CITY OF HANOVER
CHAPTER 9: WATER, SANITARY SEWER, AND STORM WATER

ADOPTED:
07/05/11 – Ordinance No. 2011-08

AMMENDED:
07/02/13 - Ordinance No. 2013-02
04/07/15 – Ordinance No. 2015-02
07/07/15 – Ordinance No. 2015-03
04/05/16 – Ordinance No. 2016-02
01/03/17 – Ordinance No. 2017-01

Water Utility

SEC. 9.01 DELEGATION

The water system and facilities of the City of Hanover shall be operated and controlled by the Hanover, Frankfort, St. Michael and Albertville Water and Sanitary Sewer Board ("Board"). All rules and regulations concerning City Water shall be governed by the Board, which provisions are hereby incorporated by reference as if fully set forth herein.

SEC. 9.02 EXCLUSIVE STATUS

No person, group, corporation, association, cooperative, partnership or anyone else may install a private water system where public water service is available without the express written permission of the Board. Said permission shall be granted when a private system is the only feasible alternative because the Board cannot offer service in the area sought to be served. Further, no competing service or persons shall offer water services or facilities to anyone within the boundaries of the Board covered by this Ordinance.

SEC. 9.03 WATER PERMIT

A. Definitions. For the purpose of this section, the following terms shall have the following meanings:

1. "Joint Powers Board" shall mean the Hanover, St. Michael, and Albertville Water Board.

2. "Person" shall mean any individual, group of individuals, partnership, corporation, or entity other than a political subdivision that is a member of the Joint Powers Board or any employee, officer, agent, or representative of the Joint Powers Board or any of its members, acting in the line of duty and/or on behalf of said Board and/or its members.

3. "Joint Powers Board Water" or "Water" shall mean water obtained from a hydrant or other water dispensing device owned and/or operated by, the Joint Powers Board, that is not controlled and/or operated by a Joint Powers Board customer.

B. Obtaining Water. Joint Powers Board water may be obtained subject to the following:

1. Any person desiring to take, use, or obtain Joint Powers Board water shall make application for a water permit to the Joint Powers Board, on a form to be provided by the Joint Powers Board. Each water permit

application shall be accompanied by a deposit set by the Joint Powers Water Board which shall be used to offset the cost of water obtained.

2. No water may be obtained unless a permit has been acquired therefore from the Joint Powers Board. No permit shall be issued until the applicant submits the required application and deposit to the Joint Powers Board.

3. No person shall obtain water from the Joint Power Board at any source other than the Pump House hydrant, located at 11100 50th Street N.E., Albertville, MN. Water may only be obtained from the Pump House hydrant when a back flow valve, provided by Joint Powers Board, is properly installed and used.

C. Violation. Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to the punishments set forth in the Minnesota Statutes and, shall also reimburse the Joint Powers Board for all costs incurred in remedying damage, including, but not limited to, contamination and "brown water", resulting from said violation. Each unauthorized taking of water shall constitute a separate offense. Conviction of a violation of this Ordinance shall not preclude the Joint Powers Water Board (or this political subdivision) from pursuing any other recourse available at law.

SEC. 9.04 SPRINKLING BAN AND RESTRICTED WATER USE

In case of an emergency or water supply shortage, as determined by the Joint Powers Water Board, the City may, by resolution, limit the times and hours during which water may be used for sprinkling, irrigation, car washing, air conditioning, or other specified uses. The City may prohibit lawn and garden watering between the hours of 10:00 AM and 6:00 PM and/or may require residents whose address ends in an even number, to water on even numbered days and residents whose address ends in an odd number, to water on odd numbered days. New sod and/or seeding is exempt from these restrictions during the first growing season.

The city shall require compliance with any or all of these restrictions, or any modification of, or addition to, the restrictions contained herein; whatever is deemed necessary by the Joint Powers Water Board and when directed to do so by the Board.

After publication of the resolution or two days after the mailing of the resolution to each customer, conviction of this violation shall be a petty misdemeanor as defined in the Minnesota statutes and each day will be considered a separate violation.

The Joint Powers Water Board may shut off water at the street following the third violation until such time as the property owner complies with the restrictions. A $25.00

shut off and $25.00 turn on fee will be added to the penalties.

SEC. 9.05 CHARGES

A. Imposition of Charges. The City of Hanover may impose just and equitable charges for the use and availability of, and connection to, water and /or sewer system facilities (hereinafter "Charges") to assist in the payment of costs for the construction, reconstruction, repair, enlargement, improvement, and maintenance of said facilities as incurred by the above-described Joint Powers Board (hereinafter "Facilities Work").

B. Calculation of Charges. In the event of City Council and the Joint Powers Board determines to impose Charges for Facilities Work, the appropriate Joint Powers staff and consultants shall develop a formula for the just and equitable imposition of the Charges related to said facilities Work done by or on behalf of the Joint Powers Board.

C. Notice of Intent to Impose Charges. Once a formula has been developed for the imposition of Charges, the Joint Powers Board shall set a specific date at which the proposed imposition will be discussed (hereinafter the "Imposition Meeting") and shall send notice of the date, time, place, and purpose of the meeting to those people on whom it is intended to impose such Charges. Anyone proposed to be charged pursuant to this Ordinance shall be permitted to present any information they deem applicable, to the Joint Powers Board at the Imposition Meeting. The Joint Powers Board may consider any information it deems relevant to the imposition of Charges, and adjust the formula , or amend the list of those properties upon which it is proposed to impose Charges, in any manner that results in a just and equitable imposition of said Charges.

D. Notice of Imposition of Charges. Once the Joint Powers Board has reviewed and weighed any information it deems relevant, it may, either at the Imposition Meeting, or at any other Joint Powers Board meeting, establish the Charges to be Imposed for the Facilities Work in question. And a corresponding list of properties against which said Charges are to be imposed. Upon the establishment of said Charges, the Joint Powers Board staff shall send, by certified mail, a Notice of Imposition of Charges to each property owner on whom said Charges are to be Imposed.

E. Objection Hearings. Upon receipt of a Notice of Imposition Charges, any property owner or person upon whom said Charges are to be imposed may request a hearing before the Joint Powers Board (hereinafter "Objection Hearing"). Any Objection hearing must be requested, in writing, within ten days of mailing the Notice of Imposition to the person to be charged. Failure to request a hearing, within said ten days, shall be deemed a waiver of that person's right to a hearing. Upon receipt of a written request for an Objection Hearing,

the Joint Powers Board staff shall set a date for said Hearing and notify, in writing, the person requesting the Hearing. Any person upon whom Charges are to be imposed may, at the Objection Hearing, present to the Joint Powers Board any information or evidence they believe will demonstrate the proposed Charges to be unjust or inequitable. In the event the Joint Powers Board determines that said Charges are unjust or inequitable, the Joint Powers Board shall take whatever action is necessary to cause said Charges to be just and equitable in their imposition.

F. Notice of Final Charges. In the event the ten days following mailing of Notice of Imposition expires without a request for an Objection hearing, or once the Joint Powers Board has heard and made its decision regarding all Objections Hearings, the Joint Powers Board staff shall send, by certified mail, a Notice of Final charges to each person who received a Notice of Imposition of Charges, informing them of the Joint Powers Board's decision regarding the property in which they have an interest.

G. Certification of Unpaid Charges to County Auditor. Pursuant to Minn. Stat. 444.075, the Joint Powers Board hereby authorizes the Joint Powers Board staff to certify any unpaid Charges imposed pursuant to this Ordinance, to the County Auditor for collection as other taxes. Each Notice sent to a person on whom the Joint Powers Board intends to impose Charges shall contain language informing them of the Joint Powers Board's ability to certify unpaid Charges pursuant to this Paragraph 7.

SEC. 9.06 RESPONSIBILITY OF SERVICE LINE

The water service line extending from the curb stop into the property is owned and maintained by the owner of the property serviced by such line. The property owner must bear all costs associated with installing, maintaining, and repairing the water service line to the water main between the building and the water main service stub; if no stub is present, the property owner is responsible for connecting to the water main in a location determined by the City. In the case of no stub, the property owner is then responsible for the service line between the building and the water main. The owner shall defend, indemnify, and hold harmless the City from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

Sanitary Sewer Utility

SEC. 9.07 DEFINITIONS

A. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall have the meanings hereinafter designated:

1. "Act" means the Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended 33 U.S.C. 1251 et seq.

2. "ASTM" means American Society for Testing Materials.

3. "Authority" means the City of Hanover, or its authorized representative thereof.

4. "BOD5 or Biochemical Oxygen Demand" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees Centigrade and as expressed in terms of milligrams per liter (mg/l).

5. "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning ten (10) feet outside of the building wall.

6. "Building Sewer" means the extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.

7. "City" means the area within the corporate boundaries of the City of Hanover as presently established or as amended by ordinance by other legal actions at a future time. The term "City" when used herein may also be used to refer to the City Council and its authorized representative.

8. "Chemical Oxygen Demand (COD)" means the quantity of oxygen utilized in the chemical oxidation of organic matter as determined by standard laboratory procedures, and as expressed in terms of milligrams per liter (mg/l).

9. "Compatible Pollutant" means biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS Permit if the treatment facilities are designed to treat such pollutants to a degree which complies with effluent concentration limits imposed by the permit.

10. "Control Manhole" means a structure specifically constructed for the purpose of measuring flow and sampling of wastes.

11. "Debt Service Charge" means a charge to users of the wastewater treatment facility for the purpose of repaying capital costs.

12. "Easement" means an acquired legal right for the specific use of land owned by others.

13. "Equivalent Residential Unit (ERU)" means a unit of wastewater volume of two hundred seventy-five (275) gallons per day at a strength not greater than NDSW.

14. "Fecal Coliform" means any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

15. "Floatable Oil" means oil, fat or grease in a physical state, such that it will separate by gravity from wastewater.

16. "Garbage" means animal or vegetable waste resulting from the handling, preparation, cooking, and serving of food.

17. "Incompatible Pollutant" means any pollutant that is not defined as a compatible pollutant (Sub. 9) including non-biodegradable dissolved solids.

18. "Industry means any non-governmental or non-residential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, categorized in Divisions A, B, D, E, and I.

19. "Industrial User"

    a. Any entity as defined in the Standard Industrial Classification Manual, latest edition, as categorized, that discharge wastewater to the sewer.

       Division A: Agricultural, Forestry and Fishing
       Division B: Mining
       Division E: Transportation, Communications, Electric, Gas, & Sanitary Sewers
       Division I: Services

    b. Any user whose discharges, singly or by interaction with other wastes:

i. Contaminate the sludge of the wastewater treatment system,
ii. Injure or interfere with the treatment process,
iii. Create a public nuisance or hazard,
iv. Have an adverse effect on the waters receiving wastewater treatment plant discharges,
v. Exceed NDSW limitations,
vi. Exceed normal residential unit volumes of wastewater.

20. "Industrial Waste" means gaseous, liquid, and solid wastes resulting from industrial or manufacturing processes, and processing of natural resources, as distinct from residential or normal domestic strength wastes.

21. "Infiltration/Inflow (I/I)" means waste other than wastewater that enters the sewer system from the ground or from surface runoff, as defined in Minnesota Rules.

22. "Interference" means the inhibition or disruption of the City's wastewater treatment facilities processes or operations which causes or significantly contributes to a violation of any requirement of the City's NPDES and/or SDS Permit. The term includes prevention of sewage sludge use or disposal by the City in accordance with published regulations providing guidelines under Section 405 of the Act or any regulations developed pursuant to the Solid Waste Disposal Act, or the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria applicable to the method of disposal or use employed by the City.

23. "MPCA" means Minnesota Pollution Control Agency.

24. "National Categorical Pretreatment Standards" means Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to be not susceptible to treatment by such treatment facilities or would interfere with the operation of such treatment facilities, pursuant to Section 307(b) of the Act.

25. "National Pollutant Discharge Elimination System (NPDES) Permit" means a permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Section 402 and 405 of the Act.

26. "Natural Outlet" means any outlet, including storm sewer and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.

27. "Non-Contact Cooling Water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added to the water is heat.

28. "Non-Residential Use" means a user of the treatment facility whose building is not used as a private residence, and discharges NDSW.

29. "Normal Domestic Strength Waste" means wastewater that is primarily introduced by residential users with a BOD5 concentration not greater than two hundred fifty (250) mg/l and a suspended solids (TSS) concentration not greater than two hundred fifty (250) mg/i.

30. "Operation, Maintenance and Replacement Costs (OM&R)" means expenditures necessary to provide for the dependable, economical and efficient functioning of the treatment facility throughout its design life, including operator training, and permit fees. Replacement refers to equipment replacement costs, not the cost of future replacement of the entire facility.

31. "Person" means any individual, firm company, association, society, corporation, or group.

32. "pH" means the logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.

33. "Pre-Treatment" means the treatment of wastewater from industrial sources prior to the introduction of the waste effluent into publicly owned treatment facilities (see Sub. 23).

34. "Properly Shredded Garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch (1.27 cm) in any dimension.

35. "Residential User" means a user of the treatment facility whose building is used primarily as a private residence and discharges NDSW.

36. "Sewage" means the spent water of a community. The referred term is wastewater.

37. "Sewer" means a pipe or conduit that carries wastewater or drainage water.

    a. "Collection Sewer" means a sewer whose primary purpose is to collect wastewater from individual point source discharges and

connections.

b. "Combined Sewer" means a sewer intended to serve as a sanitary sewer and a storm sewer.

c. "Force Main" means a pipe in which wastewater is carried under pressure.

d. "Interceptor Sewer" means a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

e. "Private Sewer" means a sewer which is not owned and maintained by a public authority.

f. "Public Sewer" means a sewer owned, maintained and controlled by a public authority.

g. "Sanitary Sewer" means a sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm and surface waters which are not intentionally admitted.

h. "Storm Sewer or Storm Drain" means a drain or sewer intended to carry storm waters, surface runoff, ground water, sub-surface water, street wash water, drainage, and unpolluted water from any source.

38. "Sewer Service Charge" means the total of the User Charge and the Debt Service Charge.

39. "Shall" is mandatory, may is permissive.

40. "Significant Industrial User" means any industrial user of the wastewater treatment facility who:

a. Is subject to or potentially subject to national categorical pre-treatment standards promulgated under Section 307(b) or (c) of the Act;

b. Has as its wastes toxic pollutants as defined pursuant to Section 307(a) and Section 502 of the Act;

c. Has a non-domestic flow of twenty-five thousand (25,000) gallons or more per average work day;

d. Is determined by the treatment authority to have a significant impact or potential for significant impact, either singly or in combination with other contributing industries, on the wastewater treatment facilities, the quality of sludge, the facilities' effluent quality, or air emissions generated by the new system.

41. "Slug" means any discharge of water or wastewater which in concentration of any given constituent, or in the quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment facilities.

42. "State Disposal System (SDS) Permit" means any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to Minnesota Statutes 115.07 for a disposal system as defined by Minnesota Statutes 115.01, Subdivision 8.

43. "Suspended Solids (SS) or Total Suspended Solids (TSS)" means the total suspended matter that either floats on the surface of, or is in suspension of water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in Standard Methods for the Examination of the Water and Wastewater, latest edition, and referred to as non-filterable residue.

44. "Toxic Pollutant" means the concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects as defined in standards issued pursuant to Section 307(a) of the Act.

45. "Unpolluted Water" means water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities (see Sub. 29).

46. "User" means any person who discharges or causes or permits the discharge of wastewater into the City's wastewater treatment facilities.

47. "User Charge" means a charge to users of a treatment facility for the user's proportionate share of the cost of operation and maintenance, including replacement.

48. "Wastewater System Operator" means the official of the City designated by the City Council and certified to operate the wastewater system.

49. "Wastewater Treatment Facilities or Treatment Facilities" means an arrangement of any devices, facilities, structures, equipment, or processed owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, out fall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

50. "Watercourse" means a natural or artificial channel for the passage of water, either continuously or intermittently.

51. "WPCF" means the Water Pollution Control Federation.

SEC. 9.08 CONTROL BY THE WASTEWATER SYSTEM OPERATOR

The Wastewater System Operator shall have control and general supervision of all public sewers and service connections in the City and shall be responsible for administering the provisions of this Ordinance to the end that a proper and efficient public sewer is maintained. The authorized representative may delegate responsibilities to designated representatives.

SEC. 9.09 USE OF PUBLIC SEWERS REQUIRED

A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under jurisdiction, any human or animal excrement, garbage or objectionable waste except for the spreading of manure for agricultural related uses.

B. It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and the City's NPDES/SDS Permit.

C. Except as provided hereinafter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

D. The owner(s) of all houses or buildings constructed after March 2, 1999, shall be required at the owner(s)' expense to install an approved service connection to the public sewer in accordance with the provisions of this Ordinance and as required to obtain a building permit from the City. The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes from which wastewater is discharged, and which is situated within the City, and which is not presently connected to the public sewer, and which utilizes a private septic system, may pump said septic system and/or make routine maintenance of said private septic system, but shall not upgrade, or replace said private septic system and instead shall, within thirty (30) days' written notice from the Wastewater System Operator; or before the sale of such property; be required at the owner(s)' expense to install an approved service connection to the public sewer in accordance with the provisions of this Ordinance.

E. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under 9.08 (D) of this Ordinance, the City will undertake to have said connection made and shall assess the cost thereof against the benefited property. Such assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the Auditor of the County of Wright or Hennepin, Minnesota and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City shall be in addition to any remedial or enforcement provisions of this Ordinance.

F. Except as provided hereinafter, it shall be unlawful to construct or maintain any private facility intended or used for the disposal of wastewater.

SEC. 9.10 INDIVIDUAL SEWAGE TREATMENT SYSTEMS

A. Where a public sewer is not available under the provisions of 9.08 (D), the building sewer shall be connected to an individual sewage treatment system complying with the provisions of this Section.

B. The purpose of this section shall be to provide minimum standards for and regulation of individual sewage treatment systems (ISTS) and septic disposal including the proper location, design, construction, operation, maintenance and repair to protect surface water and ground water from contamination by human sewage and waterborne household and commercial waste; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes Chapters 115 and 145A and Minnesota Rules Chapter 7080, as amended, that may pertain to sewage and wastewater treatment.

C. It is unlawful for any person to construct, maintain, or use any wastewater

treatment system regulated under this ordinance that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted by the MPCA under the National Pollutant Discharge Elimination System program.

D. The City hereby adopts, by this reference, Minnesota Rules Parts 7080 and 7081, as now constituted and from time to time amended.

E. On all lots created after January 23, 1996 and on all lots which are existing on January 23, 1996, and all undeveloped lots shall have a minimum of two (2) soil treatment and dispersal areas that can support trenches, seepage beds, mounds, and at-grade systems as described in Minn. Statute 7080.2200 through 7080.2230, 7080.2260, or site conditions described in 7081.0270, Subp. 3 through 7. For the creation and division of new lots, verification by soil borings located on a plan must be submitted establishing that this requirement can be met. All soil treatment areas shall be protected before, during and after construction on the lot. The method of protection of the additional soil treatment area shall be approved by the Building Official and may include, but is not limited to, such things as snow fencing, permanent fencing and silt fencing. No building permit shall be issued for construction on any property within the City until at least two (2) soil treatment areas have been identified and protected on all parcels for which a building permit is applied for.

F. All design, installation, alteration, repair, maintenance, operation, pumping, and inspection activities for SSTS located in the City must be completed by a business licensed by the state under Minn. R. ch. 7083, an appropriately certified qualified employee, or a person exempted under Minn. R. 7083.0700, subps. 1(A), (C), (D), (F), (G), (H) and (I). Individuals exempt from a state SSTS license under Minn. R. 7083.0700, subps. 1(A), (C), (D), (F), (G), (H) and (I) must follow all applicable local, state, and federal requirements. Property owners that employ a business to perform this work must hire a business that is licensed in accordance with Minn. R. ch. 7083.

G. No person shall install, alter, repair or extend any individual sewage treatment system in the City without first applying for and obtaining a permit from the City's building inspector and at the same time paying a fee as listed on the permit. Such permit shall be valid for six (6) months from the date of issuance. A management plan is required for all new or replacement ISTS. The management plan shall be submitted by the designer to the City before issuance of an ISTS permit. Management plans shall include requirements as listed in Minn. Statute 7082.0600, Subp. 1(B) and other requirements as determined by the City Building Official.

H. <u>Maintenance Report.</u>

a. Licensed maintenance businesses must abide by the requirements

described in Minn. R. 7083.0770, subp. 2. All written reports required by Minn. R. 7083.0770, subp. 2 must be provided to the homeowner and the Health Authority within 30 days after any maintenance work is performed. SYSTEMS NOT OPERATED UNDER A MANAGEMENT PLAN. Owners of SSTS that are not operated under a management plan or operating permit must inspect treatment tanks and remove solids if needed every three years. Solids must be removed when their accumulation meets the limit described in Minn. R. 7080.2450.

I. Compliance Inspection Required.

a. A compliance inspection of the existing ISTS shall be required, and a certificate of compliance or noncompliance shall be submitted to the City when the following are present:

i. An application for any type of building or land use permit is made and the property falls within a designated Shoreland Management Overlay District.

ii. Receipt of information of a potential ISTS failure or imminent health threat.

iii. An additional bedroom on the property is requested. If a request for an additional bedroom is received between November 1 and April 30, a building permit shall be issued with the contingent requirement that a compliance inspection shall be completed by the following June 1 and a certificate of compliance is submitted to the City by September 30.

iv. Any addition or remodel of a licensed food, beverage, or lodging establishment or any other establishment where the ISTS design flow may be effected.

J. Non-Conforming Systems

a. A system found to be non-conforming due to design, failure or pollution hazards shall have remedial action required within a reasonable period of time as follows:

1. Septic tanks requiring pumping shall be pumped within forty-eight (48) hours, from receipt of notice. Septic tank pumpers shall submit a copy of the pumping receipt to the City Office.

2. A failed ISTS shall be upgraded, replaced or repair in compliance with Minnesota Rules Chapter 7080.0060, as applicable within one (1) year from the date of notice that the system has failed.

The City will give consideration to weather as compliance dates are established.

3. The owner of an ISTS posing an imminent threat to public health or safety may be ordered to seize the discharge by means of capping the outlet pipe from the tank immediately after inspection. The system must be upgraded, replaced or repaired within six (6) months.

4. The owner shall submit to the City an acceptable Replacement Plan within twenty (20) days after notification by the City. The Replacement Plan shall identify the location and design of the ISTS and a schedule for its replacement. Failure to submit and execute an acceptable Replacement Plan is a violation of the chapter.

K. Minimum Setback Distances.

a.	Any water well supply	50 feet
b.	Water under pressure	10 feet
c.	Wetlands	50 feet
d.	Property lines	10 feet

L. More Restrictive Standards.

a. The Counties of Hennepin and Wright have adopted ordinances regulating ISTS, and where those ordinances may be more restrictive, those more restrictive requirements shall apply.

b. Septic tank capacity for residential ISTS shall be a minimum of two (2) one thousand (1,000) gallon tanks for a residence containing three (3) bedrooms or less. For each additional bedroom, capacity shall be increased by two hundred fifty (250) gallons per tank, per bedroom.

c. Absorption area requirements for residential ISTS shall be a minimum of six hundred fifty (650) square feet for a residence containing three bedrooms or less. For each additional bedroom, the absorption area shall be increased by two hundred (200) square feet per bedroom.

d. Holding tanks may be used for the following applications only after it can be shown conclusively by the property owner that a SSTS permitted under this ordinance cannot be feasibly installed:

1. As a replacement for an existing failing ISTS

2. For an ISTS that poses an imminent threat to public health or

safety

3. For use with buildings with limited water use

e. Alternative and experimental systems are allowed only in areas where the City Building Inspector official has determined that a standard system cannot be installed or is not the most suitable treatment. The installation of an alternative or experiment system shall be installed only after approval by the City Council, and such approval shall not be construed as a warranty in any way of that system. The City, its employees, and/or any other designated official acting on behalf of the City shall not be held responsible in any manner for the failure of such system.

M. Separation Allowances

a. **ISTS built before April 1, 1996,** outside of areas designated as shoreland areas, wellhead protection areas, or ISTS providing sewage treatment for food, beverage, or lodging establishments must have at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock. The vertical separation measurement shall be made outside the area of system influence in an area of similar soil.

b. **ISTS built after March 31, 1996**, or ISTS located in a shoreland area, wellhead protection area, or serving a food, beverage, or lodging establishment as defined under Minn. R. 7080.1100, subp. 84 must have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Unless otherwise determined by the Health Authority, existing systems that have no more than a 15 percent reduction to the minimum required 36 inch separation distance are considered compliant. (i.e., a separation distance no less than 30.6 inches). This reduction is to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics. The vertical separation measurement shall be made outside the area of system influence in an area of similar soil.

N. Variances

a. Variances to wells and water supply lines require approval from the Minnesota Department of Health. The City may grant variances to the technical standards and criteria of Minnesota Rules, Chapter 7080 or this Ordinance. However, the City is prohibited from granting variances to:

1. Minn. R. 7080.2150, subp. 2.

2. Minn. R. 7081.0080, subps. 2 to 5, however, variances may be granted to Minn. R. 7081.0080, subp. 4(D)(1) for the replacement of MSTS serving existing dwellings or other establishments.

3. Flow determinations under Minn. R. 7081.0110 if the deviation reduces the average daily flow from more than 10,000 gallons to 10,000 gallons per day or less.

All requests for a variance shall be requested in writing to the City on forms approved by the City.

O. Abandonment of Systems

a. An ISTS must be properly abandoned when the parcel is connect to City Sanitary Sewer or according to Minn. Statute 7080.2500. If the individual abandoning an ISTS is not a licensed ISTS professional, the abandonment must be inspected by a licensed inspector. A state abandonment document must be submitted to the City within ninety (90) days of abandonment.

P. ISTS in Flood Plains

a. ISTS shall not be located in a floodway or flood fringe, and whenever possible location in such an area shall be avoided. If no option to place an ISTS outside of such area, location within a floodway or flood fringe is allowed if the requirements of Minn. R. 7080.2270 and all relevant requirements are met.

Q. Operating Permits

a. ISTS specified in parts 7080.2290, 7080.2350, 7080.2400, and Chapter 7081 requires an operating permit and shall include 7082.0600, Subp. 2 and other requirements as determined by the permitting authority. The operating permit for new SSTS and MSTS will be issued in tandem with the construction permit for the new system. Operating permits when needed for existing systems and or system repair will be issued as separate permits. Any additional fees for operating permits will be listed in the fee schedule determined by the City Council.

R. Class V injection wells**.**

a. All owners of new or replacement SSTS that are considered to be Class V injection wells as defined in the Code of Federal Regulations, title 40, part 144, are required to submit SSTS inventory information to the United States Environmental Protection Agency and the MPCA. Owners are also required to identify all Class V injection wells in property

transfer disclosures.

S. Disputes.

a. If a documented discrepancy arises in the depth of the periodically saturated soil between licensed businesses for ISTS design or compliance purposes, all disputing parties must follow the procedure outlined in this subpart:

i. The disputing parties must meet at the disputed site in an attempt to resolve differences.

ii. If the provision does not resolve the differences then:

1. Obtain an opinion from a Minnesota licensed professional soil scientist who is a certified ISTS designer or inspector and who is independent of, and agreed upon by, both parties.
2. If opinions rendered do not resolve the dispute, all initial and follow-up documents and information generated must be submitted to the City. The City shall take into consideration all information and opinions rendered and make a final judgement. The City shall render findings of fact, conclusions of law, and findings setting forth the reasons for any final decision it renders.

b. If a documented discrepancy arises on the depth of the periodically saturated soil between an IST licensed business and the City for ISTS design or compliance purposes, all disputing parties shall follow the procedure outlined in this subpart:

i. A representative of the City and the licensed business must meet and the disputed site in an attempt to resolve differences.

ii. If the provision does not resolve differences, the the ISTS licensed business may obtain an opinion from a Minnesota licensed professional soil scientist who is a certified ISTS designer or inspector and who is independent of, and agreed upon by, both parties.

iii. If still unresolved, the City shall take into consideration all information and opinions rendered and make final judgment. The City shall render findings of fact, conclusions of law, and findings setting forth the reasons for any final decisions they render.

c. Upon resolutions of disputes, amendments to initial disputed documents containing the resolution shall be made and submitted to the City and all other parties involved.

T. Hydraulic Load Rating and ISTS Sizing

a. Table IX from Minn. R. 7080.2150, subp. 3(E) entitled Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions and Table IXa from Minn. R. 7080.2150, subp. 3(E) entitled Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Percolation Tests and herein adopted by reference shall both be used to size SSTS infiltration areas using the larger sizing factor of the two for SSTS design.

U. Enforcement.

a. Any person who violates any of the provisions of this Section, or who makes false statement on a certificate of compliance, shall be guilty of a misdemeanor, punishable by imprisonment or a fine of both as defined by law.

b. In the event of a violation of this Section, in addition to other remedies, the City Attorney may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations.

c. No building permit, certificate of occupancy, license or other permit shall be issued for the construction upon use or occupation of any parcel of property within the City of Hanover unless the requirements of this Ordinance are met with respect to said parcel of property.

SEC. 9.11 BUILDING SEWERS AND CONNECTIONS

A. No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. Permits and applications therefore shall be available in the offices of the City Clerk.

B. Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of the building to be connected, and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.

C. There shall be two (2) classes of building sewer permits:

a. For residential and commercial service; and

b. For service to establishments producing industrial wastes.

In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the City. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

D. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

E. Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to, capacity or flow, BOD5 and suspended solids, as determined by the City Council.

F. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, driveway or yard. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.

G. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Wastewater System Operator to meet all requirements of this Ordinance.

H. The size, slopes, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench shall all conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the City. In the absence of code provisions, or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice NO. 9., shall apply.

I. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

J. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff of ground water to a building sewer or indirectly to the wastewater treatment facilities.

K. The connection of the building sewer into the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the ASTM and the WPCS Manual or Practice No. 9. All such connections shall be made gas tight and water tight to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the City prior to installation.

L. The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the Wastewater System Operator.

M. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work, shall be restored in a manner satisfactory to the City.

N. The fee for making service connections shall be as set by City Council resolution from time to time. All permits for connection to the public sewer shall expire sixty (60) days after the date of the permit unless suspended or revoked prior thereto by the Council for cause.

O. The Council may suspend or revoke any permit issued for connection to the public sewer under this section or for any of the following causes:

a. Giving false information in connection with the application for a permit.
b. Incompetence of the person applying for the permit.
c. Willful violation of any provisions of this section or any rule or regulation pertaining to the making of service connections.
d. Failure to adequately protect and indemnify the City and the user. \

P. Construction of garages from one and two family residences have the option of a garage drain which discharges to daylight. Running the floor drain “to daylight” means the liquid waste from the garage drain would discharge onto the ground surface outside the garage. The liquid waste could not discharge into surface water or otherwise leave the property where it was generated. The following conditions must be met:

1. No commercial or industrial use of the garage.
2. No discharge can be disposed of on-site, either through drywells or on-site sewage treatment systems.

3. No discharge into surface water or surface depression which leads to surface water such as swales, ditches, and tile lines.
4. Discharged water must not cross property lines.
5. Discharged are must remain clearly visible.

SEC. 9.12 USE OF PUBLIC WASTEWATER TREATMENT FACILITIES

A. No person(s) shall discharge or cause to be discharged by unpolluted water such as storm water, ground water, roof runoff, surface drainage or non-contact cooling water to any sanitary sewer.

B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the City and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the City and upon approval and the issuance of a discharge permit by the MPCA.

C. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes into any public sewers:

a. Any liquids, solids, or gases which my reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater treatment facilities or to the operation of the system. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

b. Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, tissues, paunch manure, hair, hides or paper cups, milk containers, etc., either whole or ground by garbage grinders.

c. Any wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment facilities.

d. Any wastewater containing toxic pollutants in sufficient quantity, either alone or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater treatment

facilities. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act, and Minnesota Statutes 115.01, Subdivision 14.

D. The following described substances, materials, waters, or wastes shall be limited in discharges to the wastewater treatment facilities to concentrations or quantities which will not harm either sewers, the treatment facilities treatment process or equipment, will not have an adverse effect on the receiving stream and/or soil, vegetation and ground water, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The City may set limitations lower than limitations established in the regulations below if, in its opinion, such more severe limitations are necessary to meet the above objectives. In forming its opinion as to the acceptability of wastes, the City will give consideration to such factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, the City's NPDES and/or SDS Permit, capacity of the treatment plant, degree of treatability of wastes in the treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Wastewater System Operator are as follows:

a. Any wastewater having a temperature greater than 150 degrees F (65.6 C), or causing, individually or in combination with other wastewater, the effluent at the treatment facilities to have a temperature exceeding 104 degrees F (40 C), or having heat in amounts which will inhibit biological activity in the treatment facilities resulting in interference therein.

b. Any wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees F and 150 degrees F (0 C and 65.6 C), and any wastewater containing oil and grease concentrates of mineral origin of greater than 100 mg/l, whether emulsified or not.

c. Any quantities of flow, concentrations, or both which constitute a "slug" as defined herein (see 207.01, Sub. 36).

d. A discharge of water or wastewater which in concentration or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average 24-hour concentration of flows during normal operation.

e. Any garbage not properly shredded, as defined in 207.01, Sub. 31. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food on

the premises or when served by caterers.

f. Any noxious or malodorous liquids, gases, or solids which either alone or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.

g. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

h. Non-contact cooling water or unpolluted storm, drainage or ground water.

i. Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that would cause disruption with the wastewater treatment facilities.

j. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Wastewater System Operator in compliance with applicable state or federal regulations.

k. Any waters or wastes containing arsenic, total chromium, copper, zinc, cadmium, cyanide, lead, mercury, nickel, silver and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the treatment works exceeds the limits established by the Wastewater System Operator for such materials.

l. Any waters or wastes containing BOD5 or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the treatment facilities, except as may be permitted by specific written agreement subject to the provisions of this Chapter.

m. Waters or wastes containing substances which are not amenable to treatment or recution by the wastewater treatment process employed, or are amenable to treatment only to such degree that the effluent cannot meet the requirements or otherwise causes a violation of any statute, rule, regulations, or ordinance of any regulatory agency, or state or federal regulatory body having jurisdiction over discharge into the receiving waters.

E. If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated

in Sub. 3 and 4 of this section, and/or which in the judgment deleterious effect upon the treatment facilities, processes, or equipment, receiving waters and/or soil, vegetation, and ground water, or which otherwise create a hazard to life or constitute a public nuisance, the City may:

a. Reject the wastes,

b. Require pre-treatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act and all addenda thereof.

c. Require control over the quantities and rates of discharge, and/or,

d. Require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer charges.

If the City permits the pre-treatment or equalization of waste flows, the design, installation, and maintenance of the facilities and equipment shall be made at the owner's expense and shall be subject to the review and approval of the City pursuant to the requirements of the MPCA.

F. No user shall increase the use of process water, or in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in Sub. 3 and 4 of this Section, or contained in the National Categorical Pre-Treatment Standards or any state requirement.

G. Where pre-treatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by and at the expense of the owner(s).

H. Grease, oil and sand interceptors shall be provided when, in the opinion of the Wastewater System Operator, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified Section 4(b), any flammable wastes as specified in Section 3(a), sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Wastewater System Operator. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm.

I. Where required by the City, the owner of any property serviced by a building

sewer carrying industrial wastes shall install a suitable structure, or control manhole, with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of wastes. Such structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The structure shall be installed by the owner at his expense and shall be maintained by the owner so as to be safe and accessible at all times.

J. The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the City, be required to provide laboratory measurement, tests, analyses of waters or wastes to illustrate compliance with this Ordinance and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with federal, state and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the City at such times and in such manner as prescribed by the City. The owner shall bear the expense of all measurement, analyses and reporting required by the City. At such times as deemed necessary, the City reserves the right to take measurements and samples for analysis by an independent laboratory.

K. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Wastewater System Operator.

L. Where required by the City, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this Ordinance. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Wastewater System Operator for review and approval prior to construction of the facility. Review and approval of such plans and operating procedures shall not relieve any user from responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance. Users shall notify the Wastewater System Operator immediately upon having a slug or accidental discharge of substance of wastewater in violation of this Ordinance to enable countermeasures to be taken by the Wastewater System Operator to minimize damage to the treatment facilities. Such notification will not relieve any user of any liability for any expense, loss or damage to the treatment facilities or treatment process, or for any fines imposed on the City on account thereof under

any state and/or federal law. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a slug or accidental discharge. Employers shall ensure that all employees, who may cause or discover such a discharge, are advised of the emergency notification procedure.

M. No person having charge of any building or other premises, which drains into the public sewer, shall permit any substance or matter which may forma deposit or obstruction of flow to pass into the public sewer. Within thirty (30) days after receipt of written notice from the City, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same, and perform such other work as the Wastewater System Operator may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of thirty (30) days, the Wastewater System Operator may cause such work to be completed at the expense of the owner or representative thereof.

N. Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause such work to be done and the Wastewater System Operator may direct. Each day after thirty (30) days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Wastewater System Operator may then cause the work to be done, and recover from such owner or agent the expense thereof by an action in the name of the City.

O. The owner and operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times, a catch basin or waste trap in the building drain system to prevent grease, oil, dirt or any mineral deposit from entering the public sewer system.

P. In addition to any penalties that may be imposed for violation of any provision of this section, the City may assess any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge of prohibited wastes by such person, and may collect such assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the City.

Q. No statement contained in this section shall be constructed as preventing any special agreement or arrangement between the City of Hanover and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern, providing that National Categorical Pretreatment Standards and the City's NPDES and/or State Disposal System Permit limitations are not violated.

SEC. 9.13 DAMAGE TO SYSTEM

No person(s) shall willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the wastewater treatment facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

SEC. 9.14 THE SEWER SERVICE CHARGE SYSTEM

A. The City of Hanover hereby establishes a sewer system. All revenue collected from users of the wastewater treatment facilities will be used for annual operation, maintenance, replacement, and capital costs. Each user shall pay a proportionate share of operation, maintenance and replacement costs based on the user's proportionate contribution to the total wastewater loading.

Charges to users of the wastewater treatment facility shall be determined and fixed in a Sewer Service Charge System (SSCS) developed according to the provisions of this Ordinance. The SSCS adopted by resolution upon enactment of this Ordinance shall be published in the local newspaper and shall be effective upon publication. Subsequent changes in the sewer service rates and charges shall be adopted by Council resolution and published in the local paper.

Revenues collected through the SSCS shall be deposited in a separate fund known as the Sanitary Sewer Enterprise Fund (SSEF).

B. The community of Hanover hereby establishes a Sanitary Sewer Enterprise Fund as an income fund to receive all revenues generated by the SSCS and all other income dedicated to the wastewater treatment facility.

The SSF administered by the City shall be separate and apart from all other accounts. Revenue received by the SSF shall be transferred to the following accounts established as income and expenditure accounts.

a. Operation and Maintenance

b. Equipment Replacement

c. Debt Retirement for the Treatment Facility (if any)

C. Administration of the Sewer Service Fund.

The City Clerk shall maintain a proper system of accounts and records suitable for determining the operation, maintenance, replacement (OM&R) and debt retirement costs of the treatment facilities, and shall furnish the Council with a

report of such costs annually.

At that time, the Council shall determine whether sufficient revenue is being generated for the effective management of the facilities and debt retirement. The Council will also determine whether the user charges are distributed proportionately. If necessary, the SSCS shall be revised to insure proportionality of user charges and sufficient funds.

In accordance with state requirements, each user will be notified annually in conjunction with a regular billing of that portion of the sewer service charge attributable to OM&R.

Sewer service charges shall be billed on a monthly basis. Any bill not paid in full fifteen (15) days after the due date will be considered delinquent. At that time, the user will be notified regarding the delinquent bill and subsequent penalty. The penalty shall be the same as the penalty established by the Joint Powers Water Board for unpaid water bills, and shall be imposed for every month the bill is outstanding.

SEC. 9.15 POWERS AND AUTHORITY OF INSPECTORS

A. The Wastewater System Operator or other duly authorized employee(s) of the City, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling, testing, repair and maintenance, pertinent to the discharges to the City's sewer system in accordance with the provisions of this Ordinance.

B. Industrial users shall be required to provide information concerning industrial processes, which have a direct bearing on the type and source of discharge to the collection system. An industry may withhold information considered confidential. However, the industry must establish that the information in question might result in an advantage to competitors and that the industrial process does not have deleterious results on the treatment process.

C. The Wastewater System Operator or other duly authorized employee(s) of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

SEC. 9.16 PENALTIES

A. Upon determination that a user has violated or is violating applicable provisions of this Ordinance or related permit, the City may issue a Notice of Violation. Within thirty (30) days of such notification, the violator shall submit to the City an adequate explanation for the violation and a plan for the correction and prevention of such occurrences, including specific actions required. A submission of such a plan in no way relieves the violator of liability for any violations occurring before or after the Notice of Violation.

B. Any violation is subject to a fine not exceeding $1,000.00. Each day in which any such violation occurs shall be deemed as a separate offense. Such fines may be added to the user's next sewer service charge, and will hence be subject to the same collection regulations as specified in 9.12 (C) of this section. Users desire to dispute a fine must file a request for the City to reconsider within thirty (30) days of the issuance of the fine. If the City believes that the request has merit, a hearing on the matter shall be convened within thirty (30) days of receipt of the request.

C. To collect delinquent sewer service charge accounts, the City may file a civil action suit or levy a lien against the violator. The violator shall also be responsible for payment of the City's attorney fees and expenses incurred. The violator shall be liable for interest on all balances at a rate of eighteen (18) percent annually.

D. Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation, including attorneys, fees and court costs.

SEC. 9.17 RESPONSIBILITY OF SERVICE LINE

The sanitary sewer service line extending from the sanitary sewer main into the property is owned and maintained by the owner of the property serviced by such line. The property owner must bear all costs associated with installing, maintaining, and repairing the sanitary sewer service line to the sanitary sewer main between the building and the sanitary sewer main. If no service stub is present, the property owner is responsible for connecting to the sanitary sewer main in a location determined by the City. The owner shall defend, indemnify, and hold harmless the City from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

Partial or Incomplete Connections to Water and Sewer Utilities

SEC. 9.18 PARTIAL OR INCOMPLETE CONNECTION TO WATER AND SEWER UTILITIES

A. Purpose. The purpose of this Ordinance is to address the issue of water and sewer services to individual properties that are partial or incomplete connections. A property owner or contractor that has or wishes to run a new, incomplete line or partial connection for any reason should abide by this policy. Specific examples of partial or incomplete connections are

1. water line has been run into the house but has not connected or in use;

2. sewer line has been run into the house but not connected or in use;

3. water or sewer line run partially across property; or

4. connection to municipal water but desire to continue use of well for main water supply.

B. New Service Hookups. Any partial connection attempted or desired after the adoption of this policy will not be allowed and must complete the hook-up and abandon all associated private services and be subject to any penalties and/or fees included. In this situation, the property owner and/or contractor will abide by all of the following statements in this policy.

1. Any connections following the adoption of this policy shall be fully connected, inspected, and approved for use.

2. Lack of familiarity with this policy does not waive a customer's obligations under this policy.

3. Any connection to the City water where there is an existing well shall properly abandon or disconnect the well from any connections to the potable water system and be inspected by a representative of the City and/or Joint Powers Water Board.

4. Upon connection to sanitary sewer, the private septic system must be properly abandoned and inspected by a representative of the City.

5. The property owner shall be solely responsible for paying any fees and applying for the appropriate permits in association with the connection(s).

6. No connection shall be made without the proper inspections in accordance with the City, Joint Powers Water Board, and/or Engineering specifications.

7. All connections shall be made in accordance with the specifications of the City and/or Joint Powers Water Board Engineer, as well as the Minnesota Department of Health and State of Minnesota Plumbing Code.

8. The property owners shall be solely responsible for any regular bills that are associated with connecting to the said service and are established at the time of inspection. Example: lines are run into the structure or property with or without meter or internal plumbing completed.

C. Partial or Incomplete Water or Sewer Connections on Existing Properties **Prior** to Adoption of this Ordinance.

Any property with a partial or incomplete water or sewer connection prior to adoption of this Ordinance shall meet the following requirements.

1. The property owner shall be solely responsible for paying any fees and applying for all appropriate permits in association with the connection(s).

2. The property owner shall guarantee that the unfinished connection is completely and properly sealed and in no way is connecting to the property's primary water and/or sewer source.

3. The property owners shall allow the City and/or the Joint Powers Water Board to inspect the connection to guarantee continued sealment annually and/or at random until the connection is completed.

4. The property owner shall finish the connection in accordance with the specifications of the City, Joint Powers Water Board, and/or Engineering specifications, including all required inspections.

5. Utility billing shall be placed "on hold" until the final connection is completed. Any regular billing associated with the said service prior to the adoption of this policy shall not be credited or waived.

D. Penalty. Any violation of any part of this Ordinance shall be deemed a Misdemeanor and subject to penalty as set forth in Section 1.05 (B) of the Hanover City Code.

Storm Water Utility

SEC. 9.19 STORM WATER UTILITY ESTABLISHED

A municipal storm water utility is hereby established and shall be operated as a public utility pursuant to Minnesota Statutes, Section 444.075 from which revenues will be derived subject to the provisions of this Chapter and Minnesota Statutes.

SEC. 9.20 PURPOSE

The intent of this Ordinance is to improve the quality of storm water runoff, to promote the long term sustainability of storm water infrastructure, and to position the City to meet regulatory requirements. Consequently, the purpose of this Ordinance is to establish a storm water utility to collect charges to finance costs associated with the operation and maintenance of the City's storm sewer system and implementation of storm water management programs.

SEC. 9.21 STORM WATER UTILITY DRAINAGE FEES

A. The charges imposed as a part of this storm water utility shall be in the form of an annual area fee derived from parcels net acreage and residential equivalency factor (REF). The REF is defined as the ration of runoff volume generated by one acre of land to the runoff volume generated by one acre of a particular land use to the volume of runoff generated by the area of neighborhood residential land based upon average annual rainfall. The residential equivalency factors for each land use established as part of this storm water utility shall be as follows:

Land Use	**REF**
Rural Residential	0.5
Neighborhood Residential	1.0
Commercial/Downtown Commercial	1.7
Industrial	1.9
Public/Institutional	1.0
Parks/Open Space	0.3
Agricultural	0.3

B. All storm water utility fees shall be calculated based on the following formula:

(REF)(Base Rate as established by the City Council) = Rate per Acre

C. Neighborhood Residential parcels shall be charged on a per lot 1/3 acre basis. All other land uses shall be charged on a per acre basis with the following exceptions:

1. Rural Residential shall pay on a per lot 1/3 acre basis.
2. Agricultural, Commercial/Downtown Commercial, Industrial, Public/Institutional, and Parks/Open Space shall pay on a per acre basis up to a maximum fee of 2.0 acres.

SEC. 9.22 STORM WATER UTILITY RATE

The storm water utility rate charge, as set forth in the City Council Fee Ordinance shall be charged to all parcels not listed as exempt in Section 9.21.

SEC. 9.23 EXEMPTIONS

The following land uses are exempt from storm water utility fees:

A. Public Rights of Way

B. Delineated wetlands, lakes and rivers

C. Land outside the City

D. Vacant lots in those subdivisions in which the infrastructure (sanitary sewer, water, streets, storm sewer, etc.) has not been formally accepted by the City Council.

For purposes of calculation of the storm water fee, contiguous lots that are under common ownership shall be treated as one lot.

SEC. 9.24 OTHER LAND USAGE

The storm water utility fee applicable to land uses not specifically listed in Sections 209.03 and 209.05 shall be determined by the City Engineer based on comparable amounts of impervious coverage and parcel size. An appeal of such determination by the City Engineer may be made to the City Council.

SEC. 9.25 CREDITS

The City Engineer may adjust the REF for parcels of land (other than Residential (Single Family, Duplex, Townhome) if the City Engineer determines that the impervious surface of said land is substantially different from the REF being used for comparable parcels. Information and hydrologic data must be supplied by the property owner(s) to demonstrate that a fee adjustment is warranted. Adjustments to an individual REF shall

not be made retroactively. Appeals of the City Engineer's determination shall be made to the City Council.

The Council may adopt, from time to time, by resolution a best management practices incentive or credit program which would allow for the reduction of storm water utility fees for individual parcels of land. The maximum reduction for any parcel shall be 20%.

SEC. 9.26 BILLING AND PAYMENT

Storm water utility fees shall be computed and billed periodically along with the utility bill for other utility services such as water and sanitary sewer. If a parcel of land subject to the storm water utility fee is not served by other utilities, a separate bill shall be issued annually by the City. Each billing for storm water utility fees which is not paid when due shall incur a penalty charge set forth under the City of Hanover Fee Schedule. If storm water utility fees are not paid, the City shall certify the amount due, together with penalties, to the County Auditor to be collected with other real estate taxes on the parcel.

SEC. 9.27 ESTABLISHMENT OF FUND

All fees collected for the storm water utility shall be placed in a fund for storm water purposes as permitted by Minnesota Statutes, Section 444.075.

Storm Water Management

SEC. 9.28 PURPOSE AND INTENT

This article is intended to:

A. Protect life and property from dangers associated with flooding.

B. Implement the city's Comprehensive Water Resource Management Plan.

C. Protect public and private property and natural resources from damage caused by stormwater runoff and erosion.

D. Ensure site design that minimizes the generation of stormwater and maximizes the use of best management practices (BMPs) for stormwater treatment consistent with Low Impact Development (LID) practices.

E. Provide a single, consistent set of performance standards that apply to land disturbing activities.

F. Protect water quality from impacts due to increased nutrients, pathogens, toxins, debris, sediment, and thermal stress.

G. Promote infiltration and groundwater recharge.

This article is adopted pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B and 462; Minnesota Rules, Parts 6120.2500-6120.3900, Minnesota Rules Chapters 8410, 8420 and 70510.0210.

SEC. 9.29 DEFINITIONS

A. "Best Management Practices (BMPs)" means erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing 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. Examples of BMPs can be found in Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices, U.S. Environmental Protection Agency 1992; Protecting Water Quality in Urban Areas, Minnesota Pollution Control Agency 2000; Minnesota Urban Small Sites BMP Manual, Metropolitan Council 2001; Erosion Control Handbook, Minnesota Department of Transportation 2002; State of Minnesota Stormwater Manual, MPCA 2005.

B. "Discharge" means the conveyance, channeling, runoff, or drainage or storm water, including snow melt, from a construction site.

C. "Energy Dissipation" refers to methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to, aprons, riprap, splash pads, and gabions that are designed to prevent erosion.

D. "Erosion" means any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of people and nature.

E. "Erosion Control" means methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

F. "Erosion and Sediment Practice Specifications or Practice" means the management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by either the City, county or local watershed group, whichever is more stringent.

G. "Exposed Soil Areas" means all areas of the construction site where the vegetation (trees, shrubs, brush, etc.) has been removed. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site.

H. "Filter Strips" means a vegetated section of land designed to treat runoff as overland sheet flow. They may be designed in any natural vegetated form from a grassy meadow to a small forest. Their dense vegetated cover facilitates pollutant removal and infiltration.

I. "Final Stabilization" means all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of seventy-five (75) percent of the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures have been employed. Simply sowing grass seed is not considered stabilization.

J. "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.

K. "Hydric Soils" means soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

L. "Hydrophytic Vegetation" means macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

M. "Illegal Discharge" means any direct or indirect non-stormwater discharge to the storm drain system.

N. "Illicit Connections" are defined as either of the following:

a. Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to sewage, process wastewater, wash water and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

b. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

O. "Industrial Activity" means activities subject to NPDES Industrial Stormwater Permits as defined in 40 CFR, Section 122.26 (b)(14).

P. "Land Disturbance Activity" means any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within this government's jurisdiction, including clearing and grubbing, grading, excavation, transporting, logging, and filling of land. Within the context of this rule, land disturbance activity does not mean:

a. Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work.

b. Construction, installation, and maintenance of electric, telephone, and cable television, utility lines or individual service connection to these utilities, which result in creating under five thousand (5,000) square feet of exposed soil.

c. Tilling, planting, or harvesting of agricultural or horticultural crops.

d. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles that result in creating under five thousand (5,000) square feet of exposed soil.

e. Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have required an approved

erosion and sediment control plan, except for the emergency, then the land area disturbed must be shaped and stabilized in accordance with the City's requirements as soon as possible.

Q. "Municipal Separate Storm Sewer System (MS4)" means the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned and operated by the City of Hanover and designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sewage.

R. "National Pollutant Discharge Elimination System (NPDES)" Stormwater Discharge Permit means a permit issued by Minnesota Pollution Control Agency 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.

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

T. "Paved Surface" means a constructed hard, smooth surface made of asphalt, concrete or other pavement material. Examples include, but are not limited to, roads, sidewalks, driveways and parking lots.

U. "Permanent Cover" means the surface type that will minimize soil failure under erosive conditions. Examples include grass, native vegetation, landscape rock, gravel, asphalt, and concrete.

V. "Redevelopment" means projects with more than 15 percent impervious prior to construction.

W. "Runoff Coefficient" means the average annual fraction of total precipitation that is not infiltrated into or otherwise retained by the soil, concrete, asphalt or other surface upon which it falls that will appear at the conveyance as runoff.

X. "Sediment" means the product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, air, or ice, and has come to rest on the earth's surface either above or below water level.

Y. "Sedimentation" means the process or action of depositing sediment caused by erosion.

Z. "Sediment Control" means the methods employed to prevent sediment from leaving the development site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe

slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

AA. "Stabilized" means the exposed ground surface after it has been covered by sod, erosion control blanket, rip rap, or other material that prevents erosion from occurring. Simply sowing grass seed is not considered stabilization.

BB. "Storm Water," Under Minnesota Rule 7077.0105, subpart 41b, as amended, supplemented or replaced from time to time, means "precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage." (According to the Federal Code of Regulations under 40 CFR 122.26 [b][13], "Storm water means storm water runoff, snow melt runoff and surface and drainage.")

CC. "Storm Water Management Plan" means a joint storm water and erosion and sediment control plan that is a document containing the requirements set forth in this Chapter, that when implemented will decrease soil erosion on a parcel of land and off-site non-point pollution and sediment damages.

DD. "Temporary Erosion Protection" means methods employed to prevent erosion before final stabilization. Examples include: straw, mulch, erosion control blankets, wood chips, and erosion netting.

EE. "Urban" means of, relating to, characteristic of, constituting a city.

FF. "Vegetated or Grasses Swales" means a vegetated earthen channel that conveys storm water, while treating the storm water by biofiltration. Pollutants are removed by both filtration and infiltration.

GG. "Waters of the State," As defined in Minnesota Statutes Section 115.01, subd. 22, as amended, supplemented or replaced from time to time, the term "… "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."

HH. "Wet Detention Facility" means a permanent man-made structure for the temporary storage of runoff that contains a permanent pool of water.

II. "Wetlands," as defined in Minnesota Rules 7050.0130, subp. F, as amended, supplemented or replaced from time to time, are those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed

wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:

a. A predominance of hydric soils;

b. Inundated or saturated by surface water or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and

c. Under normal circumstances support a prevalence of such vegetation.

SEC. 9.30 GENERAL PROVISIONS

A. Responsibility. Neither the issuance of a stormwater management permit, nor compliance with conditions or the provisions of this article, shall relieve any person from any responsibility otherwise imposed by law for damages to persons or properties. Nor shall the issuance of any permit hereunder serve to impose any liability on the City or its officers or employees for injury or damage to persons or property.

B. Application to all Water Entering System. This ordinance shall apply to all water entering the stormwater management system.

C. Responsibility for Administration and Waivers. The Administrator shall administer, implement, and enforce the provisions of this article. Any powers granted or duties imposed upon the Administrator by this article may be delegated to persons or entities acting in the interest of the City. The Administrator may waive any submittal or administrative requirement that will not adversely affect achievement of the purpose, goals, and performance standards of this article.

SEC. 9.31 APPLICABILITY AND SCOPE

A. Stormwater Management Permit. The City requires a Stormwater Management Permit for land disturbing activities. The application requirements and performance standards vary depending on the size of the project as described below.

1. Small Site Projects - construction erosion and sediment control focus that are required to develop an Erosion and Sediment Control (ESC) Plan.

a. The following land disturbing activities shall require a Stormwater Management Permit:

Location of Activity	Activity Threshold
• Bluff impact zone • Shoreland setback area • Wetland buffer zone (30 feet from wetland edge)	Activities disturbing more than 5,000 square feet and less than one (1) acre.
• Natural or constructed drainageways	Any activity that alters the course, current or cross-section of the drainageway
• All other areas	Disturbs a total land surface area of 5,000 square feet or more Involves excavation or filling, or a combination of excavation and filling, in excess of 100 cubic yards of material. Is a land disturbing activity, regardless of size that the City determines is likely to cause an adverse impact to an environmentally sensitive area or other property, or may violate any other erosion and sediment control standard set forth in this ordinance

b. The following activities may be undertaken without a Stormwater Management Permit:

1) Any part of a subdivision if a preliminary plat for the subdivision has been approved by the City Council on or before the effective date of this Article.

2) Any site plans approved on or before the effective date of this Article.

3) A lot for which a building permit has been approved on or before the effective date of this Article.

4) Operation and maintenance of yards and gardens.

5) Installation and maintenance of fence, sign, and other kinds of posts or poles.

6) Tilling, planting, or harvesting of agricultural or horticultural crops.

7) Emergency work to preserve life, limb, or property and emergency repairs.

2. Large Site Projects – construction erosion control and post construction stormwater management that are required to develop a Stormwater Management Plan in combination with the erosion and sediment control requirements.

a. The following activities shall require a Stormwater Management Permit:

1) Any land disturbing activity that may ultimately result in the addition of 1.0 acre or greater of impervious surfaces, including smaller individual sites that are part of a common plan of development that may be constructed at different times; or

2) All new single-family subdivisions greater than 3 lots that rely on common drainage facilities for stormwater management, multiple family residential, commercial, mixed-use and industrial developments; or

3) Any land disturbing activity, regardless of size that the City determines is likely to cause an adverse impact to an environmentally sensitive area or other property.

b. The following activities may be undertaken without a Stormwater Management Permit:

1) Emergency work to preserve life, limb, or property and emergency repairs

B. NPDES Permit. All activity must comply with the most recent NPDES permit requirements as administered under the Minnesota NPDES General Stormwater Permit for Construction Activity, Permit Number MN R100001 and all subsequent revisions.

C. TMDL Allocation Plans. All permits must be in compliance with TMDL allocation plans, and other special district plans as shall be adopted and amended from time to time.

D. Other Permits Contingent on Land Disturbing Permit. No building permit, subdivision approval, or other permit to allow land disturbing activities shall be issued until the permits described in this Article have been approved. No land

disturbing activity covered by this Article shall be conducted until after the required permits have been approved and issued.

E. Activity not Requiring a Permit. All land disturbing activities not specifically required to obtain a permit are encouraged to incorporate erosion and sediment control best management practices relevant to the activity.

SEC. 9.32 APPLICATION SUBMITTAL REQUIREMENTS

A. Small Site Projects. Each permit application shall include the following items.

1. Completed application forms and fees required by the City.

2. Completed an EROSION AND SEDIMENT CONTROL PLANNING CHECKLIST specifying the erosion and sediment control practices to be used on the site (checklist provided by the City). The landowner/contractor shall sign the checklist certifying their understanding of the measures and that penalties may be exacted by the City for failure to comply with the agreed upon measures.

B. Large Site Projects. Each permit application shall include the following items unless waived by the Administrator in writing or by his/her designee:

1. Completed application forms, fees, and security deposit required by the City.

2. Estimate of costs necessary to perform all erosion and sediment control measures for determining appropriate financial security as required in section 20-39-10.

3. Copies of permits or permit applications required by other jurisdictions (e.g. NPDES, Wetland Conservation Act, Clean Water Act Section 404).

4. Narrative description of the project including:

a. Proposed land disturbing activities and measures to prevent erosion and manage sedimentation.

b. The schedule of anticipated starting and completion dates of each land disturbing activity including the installation of construction site erosion control measures.

c. Provisions for maintenance of the construction site erosion control measures during construction.

d. Proposed permanent stormwater management BMPs and how they achieve the stated purpose.

5. A Stormwater Pollution Prevention Plan (SWPPP) compliant with the most recent requirements of the Minnesota NPDES General Stormwater Permit for Construction Activity, Permit Number MN R100001 and all subsequent revisions shall be prepared to a scale appropriate to the size of the project and suitable for review to be performed. Two (2) sets of drawings and plans as described below shall be prepared to a scale appropriate to the size of the project and suitable for the review to be performed.

Existing Predevelopment Site Conditions Plans

a. A certificate of survey showing all property lines, lot dimensions, lot area, and all easements (drainage, utility, other).

b. Existing zoning classifications for the land.

c. Location of all buildings, impervious surface, and outdoor uses including all dimensions and setbacks.

d. Location of all roads, driveways and parking areas including all dimensions and setbacks.

e. Location and dimensions of existing natural and artificial water features on site and adjacent to the property, as well as normal water level and ordinary high water level and delineated wetland boundaries, if any. If not available, appropriate flood zone determination and wetland delineation, may be required at applicant's expense.

f. Location and description of vegetative cover, wooded areas, and a clear delineation of any vegetation proposed for removal.

g. Location of any preservation areas or other officially designated natural resource areas.

h. Adjacent areas within one hundred (100) feet beyond the project site boundaries including neighboring streams, residential areas, and roads which might be affected by the land disturbing activity.

i. Locations of steep slopes where areas of twelve (12%) percent or more exist over a distance of fifty (50) feet or more. The location of all special waters and impaired waters as identified in the most recent listing by the MPCA that receive runoff from the project within one mile of the project.

k. Map of the watershed drainage area. Available in Comprehensive Water Resource Management Plan.

l. Map of soil types, infiltration rates, depth to bedrock, and depth to seasonal high water table. Soil borings may be required by the city.

m. Existing elevations or contours shown with two (2) -foot intervals or less.

Construction Plans.

a. Locations and dimensions of areas where proposed land disturbing activities (e.g. grubbing, clearing, tree removal, grading, excavation, fill, stockpiles) will be phased to minimize duration of exposed areas. Those areas to be protected from land disturbing activities shall also be identified.

b. Locations and dimensions of all temporary soil or material stockpiles. Stockpiles are not allowed in surface waters or wetlands.

c. Locations and dimensions of all temporary and permanent erosion prevention, sediment control, and soil stabilization BMPs for the site during and after construction.

d. Location of construction easements.

e. Lot sizes, layout, numbers and dimensions of lots and blocks.

f. Minimum building setback lines as required by pertinent land use ordinances in all applicable zoning districts.

g. Finished grading plan containing contours at two (2) -foot intervals or less and clearly showing the relationship of proposed changes to existing topography and remaining features.

h. A drainage plan of the developed site showing in which direction and at what rate stormwater will be conveyed from the site and setting forth the areas of the site where stormwater will be allowed to collect.

i. Location of existing and proposed sanitary sewer, water and storm sewer mains.

j. Landscape plan including the location, type, size, and description of all proposed landscape materials and proposed ground cover.

k. Presettlement and post development hydrologic calculations for total runoff volume and peak discharge rates to show compliance with the performance standards in section 20-39-06 (B).

l. Elevations, sections, profiles, and details as needed to describe all natural and artificial features of the project.

m. Locations of all stormwater management practices, drainageways, infiltration areas, and areas not to be disturbed during construction.

n. Location and designs for structural stormwater management practices.

o. Normal water level, 100-year water level, and emergency overflow elevations for proposed ponding areas on the site as well as for existing wetlands, ponds, lakes, streams and rivers, if available.

p. Hydrologic analysis shall be based on SCS methods using a Type II storm distribution, twenty-four-hour duration, and average soil moisture conditions (AMC-2) as defined by the SCS.

6. Easements and other property interests acceptable to the City Attorney to allow permanent access to the stormwater facilities for ongoing and regular inspection.

SEC. 9.33 APPLICATION REVIEW PROCESS AND PERMIT APPROVAL

A. Review and Approval Authority. Permits shall be reviewed and approved in accordance with Articles 3 (General Administration) and 4 (Administrative Permits) of this Chapter.

B. Pre-Application Meeting. The applicant and contractor shall review proposed activities with City staff prior to completing plans for land disturbing activities. City staff may suggest alternative methods of construction and erosion and sediment control as well as stormwater treatment facilities that will assist the applicant in complying with this ordinance.

C. Permit Approval. A permit will be issued if the City determines that the standards and requirements for a permit have been met. A permit application may be approved subject to conditions reasonable and necessary to ensure that the requirements contained in this Article are met. Such conditions may include, but not be limited to, limiting the size, kind or character of the proposed development, requiring the construction of structures, drainage facilities, storage basins and other facilities, requiring replacement of vegetation, establishing required monitoring procedures, staging the work over time, requiring alteration of the site design to ensure buffering, and require the conveyance to the City or other public entity of certain lands or interests therein.

D. Permit Denial. If the City determines that the application does not meet the requirements of this article, the application will be denied. No land use and building permits shall be issued until the applicant has an approved land disturbing permit.

E. Plan Modifications. The applicant must amend any submitted and/or approved plans as necessary to include additional requirements, such as additional or modified BMPs designed to correct problems identified, or to address situations whenever:

1. There is a change in design, construction, operation, maintenance, weather, or seasonal conditions that has a significant effect on the discharge of pollutants to surface or ground waters.

2. Inspections or investigations by site operators, local, state or federal officials indicate the plans are not effective in preventing or significantly minimizing the discharge of pollutants to surface or ground waters or that the discharges are causing a water quality standard exceedance.

3. The plan is not achieving the general objectives of minimizing pollutants in stormwater discharges associated with construction activity.

F. Permit Duration. Permits issued shall be valid for the period during which the proposed activities take place or are scheduled to take place. The permit will expire or terminate when:

1. The site has been stabilized and approved by the Administrator; or

2. Work under the permit has not begun within one year of the issuance of the permit, or

3. There has been one year of inactivity.

SEC. 9.34 PERFORMANCE STANDARDS

A. Small Site Projects. All small site projects shall:

1. Implementation of all practices identified on the EROSION AND SEDIMENT CONTROL PLANNING CHECKLIST.

B. Large Site Projects. All large site projects shall:

1. Comply with the most recent requirements and performance standards of the NPDES General Stormwater Permit as administered under the Minnesota NPDES General Stormwater Permit for Construction Activity, Permit Number MN R100001 and all subsequent revisions.

2. Achieve the following rate control standards for permanent stormwater management facilities:

   a. New Development. For the 1-year, 10-year, and 100-year 24-hour SCS Type II storm events and the 100-year 10-hour snowmelt event (see Table 1), the proposed post- development runoff rate must not exceed 0.1 cubic feet per second per acre In flood prone areas and landlocked subwatersheds, greater restrictions may apply. Pervious curve numbers shown in Table 3 shall be used for new turf grass.

   b. Redevelopment. For the 1-year, 10-year, and 100-year 24-hour SCS Type II storm events, and the 100-year 10-hour snowmelt event (Table 1) the proposed post- development runoff rate must not exceed the existing development conditions runoff rate. In flood prone areas and landlocked subwatersheds, greater restrictions may apply. Pervious curve numbers shown in Table 3 shall be used for existing and new turf grass.

Table 1.Precipitation for different storm events

SCS Type II 24-hour storm event	Precipitation
1-Year	2.3 inches
10-Year	4.1 inches
100-Year	5.9 inches
SCS Type II 10-day snow melt	
100- year 10-day snow melt	7.35 inches

Table 2. Runoff curve numbers for pre-settlement conditions

Hydrologic Soil group	A	B	C	D
Runoff Curve Number	35	55	70	77

3. Achieve the following volume control standards for permanent stormwater management facilities:

   a. New Development/Redevelopment. For nonlinear developments that create and/or fully reconstruct more than one acre of impervious surface on sites without restrictions, stormwater runoff volumes will be controlled and the post-construction runoff volume shall be retained on site for 1 inch of runoff from all impervious surfaces on the site.

   b. Linear Development. Linear projects on sites without restrictions that create one acre or greater of new and/or fully reconstructed impervious surfaces, shall capture and retain the larger of the following:

      - 0.55 inches of runoff from the new and fully reconstructed impervious surfaces on the site

      - 1 inch of runoff from the net increase in impervious area on the site

      Mill and overlay and other resurfacing activities are not considered fully reconstructed.

   The use of infiltration techniques shall be restricted and subject to additional City review where the infiltration BMP will be constructed in any of the following areas:

   - Where industrial facilities are not authorized to infiltrate industrial stormwater under and NPDES/SDS Industrial Stormwater Permit issued by the MPCA.

   - Where vehicle fueling and maintenance occur.

   - With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of the bedrock.

   - Where high levels of contaminant in soil or groundwater will be mobilized by the infiltrating stormwater.

   - Soils are predominately Hydrologic Soil Group D (clay) soils.

   - Drinking Water Supply Management Areas are present, as defined by Minn. R. 4720.51000, subp. 13, unless precluded by a local unit of government with an MS4 permit.

- Soil infiltration rates are more than 8.3 inches per hour unless soils are amended to flow the infiltration rate below 8.3 inches per hour.

Where the site factors listed above limit the construction of infiltration systems, the project proposer shall provide appropriate documentation to the City regarding the limitations. If the City determines that infiltration is restricted or prohibited onsite, the applicant will follow the flexible treatment options outlined below in section 9.32.B.5.

For linear projects with lack of right-of-way, easements or other permissions from property owners to install treatments systems that are capable of treating the total water quality volume on site, the project must maximize treatment through other methods or combination of methods before runoff is released to nearby surface waters. Alternative treatment options include: grassed swales, filtration systems, smaller ponds, or grit chambers. In all circumstances, a reasonable attempt must be made to obtain right-of-way during the project planning and all attempts of infeasibility must be recorded.

4. Achieve the following water quality standards for permanent stormwater management facilities:

   a. New Development. Reduce the total suspended solids load by eighty-five (85) percent, and the phosphorus load by sixty (60) percent for the site as a whole, based on the average annual rainfall, as compared to no runoff management controls.

   b. Redevelopment. There shall be no net increase in phosphorus and sediment load from the site.

5. In the event that it is infeasible to meet the volume control standard due to contaminated soils, site constraints, etc. the proposed permanent stormwater treatment practices will need to maintain the total suspended solids and total phosphorus loading to satisfy the water quality standards using the following flexible treatment options (FTPs):

   Option 1:
   - Applicant attempts to comply with the following conditions:
     - Achieve at least 0.55 inch volume reduction goal, and
     - Remove 75 percent of the annual total phosphorus load, and
     - Options considered and presented shall examine the merits of relocating project elements to address varying soil conditions and other constraints across the site

   Option 2:
   - Applicant attempts to comply with the following conditions:

- Achieve volume reduction to the maximum extent practicable (as determined by the Local Authority), and
- Remove 60 percent of the annual total phosphorus load, and
- Options considered and presented shall examine the merits of relocating project elements to address varying soil conditions and other constraints across the site.

Option 3:

- Off-site mitigation (including banking or cash or treatment on another project, as determined by the local authority) equivalent to the volume reduction performance goal can be used in areas selected in the following order of preference:
  - Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
  - Locations within the same Department of Natural Resources (DNR) catchment area as the original construction activity.
  - Locations in the next adjacent DNR catchment area up-stream.
  - Locations anywhere within the local authority's jurisdiction.

Methods for meeting these water quality requirements in the decreasing order of preference:

a) Credits and site design practices to minimize the creation of connected impervious surfaces are used to the extent practical.
b) Underdrains to promote filtration instead of infiltration.
c) Off-site infiltration.
d) On-site wet detention with permanent pool volume below the normal outlet that is greater than or equal to the runoff from a 2.5 inch, 24-hour storm over the entire contributing drainage area, assuming full development.

6. Infiltration practices shall be distributed throughout areas containing A and B soils.

7. To the greatest extent practical, placement of impervious surfaces on A and B soils shall be avoided.

8. The soil survey found in the Comprehensive Water Resource Management Plan shall be used as a starting point for assessing soil types.

9. Better Site Design/Low Impact Development practices as identified in the Minnesota Stormwater Manual published by the Minnesota Pollution

Control Agency and the Alternative Stormwater Best management Practices Guidebook published by the Valley Branch Watershed District shall be used to design sites and meet the performance standards.

10. Stormwater ponds shall meet the following design standards in addition to standard engineering practices and recommended practices under the NPDES permit:

    a. Side slopes shall be no greater than 5:1. Side slopes are defined as the area between the permanent water level and the top of the slope.

    b. At a minimum, side slopes shall be seeded with turf grass or native seed mix appropriate to the site conditions. The selection of native seed species should be guided by the "ecological system summaries and class factsheets" for native plant communities published by the Minnesota Department of Natural Resources. Selected factsheets representing desired native plant communities are available from the City. Side slopes shall also be planted with trees at the rate of 12 trees per acre of side slope.

    c. Be maintained by the applicant appropriately during the first three years to ensure plant establishment and survival. The City shall withhold sufficient financial security to warrant plant survival for three years. The City will release the security after determining that the side slopes are stabilized, that intended vegetation is well established and that it is relatively free of invasive species.

    d. Emergency overland flow structures (e.g. swales, spillways) shall be incorporated into pond designs to prevent undesired flooding resulting from storms larger than the 100-year event or plugged outlet conditions.

11. The Lowest Floor Elevation (LFE) of any structure shall be at least three (3) feet above the anticipated high water elevation.

12. Stormwater management plans will stage construction and specifically address temporary erosion and sediment control measures to preserve the infiltration capacity of proposed on site and regional stormwater management features to ensure that such features are not impaired at conclusion of construction. Plans shall also demonstrate methods of staging construction to minimize soil compaction during construction. Soil testing and decompaction may be required if site construction activities negatively impact soil permeability.

13. All stormwater treatment facilities shall be located in an Outlot unless the facility is adjacent to a public right of way. A drainage and utility

easement shall cover all facilities unless the facility is located in an Outlot dedicated to the city. Facilities may be located within the right of way at the city's discretion. Access shall be provided to each treatment facility of sufficient size to perform maintenance activities identified in the maintenance plan.

SEC. 9.35 INSPECTION AND RECORD KEEPING RESPONSIBILITIES

A. Applicant Inspections and Record Keeping. The Applicant is responsible for regular inspections and record keeping needed to document compliance with the permit requirements.

B. Stormwater Permit Responsibilities. Stormwater permittees shall:

1. Comply with NPDES inspection and monitoring requirements.

2. Maintain a copy of the SWPPP on site that is available at ALL TIMES. The SWPPP must be protected from weather and maintained so that it is legible.

C. City Inspections. The City may conduct inspections as needed to ensure that both erosion and sediment control and stormwater measures are properly installed and maintained prior to construction, during construction, and at the completion of the project. The applicant shall notify the City within a minimum of three (3) days prior to the start of any land disturbing activities. After construction, the city may conduct inspections of privately owned facilities on a regular basis at any reasonable time to assure the safe and proper functioning of the permanent stormwater management facilities and/or to respond to citizen concerns.

D. Right of Entry. The issuance of a permit constitutes a right-of-entry for the City or its contractor or engineer to enter the construction site and take necessary actions to ensure that the applicant complies with the terms of the permit and this ordinance. The applicant shall allow the City and its authorized representatives, to:

1. Enter the permitted site for the purpose of obtaining information, examining records, conducting investigations, or surveys.

2. Bring such equipment on the site as is necessary to conduct such surveys and investigations.

3. Examine and copy any books, papers, or digital files pertaining to activities or records required to be kept under the terms and conditions of the permitted site.

4. Inspect the stormwater pollution control measures.

5. Sample and monitor any items or activities pertaining to stormwater pollution control measures.

6. Correct deficiencies in stormwater and erosion and sediment control measures and charge back construction costs to the property.

SEC. 9.36 MAINTENANCE OF PRIVATE STORMWATER FACILITIES

A. Maintenance Plan. No private stormwater facilities may be approved unless a long-term maintenance plan is provided and approved. All private stormwater facilities shall be inspected annually and maintained in proper condition consistent with the performance standards for which they were originally designed.

B. Maintenance Agreement. Owners of private stormwater facilities approved by the City shall enter into an agreement with the City describing responsibility for the long-term operation and maintenance of the stormwater facilities. Such agreements shall be executed and recorded with the final plat. Such Agreement shall allow the city to repair and maintain the facility, if after proper and reasonable notice by the city to the owner of the facility the owner has not corrected or maintained the facility to the standards established in the maintenance plan. The Agreement shall permit the city to certify the costs of the maintenance/correction to the taxes for the subject property.

SEC. 9.37 STORMWATER AND URBAN RUNOFF POLLUTION CONTROL

A. Illegal Disposal.

1. Discarded Materials. No person shall throw, deposit, place, leave, maintain, or keep or permit to be thrown, placed, left, maintained or kept, any refuse, rubbish, garbage, or any other discarded or abandoned objects, articles, or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, business place, or upon any public or private plot of land in the City, so that the same might be or become a pollutant, except in containers, recycling bags, or other lawfully established waste disposal facility.

2. Landscape Materials and Debris. No person shall apply fertilizer or chemicals or dispose of leaves, dirt, or other landscape debris into a street, road, alley, impervious surface, catch basin, culvert, curb, gutter, inlet, ditch, natural water body or watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance. Fertilizers and chemical applications shall not occur within 16.5 feet of any wetland or the vegetation line abutting water resources.

B. Good Housekeeping Provisions. Any owner or occupant of property within the City shall comply with the following good housekeeping requirements:

1. Chemical or Septic Waste. No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste in an area where discharge to streets or storm drain systems may occur. This section shall apply to both actual and potential discharges.

2. Runoff Minimized. Runoff of water from residential property shall be minimized to the maximum extent practicable. Runoff of water from the washing down of paved areas in commercial or industrial property is prohibited unless necessary for health or safety purposes and is not in violation of any other provision of the City's Land Use Code.

3. Storage of Materials, Machinery, and Equipment. Materials or equipment shall be stored to limit risk of contamination by runoff and in conformance with local, state, and federal requirements.

a. Objects, such as motor vehicle parts, containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff.

b. Any machinery or equipment which is to be repaired or maintained shall be placed in a confined area to contain leaks, spills, or discharges.

C. Removal of Debris and Residue.

1. All motor vehicle parking lots located in areas susceptible to runoff shall be kept clean of debris and residues. Such debris shall be collected and disposed of properly.

2. Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries, which are located in an area susceptible to runoff, shall be removed as soon as possible and disposed of properly or as determined by the Administrator. Household hazardous waste may be disposed of through the City collection program or at any other appropriate disposal site and shall not be placed in a trash container.

SEC. 9.38 REGULATION OF DISCHARGE INTO STORM SEWER SYSTEM

A. Statutory Authorization and Purpose. The purpose of this section is to provide for the health, safety, and general welfare of the citizens of the City of Hanover through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable 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 MS4 permit issued to the City of Hanover by the Minnesota Pollution Control Agency (MPCA) under the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this section are:

1. To regulate the contribution of pollutants to the MS4 by stormwater discharges by any user.

2. To prohibit illicit connections and discharges to the MS4.

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

B. Applicability. This section shall apply to all water entering the storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by the City of Hanover.

C. Responsibility for Administration. The City of Hanover shall administer, implement, and enforce the provisions of this section. Any powers granted or duties imposed upon the City of Hanover may be delegated in writing by the city manager to persons or entities acting in the beneficial interest of or in the employ of the city.

D. Compatibility with Other Regulations. This section is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this section are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

E. Severability. The provisions of this section are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this section or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this section.

F. Ultimate Responsibility. The standards set forth herein and promulgated pursuant to this section are minimum standards; therefore this section does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

G. Discharge Prohibitions.

1. Prohibition of Illegal Discharges. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than stormwater.

   The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:
   a) The following discharges are exempt from discharge prohibitions established by this section: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, and street wash water.
      1) Discharge of swimming pools, crawl spaces, sump pumps, footing drains, and other sources that may be determined to contain sediment or other forms of pollutants may NOT be discharged directly to a gutter or storm sewer. This discharge must be allowed to flow over a vegetated area to allow filtering of pollutants, evaporation of chemicals, and infiltration of water consistent with the stormwater requirements of the City of Hanover.
   b) Discharges or flow from firefighting, and other discharges specified in writing by the City of Hanover as being necessary to protect public health and safety.
   c) Discharges associated with dye testing; however, this activity requires a verbal notification to the City of Hanover prior to the time of the test.
   d) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Minnesota Pollution Control Agency (MPCA), 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.
2. Prohibition of Illicit Connections.
   a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
   b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

c) A person is considered to be in violation of this section if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
d) Improper connections in violation of this section must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City of Hanover.
e) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the City of Hanover requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the City of Hanover.

H. Watercourse Protection. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within their property free of trash, debris, yard waste generated by the owner and/or lessee, excessive planted vegetation, and other manmade obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse with the exception of natural vegetation and trees.

I. Industrial or Construction Discharges.

1. Submission of NOI to the City

a) Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Hanover prior to the allowing of discharges to the MS4.
b) The operator of a facility, including construction sites, required to have an NPDES permit to discharge storm water associated with industrial activity shall submit a copy of the Notice of Intent (NOI) to the City of Hanover at the same time the operator submits the original Notice of Intent to the EPA as applicable.
c) The copy of the Notice of Incent may be delivered to the City of Hanover either in person or by mailing it to:

Notice of Intent to Discharge Stormwater
City of Hanover

11250 5th Street NE
Hanover, MN 55341

d) A person commits an offense if the person operates a facility that is discharging stormwater associated with industrial activity without having submitted a copy of the Notice of Intent to do so to the City of Hanover.

J. Compliance Monitoring.

1. Right of Entry. On behalf of the City of Hanover, the City Administrator, or his or her designee shall be permitted to enter and inspect facilities subject to regulation under this section as often as may be necessary to determine compliance with this section.
2. Search Warrants. If the City of Hanover, the City Administrator, or the designee has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this 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 ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City of Hanover may seek issuance of a search warrant from any court of competent jurisdiction.

K. Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the Use of Best Management Practices. On behalf of the City of Hanover, the City Administrator, or his or her designee will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable 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 person responsible for a property or premise that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater management plan (SWMP) as necessary for compliance with requirements of the NPDES permit.

L. Notification of Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected

release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City of Hanover in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

Failure to provide notification of a release as provided above is a violation of this ordinance.

M. Violations and Penalties. Any person violating any provision of this article is guilty of a misdemeanor.

1. Emergency cease and desist orders. When the City Administrator or his or her designee finds that any person has violated, or continues to violate, any provision of this section, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the state which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City Administrator or his or her designee may issue an order to the violator directing it immediately to cease and desist all such violations.
2. Suspension due to the detection of illicit discharge. Any person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. Such suspension may also be imposed if it is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger.
3. Violations deemed a public nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this 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 a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

N. Remedies Not Exclusive. The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City of Hanover to seek cumulative remedies.

The City of Hanover may recover all attorney's fees, court costs and other expenses associated with enforcement of this section, including sampling and monitoring expenses.

SEC. 9.39 FINANCIAL SECURITY

A. Amount and Type. The applicant shall provide security for the performance of the work described and delineated in the approved permit in an amount not less than one hundred and twenty five percent (125%) of the approved estimated cost of performing the described work. The type of the security shall be one or a combination of the following to be determined by the Administrator:

1. Bond or bonds issued by one or more corporate sureties duly authorized to do business in the State of Minnesota. The form of the bond or bonds shall be subject to the approval of the City Attorney;

2. Deposit, either with the Administrator or a responsible escrow agent or trust company at the option of the Administrator, of money, negotiable bonds of the kind approved for securing deposits of public monies, or other instrument of credit from one or more financial institutions subject to regulation by the State or Federal government wherein said financial institution pledges funds are on deposit and guaranteed for payment; or

3. Cash in U.S. currency.

B. Maintaining the Financial Security. If at anytime during the course of the work this cash amount falls below fifty (50%) percent of the required cash deposit, the applicant shall make another deposit, within seven (7) days of notification, in the amount necessary to restore the cash deposit to the required amount. If the deposit is not made, the City may withhold inspections and/or issuance of a Certificate of Occupancy, or revoke any permit issued by the City to the applicant.

C. Release. Security deposited with the City for faithful performance of the approved plans and to finance necessary remedial work shall be released one (1) year after final inspection has been approved by the Administrator, provided no action against such security has been filed prior to that date. The City reserves the right to retain all or a percentage of the security for a warranty period at the discretion of the Administrator.

D. Reduction of Security. The applicant may have the option to reduce the security one time within each permitted year.

SEC. 9.40 ENFORCEMENT ACTIONS TO ENSURE COMPLIANCE

A. Orders. The Administrator may issue an order to modify the approved permit and stipulate a time frame for compliance per section 20-39-05 (H). The applicant shall comply with said order.

B. Permit Suspension. The Administrator shall suspend the permit and issue a stop work order if the Administrator determines that the permit was issued in error, the applicant supplied incorrect information, or the applicant is in violation of any provision of the approved plans, the permit, or this Article. The Administrator shall reinstate a suspended permit upon the applicant's correction of the cause of the suspension.

C. Construction Stop Order. The Administrator may issue a stop work order for a related building permit.

D. Permit Revocation. If the applicant fails or refuses to cease work as required, the Administrator shall revoke the permit and the applicant shall be subject to enforcement, penalties, and loss of its financial security in accordance with terms of section 20-39-11 (F) (2) of this Article. The Administrator shall not reinstate a revoked permit.

E. Remedial Corrective Action. The City or a private contractor under contract with the City may conduct remedial or corrective action on the project site or adjacent sites affected by project failure or to implement actions specified in an order to modify plans and permit. The City may charge applicant for all costs associated with correcting failures or remediating damage from the failures according to the order including but not limited to, materials, equipment, staff time, and attorney's fees. If payment is not made within thirty (30) days, payment will be made from the applicant's financial security. Alternatively, the City may certify the charges to the County for assessment against the property.

F. Action Against Financial Security. In any of the following circumstances, the City shall use funds from the financial security to finance remedial work undertaken later by the City or a private contractor under contract to the City, and to reimburse the City for all direct costs including, but not limited to, staff time and attorney's fees.

1. The applicant ceases land-disturbing activities and/or filling activities prior to completion of the approved Erosion and Sediment Control Permit.

2. The applicant fails to conform to the Stormwater Management Permit as approved or as modified under this Article, and has had his/her permit revoked under this Article.

3. The techniques utilized under the Stormwater Management Permit fail within one (1) year of installation, or before final stabilization is implemented for the site or portions of the site, whichever is later.

4. The Administrator determines that action by the City is necessary to prevent excessive erosion or to prevent illicit discharges from occurring on the site.

G. Misdemeanor Violation. Any violation of the provisions of this article or failure to comply with any of its requirements shall constitute a misdemeanor.

H. Cumulative Enforcement. The procedures for enforcement of a permit, as set forth in this article, are cumulative and not exclusive.