



**City of Long Lake
Hennepin County, Minnesota
Ordinance No. 2023-04**

**An Ordinance Amending Chapter 36 – Utilities of the
City of Long Lake Code of Ordinances**

The City Council of the City of Long Lake does hereby ordain as follows:

Section 1. The City Code of Ordinances, Chapter 36 – Utilities, is repealed in its entirety.

Section 2. The City Code of Ordinances, Chapter 36 – Utilities, is adopted as follows:

Chapter 36

UTILITIES

ARTICLE I. IN GENERAL

Sec. 36-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized enforcement agency means the City of Long Lake, its staff, and consultants employed or retained to represent the city.

Best management practice (BMP) means erosion control, sediment control, and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.

Clean Water Act means the federal Water Pollution Control Act as set forth in United States Code, Title 33, Sec. 1251 et. seq. and any subsequent amendments thereto.

Construction activity means activities subject to NPDES construction permits. These include construction projects resulting in land disturbance. Such activities include, but are not limited to: clearing and grubbing, grading, excavating, and demolition.

Discharge means adding, introducing, releasing, leaking, spilling, casting, throwing, or emitting any pollutant, or placing any pollutant in a location where it is likely to pollute waters of the state or to infiltrate any public utility infrastructure.

Erosion means the group of natural processes, including weathering, dissolution, abrasion, corrosion, and transportation, by which material is worn away from the earth's surface or the erosive process of washing away soil by water.

Hazardous materials means 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 means any direct or indirect non-stormwater discharge to the storm drain system, except as specifically exempted in this chapter.

Illicit connections means 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 drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; 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 an authorized enforcement agency.

Industrial activity means activities subject to NPDES Industrial Permits as defined in Code of Federal Regulations, Title 40, section 122.26(b)(14) and any subsequent amendments thereto.

Metropolitan Council means the policy-making board, established in 1967, that guides and governs the strategic growth of the seven-county metropolitan area; and provides essential services and infrastructure, including wastewater treatment services.

Metropolitan Council Environmental Services (MCES) means the division of Metropolitan Council that operates and maintains approximately 640 miles of regional sewers and treats up to 250 million gallons of wastewater daily at eight regional treatment plants, serving nearly 95% of the seven-county metropolitan area's population.

MPCA means the Minnesota Pollution Control Agency.

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements under the Clean Water Act, United States Code, Title 33, Sec. 1251 et. seq. and any subsequent amendments thereto.

National Pollutant Discharge Elimination System (NPDES) permit means a permit issued by the EPA, or by a state under authority delegated pursuant to United States Code, Title 33, Sec. 1342 (b), that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual group, or general area-wide basis.

Non-stormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and action as the owner, the owner's agent, or the responsible party for certain premises or improvements thereon.

Pollutant means waste substances and anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents; oil and other automotive fluids; hazardous and non-hazardous liquid and solid wastes; yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects; pesticides, herbicides, and fertilizers; hazardous substances; wastes and residues that result from construction of a building or structure; and noxious or offensive matter of any kind.

Pollute means to discharge pollutants into waters of the state.

Premises means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including, without limitation, adjacent sidewalks and parking strips or areas.

Service availability charge (SAC) means an availability charge established by the Metropolitan Council for collection by the city, to be paid by a property owner, for a property connecting to the sewer city sewer system; and also means a charge established by the city for connection to its water and/or sewer systems.

Sewer system means pipelines or conduits, pumping stations, and force mains, and all other constructions, devices, and appliances appurtenant thereto, used for conducting sewage or industrial waste or other wastes to a point of ultimate treatment and disposal.

Storm sewer system, also municipal separate storm sewer system (MS4) means the system of facilities, owned and operated by the city, by which stormwater is collected, treated and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

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

Stormwater management prevention plan means a document which describes the BMPs 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.

Surface waters means all waters of the state other than ground waters, which include ponds, lakes, rivers, streams, wetlands, public ditches, and public drainage systems except those designed and used to collect, convey, treat or dispose of sanitary sewage.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Water system or waterworks means waterworks systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treatment plants, and other appurtenances of a waterworks system.

Waters of the state means 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 or any portion thereof; and has the meaning given it in Minn. Stat. §115.01, subd. 22, as it may be amended from time to time.

Sec. 36-2. Ownership of municipal utilities.

Ownership of all municipal utilities, treatment plants, lines, mains, extensions and appurtenances shall be and remain by the city, and no person shall own any part of portion of these utilities. However, private facilities and appurtenances constructed on private property are not intended to be included in city ownership. All private extensions of public utilities shall be constructed and maintained in accordance with city standards.

Sec. 36-3. Right of entry.

The city has the right to enter in and upon private property, including buildings and dwelling houses, in which or upon is installed a municipal utility, or a connection with a municipal utility, at all times reasonable under the circumstances for the purpose of: reading utility meters; inspection and repair of a utility system or any part of the system, public or private connection with the system; or for the purpose of connecting and disconnecting services.

Sec. 36-4. Municipal utility service outside the city.

The city council may authorize the city administrator and public works department to furnish municipal utility service to consumers outside city limits, provided such consumers enter into an agreement with the city for said service and specifically agree to all the terms of this chapter, including but not limited to rules, regulations, billing frequency, and rates adopted consistent with this chapter as it may be amended from time to time, and the right to specially assess delinquent services, charges and penalties. The city council may also authorize the city administrator and public works department to furnish municipal utility service to consumers outside the city through approval of an agreement with the city in which the property is located. In all circumstances, city water and/or sewer connection fees and city service availability charges will apply for any new connections to the city's municipal utility system.

Sec. 36-5. Connection to city utilities required; permission required for connection.

All properties within municipal city limits are required to connect to the city's public water and sewer systems. Private wells and septic systems are prohibited. It is unlawful for any person to make any connection with, make any opening into, use, extend or alter in any way any municipal utility system without having first applied for and received express written permission and all applicable permits to do so from the city.

Sec. 36-6. Utility plan required; construction to plan and code required.

A utility plan is required to be submitted to and approved by the city public works director or city engineer prior to permitting of installation or connection of any new utilities. All facilities for water, sewer and stormwater are required to be constructed in accordance with the approved plan unless otherwise authorized by the city public works director or city engineer. Failure to install or maintain any utility service in accordance with the approved utility plan and/or state plumbing code; or failure to have, allow, or satisfy all required inspections; shall be a grounds for termination of service to

any property and/or for stop work orders to be issued by the city administrator, public works director, or city engineer.

Sec. 36-7. Application, connection and sale of service; permits required.

Application for city utility services shall be made upon forms supplied by the City, and strictly in accordance with such forms. No connection shall be made until a permit has been issued by the city to a licensed plumber and consent has been received from the city to make the connection, and all fees, charges, and assessments required by this chapter have been paid in full. All utilities shall be sold and delivered to consumers under the then current applicable rate applied to the amount of such utilities taken as metered or ascertained in connection with such rates. Where no stub is provided or where the customer desires a different location, the cost of extending service to the main including, without limitation, tapping, establishing the connection point, and filling and permanent repair, shall be at the customer's sole expense. No utility connection permit shall authorize street openings or excavations of the roadway surface, curb or gutter without a right-of-way permit approved by the city's public works director or his/her designee.

Sec. 36-8. Connection fees; service availability charges.

City utility services shall be furnished only after property application has been made, city new water and/or sewer main line tap fees are paid, applicable Metropolitan Council Environmental Services sewer service availability charges have been paid, city water and/or sewer service availability charges have been paid, and connection permit fees have been paid in full. The number of sewer service availability charge (SAC) units determined by Metropolitan Council Environmental Services to be due will be used to determine the number of city water and sewer service availability charge units applicable for improvements, development or redevelopment, or use changes for various public, commercial, industrial, institutional, residential and multi-family residential projects. An applicant for an aforementioned project is required to submit to Metropolitan Council Environmental Services for a SAC determination as part of any building permit process. For every one Metropolitan Council Environmental Services SAC unit fee determined to be due, a corresponding city water availability charge (WAC) unit fee and sewer SAC unit fee will be imposed. For commercial, industrial or institutional projects only, an applicant may petition the city council for review of the city's WAC and SAC units determined to be due for their project; however, in doing so, the applicant must provide evidence to support that payment in full would represent a unique and significant hardship to the development activity or improvement proposed. The city council will review and rule upon the petition in its discretion. A building permit will not be issued for work to proceed until the city council has ruled upon the applicant's petition and, by submitting a petition, the applicant acknowledges and agrees that building permit review will be stayed pending a ruling on the petition.

Sec. 36-9. Protecting public from hazards.

All excavations for any utility connection installations shall be adequately guarded with barricades and lights so as to protect the public from any hazard. Streets, sidewalks and other public property disturbed in the course of work are required to be restored in a manner satisfactory to the city.

Sec. 36-10. Discontinuance of service.

Any or all city utilities may be shut off or discontinued whenever it is found that:

- (a) The owner or occupant of a premises served, or any person working on any connection with the city utility systems, has violated applicable law or any related requirement of this chapter or any connection with the system;
- (b) Any charge for a city utility service, or any other utility-related financial obligation imposed on the present owner or occupant of the premises served, is unpaid after due notice; or
- (c) There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges; or
- (d) Such action is required to address an emergency situation.

For those services that have been shut off or discontinued by the city, the customer may be required to pay a fee for both the disconnection of services, and for the reconnection of services at such time that services may be restored.

Sec. 36-11. Permission required for turning on discontinued service.

It is unlawful for any person to turn on, tamper with, or connect a utility when the utility has been turned off or disconnected by the city for nonpayment of a bill, or for any other reason, without first having obtained a permit or written permission to do so from the city.

Sec. 36-12. Damage to city utility equipment.

Any person causing damage to any city utility equipment or appurtenance, including but not limited to meters, streetlights, water hydrants and curb cocks, shall pay the replacement value of such equipment or appurtenance to the city, including labor for renewal, repair and installation of any equipment. It is unlawful for any person to willfully or negligently break, damage, destroy, uncover, or tamper with any structure, appurtenance or equipment that is a part of the city sanitary sewer, water, or stormwater system.

Sec. 36-13. Utility rates, payment and delinquency.

- (a) All rates and charges for municipal utilities including but not limited to rates for service, permit fees, sewer and water system connection fees, sewer and water system service availability charges, Metropolitan Council Service Availability Charges (SAC), meter reading fees, manual meter reading fees, disconnection and reconnection fees, penalties for nonpayment, curbside recycling fees, and fire hydrant meter usage service charges and late fees, shall be fixed on a billing schedule to be determined and amended by resolution of the city council for inclusion in the city fee schedule. A utilities billing statement shall be transmitted to each consumer account for every billing period. All utility charges shall be delinquent if they remain unpaid after the due date of any bill, and the customer will be responsible for assessed late fees for any delinquency. If utility services have been suspended due to delinquency, utility services shall not be restored at that location when it is under the same ownership until disconnection and reconnection fees have been paid in addition to amounts owed for services and penalties. If delinquent charges are specially assessed under subsection (b) of this section, an additional sum of five percent (5%) computed on the delinquent amount of charges and penalties, and applicable Hennepin County administrative fees, shall be added to and become part of the amount so assessed to cover administrative costs of making the assessment.

(b) All city utility accounts shall be in the name of the property owner or his/her duly authorized agent, subject to the consent of the city; however, payment for services and charges provided for in this chapter shall at all times be the responsibility of the property owner. The city may collect payment for delinquent accounts in a civil action, or in the alternative and at the option of the city, as otherwise provided in this subsection. Each such charge is made a lien upon the premises served. All such charges which are more than 30 days past due as of September 1 of each year shall be certified by the city administrator or his/her designee to the county auditor on or before December 1 of each year; and the administrator in so certifying such charges to the county auditor shall specify the amount, the description of the premises served, and the name of the owner. The amount so certified shall be extended by the auditor on the tax rolls against said premises in the same manner as other taxes, collected by the county treasurer, and paid to the city along with other taxes.

Sec. 36-14. Violations.

Except as otherwise provided, any person violating a provision of this chapter is guilty of a misdemeanor, punishable in accordance with state law. Any person or entity violating a provision of this ordinance will also be liable to the city for any expense, loss or damage incurred by the city as a result.

Sec. 36-15. Appeals.

Any person aggrieved by any of the provisions of this chapter shall have to right to appeal to the city council in writing setting forth the grounds or reasons as to why a section of this chapter should not be enforced specifically or generally. The written notice of appeal must be delivered to the city administrator or his/her designee, within a 30 day period following the date that the appellant's claim arises. If a claim relates to a pending service disconnection, written notice of appeal shall be filed within 30 days of the city's provision of written notice of default and intent to disconnect services. If such written notice of appeal is timely received by the city, the appeal will be reviewed at and any pending disconnection shall be stayed until the next regular city council meeting, at which time the appealing party may appear and present evidence to support his/her position. The council shall then rule upon the appeal and mail written notice of its findings of fact and decision to the appealing party. If the council rules to deny the appeal of the appealing party, said person must comply with the enforcement of provisions of this chapter, and any disconnection shall proceed forthwith.

Secs. 36-16 – 36-20. Reserved.

ARTICLE II. WATER SYSTEM

Sec. 36-21. Permits required.

No person or entity shall tap or make any direct or indirect connection to or extension of the city water system, nor shall any person or entity disconnect or terminate the use of any service from the system, without first having obtained from the city a permit to do so and having paid to the city all required fees. Permit requests for connection or disconnection will be reviewed by the city's public works director and/or the city engineer. Application for such permits shall be made at city hall on forms supplied by the city, and no permit will be issued unless all applicable fees are paid in full. Upon issuing any such permit, a copy shall be retained in the file for the affected property.

Sec. 36-22. Permanent or temporary termination of water service.

Any water service to be terminated because of demolition, remodeling, or other reason must be disconnected at the city main, or alternate location approved in advance by the city's public works director and/or city engineer, before demolition, remodeling, etc. takes place. Any water service to be permanently terminated is required to be disconnected at the main and capped off before any work occurs.

Sec. 36-23. Separate services.

Each separately occupied property or each separate building or occupancy unit on a single property shall be served by and shall utilize a separate service connection not shared by any other property or occupancy, including each unit of any townhouse development, or each commercial occupancy under separate ownership. Exceptions, subject to written permission by the city, are:

- (1) Duplex dwellings consisting of two residential units in one building, on one parcel of property, owned by one owner;
- (2) Condominium, residential or commercial uses having more than one owner within the same building, where the land and/or common areas of the building, including service areas, are owned in common or by an association; or
- (3) Apartment buildings or leasehold commercial or industrial buildings having one owner but multiple tenants.

Sec. 36-24. Stop cock is city property; identification of property owner responsibility.

The stop cock at the main and property or curb line, together with the box and cover, are the property of the city, as is the main. All persons are prohibited from interfering with or otherwise altering them absent authorization from the city. Service lines from the curb stop to the main are the property of the city. The connection to the curb stop and all lines servicing a property are the responsibility of the property owner, and any repairs or maintenance thereto are the responsibility of the property owner.

Sec. 36-25. Water meters.

- (a) *Requirement.* All properties connected to the city water system must have a properly functioning and calibrated radio-read water meter of the appropriate size and type approved by the city to obtain an accurate recording of the water used at the full range of anticipated flow rates. It is unlawful for any person to take or use water from the city water system except through a city provided meter, installed by either city public works staff or by permit issued to a licensed plumber. Separate meters may be purchased by licensed plumbers for installation as irrigation meters for outside water usage; however, deduct meters are not permitted.
 - (1) *Maintenance, repair and replacement.* The city shall maintain and repair or replace all meters when rendered unserviceable through ordinary wear and tear. Where replacement, repair or adjustment of any meter is rendered necessary by the act, neglect or carelessness of the owner or occupant of any premises, any expense incurred by the city shall be charged against and collected from the owner or occupant of the premises.

- (2) *City property.* Water meters shall be and remain the property of the city and may be removed or replaced or changed as to size and type by the city whenever deemed necessary.
- (3) *Access to read meters.* City employees delegated for that purpose shall have free access at reasonable hours of the day to all parts of every building and premises connected with the city water supply system for reading of meters and inspections. The city shall be authorized to make adjustments in water charges where in staff's opinion, the amount billed is erroneous due to meter deficiency or other mistake.
- (b) *Meter replacement.* Installation of a radio-read water meter is required on all structures served by the municipal water system. If a property owner does not authorize entry onto a property to allow replacement of a non-compliant meter within 30 days after the city requests entry, a surcharge fee as set forth in the city fee schedule will be applied with each billing cycle. Failure to authorize entry and replacement of a deficient or non-compliant meter shall also qualify as a billing deficiency and may subject the affected property to disconnection of services pursuant to the terms of this Chapter.
- (c) *New construction.* A city provided radio-read water meter is required before either a temporary or permanent certificate of occupancy will be issued for any building. The property owner shall be responsible for retaining the services of a licensed plumber for the installation of all required water meter equipment.
- (d) *Meter reading; failure to read.* The city reads water meters in a timely manner according to the billing schedule determined and amended by resolution of the city council for inclusion in the city fee schedule. If the city is unable to obtain an accurate meter reading because of a nonfunctioning or inaccessible water meter, the city may estimate a bill based on the past water usage for the property. The city will provide notification to the property owner of the inability to obtain an accurate water meter reading and of the city's need to obtain access to the property to allow for evaluation and determination of the problem by the city, that the property owner shall cooperate with the city to allow for or facilitate correction of the situation in a prompt manner. If the property owner is unresponsive or uncooperative in coordinating with the city to allow for repair of the water meter and related equipment, the city reserves the right to add a nonrefundable service charge for a nonfunctioning or inaccessible water meter to the next bill. Failure to authorize entry and repair or replacement of a deficient or non-compliant meter shall also qualify as a billing deficiency and may subject the affected property to disconnection of services pursuant to the terms of this Chapter.
- (e) *Fire hydrant meters.* A city provided fire hydrant meter may be rented for use during construction, landscaping, and any other purpose subject to prior approval by the city. The hydrant meter damage deposit, water usage rate, and daily rental fee shall be set forth by resolution of the city council for inclusion in the city fee schedule.

Sec. 36-26. Deficiency of water and shutting off water.

The city is not liable for any deficiency or failure in the supply of water to customers whether occasioned by shutting the water off for the purpose of making repairs or connections or by any other cause. In case of fire, or alarm of fire, water may be shut off to ensure a supply for firefighting. In making repairs or during construction of new infrastructure, water may be shut off at any time and kept off so long as may be necessary.

Sec. 36-27. Regulating the use of water during periods of water shortage.

- (a) *Purpose.* In order to avoid a water shortage due to inadequate capacity in water systems, to ensure an adequate water supply for fire protection, to protect the environment of Long Lake, to ensure the protection of subterranean aquifers, to maintain the quality of domestic water supplies, and to protect the general health, safety and welfare of residents, the regulations on nonessential water uses prescribed in this section shall apply during periods of water shortages.
- (b) *Implementation of restrictions.* Whenever the city council shall determine that a shortage of water threatens the city, it may enact by resolution the restrictions for nonessential water use set forth in this section. The resolution shall outline the uses of water that will be restricted; the types of water supply which will be restricted (i.e. public water system, lakes or other surface water systems; dates and times during which the restrictions will apply, whether the use restrictions will apply to all city properties or will vary depending upon location or identification of property; when the restrictions will be implemented and when they will terminate; and whether the restrictions will be voluntary or involuntary.
- (c) *Notification of public.* Whenever the city council enacts the restrictions in this section, city staff shall be directed to take such action as is reasonably practicable to notify the general public of the restrictions. The notice shall be posted on the city's website, on any city bulletin boards, and shall be published in the local newspaper as soon as possible following adoption of the restrictions. The notice shall include the information described in subsection (a) of this section.
- (d) *Restrictions.*
 - (1) During a water shortage, the city council may order one or any combination of the following restrictions:
 - a. A complete or partial ban on water use for watering lawns, trees and shrubs, irrigation, car washing, filling swimming pools, other uses determined by the city to be nonessential, or any combination;
 - b. An odd/even water ban in which residents of addresses ending in an even digit may water on even-numbered calendar days and residents of addresses ending in an odd digit may water on odd-numbered calendar days;
 - c. A limitation of water use for specified hours of the day;
 - d. A voluntary or involuntary restriction;
 - e. A use restriction applicable to all or part of the city based on land use or property identification; and
 - f. Any other appropriate restrictions.
 - (2) Newly seeded or sodded lawns may apply to the city for an exemption from these provisions for a period of 30 days after installation, although no new seeding or sodding may begin after any applicable water use restriction is instituted.
 - (3) The council delegates to the city administrator or his/her designee the authority to declare a state of water emergency in the form of an odd/even or total sprinkling ban or a complete water use ban of municipal users of any public system in the city when, in the opinion of the administrator or his/her designee, municipal water supplies have

reached the point that it could endanger the supply for domestic sanitation and/or fire protection purposes, or that a danger to public health or safety exists. All orders of the city administrator during a declared water emergency shall be enforced immediately, and efforts will be made to promptly provide notice by city media outlets. If the water emergency is to continue for an extended period, it would require ratification by resolution at the council's next regularly scheduled council meeting.

- (e) *Termination.* Any water use restrictions imposed by the council during a water shortage shall terminate by resolution of the city council.

Sec. 36-28. Opening fire hydrants prohibited; exception for hydrant meter rental.

It is unlawful for any person, other than members of the fire department or other person duly authorized by the city, to open any fire hydrant or attempt to draw water from the hydrant or in any manner interfere with the hydrant. It is also unlawful for any person so authorized to deliver or cause to be delivered to any other person any hydrant key or wrench, except for the purposes strictly pertaining to their lawful use. The city may authorize a person to connect to a specially approved fire hydrant by checking out a hydrant meter to said person, subject to withholding a damage deposit and to payment of daily rental and all water usage fees. In that circumstance, the damage deposit will not be returned until payment of daily rental and water usage fees has been made; and in the event payment is not received within 30 days of invoicing, the city shall have the authority to utilize damage deposit funds to satisfy amounts owed to the city, and shall return the balance of the deposit to the person who supplied it.

Sec. 36-29. Repair of leaks.

It is the responsibility of the consumer or owner to maintain the service pipe from and including the connection to the curb stop into the house or other building. In case of failure upon the part of any consumer or owner to repair any leak occurring in his/her service pipe within 24 hours after oral or written notice has been given to the owner occupant of the premises, the water may be shut off and will not be turned on until disconnection and reconnection charges have been paid and the water service has been repaired. When the waste of water is great or when damage is likely to result from the leak, the water will be turned off without delay if the repair is not commenced immediately.

Sec. 36-30. Abandoned services penalties.

Whenever ordered by the city, all service installations connected to the water system that have been abandoned or, for any reason, have become useless for further service shall be disconnected at the main and capped. The owner of the premises served by this service shall pay the cost of the excavation. The city shall perform the actual disconnection, and all pipe and appurtenances removed from the street right-of-way shall become the property of the city. When new buildings are erected on the site of old ones, a new permit shall be required to connect to the water system; and when it is desired to increase the old water service, a main line tapping charge shall be paid as if the connection were a new service through the permitting process. It is unlawful for any person to cause or allow any service pipe to be hammered or squeezed together at the ends to stop the flow of water, or to save expense in improperly removing such pipe from the main. Such improper disposition shall be corrected by the city, and the cost incurred shall be borne by the person causing or allowing such work to be performed. In addition to any specifically identified party responsible for improper abandonment of facilities, any improper abandonment shall also be attributable to the owner of the affected property.

Secs. 36-31 – 36-40. Reserved.

ARTICLE III. SEWER SYSTEM

Sec. 36-41. Permits required.

No person or entity shall tap or make any direct or indirect connection to or extension of the city sewer system, nor shall any person or entity disconnect or terminate the use of any service from the system, without first having obtained from the city a permit to do so and having paid to the city all required fees. Permit requests for connection or disconnection will be reviewed by the city's public works director and/or the city engineer. Application for such permits shall be made at city hall on forms supplied by the city, and no permit will be issued unless all applicable fees are paid in full. Upon issuing any such permit, a copy shall be retained in the file for the affected property.

Sec. 36-42. Basis for sewer charges.

For all properties connected to the city sewer system, utility billing for sewer charges will be comprised of a base rate in combination with a sewer usage charge. The quantity used for computing the sewer usage charge shall be equal to either the metered quantity of water used during each billing period; or the metered discharge to the sanitary sewer system during each billing period if the building is equipped with a sewage metering device. Metered water services used exclusively for irrigation purposes shall not be required to pay a sewer charge.

Sec. 36-43. Sewer availability charge.

Metropolitan Council Environmental Services has determined to reserve unused capacity in the metropolitan disposal system, as defined in Minn. Stat. §473.121, subd. 4 for local government units in which new connections will be made to that system, and to allocate the debt service costs of the unused capacity among the local government units. For the city to pay such costs allocated to it, the city needs to establish Metropolitan Council Environmental Services sewer service availability charges (SAC) for all connections made directly or indirectly to the metropolitan disposal system. The number of sewer SAC units determined by Metropolitan Council Environmental Services to be due will be used to determine the number of city water and sewer service availability charge units applicable for improvements, development or redevelopment, or use changes for various public, commercial, industrial, institutional, residential and multi-family residential projects. An applicant for an aforementioned project is required to submit to Metropolitan Council Environmental Services for a SAC determination as part of any building permit process. For every one Metropolitan Council Environmental Services SAC unit fee determined to be due, a corresponding city sewer SAC unit fee and water WAC unit fee will be imposed. Each dwelling unit within a single family dwelling building, double dwelling building, and residential townhouse shall be assessed one SAC unit as determined by Metropolitan Council Environmental Services, and one corresponding city sewer SAC and city water WAC unit per dwelling. If additional building permits or new sewer connections are made after initial connection and all applicable SAC and WAC fees have been paid, or when an increase of wastewater flow into the municipal sewer system is determined by Metropolitan Council Environmental Services, SAC shall be recalculated and any additional charges shall be paid.

Sec. 36-44. Permanent or temporary termination of sewer service.

Any sewer service to be terminated because of demolition, remodeling, or other reason must be disconnected at the city main, or alternate location approved in advance by the city's public works

director and/or city engineer, before demolition, remodeling, etc. takes place. Any water service to be permanently terminated is required to be disconnected at the main and capped off before any work occurs.

Sec. 36-45. Mains and appurtenances are city property; identification of property owner responsibility.

Sewer mains and any sewer appurtenances in public right-of-way are the property of the city, and all persons are prohibited from interfering with or otherwise altering any city sewer main facilities absent authorization from the city. The connection to the sewer main and all lines servicing a property are the responsibility of the property owner, and any repairs or maintenance thereto are the responsibility of the property owner.

Sec. 36-46. Gravity flow problems.

In all structures in which any building drain is too low to permit gravity flow to the municipal sewer, sanitary sewage shall be lifted by artificial means for discharge to the sewer service connection, subject to the approval of the city public works director or city engineer. Where installed, gravity flow measures shall be solely the responsibility of the property owner.

Sec. 36-47. Grease, oil and sand interceptors.

Pursuant to Minnesota Plumbing Code, Chapter 4715.1100, grease, oil and sand interceptors shall be provided when, in the opinion of a city inspector or the public works director, they are necessary for the proper handling of liquid waste containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients. Where installed, interceptors shall be maintained by the owner at his/her expense in efficient operation at all times. Any damage resulting from the improper maintenance of an interceptor shall be the responsibility of the property owner, including the cost of cleaning and repairing city lines. Any owner who fails to comply with an invoice for damages resulting from the improper maintenance shall be liable for paying the costs incurred by the city in enforcing this section including, without limitation, attorneys' fees.

Sec. 36-48. Deleterious and harmful substances.

No sewage, including industrial wastes, shall contain any substance which is deemed deleterious or harmful by the city to the operation of the sewer system or to any plant or facilities used in the treatment or disposal of such sewage. If a user of the sewer system discharges excessive loads or any deleterious or harmful substances which are likely to hinder or injuriously affect sewer operations, the user must discontinue the practice immediately, and is hereby declared to be in violation of this section. Each day of said violation continuing after having been notified in writing by the city administrator, public works director, or city engineer to discontinue such practice shall be deemed a separate violation.

Sec. 36-49. Unlawful discharge.

It is unlawful to discharge any of the following described wastes into the sewer system:

- (a) Liquids having a temperature higher than 150 degrees Fahrenheit.
- (b) Water or waste which contains more than 100 ppm by weight of fat, oil or grease.

- (c) Gasoline, benzene, fuel oil or any other flammable or explosive liquid, solid or gas.
- (d) Garbage or refuse.
- (e) Ashes, cinders, shavings, feathers, tar or other liquor or viscous substance capable of causing obstruction to the flow in the sewer system or other interference with the proper operation of the system.
- (f) Noxious or malodorous substances capable of creating a public nuisance.

Sec. 36-50. Inflow and infiltration; prohibited discharges of groundwater/stormwater into the sanitary sewer system.

No person shall discharge or cause to be discharged, directly or indirectly, any stormwater, surface water, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer. The city declares any such activity to be a public nuisance. Any person having a roof drain, sump pump, unauthorized swimming pool discharge, cistern overflow pipe or surface drain connected and/or discharging into the sanitary sewer shall disconnect and remove any piping or system conveying such water to the sanitary sewer system. Any owner of any property found to be in violation of this section shall make the necessary changes to comply with this division within 30 calendar days of receiving notification from the city, and such change shall be inspected and verified by authorized city employees or agents. A property that is found to be not in compliance with this section is subject to re-inspections by authorized city employees or agents to confirm that the property maintains continued compliance.

Existing buildings with sump pumps and all newly constructed buildings with sumps shall have a rigid discharge line permanently installed to the outside wall of the building. The discharge shall extend outside of the foundation and may not be pumped directly onto any public right-of-way unless approved by the city public works director or his/her designee. Any sump discharging to the city's stormwater system must also include a check valve. Sumps may not discharge water into the municipal sewer system at any time; nor may they be routed to discharge directly onto neighboring private property.

It shall be unlawful for any person to maintain a condition which violates the provisions of this section and each day that a person so maintains such a condition shall amount to a separate violation. Any person violating this section shall also be responsible for all costs incurred by the city as a result of the violation and in enforcement of this section including, without limitation, sampling and monitoring expenses and attorneys' fees.

Sec. 36-51. Connection and disconnection permit inspections; inspections with building permits.

Any property owner or consumer applying for a sewer connection or disconnection permit from the city shall agree to an inspection of the structure's sump pump, footing or foundation drain discharge and sanitary sewer service lateral for compliance with this section. No permanent occupancy for a new structure shall be issued without an inspection of compliance having been completed by either an authorized city public works staff member or by the city's building official. If a city building inspector is on a property for inspecting compliance with any building permit, the city inspector has the authority to also inspect the property for compliance with this section.

Sec. 36-52. Abandoned services penalties.

Whenever ordered by the city, all service installations connected to the sewer system that have been abandoned or, for any reason, have become useless for further service shall be disconnected at the main and capped. The owner of the premises served by this service shall pay the cost of the excavation. The city shall perform the actual disconnection, and all pipe and appurtenances removed from the street right-of-way shall become the property of the city. When new buildings are erected on the site of old ones, a new permit shall be taken out to connect to the sewer system; and when it is desired to increase the old sewer service, a main line tapping charge shall be paid as if the connection were a new service through the permitting process. It is unlawful for any person to cause or allow any service pipe to be hammered or squeezed together, or to otherwise cause or allow for the improper removal of such pipe from the main. Such improper disposition shall be corrected by the city, and the cost incurred shall be borne by the person causing or allowing such work to be performed. In addition to any specifically identified party responsible for improper abandonment of facilities, any improper abandonment shall also be attributable to the owner of the affected property.

Sec. 36-53. Industrial user sewer strength charges.

- (a) *Establishment of strength charges.* For the purpose of paying the costs allocated to the city each year by the Metropolitan Waste Control Commission (hereinafter "the Commission") which are based upon the strength of discharge of all industrial users receiving waste treatment services within or served by the city, there is hereby approved, adopted and established, in addition to the sewer charge based upon the volume of discharge, a sewer charge upon each such company or corporation based upon the strength of industrial waste discharged into the sewer system of the city (hereinafter "the strength charge").
- (b) *Establishment of a strength charge formula.* For the purpose of computing the strength charge established in this section, there is hereby established the same strength charge formula as is designated in Resolution No. 76-172 of the Commission, dated June 15, 1976, said formula being 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.
- (c) *Strength charge payment.* The strength charge established in this section shall be paid by each industrial user subject to such charge before the 20th day next succeeding the date of billing thereof by or on behalf of the city, and such payment shall be deemed to be delinquent if not paid to the billing entity before said date. If such payment is not paid before said date, an industrial user shall also pay interest compounded monthly at the rate of two-thirds of one percent per month on the unpaid balance due, in addition to any other delinquency charges required by this chapter.
- (d) *Establishment of a tax lien.* If payment of the strength charge established in this section is not paid before the 60th day next succeeding the date of billing thereof to an industrial user by or on behalf of the city, said delinquent charge, plus accrued interest pursuant to subsection (c) above, shall be deemed to be a charge against the owner, lessee or occupant of the property served, and the city administrator or city clerk shall certify such unpaid delinquent balance to the Hennepin County Auditor as a tax lien against the property served for collection as other taxes are collected. Such certification shall not preclude the city from recovery of said delinquent charge and interest thereon under any other available remedy.

Secs. 36-54 – 36-60. Reserved.

ARTICLE IV. STORM SEWER SYSTEM

Sec. 36-61. Drainage plan required.

In the development, improvement or alteration of land, the direction, quantity or quality of drainage shall not be changed unless plans for the development, improvement or alteration are submitted to the city engineer and, as applicable, the city's public works director, and are found to be in compliance with the city's stormwater management policies. Runoff shall be properly channeled into a storm drain, watercourse, ponding area or other public facility.

Sec. 36-62. Erosion and sediment control plan.

Prior to the issuance of a building or grading permit for any development, improvement or alteration of land, a plan for erosion and sedimentation control shall be presented with the site plan. The erosion and sedimentation control plan shall specify the measures to be used before, during and after construction until the soil and slope are stabilized by permanent cover. These control measures shall be maintained in good working order until site stabilization occurs. Failure to install or maintain any erosion control measures in accordance with the approved erosion and sediment control plan; or failure to have, allow, or satisfy required inspections; shall be grounds for stop work orders to be issued by the city administrator, public works director, or city engineer. Costs incurred by the city for engineering oversight of erosion control through the duration of a project's construction shall be the responsibility of the developer and/or permit holder.

Sec. 36-63. Approval.

Plans and provisions required for compliance with this article must be submitted to the city engineer and, as applicable, the city's public works director for approval.

Sec. 36-64. Stormwater drainage utility.

- (a) *Statutory authority.* Minn. Stat. §444.075 authorizes cities to impose just and reasonable charges for the use and availability of storm sewer facilities. By this article, the city elects to exercise such authority.
- (b) *Findings and determinations.* In providing for such charges, the findings and determinations set out in this section are made.
 - (1) The city has constructed, operated and maintained a storm sewer system in the exercise of its governmental authority and in order to promote the public's health, safety, convenience and general welfare.
 - (2) Every property owner in the city has the obligation to pay a proportionate share of the costs of the construction, reconstruction, repair, enlargement, improvement, maintenance, operation, and use of the storm sewer systems in the city that accommodate stormwater from the owner's property.
 - (3) Assigning costs and making charges based upon expected typical stormwater runoff cannot be done with mathematical precision, but can only be accomplished by applying a uniform policy.

- (c) *Excluded lands.* No charge for system availability or service shall be made against land which is a public or private street right-of-way; vacant and unimproved land with substantially all of its surface having vegetation as ground cover; or any land owned by the city.
- (d) *Establishing basic rate; stormwater utility charges.* The city's storm sewer utility, also referred to as the stormwater utility, charges will be established under a uniform policy in compliance with Minn. Stat. §444.075. Said stormwater utility charges shall follow a billing schedule to be determined and amended by resolution of the city council for inclusion in the city fee schedule, in accordance with section 36-13 of this chapter.

Sec. 36-65. Illicit discharge detection and elimination.

The purpose of this section is to provide for the health, safety, and general welfare of the city through the regulation of non-stormwater discharges to the storm drainage system as required by federal and state law. This section 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) process. Objectives are to regulate the contribution of pollutants to the MS4 by stormwater discharges by any user; to prohibit illicit connections and discharges to the MS4; and to establish legal authority to carry out all inspections, surveillance, and monitoring procedures necessary to ensure compliance with this section.

- (a) *Public nuisances.* All acts or failure to act by persons which may result in the degradation of the quality of surface and ground waters as well as public and private land resources is considered to be a public nuisance. In addition to the enforcement processes and penalties provided in this section, any condition caused or permitted to exist in violation of this section 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 addressed by a criminal action or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken. The following specific items are declared public nuisances:
 - (1) *Erosion and sedimentation.* The deposition of measurable amounts of soil by wind or water action into public road ditches, natural or man-made watercourses, wetlands, shorelands and water bodies or adjoining private properties is a public nuisance, provided such deposition is related to the failure of a landowner or property occupant to apply accepted soil erosion.
 - (2) *Deposition or disposal.* The deposition or disposal of any substance onto land or into a watercourse or water body which in its present or decomposed state may release nutrients or chemicals into ground and surface waters or otherwise impair water resources is a public nuisance. Such substances include, but are not limited to: fertilizers, pesticides, plant or animal parts or waste, garbage, refuse, construction or demolition material, sewage sludge, petrochemicals, toxic salts, and other hazardous materials.
 - (3) *Excavation and fill activities.* The excavation of any material from or placement of any fill material into any man-made or natural watercourse, wetland, lake, or other water body without necessary local, state or federal authorizations is a public nuisance.

- (b) *Prohibition of illegal discharges.* No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses 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 sewer system is prohibited, except as described below.
- (1) The following discharges are exempt from discharge prohibitions established by this section: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active ground water dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools if dechlorinated (typically less than one PPM chlorine), firefighting activities, and any other water source not containing pollutants.
 - (2) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
 - (3) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
 - (4) 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 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.
- (c) *Prohibition of illicit connections.* The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. 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 the connection. Any individual is considered to be in violation of this section if the individual connects a line conveying sewage to the MS4, or allows such a connection to continue.
- (d) *Suspension of MS4 access due to illicit discharges in emergency situations.* The city may, without prior notice, suspend MS4 discharge access when such suspension is necessary to stop an actual or threatened discharge which presents or may present an imminent and substantial danger to the environment, or the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.
- (e) *Suspension of MS4 access due to the detection of illicit discharge.* Any party discharging to the city's MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for reconsideration and a hearing before the city

council. An individual commits a violation if they reinstate MS4 access to premises terminated pursuant to this section without the prior approval of the city.

- (f) *Industrial or construction activity charges.* Any individual or party subject to an industrial or construction NPDES stormwater discharge permit shall comply with all provisions of the permit. Proof of compliance with said permit may be required in a form acceptable to the city prior to the allowing of discharges to the MS4.
- (g) *Monitoring of discharges.* This section applies to all facilities that have stormwater discharges associated with industrial and/or construction activity.
 - (1) The authorized enforcement agency shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance. If the discharger has security measures in force which require proper identification and clearance before entry onto its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
 - (2) Facility operators shall allow the authorized enforcement agency 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 an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
 - (3) The authorized enforcement agency shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The authorized enforcement agency 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.
 - (5) Any temporary or permanent obstruction to the 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 authorized enforcement agency and shall not be replaced. The costs of clearing such access shall be borne by the operator.
 - (6) Delays in allowing the authorized enforcement agency access to a permitted facility is a violation of a stormwater discharge permit and of this section. An individual who is the operator of the facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this section.
 - (7) If the authorized enforcement agency has been refused access to any part of the premises from which stormwater is/has been discharged, and the city is able to demonstrate probable cause to believe that there may be a violation of this section, 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 section or any order issued

hereunder, or to protect the overall public health, safety and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

- (h) *Requirement to prevent, control, and reduce stormwater pollutants by the use of Best Management Practices (BMPs).* The city will adopt requirements identifying Best Management Practices (BMPs) of any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any individual responsible for a property or premises which is, or may be, the source of an illicit discharge may be required to implement, at said individual's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with commercial or 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.
- (i) *Watercourse protection.* Every individual 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 impede or reduce 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.
- (j) *Notification of spills.* As soon as any individual responsible for a facility, property or operation, or responsible for emergency response for a facility, property 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 sewer system, or any water of the United States, said individual shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of a release of hazardous materials, said individual must immediately notify emergency services if the situation warrants, and must notify the city in person, by email or phone no later than the next business day. Notifications in person or by phone are required to be documented by the individual and submitted to the city in writing within three business days of the phone or in person 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, with said records to be retained on-site for at least three years.
- (k) *Enforcement, notice of violation.* Whenever the city finds that an individual or other party has violated a prohibition or failed to meet a requirement of this section, the authorized enforcement agency may order compliance by written notice of violation to the responsible individual. Such notice may require, without limitation:
 - (1) The performance of monitoring, analysis and reporting;
 - (2) The elimination of illicit connections or discharges;

- (3) That violating discharges, practices, or operations shall cease and desist;
 - (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (5) Payment of a fine to cover administrative and remediation costs; and
 - (6) The implementation of source control or treatment BMPs. 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.
- (l) *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 15 days of the decision of the city council upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency 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 or agent in possession of any premises to refuse to allow the city or its designated contractor to enter upon the premises for the purposes set forth above.
- (m) *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 the abatement, including administrative costs. The property owner may file a written protest objection to the amount of the assessment within 15 days. If the amount due is not paid within a timely manner as determined by the decision of the city, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any individual or party violating any of the provisions of this article shall become liability to the city by reason of such violation.
- (n) *Injunctive relief.* It shall be unlawful for any person or party to violate any provision or fail to comply with any of the requirements of this section. If any individual or party has violated and continues to violate the provisions of this section, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compel the individual to perform abatement or remediation of the violation.
- (o) *Compensatory action.* In lieu of enforcement proceedings, penalties, and remedies authorize by this section, the authorized enforcement agency may impose alternative compensatory actions upon a violator such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.
- (p) *Criminal prosecution; recovery of costs.* Any person that has violated or continues to violate this section shall be subject to criminal prosecution to the fullest extent of the law. The city may also recover all attorneys' fees, court costs, and other expenses associated with enforcement of this section including, without limitation, sampling and monitoring expenses.

Secs. 36-66 – 36-80. Reserved.

Section 3. This Ordinance shall be effective upon adoption and publication according to law.

Adopted by the City Council of the City of Long Lake this 19th day of September 2023.

Date of Adoption:	September 19, 2023
Date of Publication:	September 30, 2023
Effective Date:	September 30, 2023

BY:

Charlie Miner, Mayor

ATTEST:

Jeanette Moeller, City Clerk