

CITY OF DEEPHAVEN
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CHAPTER 10. WATER AND SEWER

SECTION 1000 MUNICIPAL WATER SYSTEM

1000.01 General. The municipal water system in Deephaven will be operated as a public utility, and all revenues and operating expenditures of the utility will be properly accounted for in a separate municipal water fund. The Council may establish fees for connection to and use of the municipal water system from time to time by ordinance or resolution.

1000.02 Operation, Records and Inspections. The City will:

- (a) Provide for operation and maintenance of the municipal water system.
- (b) Keep records of the location and size of facilities which are part of the municipal water system, connections to the water system, and other measurements or records which may be necessary.
- (c) Inspect connections for service and installation of meters.

1000.03 Applications for Service. Any property owner desiring to connect a dwelling, building, or other structure to the municipal water system may apply to the City on a form provided by the City. The form will call for such information as the Council may from time to time require. Each applicant by applying agrees to be bound by all provisions of this Section, amendments thereto and all rules and regulations established by the City, and the applicant will pay the appropriate fee or fees as set forth in Section 405.05.

1000.04 Connection Permits, Special Assessments. No permit will be issued to connect with the municipal water system, either directly or indirectly, from any lot or tract of land unless the Clerk has certified as to one of the following:

- (a) That the lot or tract of land to be served has been assessed for its share of the cost of the system.
- (b) If no assessment has been levied for the water system, that proceedings for levying the assessment have been or are expected to be commenced in due course.
- (c) That no assessment has been levied and no assessment proceedings will be completed in due course, but a connection fee equal to the amount which would be assessable against the lot or tract of land has been paid to the City.
- (d) That since the time of the original assessment proceedings the lot or tract of land originally assessed has been further subdivided, and that a sum equal to the appropriate share of the cost of constructing the system, in comparison with other premises, which would have been assessable against the lot or tract, has been paid to the City.

1000.05 Fees and Permits.

Subd. 1. Plumbing Permit. No person may commence any plumbing work of any kind where a permit is necessary without obtaining the permit and complying with it.

Subd. 2. Excavation Permit. An excavation permit is required if any part of the excavation for municipal water is within a City street or right-of-way.

Subd. 3. Connection and Meter Charge. The connection charge and the meter charge must be paid at the time application for service is made and before the service is installed. No water will be turned on until such charges are paid.

Subd. 4. Service Charges. The City may require the payment of service charges for turning water on or off at the request of the property owner or for raising or lowering stop box tops to correspond with ground level changes made by the property owner.

1000.06 Rates and Charges.

Subd. 1. Rates. Rates and charges for water from a municipal system and for maintenance and operation of a municipal system will be as set forth in Section 405.05.

Subd. 2. Owner Liability. The owner of the property (during his respective period of ownership) is liable for all bills accruing through the use of water on the property whether the water is personally used by the owner, a tenant, or any other occupant of the property.

Subd. 3. Statements. Statements for water charges for a quarter or other billing period established by the Council will be mailed to the owner after the first day of the next quarter or other such period and will include any amount due for repairs of meters, fines, penalties or other indebtedness. The statement will be deemed sufficient notice to the consumer and to the owner of the property against which the charges are made. The statement is due and payable to the City on or before the end of the month in which it is sent.

Subd. 4. Shut-Off for Non-Payment. At the end of 30 days after the date of the statement all bills not paid will become delinquent and a delinquency charge in the amount provided in Section 405.05 will be added to the amount owing. The City will notify each delinquent owner or consumer or, in case they cannot be found, then the person in charge of the premises, of the amount owing. If the amount owing is not paid within 10 days after such notice, the City may notify the delinquent owner or consumer or the person in charge of the premises that the water service will be shut off. In all cases where satisfactory arrangements for payment have not been made within 72 hours after the City's notice, instructions may be given by the City to shut off service at the stop box.

Subd. 5. Procedure for Shut-Off. Water will not be shut off under Subdivision 4 until notice and an opportunity for a hearing have first been given the occupant of the premises involved. The notice will be personally served and will state that if payment is not made before a date stated in the notice but not less than 10 days after the date on which the notice is given, the water supply to the premises will be shut off. The notice will clearly inform the customer of the available opportunities to present objections to the bill, and will identify the telephone number, address, and officer or employee who will handle the customer's complaint and who has the authority to review the facts and files, to correct any errors in the billing and to arrange for credit terms. The notice will also state that the occupant may before such date demand a hearing on the matter, in which case the supply will not be cut off until after the hearing is held. If the customer requests a hearing before the date specified, a hearing will be held on the matter by the Council at least one week after the date on which the request is made. If as a result of the hearing, the Council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this Code, the City may shut off the supply.

Subd. 6. Delinquent Bills. Charges for municipal water plus 8% interest, plus charges for delinquencies may be collected in an action brought for that purpose in the name of the City, or the Clerk may certify to the County Auditor the amount due plus a delinquency charge of \$5.00

for each delinquent quarterly bill, and an assessment fee of \$20.00 for each delinquency assessed, together with the legal description of the premises served, and the County Auditor will enter such amount with the tax levy on said premises collectible with the taxes for the ensuing year. Nothing in this subdivision will change the provisions of this Section regarding shutting off water for the nonpayment of a water bill.

Subd. 7. Procedure for Owner's Notification to Turn-Off. An owner may notify the City to turn off water service, and the meter will be read to determine the final bill.

Subd. 8. Surcharge. In addition to the rates and charges referred to in Subd. 1 of this Section, a surcharge in the amount set forth in Section 405.05 shall be paid for each service connection, to be remitted to the Minnesota Department of Health as prescribed by Laws of Minnesota 1992, Chapter 513, Article 6, Section 2.

1000.07 Sprinkling Limitations. The use of lawn hoses is permitted at all hours of the day, but in case of fire in any area served by the water system, all lawn hoses must be shut off and all other unnecessary use of water stopped. Whenever the City determines that a shortage of water threatens the City, it may, by published notice, limit the times and hours during which water may be used from the City water system for lawn or garden sprinkling, irrigation, car washing, swimming pools, air conditioning or other uses. Notice of a violation of the published notice will be mailed to the violator and violation of the mailed notice is prohibited. Any water customer who causes or permits water to be used in violation of the provisions of this notice two days after its mailing may have water service discontinued.

1000.08 Meters.

Subd. 1. Charges. The City will exclusively own, control and supply the water meters to be used in the City water system. The meter will be replaced or changed by the customer's licensed contractor as to size and type whenever the City deems necessary. A meter charge will be made to each consumer connecting to the City water system after the date the City acquired ownership of the same. This charge will be in the amount set forth in Section 405.05.

Subd. 2. Meter Reading. The City or its authorized agent will keep an accurate record of each meter in use, cause all meters to be read approximately quarterly, or more often at the discretion of the Council, and calculate the amount of water used by each consumer.

Subd. 3. Damaged Meter. If a meter is damaged by freezing, hot water, or other cause, by carelessness or neglect of the owner or occupant of the premises or their agents, the owner will pay for repair of the meter. The cost of ordinary maintenance and repair of meters owned by the City will be borne by the City.

Subd. 4. Meter Testing. At the written request of any owner or consumer, the City will test the meter supplying the premises of the owner or consumer. A deposit as set by the Council will be required before the meter is disconnected. The deposit will be returned to the owner or consumer if the meter is in error by 10% or more, otherwise the deposit will be retained by the City to cover the cost of the test. The owner or consumer may be present at the time the test is made. The result of the test will be reported to such owner or consumer.

Subd. 5. Charge Adjustment. If testing of a meter indicates that it registers in excess of 10% error, the charge for water used during the quarter in which the test was made will be based on the corresponding quarter for the previous year. If the water was not in use during the corresponding quarter of the previous year, or if that quarterly period otherwise cannot be justly

applied, the charge for the quarter in which the test occurred will be equitably adjusted by the Council. Any other adjustment of charges for water supplied will be made by the Council.

Subd. 6. Meter Required. No person may use City water until a meter supplied by the City registers all water consumed, and the City determines that all other parts of the plumbing and pipe fittings in and about the premises are in full compliance with the requirements of the City.

Subd. 7. Meter Placement. The bottom of each water meter may be no less than 4 inches, or more than 12 inches, from the top of the finished basement floor line, and the meter may not be set more than 12 inches, measured horizontally, from the inside line of the basement wall.

Subd. 8. Meter Installation. All meter installations must have valves on both the house side and the main side of the meter.

Subd. 9. Connections. The water pipe connecting with the City watermain may have no joints under the basement or slab floor.

Subd. 10. Meter Obstructions Prohibited. No person may obstruct a meter so as to interfere with the reading or repairing of the meter.

1000.09 Access to Premises. The City Inspector, or the City of Minnetonka Inspector, or the Shorewood Inspector so designated, and other duly authorized employees of the City of Deephaven, Minnetonka or Shorewood, bearing proper identification, may at reasonable times enter upon all properties for the purpose of inspection, observation, sampling and testing in connection with the operation of the City water system. The City will notify the owner or occupant in writing of any required repairs. If required repairs are not made within 10 days, the City may shut off the water.

1000.10 Connections.

Subd. 1. Permit Required. No person may make an attachment to any pipe or water fixture in any premises in which water has been shut off, or make any connection with any service pipe which is not in use between the watermain and the meters, without applying to and obtaining from the City a written permit for the work. No person may make any replacement tap or connect any tap in any watermain without first removing the old service and plugging the old watermain tap hole.

Subd. 2. Measurements. The applicant will assist the City in making any measurements necessary in locating the tap in the main and curb cock.

Subd. 3. Minimum Size. The minimum size water service is one-inch tube of any material permitted by the State Plumbing Code with the exception of type "L" copper, which is not permitted. Plastic services must be a minimum of 160 P.S.I. rating. Cast iron pipe will not be permitted in the system. No flared fittings will be permitted on plastic services.

Subd. 4. Service Pipes. The corporation cock inserted in the distributing pipe must be of the size specified on the permit order. Every copper service pipe must be laid with not less than one foot of extra length to prevent rupture by settlement. Service pipes must be placed not less than 7-1/2 feet below the surface in all cases, so arranged as to prevent rupture from freezing.

Subd. 5. Stop Cock. A stop cock accessible from the surface through a sleeve without digging must be placed outside in a box at the property line, and a shutoff or other stop cock with waste of the size and strength required must be placed close to the inside wall of the building, well

protected from freezing. All stop boxes and cocks must be approved by the City. All stop boxes at the property line must be set in front of the building intended to be supplied or as approved by the City.

Subd. 6. Service Line. The service line must enter the building so that the meter and horn is in a horizontal position. In no case may there be more than 12 inches of pipe exposed between the point of the entrance through the basement floor and the stop and waste, and the stop and waste must be connected directly to the meter.

1000.11 Stop Box City Property. The stop cock at main and property or curb line, together with box and cover, are the property of the City and all unauthorized persons are forbidden to interfere with them.

1000.12 Water Service, Freezing Weather. The water service to a building may not be turned on in freezing weather unless the temperature within the building is 50 degrees or more.

1000.13 Connection Prohibited.

Subd. 1. Number Per Pipe. No more than one building or dwelling unit on a lot or tract of land may be supplied from one water service pipe except by special permission of the City. If two or more buildings or units are supplied from one connection to the main, each must have a separate stop box at the property line.

Subd. 2. City Water Supply Only. No water pipe of the City water supply system may be connected with any pump, well pipe or tank that is connected with any source of water supply other than the City water system.

1000.14 Breaks, Interrupted Service. No claim may be made against the City for the breaking of any watermain or service pipe or fixture or for any other interruption of the supply or stoppage for repair.

1000.15 Tampering with System Prohibited. No person may maliciously, willfully, or negligently, break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the City water system.

1000.16 Opening Hydrants. No person, except authorized employees of the City of Deephaven, or the City of Minnetonka, or the City of Shorewood or a member of the Fire Department in case of fire, will be allowed to open any fire hydrant in the water system for any purpose whatsoever, without first securing authorization from the City.

1000.17 Variances. The Council may permit variances from provisions of this Section if it is satisfied that there are special circumstances or conditions affecting the premises for which the variance is requested and that the granting of the variance will not materially adversely affect the health, safety or general welfare or public or private property.

SECTION 1005 SEWER REGULATIONS

1005.01 Connection Permit.

Subd. 1. Permit Fee. A permit must be obtained to connect to the sewer at existing wyes, risers, or service lines. The fee for such permit is set forth in Section 405.05.

Subd. 2. Additional Charges. Additional charges will be made and collected for tapping and making connections with the sewer main where a house connection is not installed. The amount to be charged will be fixed by the Utility Superintendent based upon the cost of installing the service.

1005.02 Sewer Rates.

Subd. 1. Residential Properties. The sewer charge for each residential sewer user within the City is the amount set forth in Section 405.05. If a residential sewer user occupies a seasonal residence for a period of less than six consecutive months in any calendar year, such person may request a reduction in the charge. In such case, the sewer charge will be an amount equal to the regular charge for six months. For purposes of this Subdivision, the term "seasonal residence" means a residence which is not constructed for year-round occupancy because it is not winterized or because it does not have an adequate heating system. The question of whether a residence is a seasonal residence will be determined by the City Building Inspector. Requests for such reduction will be addressed to the Clerk in writing and will give the property identification number of the residence in question as taken from the tax statement or County list.

Subd. 2. Commercial and Industrial Properties. The sewer charge for each commercial property and industrial property is the amount equal to the charge for each residential sewer user, as set forth in Section 405.05, multiplied by the residential equivalent for the commercial or industrial property as determined by the City Engineer based upon estimated quantities; provided, however, that the Engineer or the property owner may demand installation of a meter or other measuring device to measure water use or discharge to the sewer. No such meter may be installed unless approved by the City Engineer. If the meter is installed at the request of the owner, it must be paid for by the owner. If the meter is installed at the request of the City Engineer, it will be paid for by the City.

Subd. 3. Mixed Properties. Establishments which are a combination residential and commercial will be charged per unit in accordance with Subdivision 1, or with Subdivision 2, whichever is higher.

Subd. 4. Billing. Sewer bills will be mailed to the customers and will specify the charge in accordance with the foregoing rates. Payment is due and payable in full upon receipt of the bill.

1005.03 Delinquent Accounts. If sewer charges are not paid within 30 days of the issuance of a statement from the City, a delinquency charge of \$5.00 per quarter will be added. All unpaid charges plus the delinquency charges which remain unpaid on September 15, together with an assessment fee of \$20.00 may be assessed by the City against the property served and will become a lien upon the property when assessed. The Clerk will prepare an assessment roll each year which will assess the delinquent sewer charges plus the additional charges against the respective properties served. The assessment roll will be submitted by the Clerk to the Council for adoption on or before October 10 of each year.

1005.04 Sewer System Regulations.

Subd. 1. Definitions. Unless the context specifically indicates otherwise, the following terms will have the meanings ascribed to them in this Section:

- (a) "BOD" (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Centigrade, expressed in milligrams per liter.
- (b) "Building Drain" means that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to a building sewer and which extends five (5) feet beyond the outside of the building footings.
- (c) "Building Sewer" means the extension from the outer end of the building drain to the public sewer or other place of disposal.
- (d) "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- (e) "Industrial Wastes" means any liquid, or water borne wastes resulting from any process of industry, or manufacturing, trade or business.
- (f) "Natural Outlet" means any outlet to a watercourse, pond, ditch, lake or other body of surface or groundwater.
- (g) "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (h) "Pollution" means the contamination of any waters so as to create a nuisance or render such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial, industrial or recreational use, or to livestock, wild animals, birds, fish or other aquatic life.
- (i) "Properly Shredded Garbage" means garbage that has been shredded to such a degree that all particles thereof will be carried freely under the flow conditions normally prevailing in public sewers.
- (j) "Public Sewer" means a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.
- (k) "Sanitary Sewer" means a sewer which carries sewage or industrial wastes and to which storm, surface, and ground waters are not intentionally admitted.
- (l) "Sewage" means any liquid wastes containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.
- (m) "Sewage Treatment Plant" means any arrangement of devices and structures used for treating sewage and industrial wastes.
- (n) "Sewage Works" means all facilities and equipment for collecting, pumping, treating and disposing of sewage and industrial wastes.

- (o) “Sewer” means a pipe or conduit for carrying sewage or industrial wastes.
- (p) “Slug” means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- (q) “Storm Drain” means a building drain which conveys storm water but not sewage.
- (r) “Suspended Solids” means solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.
- (s) “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

Subd. 2. Use of Public Sewers Required.

- (a) No person may place, deposit or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the City any sewage, industrial wastes, garbage or other polluted waters or wastes.
- (b) No person may discharge to any natural outlet within the jurisdiction of the City any sewage, industrial wastes, garbage or other polluted waters or wastes.
- (c) No person may repair, construct, reconstruct or pump a private sewer system where public sewer is available, without permission of the Utility Superintendent.

Subd. 3. Building Sewers and Connections.

- (a) No person may uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk.
- (b) All costs and expense incident to the installation and connection of a building sewer will be borne by the person making the installation and connection. The person will indemnify and hold harmless the City from any loss, claim, damage or expense that may, directly or indirectly, be occasioned by the installation and connection of a building sewer.
- (c) Only new building sewer utility lines shall be used in connection with new buildings.
- (d) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, place of the pipe, jointing, testing and backfilling the trench, must all conform to the requirement of the building and plumbing code and the utility regulations of the City.
- (e) No person may connect directly or indirectly roof downspouts, exterior foundation drains, areaway drains or other sources of storm water, ground water, roof runoff, surface water and unpolluted drainage to a building drain which, in turn, is connected, directly or indirectly, to a public sanitary sewer.
- (f) The connection of the building sewer into the public sewer must conform to the requirement of the building and plumbing code and the utility regulations of the City. Any

deviation from the prescribed procedures and materials must be approved in writing by the City Engineer before installation and connection.

- (g) All excavations for building sewer installation must be adequately guarded with barricades and lights by the person making the installation so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed due to the work must be restored in a manner satisfactory to the City by the person making the installation.

Subd. 4. Use of Public Sewers.

- (a) No person may cause to be discharged any storm water, ground water, roof runoff, surface water, unpolluted drainage, unpolluted industrial cooling water or unpolluted industrial process water to any public sanitary sewer:
 - (1) No roof runoff, downspout, drainpipe, sump dump, swimming pool discharge, or surface water drainage shall be connected to the sanitary sewer system, inside or outside a building.
 - (2) Any property in violation of this Subdivision 4(a) must be brought into compliance prior to September 1, 1994.
 - (3) Each sump pump must have a discharge pipe with at least one inch inside diameter and permanent fittings extending at least three feet outside of the foundation wall and directed toward the front yard or rear yard of the property.
 - (4) Every person owning improved property connected to the City's sanitary sewer system shall allow City inspectors to inspect the buildings to determine whether there is any prohibited discharge into the sanitary sewer system. If such access is not permitted, the property will be imposed with the surcharge described in subparagraph (5) below. The owner of any property found to violate this Section shall make the necessary changes to comply with this Section within 30 days after notice from the City and such changes must be verified by the City.
 - (5) A surcharge of \$75.00 per month is imposed and will be added to every sewer billing mailed after October 1, 1994, to property owners who are not in compliance with this Section. The surcharge will be added every month, until the property is in compliance. The surcharge will in no way limit the right of the City to seek an injunction ordering the property owner to disconnect the nonconforming connection to the sanitary sewer system or from pursuing any other legal remedies available.
- (b) Storm water, ground water, roof runoff, surface water, or unpolluted drainage may be discharged only to specifically designated storm drains or to a natural outlet approved by the City Engineer. Unpolluted industrial cooling water or unpolluted industrial process water may be discharged, on written approval of the City Engineer, to a storm drain or natural outlet.
- (c) No person may cause to be discharged any of the following described waters or wastes to any public sewer:
 - (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases.

- (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other waters or wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a nuisance or to create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.
 - (3) Any waters or wastes having a pH lower than (5.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works or the sewage treatment plant.
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works or sewage treatment plant such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage, whole blood, manure, hair and fleshing, entrails, and any paper dishes, cups or other paper containers or paper products, whether whole or ground by garbage grinders.
 - (5) Other substances in amounts in excess of the concentrations permitted under Rules and Regulations of the Metropolitan Sewer Board.
- (d) No person may cause to be discharged any of the following described waters or wastes to any public sewer unless the person has a permit from the City Engineer specifically authorizing the discharge of such water or waste and unless the conditions, if any, set forth in the permit have been complied with by such person:
- (1) Any waters or other liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (65 C).
 - (2) Any waters or wastes containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees Fahrenheit (0 and 65 C).
 - (3) Any garbage that has not been properly shredded.
 - (4) Any waters or wastes containing pickling wastes or concentrated plating solutions.
 - (5) Any waters or wastes containing iron, chromium, copper, zinc and similar substances in such concentrations so as to cause the waters or wastes to be objectionable or toxic.
 - (6) Any waters or wastes exerting a chlorine requirement or demand such that when the waters or wastes are received in the composite sewage at the sewage treatment plant, the chlorine requirement or demand of the composite sewage exceeds reasonable limits.
 - (7) Any waters or wastes containing phenols or other taste or odor producing substances in concentrations which exceed reasonable limits in view of the

applicable requirements of the state, federal or other public agencies having jurisdiction over effluent discharge to the receiving waters.

- (8) Any radioactive wastes or isotopes of such half-life or concentration as may exceed reasonable limits in view of the applicable State or Federal regulations.
 - (9) Any waters or wastes having a pH in excess of (9.5).
 - (10) Materials which exert or cause:
 - (i) Concentrations of inert suspended solids, such as, but not limited to, Fullers earth, sand, lime, slurries and lime residues, or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate, which are likely to be harmful to the sewer, sewer works or sewage treatment plant.
 - (ii) Excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions.
 - (iii) Unusual BOD or chemical oxygen demand in such quantities as to constitute a significant load on the sewage treatment plant.
 - (iv) Unusual volume of flow or concentration of waters or wastes constituting "slugs" as defined herein.
 - (11) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes utilized by sewage treatment plants, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the state, federal or other public agencies having jurisdiction over effluent discharge to the receiving waters.
- (e) Where pretreatment or flow-equalization facilities and/or where grease, oil or sand interceptors are provided for any waters or wastes, such facilities and/or interceptors must be maintained continuously in satisfactory and effective operation by the user at no expense to the City.
 - (f) The owner of any property having a building sewer into which industrial wastes are discharged must install a suitable control structure together with any necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the industrial wastes. Such structure, when required, must be accessibly and safely located and will be constructed in accordance with plans approved by the City Engineer. The structure will be installed by the owner at his expense, and will be maintained by him so as to be safe and accessible at all times.
 - (g) All measurements, tests and analyses of the waters and wastes discharged to a public sewer will be determined in accordance with the latest edition of "Standard Methods of the Examination of Water and Wastewater", published by the American Public Health Association, and will be determined at the control structure provided, or if no special control structure has been provided, at the nearest downstream manhole in the public sewer from the point at which the building sewer is connected to the public sewer. Sampling will be carried out by customarily accepted methods under the direction of the City Engineer to reflect the effect of the waters and wastes upon the sewers, sewage

works and the sewage treatment plant and to determine the existence of hazards to public health, safety and welfare.

- (h) Notwithstanding any other provision in this Section, the City may enter into a valid agreement with any person whereby industrial wastes and/or sewage of unusual strength or character may be discharged to a public sewer and accepted by the sewage treatment plant, subject to the payment of special charges to the City by the person; and provided that the City gives its prior, written approval to the special agreement.

1005.05 Right to Enter. The duly authorized employees or representatives of the City bearing proper credentials and identification will have the right to enter all properties served by the City's sewer system for the purpose of inspection, observation, measurement, sampling and testing in accordance with and for the purpose of enforcing the provisions of this Section. The employees or representatives will have the power and authority to obtain a warrant to secure entry onto a property and will obtain a warrant to enter any property upon which entry has been refused. The employees or representatives have no authority to inquire into any industrial processes beyond that point in the process having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for treatment.

1005.06 Remedies.

Subd. 1. Responsibilities and Rights. Each person who connects with a public sewer located in the City is deemed to have agreed to and will indemnify and hold harmless the City with respect to all costs, damages and expenses, including penalties and special charges assessed by the sewage treatment authority against the City resulting, directly or indirectly, from a violation of 1005.06 Subdivisions 1 through 4, inclusive. The City will also have the right to institute an action for all costs, damages and expenses resulting, directly or indirectly, from a violation of these provisions.

Subd. 2. City's Rights. Notwithstanding any other provision of this Section, the City will have the right to seek injunctive relief from a continuing violation of the provisions of 1005.06, Subdivisions 1 through 4, inclusive. It will also have the right to institute an action for all costs, damages and expenses resulting, directly or indirectly, from a violation of these provisions.

1005.07 Discontinuance of Service. Sewer service will be discontinued when it is determined that a sum equal to the portion of the cost of constructing the sewer system attributable to the parcel or property as determined by assessment proceedings or pursuant to the provisions of 1005.03, Subdivision 2 has not been paid or is not in the process of being paid in regular installments.

1005.08 Liability. Each user or owner is responsible for maintaining and cleaning the sewer connection from his house to the sewer main. The City will not be liable for any stoppages in the sewer system. Each user must provide a suitable back water valve to prevent flooding of basements in the event of sewer stoppage.

1005.10 One House Per Connection. Not more than one house or building may be supplied from one sewer connection, except through the action of the Deephaven City Council.

1005.11 Building Sewers. All building sewer connections must be made to the wye or riser provided for that purpose. No sewer connection may be laid in the same trench with water, gas or any other pipe and all sewer connections must be laid far enough from all others to permit the repair or removal or relaying of any one without disturbing the other, unless an alternate method is provided by the City Engineer.

At the time any connection is made to the City sanitary sewer system, all cesspools, septic tanks, or other sewage disposal facilities existing on the property which is connected must be pumped and then filled to earth level with suitable material. Such pumping and filling is not required if the tank or facility is constructed of concrete. The determination of whether the tank or facility is constructed of concrete will be made by the City Inspector by visual inspection of the tank or facility or by reference to appropriate City records. Piping through cesspools and septic tanks will be on the house side of the cesspools or tank, unless an alternate method is approved by the City Engineer.

All sewer connections must be made by a competent property owner or licensed contractor. Building sewers must conform with all utility regulations as to materials, depths of cover slope, and water tightness. No connection may be covered or otherwise concealed from sight until inspected and approved by the City Inspector. A drawing of the location of the sewer connection from the house to the sewer main as built will be furnished by the owner and maintained by the City in its files.

1005.12 Accounts. All accounts will be kept on the books of the Sewer Utility by the house and street number and under the account number assigned and the name of the owner or of the person signing the application for service. All bills and notices sent out by the Sewer Utility will be sent to the house or street number of the property. If non-resident owners or agents desire personal notice sent to a different address, they must file an application therefor with the Sewer Utility. Any error in address must be promptly reported to the Sewer Utility.

SECTION 1010 SANITARY SEWER ASSESSMENT POLICY - REPEALED

SECTION 1015 INDUSTRIAL USER STRENGTH CHARGE

1015.01 Recitals. The Metropolitan Waste Control Commission, a metropolitan commission organized and existing under the laws of the State (the Commission), in order to receive and retain grants in compliance with the Federal Water Pollution Control Act Amendments of 1972 and regulations thereunder (the "Act"), has determined to impose an industrial user sewer strength charge upon users of the Metropolitan Disposal System (as defined in Minnesota Statutes, Section 473.121, subdivision 24) to recover operation and maintenance costs of treatment works attributable to the strength of the discharge of industrial waste. This sewer strength charge is in addition to the charge based upon the volume of discharge. In order for the City to pay such costs based upon strength of industrial discharge and allocated to it each year by the commission, it is hereby determined to be necessary to establish sewer strength charges and a formula for the computation thereof for all industrial users receiving waste treatment services within or served by the City. Furthermore, Minnesota Statutes, Section 444.075, Subdivision 3, empowers the City to make such sewer charge a charge against the owner, lessee, occupant or all of them and certify unpaid charges to the county auditor as a tax lien against the property served.

1015.02 Establishment of Strength Charges. For the purpose of paying the costs allocated to the City each year by the Commission that are based upon the strength of discharge of all industrial users receiving waste treatment services within or served by the City, there is hereby established, in addition to the sewer charge based upon the volume, a sewer charge upon each person, company or corporation receiving waste treatment services within or served by the City, based upon strength of industrial waste discharged into the sewer system of the City (the "Strength Charge").

1015.03 Establishment of Strength Charge Formula. For the purpose of computation of the Strength Charge established by 1015.02, there is hereby established in compliance with the Act

the same strength charge formula designated in Resolution No. 76-172 adopted by the governing body of the Commission on June 15, 1976. This formula is based upon pollution qualities and difficulty of disposal of the sewage produced through an evaluation of pollution qualities and quantities in excess of an annual average base and the proportionate costs of operation and maintenance of waste treatment services provided by the Commission.

1015.04 Strength Charge Payment. The Strength Charge established by Section 1015.02 of this Code will be paid by each industrial user receiving waste treatment services and subject thereto before the 20th day after the date of billing thereof by the City. The payment will be deemed to be delinquent if not paid before such date. If the payment is not paid before such date an industrial user must pay interest compounded monthly at the rate of 2/3% per month on the unpaid balance due.

1015.05 Establishment of Tax Lien. As provided by Minnesota Statutes, Section 444.075, Subdivision 3, if the payment of the Strength Charge established by Section 1015.02 of this Code is not paid before the 60th day after the date of billing to the industrial user, the delinquent sewer strength charge, plus accrued interest established pursuant to 1015.04 will be deemed to be a charge against the owner, lessee and occupant of the property served, and the City will certify the unpaid delinquent balance to the County Auditor for collection along with taxes against the property served. The certification will not preclude the City from recovery of such delinquent sewer strength charge and interest thereon under any other available remedy.

SECTION 1020 STORM WATER FACILITIES, CHARGES AND FUND

1020.01. Establishment of Storm Water Facilities Fund. Pursuant to Minn. Stat. § 444.075, the City establishes a storm water management and facilities fund and authorizes the imposition of just and equitable charges for the use and availability of storm sewer facilities. For purposes of this Section 1020, all provisions of Minn. Stat. § 444.075 relating to storm water facilities are incorporated by reference and are made a part of this Section.

1020.02. Findings and Determinations.

Subd. 1. Authority/Purpose. In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the City will be preparing a storm water management plan and may be constructing, operating and maintaining a storm sewer system, including mains, holding areas and ponds, and other appurtenances and related facilities (the "facilities"). This Section is adopted in the further exercise of such authority in the future, for the same purposes, and for purposes of financing in part the cost of the storm water management plan and the costs of constructing, reconstructing, repairing, operating, maintaining, enlarging and improving the facilities or any portion of them (the "facilities costs").

Subd. 2. Imposition of Charges. Existing facilities have heretofore been financed and paid for through the imposition of special assessments and ad valorem taxes. It is now necessary and desirable to provide an alternative method of recovering some or all of the future facilities and storm water management plan costs through the imposition of charges as provided in this Section.

Subd. 3. Facilities Charges. In imposing charges for the facilities and storm water management plan ("facilities charges"), it is necessary to establish a procedure designed to make the charges just and equitable. Taking into account the status of the facilities, past methods of recovering facilities costs, and other relevant factors, it is determined that it would be just and equitable to assign costs on the basis of a charge of \$0.50 per month to each property in the City which is billed by the City for sanitary sewer charges.

Subd. 4. Council Establishment of Method. The Council finds that assigning costs and making charges cannot be done with mathematical precision but can only be accomplished within reasonable and practical limits. The provisions of this Section undertake to establish a reasonable and practical method for imposing such charges.

1020.03 Exemptions. The following land uses are exempt from facilities charges: (a) City, County and State road and highway rights-of-way, (b) lakes and ponds, and (c) City-owned property.

1020.04. Separate Fund. All facilities charges, when collected, and all moneys received from the sale of any facilities or equipment or any by-products, will be placed in a separate fund, and used first to pay the normal, reasonable and current costs of the storm water management study, operating and maintaining the facilities. The net revenues received in excess of the costs may be pledged by resolutions of the Council, or may be used though not so pledged, for the payment of principal and interest on obligations issued as provided in subdivision 2, of Minn. Stat. § 444.075, or to pay the portion of the principal and interest as may be directed in the resolutions.

1020.05. Establishment of a Tax Lien. Any facilities charges in excess of 90 days past due on October 1 of any year may be certified to the County Auditor for collection with real estate taxes in the following year pursuant to Minn. Stat. § 444.075, Subd. 3. In addition, the City may bring a civil action or exercise other legal remedies to collect unpaid facilities charges.

SECTION 1025 ENTITLED ILLICIT DISCHARGE DETECTION AND ELIMINATION

1025.01 Purpose and Objectives

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Deephaven through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by 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 requirements of the National Pollutant Discharge Elimination System (NPDES) MS4 permit process. The objectives of this ordinance are:

- A. To regulate the contribution of pollutants to the municipal separate storm sewer system by stormwater discharges by any user
- B. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system
- C. To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this ordinance

1025.02 Definitions

For the purposes of this ordinance, the following terms shall have the following meanings:

Authorized Enforcement Agency: Employees or designees of the City of Deephaven or the Minnesota Pollution Control Agency as designated to enforce this ordinance.

Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants

directly or indirectly into stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

City: The City of Deephaven

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

Construction Activity: Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acre or more and projects that disturb less than 1 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.

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

Illegal Discharge: Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section 1025.07 of this ordinance.

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 the 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.

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

MPCA: Minnesota Pollution Control Agency.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit: A permit issued by EPA (or by the State of Minnesota under authority delegated pursuant to 33 USC § 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.

Non-Stormwater Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

Person: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous 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.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and boulevards.

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.

Stormwater: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater 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 or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the maximum extent practicable.

Wastewater: Any water or other liquid, other than uncontaminated stormwater, discharged from a facility or property.

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.

1025.03 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.

1025.04 Responsibility for Administration

The City of Deephaven 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 Deephaven to persons or entities acting in the beneficial interest of or in the employ of the City.

1025.05 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 affect the other provisions or application of this Ordinance.

1025.06 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.

1025.07 Discharge Prohibitions

Subd. 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:

- (a) 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.
- (b) Discharges specified in writing by the MPCA as being necessary to protect public health and safety.
- (c) Dye testing is an allowable discharge, but requires a verbal notification to the City Engineer 48-hours prior to the start of the test.
- (d) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the MPCA or Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Subd. 2 Prohibition of Illicit Connections

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) 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.

Subd. 3 Sump Pump and Drain Tile Discharges

- (a) The construction, use, maintenance or continued existence of piping of private sump pump and/or drain tile discharges to a surface outlet located within 20 feet of public streets or sidewalks is prohibited.
- (b) Connection of private sump pump and/or drain tile lines to public storm sewers is prohibited unless a Right of Way permit is obtained from the City Engineer.

1025.08 Suspension of MS4 Access

Subd. 1 Suspension due to Illicit Discharges in Emergency Situations. The City of Deephaven 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 Waters of the State, or to minimize danger to persons.

Subd. 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.

Subd.3A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the City.

1025.09 Industrial or Construction Activity Discharges

Any person subject to an Industrial or Construction Activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to City prior to the allowing of discharges to the MS4.

1025.10 Monitoring of Discharges

Subd. 1 Applicability. This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

Subd. 2 Access to Facilities.

(a) The City shall be permitted to enter and inspect facilities subject to regulation under this Ordinance as often as may be necessary to determine compliance with this Ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(b) Facility operators shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of the NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

- (c) The City shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the City to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (d) The City has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy per manufacturer's recommendations.
- (e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (f) Unreasonable delays in allowing the City access to a permitted facility is a violation of the stormwater discharge permit and of this Ordinance. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the City reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Ordinance.
- (g) If 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.

1025.11 Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the Use of Best Management Practices

The City of Deephaven 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 BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

1025.12 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.

1025.13 Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into 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. In the event of a 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 the City of Deephaven 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.

1025.14 Enforcement

Whenever the City of Deephaven 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 notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) The violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs; and
- (g) The deadline within which to remedy the violation.

If 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.

1025.15 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 receipt of the notice of appeal. The decision of the City Council shall be final.

1025.16 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 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.

1025.17 Cost of Abatement of the Violation

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs 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 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 be filed with Hennepin County and shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

1025.18 Injunctive Relief

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. 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.

1025.19 Compensatory Action

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

1025.20 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.

1025.21 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 such violation shall constitute a separate offense punishable to the maximum extent of the law. The authorized enforcement agency may recover all attorneys' fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

1025.22 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.