

REQUEST FOR COUNCIL ACTION

Date: March 2, 2015
Item No.: 10.a

Department Approval



City Manager Approval



Item Description: Consider Updates to the Sanitary Sewer Ordinance

BACKGROUND

On January 26, 2015, the City Council awarded the 2015 Meter Replacement Project to Ferguson Waterworks, including an alternate for the inspection of sump pump connections.

Inflow and infiltration (I/I) reduction and elimination continues to be a priority for the City. The Metropolitan Council Environmental Services (MCES) requires communities with excess I/I to invest in local reduction remedies such as disconnecting sump pumps and foundation drains from sanitary sewers and repairing leaky sanitary sewer pipes. To urge compliance, MCES incorporated surcharges for communities with excess I/I. Roseville, along with 74 other cities, was identified as a contributor of excess I/I.

Completing sump pump inspections in residential homes will provide staff preliminary information on how many illegal connections there are, and whether this is a major contributing factor to the City's I/I problem. Staff will use the collected data to develop further I/I reduction plans in the City for recommendation to the City Council.

As a part of this process, the Sanitary Sewer Ordinance needs to be updated to carry out the additional inspection due to some access issues other cities encountered during similar inspection programs. This ordinance was most recently amended in 1995.

The following updates to the ordinance are proposed:

- Throughout Chapter 802: Metropolitan Council Environmental Services (MCES) replaces Metropolitan Waste Control Commission and Metropolitan Sewer Board
- 802.06 Construction Requirements- There currently is no list of construction requirements for the installation of sump pumps. Requirements have been added.
- 802.08 Prohibited Discharges- This definition references the MCES Waste Discharge Rules. A non-limiting definition is added in addition to the reference.
- 802.11 Entry Upon Private Property- This addition is proposed to provide an alternate option for residents regarding the inspections. If a resident does not wish to have City staff complete the inspection, they may hire a licensed plumber to provide an acceptable certification of inspection. If a property owner is non-compliant with the inspection, a surcharge will be added to their sewer bill, at a rate to be set by the City Council and included in the Fee Schedule.

The Public Works Environment and Transportation Commission discussed the proposed amendments and recommended at their February 24, 2015 meeting the City Council consider adopting the revisions.

33 **POLICY OBJECTIVE**

34 The City is required to limit inflow and infiltration into its sanitary sewers under Met Council
35 regulation. Reducing I/I lowers costs for treatment and reduces sewer rates.

36 **FINANCIAL IMPACTS**

37 The adoption of this ordinance will not have a negative impact on city budgets or operations.

38 **STAFF RECOMMENDATION**

39 Staff recommends the Council consider adopting an Ordinance amending Title 8, Chapter 802.

40 Staff recommends the Council consider approving the ordinance summary.

41 **REQUESTED COUNCIL ACTION**

42 Motion to adopt an Ordinance amending Title 8, Chapter 802.

43 Motion to approve the attached ordinance summary.

Prepared by: Kristine Giga, Civil Engineer
Attachment: A: Draft Ordinance
B. Ordinance Summary

**City of Roseville
ORDINANCE NO.**

AN ORDINANCE AMENDING

**TITLE 8, CHAPTER 802 TO PROVIDE FOR UPDATED REFERENCES
TO OTHER AGENCIES, ESTABLISH CONSTRUCTION
REQUIREMENTS FOR SUMP PUMP INSTALLATION, AND
ESTABLISH PROCEDURES FOR SUMP PUMP INSPECTIONS.**

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Title 8, Chapter 802 of the Roseville City Code is amended to read as follows:

- 802.01: General Operation
- 802.02: Supervision
- 802.03: Connection Required
- 802.04: Application for Sewer Connection
- 802.05: Revocation of Contractor License
- 802.06: Construction Requirements
- 802.07: Use of Certain Buildings Restricted
- 802.08: Prohibited Discharges
- 802.09: Tampering Prohibited
- 802.10: Certain Connections Prohibited
- 802.11: Entry upon Private Property
- 802.12: Rates and Charges
- 802.13: Industrial User Strength Charges
- 802.14: Transport and Dumping of Sewage

802.01: GENERAL OPERATION:

The entire Municipal sanitary sewer system shall be operated as a public utility and convenience from which revenues will be derived, subject to the provisions of this Chapter. (Ord. 218, 9-4-56)

802.02: SUPERVISION:

The Chief Code Enforcement Officer shall supervise all house sewer connections made to the Municipal sanitary sewer system and excavations for the purpose of installing or repairing the same. (Ord. 219, 9-4-56; amd. 1995 Code)

802.03: CONNECTION REQUIRED:

- A. Existing Buildings: Any building used for human habitation and located on property adjacent to a sewer main, or in a block through which the system extends, shall be connected to the Municipal sanitary sewer system within two years from the time a connection is available to any such property.
- B. New Construction: All buildings constructed on property adjacent to a sewer main or in a block through which the system extends shall be provided with a connection to the Municipal sanitary sewer system for the disposal of all human wastes.
- C. Senior Citizen Deferral: In cases where the owner of an existing building is receiving a senior citizens deferral of special assessments for the cost of the sewer main and no health hazard exists, the City Council may defer the requirement for a connection to the sanitary sewer system until such time as the senior citizen deferral expires or a health hazard exists. (Ord. 901, 3-10-82)

802.04: APPLICATION FOR SEWER CONNECTION:

- A. Permit; Fees: Any person desiring a connection to the Municipal sanitary sewer system for property not previously connected with the system shall make application for a permit to the Chief Code Enforcement Officer, accompanied by such information as required by the Chief Code Enforcement Officer, together with a permit and inspection fee as set by City Council resolution; provided, however, that a separate permit may be issued for that portion of the sewer connection extending from the property line to the main sewer or other outlet for which permit the fee shall be as set by City Council resolution and a separate permit may also be issued for that portion of the sewer extending from the house or building to the property line for which the permit fee shall be as set by City Council resolution. Inspection of the sewer service from the main to the building shall be performed by the Chief Code Enforcement Officer to ensure compliance to all applicable codes. (Ord. 1009, 3-23-87; amd. 1995 Code)
- B. Additional Building Permit Fees: In addition to the building permit fees established in Section 901.06 and in addition to any other fees established in this Code there is hereby established a fee to pay and reimburse the City for all sums which the City shall be required to pay to the [Metropolitan Council Environmental Services](#) ~~Metropolitan Waste Control Commission~~ because of all construction.
- C. Additional Fees to Pay for Unassessed Property and to reimburse the City for [Metropolitan Council Environmental Services](#) ~~Metropolitan Sewer Board~~ Charges: The permit fee for connection to the City sanitary sewer system shall be paid for each connection in the amount specified in subsections A and B of this Section. In addition thereto, before any permit shall be issued, the following conditions shall be complied with:
 - 1. No permit shall be issued to connect with any sanitary sewer system of the City directly or indirectly from any lot or tract of land unless the Public Works Director shall have certified:
 - a. That such lot or tract of land has been assessed for the cost of construction of the sanitary sewer main with which the connection is made; or
 - b. If no assessment has been levied for such construction cost, the proceedings for

levying such assessment have been or will be completed in due course; or

c. If no assessment has been levied and no assessment proceedings will be completed in due course, that a sum equal to the portion of cost of constructing said sanitary sewer main which would be assessable against said lot or tract has been paid to the City; or

d. That all charges and fees as required by subsection B, which are fees to reimburse the City for all sums paid to the [Metropolitan Council Environmental Services](#) ~~Metropolitan Sewer Board~~ required by the construction of new buildings are paid. (Ord. 688, 12-18-72)

2. If no such certificate can be issued by the Public Works Director, no permit to connect to any sanitary sewer main shall be issued unless the applicant shall pay an additional connection fee which shall be equal to the portion of the cost of construction of the said sanitary sewer main which would be assessable against said lot or tract to be served by such connection for the main, including interest at a rate equal to the interest rate of the original assessment from the date of the original assessment and continuing for a period of 20 years or the amount of years the assessment was payable, whichever is less. Interest may be waived or decreased when it is determined by the Public Works Director that the improvement was not subject to utilization until a later date. Said assessable cost is to be determined by the Public Works Director upon the same basis as any assessment previously levied against other property for the main. If no such assessment has been levied, the assessable cost will be determined upon the basis of the uniform charge which may have been or which shall be charged for similar connection with said main, determined on the basis of the total assessable cost of said main, allocated on a frontage basis, acreage basis or both. (Ord. 745, 12-30-74)

D. Licenses Required: Permits shall be issued only to such persons who are duly licensed by the City to engage in the business of plumbing who have filed with the City the insurance certificates required under subsection F of this Section; provided, however, that permit may be issued to any person who is duly licensed by the City as a sewer contractor and who has filed with the City the insurance certificates required under subsection F for building and repairing that portion of the house or building sewer extending from the property line to the main sewer or other outlet. (Ord. 234, 8-6-57; amd. 1995 Code)

E. License Fees: The annual license fee shall be as set by City Council resolution.

F. Insurance:

1. Before any required permit is issued, the licensee applying for the permit shall file with the City Manager a certificate of insurance covering the licensee for the period covered by the license in the minimum liability amount of six hundred thousand dollars (\$600,000.00).

2. The certificate shall state that the policies covering the licensee shall not be canceled without ten days' written notice to the City. (Ord. 531, 3-20-67; amd. 1995 Code)

802.05: REVOCATION OF CONTRACTOR LICENSE:

A. Violation: The City Council shall have power to revoke any license upon satisfactory proof that the holder of said license has willfully violated any of the provisions of

this Chapter.

- B. Reinstatement: A revoked license shall not be reinstated in any manner for a period of six months.
- C. Claim by City: The failure to pay, within sixty (60) days, any legitimate claim the City may have against a contractor shall constitute cause for revocation of license. (Ord. 233, 7-23-57; amd. 1995 Code)

802.06: CONSTRUCTION REQUIREMENTS:

- A. Materials: All pipes shall be constructed of materials approved by the Public Works Director.
- B. Joints and Connections: All joints and connections shall be constructed of materials approved by the Public Works Director.
- C. Grades:
 - 1. Unless otherwise, all house sewers shall have a grade of not less than one-eighth inch per foot. A grade of one-quarter inch per foot should be used wherever practical. The contractor shall check grades before construction proceeds. Wherever possible, the connecting sewer shall join the building at an elevation which is below the basement floor of such building. (Ord. 219, 9-4-56)
 - 2. In the event that a sewer service exists from the main sewer to a point outside of the street, the contractor shall excavate and expose the upper end of the service pipe. The elevation of the pipe leaving the structure shall be determined, and the difference between the two pipes shall be sufficient so that a minimum grade of one-eighth inch per foot is maintained. (1990 Code)
- D. Alignment: No connecting sewer shall contain bends or a combination of bends which at any point shall be greater than 45 degrees, and no more than two bends, regardless of angle, shall be permitted in any single house connection except where manholes or, in case of slab home, cleanouts are constructed at such points and in manner as directed by the Public Works Director. No connecting sewer shall be laid parallel to any bearing wall or footing unless further distant than three feet from any such bearing wall or footing. No connecting sewer shall be laid within 20 feet of any existing well. (Ord. 234, 8-6-57)
- E. Trenching and Backfilling:
 - 1. All excavations shall be open trench work unless otherwise authorized by the City Engineer. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good and firm earth, the earth shall be pared or molded to give a full support to the lower third of each pipe. Bell holes shall be dug to provide ample space for pouring of joints. Care must be exercised in backfilling below the center line of the pipe in order to give it proper support.
 - 2. Backfilling shall be placed in layers and solidly tamped or packed up to two feet above the pipe. Backfilling shall not be done until the section to be backfilled has been inspected and approved by the Public Works Director.
- F. Use of Existing Sewer Services: Existing sewer services or portions of such sewers may be approved for use by the Public Works Director. The Public Works Director may request that the old sewer be excavated for the purpose of facilitating inspection. No cesspool or septic tank shall be connected to any portion of a house sewer that is also laid across or over any existing cesspool or septic tank, the existing

cesspool or septic tank shall first be pumped clean and filled with earth to the surrounding ground level. Where a sewer is laid across or over any existing cesspool or septic tank, only material approved by the Public Works Director shall be used for that portion of the connecting sewer which is laid across or over the existing cesspool or septic tank.

- G. Connections at "Y" Only: Every connecting sewer shall be connected to the Municipal sewer system at the "Y" designated for the property served by the connection, except where otherwise expressly authorized by the Public Works Director. Where expressly authorized by the Public Works Director, all connections made at points other than the designated "Y" shall be made only under the direct supervision of the Public Works Director in such manner as the Public Works Director may direct.
- H. Sump pumps: All new structures with sumps for which a building permit is issued shall be plumbed to the outside of the dwelling and inspected by City personnel before a certificate of occupancy is issued. A sump pump discharge system shall not be connected directly or indirectly to the City's sanitary sewer system. A sump pump shall have a permanently installed discharge line, which provides for year-round discharge to the outside of a building or structure.
- H₁. Tunneling: Tunneling for distances of not more than six feet is permissible in yards, courts or driveways of any building site. When pipes are driven, the drive pipe shall be at least one size larger than the pipe to be laid.
- I₁. Independent Systems Required:
 - 1. The drainage and plumbing system of each new building and of new work installed in an existing building shall be separate from and independent of that of any other building except where provided in this subsection and every building shall have an independent connection with a public sewer when such is available. (Ord. 219, 9-4-56; amd. 1995 Code)
 - 2. A separate connection shall be required for each dwelling unit constructed on or after September 19, 1979, in R-1, R-2, R-4, R-5 and R-6 Districts as defined in Title 10 of this Code. A separate connection shall not be required for apartment-type buildings as determined by the Public Works Director. (Ord. 855, 9-10-79; amd. 1995 Code)
- J₁. Exception to Independent Sewer System Requirement: Under the following limited circumstances, the requirement for an independent sewer system provided in subsection I of this Section need not be met:
 - 1. Where one building stands to the rear of another building on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building drain from the front building may be extended to the rear building and the whole will be considered as one building drain. Where such a building drain is extended, a cleanout shall be provided immediately inside the rear wall of the front building.
 - 2. A new structure on one parcel may be permitted to connect to an existing sewer line serving an adjacent parcel when the following conditions are met:
 - a. The alternative construction of a new sewer service to serve the parcel would create a hardship due to the necessity of crossing a railroad or roadway by method other than open cut or as determined by the Public Works Director.

b. The owners of the property will sign and record an instrument, in perpetuity, for joint use and maintenance of the shared service, which instrument specifically holds the City harmless and releases the City from any and all claims relating to the shared service. A copy of said instrument will be filed with the City for approval by the City Attorney.

c. The Public Works Director determines that the shared sewer has adequate capacity for anticipated flows.

d. A cleanout is provided at the junction point of the two (2) services. (Ord. 926, 5-22-83; amd. 1995 Code)

| KL. Repair of Public Right of Way: No connection to the City sanitary sewer system shall be finally approved until all streets, pavements, curbs and boulevards or other public improvements have been restored to their former condition to the satisfaction of the Public Works Director. (219, 9-4-56; amd. 1995 Code)

| LM. Costs and Maintenance:

1. Installation and Connection: All costs and expenses incidental to the installation and connection to the Municipal sewer system shall be borne by the owner and the owner shall indemnify the City for any loss or damage that may, directly or indirectly, be occasioned by the installation of the sewer connection, including restoring streets and street surface.

2. Maintenance: It shall be the responsibility of the owner or occupant to maintain the sewer service from the main sewer into the house or building. (Ord. 532, 3-20-67)

802.07: USE OF CERTAIN BUILDINGS RESTRICTED:

No person shall use any building or allow any other person to use any building which is not connected to the Municipal sanitary sewer system as required by Section 802.03 of the City Code. (Ord. 414, 4-6-64)

802.08: PROHIBITED DISCHARGES:

All discharge into the City's sanitary sewer system shall be in conformance with the Waste Discharge Rules adopted by the Metropolitan Council Environmental Services ~~Metropolitan Waste Control Commission~~. (1995 Code) Prohibited discharges include, but are not limited to, any unpolluted water, such as noncontact cooling water, rain water, storm water, groundwater, or water collected from foundation drains or sumps, or roof drainage; water insoluble oils, including but not limited to, fuel oil, nonbiodegradable cutting oil, lubricating oil, hydraulic oil, mineral oil and motor oil.

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802.09: TAMPERING PROHIBITED:

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Municipal sewer system. (Ord. 218, 9-4-56)

802.10: CERTAIN CONNECTIONS PROHIBITED:

No building located on property lying outside the limits of the City shall be connected to the Municipal sanitary sewer system unless authorization is obtained from the City Council. (Ord. 218, 9-4-56; amd. 1995 Code)

802.11: ENTRY UPON PRIVATE PROPERTY:

- A. The Public Works Director 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. (Ord. 218, 9-4-56; amd. 1995 Code)
- B. Every person, owner, lessee or occupant of any parcel of land, building or premises that discharges into the City's sanitary sewer system shall allow an employee of the city or a designated representative of the City to inspect the building or premises to confirm that the building or premises conforms to the requirements of 802.06 of this Chapter. The City may periodically re-inspect any building or premises to determine continued compliance with the requirements of 802.06 of this Chapter.
- C. In lieu of the City inspection, the owner, lessee or occupant may furnish a certificate from a City registered State licensed plumber certifying that the building or premises are in compliance with the requirements of 802.06 of this Chapter.
- D. Surcharges for buildings or premises that do not comply with this section will be determined by the City Council and listed in the Fee Schedule.

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802.12: RATES AND CHARGES:

- A. Charges for Use: A charge is hereby imposed upon every person whose premises are served, either directly or indirectly, by the sanitary sewer system within the City, for the use of the facilities of said sewer system and for connection to the system. Such charges shall be in an amount set by the Council and shall be kept on file in the City Manager's office in the form of a rate schedule. (Ord. 592, 2-17-69; amd. 1990 Code)
- B. Supplemental Charges for Industrial Sewage Wastes: In respect to property which shall be connected to the City sewer for the disposal of industrial sewage wastes, which shall by virtue of its strength and volume be subject to supplementary charges by the Metropolitan Council Environmental Services~~Metropolitan Waste Control Commission~~, the City may impose a supplemental charge based generally upon and at least equal to the amount of the Metropolitan Council Environmental Services~~Metropolitan Waste Control Commission~~ supplemental charge.
- C. Payment of Charges: Any prepayment or overpayment of charges may be retained by the City and applied on subsequent quarterly statements.
- D. Penalty for Late Payment: Each quarterly billing for sewer charges not paid when due shall incur a penalty charge of ten percent of the amount past due. (Ord. 592, 2-17-69; amd. 1995 Code)
- E. Action to Collect Charges: Any amount due for sewer charges, including Metropolitan Council Environmental Services~~Metropolitan Waste Control Commission~~ sewer charges, in excess of ninety 90 days past due shall be certified to the County Auditor for collection with real estate taxes. This certification shall take place regardless of who applied for sewer services, whether it was the owner, tenant

or other person. The City shall also have the right to bring a civil action or other remedies to collect unpaid charges. (Ord. 661, 3-13-72; amd. 1995 Code) (Ord. 1383, 6-08-2009)

802.13: INDUSTRIAL USER STRENGTH CHARGES:

The [Metropolitan Council Environmental Services](#)~~Metropolitan Waste Control Commission~~, a metropolitan commission organized and existing under the laws of the State of Minnesota, in order to receive and retain grants in compliance with the Federal Water Pollution Control Act is required to impose industrial user strength charges to recover operation and maintenance cost of treatment works attributable to the strength of discharge of industrial waste. The City shall collect industrial strength charges as dictated by the [Metropolitan Council Environmental Services](#)~~Metropolitan Waste Control Commission~~ rules and Minnesota State Statutes and adopts the same by reference. (1995 Code)

802.14: TRANSPORT AND DUMPING OF SEWAGE:

The cleaning and/or emptying of the contents of any privy vault, septic tank, cesspool, sink or private drain located in the City shall be done in an inoffensive manner and the contents shall be placed in and be removed from the premises in closed, tight covered barrels, receptacles or tank trucks so as to prevent the scattering, dropping or leaking while being transported and shall be discharged or destroyed so as not to be offensive to surrounding property owners. (Ord. 168, 9-15-53; amd. 1995 Code)

SECTION 2: Effective date. This ordinance shall take effect upon its passage and publication.

Passed by the City Council of the City of Roseville this 2nd day of March, 2015.

Ordinance – Amending Title 8, Chapter 802

(SEAL)

CITY OF ROSEVILLE

BY: _____
Daniel J. Roe, Mayor

ATTEST:

Patrick Trudgeon, City Manager

**CITY OF ROSEVILLE
OFFICIAL SUMMARY OF ORDINANCE NO.**

AN ORDINANCE AMENDING TITLE 8, CHAPTER 802

The City Council of the City of Roseville adopted Ordinance No. on , which is summarized as follows:

The Roseville City Code is amended by updating Title 8, Chapter 802. This ordinance is created to update references to other agencies, establish construction requirements for sump pump installation, and establish procedures for sump pump inspections. The ordinance takes effect upon this publication.

A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary is also be posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2160 Hamline Avenue, Roseville, MN. 55113, and on the internet website of the City of Roseville (www.cityofroseville.com).

Attest:

Patrick J. Trudgeon
City Manager