authorized Enforcement Agency: employees or designees of Birchwood Village or the Minnesota Pollution Control Agency (MPCA) as designated to enforce this Ordinance.
- 202.100.2.2. Best Management Practices (BMP's): Schedule of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into stormwater, receiving waters, or stormwater conveyance systems. Best Management Practices also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- 202.100.2.3. Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C., 1251 et seq.), and any subsequent amendments thereto.
- 202.100.2.4. Construction Activity: Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more and projects that disturb less than one acre if they are part of a larger common plan of development. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- 202.100.2.5. Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment, when improperly treated, stored, transported, disposed of, or otherwise managed.
- 202.100.2.6. Illicit Connections: An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter a storm drain system including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.
- 202.100.2.7. MPCA: Minnesota Pollution Control Agency

- 202.100.2.8. National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit: A permit issued by the Environmental Protection Agency (EPA) (or by the State of Minnesota under the authority delegated pursuant to 33 U.S.C., 1342(b)) that authorizes the discharge of pollutants to Waters of the State, whether the permit is applicable on an individual, group, or general area-wide-basis.
- 202.100.2.9. Non-Stormwater Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.
- 202.100.2.10. Person: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- 202.100.2.11. Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquids, solid wastes, and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
- 202.100.2.12. Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and boulevards.
- 202.100.2.13. Storm Drainage System: Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, infiltration, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- 202.100.2.14. Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- 202.100.2.15. Storm Water Pollution Prevention Plan (SWPPP): A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution and contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the maximum extent practicable.
- 202.100.2.16. City: Birchwood Village
- 202.100.2.17. Wastewater: Any water or other liquid, other than uncontaminated stormwater, discharged from a property.

- 202.100.2.18. Waters of the State: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Minnesota or any portion thereof
- 202.100.3. APPLICABILITY. This Ordinance shall apply to all water entering the storm drain system generated on any developed or undeveloped lands unless explicitly exempted by an authorized enforcement agency.
- 202.100.4. RESPONSIBILITY FOR ADMINISTRATION. Birchwood Village shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the MPCA may be delegated in writing by the City Engineer of Birchwood Village to persons or entities acting in the beneficial interest of or in the employ of the City.
- 202.100.5. ULTIMATE RESPONSIBILITY. The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.
- 202.100.6. DISCHARGE PROHIBITIONS.
- 202.100.6.1. Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or Waters of the State any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:
- 202.100.6.1.1. The following discharges are exempt from discharge prohibitions established by this Ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if de-chlorinated-typically less than one PPM Chlorine), fire fighting activities, and any other water source not containing pollutants.
- 202.100.6.1.2. Discharges specified in writing by the MPCA as being necessary to protect the health and safety.
- 202.100.6.1.3. Dye testing is an allowable discharge, but requires a verbal notification to the City clerk 48-hours prior to the start of the test.

202.100.6.1.4. The prohibition shall not apply to any non-stormwater discharge permitted under the NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the MPCA or Federal EPA, provided that the other applicable laws and regulations, and provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

202.100.6.2. Prohibition of Illicit Connections.

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

202.100.6.2.2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

202.100.6.2.3. A person is considered to be in violation of this Ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

202.100.7. SUSPENSION OF MS4 ACCESS.

202.100.7.1. Suspension due to Illicit Discharges in Emergency Situations. Birchwood Village may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the City may take such steps as deemed necessary to prevent or minimize damage to the MS4 or the Waters of the State, or to minimize danger to persons.

202.100.7.2. Suspension due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this Ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City will notify a violator of the proposed termination of its MS4 access.

202.100.7.3. Restoration of Access. A person violates this Ordinance by restoring MS4 access to a premises that had access suspended or terminated pursuant to this Section. Restoration of access may only occur with prior written approval of the City.

202.100.8. MONITORING OF DISCHARGES.

202.100.8.1. Applicability. This section applies to all facilities that have stormwater discharges associated with industrial activity, or construction activity as defined in this Ordinance.

- 202.100.8.2. If an officer or agent of the City has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.
- 202.100.9. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY USE OF THE BEST MANAGEMENT PRACTICES. Birchwood Village has adopted requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or Waters of the State. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or Waters of the State through the use of these structural and non-structural best management practices. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural best management practices to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These best management practices shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with these requirements of the NPDES permit.
- 202.100.10. WATERCOURSE PROTECTION. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
- 202.100.11. NOTIFICATION OF SPILLS. Notwithstanding any other requirements of law, as soon as any person responsible for a property has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or Waters of the State, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such a release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. An owner or lessee is

responsible for the residential property they own or occupy. For commercial and industrial property, responsible persons include an owner, but not be limited to the tenant, the operator, and an emergency response officer for the facility or operation. In the event of the release of non-hazardous materials, said person shall notify the City in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to Birchwood Village within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

202.100.12. ENFORCEMENT.

202.100.12.1. Whenever Birchwood Village finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City may order compliance by written Notice of Violation to the responsible person. Such a notice may require without limitation:

202.100.12.1.1. The performance of monitoring, analyses, and reporting;

202.100.12.1.2. The elimination of illicit connections or discharges;

202.100.12.1.3. The violating discharges, practices, or operations shall cease and desist;

202.100.12.1.4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and

202.100.12.1.5. Payment of a fine to cover administrative and remediation costs; and

202.100.12.1.6. The implementation of source control or treatment best management practices; and

202.100.12.1.7. The deadline within which to remedy the violation.

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

202.100.13. 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 by the City within 15 days from the date of the Notice of Violation. The

appeal shall be heard by the City Council within 30 days from the date of the receipt of the notice to appeal. The decision of the Board of Supervisors shall be final.

- 202.100.14. ENFORCEMENT MEASURES AFTER APPEAL. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within the deadline extended by the decision of the City Council, then representatives of the City shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be declared unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above.
- 202.100.15. COST OF ABATEMENT OF THE VIOLATION. Within 30 days after the abatement of the violation, the owner of the property will be notified of the cost of the abatement, including administrative costs and a 25% surcharge, and the deadline to pay the abatement costs. The property owner may file a written protest objecting to the costs and payment terms of the abatement within 15 days. The appeal shall be heard by the City Council within 30 days from the date of the receipt of the notice of appeal. If the amount due is not paid within a timely manner as determined by the decision of the City Council after hearing the appeal, the charges will be filed with Washington County and shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.
- 202.100.16. INJUNCTIVE RELIEF. The provisions of this Ordinance are intended to prevent the occurrence of events which would likely create immediate and irreparable harm to public facilities and the public health if they occurred. If a person has violated or continues to violate the provisions of this Ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- 202.100.17. COMPENSATORY ACTION. In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, lake and/or creek cleanup, etc.
- 202.100.18. VIOLATIONS DEEMED A PUBLIC NUISANCE. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
- 202.100.19. CRIMINAL PROSECUTION. Any person that violates this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, may be subject to the

maximum fine and imprisonment allowed by State law. Each day on which such violation exists or continues, shall constitute a separate offense punishable to the maximum extent of the law. The authorized enforcement agency may recover all attorney's fees, court costs, and other expenses associated with the enforcement of this Ordinance, including sampling and monitoring expenses.

- 202.100.20. REMEDIES NOT EXCLUSIVE. The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable Federal, State, or Local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

ADOPTED BY ORDINANCE 2013-06-01; JUNE 11, 2013

- 202.110. SEWERAGE USE RATES. A sewerage use rate is hereby imposed upon each premise served by the sewerage system or otherwise discharging sewage into the sewerage system. The sewerage use rates shall be figured on a quarterly basis and shall be established from time to time by resolution of the City Council.
- 202.120. BILLING REGULATIONS. The City Clerk or other designated person shall compute the amount due to the City for sewerage use and render a statement quarterly. All current sewer bills paid on or before the first day of the new quarter shall be paid at the net rate and those sewer bills paid after the due date, shall be charged a penalty as set by the City Council.
- 202.130. SEWER FUND. All funds received from the collection of assessments, connection charges, and sewerage use rates shall be deposited within fourteen (14) days after the receipt thereof and kept by the City as a separate and distinct fund which shall be known as the "Sewer Fund". These funds shall be used for the payment of all costs incurred by the City in connection with the construction, maintenance and operation of the sanitary sewer system within the City. Any excess received shall be used for retiring indebtedness incurred for the construction of such sewage disposal system.
- 202.140. COLLECTION OF DELINQUENT CHARGES. Each charge levied by and pursuant to this code is hereby made a lien upon the corresponding lot, land, parcel or premise served by a connection to the sewer system of the City. All such charges which are on July 31st of each year more than 30 days past due and having been properly billed to the occupant of the premises served, shall be certified by the City to the County Auditor of Washington County each year. The City, in so certifying such charges to the County Auditor, shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the County Auditor on the tax rolls against such premises in the same manner as other taxes and collected by the County Treasurer and paid to the City along with other taxes.
- 202.150. SEVERABILITY. The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the

application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not effect the other provisions or application of this ordinance.

AMENDED BY ORDINANCE 2013-06-01; JUNE 11, 2013

- 202.160. VARIANCES. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this Code, the Council shall have the power to vary the requirements of this Code in harmony with the general purpose and intent thereof, so that the public health, safety and general welfare may be secured and substantial justice done.
- 202.170. ENTRY UPON PRIVATE PROPERTY. The City Engineer and other duly authorized employees of the City, bearing proper credentials and identification, shall at reasonable times be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in connection with the operation of the municipal sanitary sewer system.
- 202.180. EFFECTIVE DATE. This Ordinance shall take effect and be in full force from and after its passage and publication.

ADOPTED BY ORDINANCE 2013-06-01; JUNE 11, 2013

“AMENDED BY ORDINANCE 2006-1; MAY 9, 2006”

“AMENDED BY ORDINANCE 2007-1; AUGUST 14, 2007”

“AMENDED BY ORDINANCE 2011-04; MAY 10, 2011”

“AMENDED BY ORDINANCE 2013-06-01; JUNE 11, 2013”