

**CITY OF EDEN PRAIRIE
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. 24-2008

AN ORDINANCE OF THE CITY OF EDEN PRAIRIE, MINNESOTA AMENDING CITY CODE CHAPTER 3 BY ADDING SECTION 3.51 REGARDING RULES AND REGULATIONS RELATING TO DISCHARGES FROM SUMP PUMPS AND OTHER SOURCES INTO THE SEWERAGE SYSTEM AND ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 3.99 WHICH AMONG OTHER THINGS CONTAIN PENALTY PROVISIONS.

The City Council of the City of Eden Prairie, Minnesota, ordains:

Section 1. City Code Chapter 3 is amended by adding Section 3.51 which shall read as follows:

SECTION 3.51 RULES AND REGULATIONS RELATING TO DISCHARGES FROM SUMP PUMPS AND OTHER SOURCES INTO THE SEWERAGE SYSTEM.

Subd. 1. Purpose. The Council finds that the discharge of water from roofs, down spouts, eave troughs, rain spouts, yard drains, surfaces, groundwater, sump pumps, footing tiles or swimming pools, foundation drains, yard fountains, ponds, cistern overflow, air conditioning units or systems, areaway drains, industrial processes, and other means of transmitting natural precipitation and surface waters, collectively referred to as excess infiltration and inflow (I & I), into the sewerage system as defined by Section 3.50, Subd. 1 (B), will and has in the past overloaded the sewerage system. The owner of the interceptor sewer system and the waste water treatment facilities—Metropolitan Council Environmental Services (MCES)—has mandated that cities remove excess I & I from the system or be subject to certain fines, penalties and surcharges as imposed by MCES. Further, MCES has determined that failure to remove excess I & I could lead to a moratorium on new connections to the sewerage system required for development and/or redevelopment. The Council, therefore, finds it essential for orderly growth in the community, fiscal responsibility, compliance with the mandated requirements of MCES and City Code requirements that the provisions of this Section be strictly enforced..

Subd. 2. Prohibition against discharges into sewerage system. No water from any roof, down spout, eave trough, rain spout, yard drain, surface, groundwater, sump pump, footing tile or swimming pool, foundation drain, yard fountain, pond, cistern overflow, air conditioning unit or system, areaway drain, industrial process, or other natural precipitation shall be discharged into the sewerage system. Dwellings and other buildings and structures which require, because of infiltration of water into basements, crawl spaces and the like, a sump pump discharge system shall have a permanently installed discharge line which shall not at any time discharge water into the sewerage system, except as provided herein. A “permanently installed discharge line” shall be one which provides for year-around discharge capacity to either an appropriate drainage area on the outside of the dwelling, building or structure (in no event shall such a drainage area include property owned by others or any public right-of-way), or is connected to the City storm

sewer. The permanently installed discharge line shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge. It shall not be capable of connection or reconnection to the sewerage system.

Subd. 3. Disconnection. Any person having a roof surface, down spout, eave trough, rain spout, yard drain, surface, groundwater, sump pump, footing tile or swimming pool, foundation drain, yard fountain, pond, cistern overflow, air conditioning unit or system, areaway drain, industrial process now connected and/or discharging into the sewerage system shall immediately disconnect and/or remove same. Any disconnects or openings in the sewerage system shall be closed in an effective, workmanlike manner, as approved by the Director of Public Works. If a city drain tile or storm sewer system is available to the property, connection of said discharges to these systems shall be mandatory.

Subd. 4. Compliance and Inspection. Every person owning improved real estate that discharges into the City's sewerage sewer system shall comply with the requirements of this Section within thirty (30) days of the Effective Date. Within thirty (30) days after notice from the City, the property owner shall contact the City Utility Division to schedule an inspection, at no cost to the property owner, of each building and the utility service lines located on such property by an inspector designated by the City. The purpose of this inspection shall be to confirm that there is no sump pump or other prohibited discharge into the sewerage system. In lieu of having the City inspect such property, the property owner may, at the property owner's expense, furnish a certificate from a licensed plumber, in a form acceptable to the City, certifying that the property is in compliance with this Section.

Subd. 5. Additional Inspections. The City may require any building be re-inspected on a yearly basis in conjunction with water meter or other inspections and/or service calls.

Subd. 6. New home inspections. All new homes will be required to have their sump pump system inspected and be in compliance with this Section prior to issuance of a certificate of occupancy.

Subd. 7. Waivers. The Director of Public Works shall have the power and duty of hearing and deciding requests for waivers from the applicability of the provisions of this Section where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration or cause a safety problem. This may also include cases where it would not be practical or feasible to correct an otherwise prohibited discharge in the City's sewerage system.

Application for waivers pursuant to this Section shall be addressed in writing to the Director of Public Works. The applications shall at a minimum identify the subject property, the name of the property owner/applicant, and describe in detail what characteristics of the subject property create an undue hardship. Within a reasonable time the Director of Public Works shall make a decision on the matter and send a copy of such decision to the applicant by regular mail. Upon approval of an application for a waiver, a property owner shall be allowed to discharge directly into the sewerage system for a limited time specified in the written decision and in accordance with other terms and conditions specified. The applicant will be required to pay an additional fee

for the additional sewer service, along with the regular monthly charge. Fees for this service will be based on estimated yearly average amounts discharged to the sewerage system.

Subd. 8. Surcharge. A surcharge of \$100.00 per month is added to every sewer bill mailed to property owners who (a) are found discharging I & I into the sewerage system; (b) have not obtained an inspection required by this Section within 30 days after notice by the City; (c) have not made necessary corrections within the time specified; or (d) are not otherwise in compliance with this Section. The surcharge shall be added every month thereafter for properties not complying with this Section until the property owner submits proof to the Director of Public Works that the property is brought into full compliance. The full amount of the surcharge shall apply regardless of whether the non-compliance has been for the entire month or a portion of it. All properties found during any yearly re-inspection to have violated this Section will be subject to a \$200.00 surcharge for all months between the two most recent inspections. If the surcharge is not paid, the City reserves the right to assess the property owner the unpaid balance pursuant to Minnesota Statute Section 429.101, as amended.


Section 2. City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code including Penalty for Violation" and Section 3.99 entitled "Violation a Misdemeanor or Petty Misdemeanor" are hereby adopted in their entirety by reference as though repeated verbatim herein.

Effective Date: This ordinance shall become effective from and after its passage and publication.

FIRST READ at a regular meeting of the City Council of the City of Eden Prairie on the 21st day of October, 2008, and finally read and adopted and ordered published at a regular meeting of the City Council of said City on the 1st day of December, 2008.



Kathleen Porta, City Clerk



Phil Young, Mayor

PUBLISHED in the Eden Prairie News on the 11th day of December 2008.

**CITY OF EDEN PRAIRIE
HENNEPIN COUNTY, MINNESOTA**

SUMMARY OF ORDINANCE NO. 24-2008

AN ORDINANCE OF THE CITY OF EDEN PRAIRIE, MINNESOTA AMENDING CITY CODE CHAPTER 3 BY ADDING SECTION 3.51 REGARDING RULES AND REGULATIONS RELATING TO DISCHARGES FROM SUMP PUMPS AND OTHER SOURCES INTO THE SEWORAGE SYSTEM AND ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 3.99 WHICH AMONG OTHER THINGS CONTAIN PENALTY PROVISIONS.

The following is only a summary of Ordinance No. 24-2008. The full text is available for public inspection by any person during regular business hours at the office of the City Clerk:

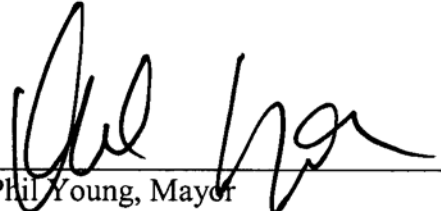
The ordinance amends Chapter 3 of the City Code by adding Section 3.51 which prohibits the discharge of water from roofs, down spouts, eave troughs, rain spouts, yard drains, surfaces, groundwater, sump pumps, footing tiles or swimming pools, foundation drains, yard fountains, ponds, cistern overflow, air conditioning units or systems, areaway drains, industrial processes, and other means of transmitting natural precipitation and surface and subsurface waters into the City sanitary sewerage system. Compliance with the ordinance is required within thirty (30) days of its effective date. The City will verify compliance with the ordinance through inspections by the City, or the property owner may contract a licensed plumber to inspect and certify to the City the resident's property is in compliance. The ordinance requirements may be waived where compliance would cause undue hardship or a safety problem. The ordinance further allows the City to apply a \$100.00 per month surcharge to those properties that do not comply with the ordinance requirements. The ordinance incorporates, by reference, City Code Chapter 1 and City Code Section 3.99 which contain definitions and provisions relating to penalties.

Effective Date: This ordinance shall become effective from and after its passage and publication.

ATTEST:



Kathleen Porta, City Clerk



Phil Young, Mayor

PUBLISHED in the Eden Prairie News on the 11th day of December, 2008.

CITY OF EDEN PRAIRIE
HENNEPIN COUNTY,
MINNESOTA
SUMMARY OF ORDINANCE NO.
24-2008

Affidavit of Publication Southwest Newspapers

AN ORDINANCE OF THE CITY
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reference, City Code Chapter 1 and
City Code Section 3.99 which
contain definitions and provisions
relating to penalties.

Effective Date: This ordinance
shall become effective from and
after its passage and publication.
Phil Young, Mayor
Attest: Kathleen Porta, City Clerk
(Published in the Eden Prairie News
on Thursday, December 11, 2008;
No. 3724)


State of Minnesota)
)SS.
County of Hennepin)

Mark Weber, being duly sworn, on oath says that he is the authorized agent of the publisher of the newspaper known as the Eden Prairie News and has full knowledge of the facts herein stated as follows:

(A) This newspaper has complied with the requirements constituting qualification as a legal newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

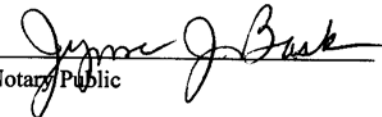
(B) The printed public notice that is attached to this Affidavit and identified as No. 3724 was published on the date or dates and in the newspaper stated in the attached Notice and said Notice is hereby incorporated as part of this Affidavit. Said notice was cut from the columns of the newspaper specified. Printed below is a copy of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the kind and size of type used in the composition and publication of the Notice:

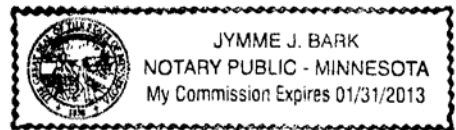
abcdefghijklmnopqrstuvwxyz

By: 
Mark Weber

Subscribed and sworn before me on

this 11th day of December, 2008


Notary Public



RATE INFORMATION

Lowest classified rate paid by commercial users for comparable space.... \$40.00 per column inch
Maximum rate allowed by law for the above matter..... \$40.00 per column inch
Rate actually charged for the above matter..... \$12.19 per column inch