

2014-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By B. Johnson and Glidden

Amending Title 19, Chapter 509 of the Minneapolis Code of Ordinances relating to Water, Sewers and Sewage Disposal: Water.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 509 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 509.05 to read as follows:

509.05. Council to maintain water works and sewers. The City Council shall have the authority to maintain the water works and all water service infrastructure of any kind and all sewers, whether storm or sanitary, now established in the City and to enlarge, extend and re-lay and improve the same. It is required that before any street is paved, that the gas, water and sewer pipes be laid in the street and connection made and in all cases where any mains have been or are hereafter to be laid, whether the street on which the same are laid is to be paved or not, the Council shall require connection with such mains to be made to the front line of each lot abutting thereon. The property owner shall be responsible for the cost and maintenance of the property's connection out to the main regardless of the location of any stop box or other interim point.

Section 2. That Section 509.10 of the above-entitled ordinance be amended to read as follows:

509.10. Water treatment and distribution services; Supervision by public works director; appointment of personnel. Within the Department of Public Works, there shall be a Water Treatment and Distribution Services Division. It shall have charge, subject to the direction of the City Council and the immediate direction of the Director of the Department of Public Works, of the construction, maintenance, repair and management of everything pertaining to the City's water facilities and infrastructure, water treatment, water distribution, and other water services not relating to stormwater or surface water. It shall have charge, subject to the direction of the City Council and the immediate direction of the Director of the Department of Public Works, of all new constructions, additions and alterations to the system of any kind and shall likewise have the supervision and direction of the operation of the system and related facilities. The City of Minneapolis Department of Public Works Water Treatment and Distribution Services This Division shall be under the immediate direction of the city council acting through authority of the public works director who, subject to the approval direction of the city council, shall do everything regarding said the dDivision that may be necessary for the management and protection thereof. The public works director shall appoint all officers of the Minneapolis Department of Public Works Water Treatment and Distribution Services Division.

Section 3. That Chapter 509 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 509.140 to read as follows:

509.140. Branch Pipes and Sewers. The City, acting through the Department of Public Works, may at all times regulate and control the time and manner of laying and constructing, by private parties, of branch pipes and sewers leading from main lines of water mains and sewers, and of making connections with main lines and with branch lines both public and private. The City, acting through the Department of Public Works, may also, whenever it shall deem it necessary to lay or construct branch pipes or sewers in order to prevent future tearing up of streets or for any other reason, determine in the case of each main line, or of any specified portion of a main line, the location, number and manner of construction of such branch lines, providing, in its discretion, one (1) or more for each distinct lot or parcel of land, or one (1) for two (2) or more adjacent lots or parcels of land may require the proper officer to make surveys, plats and profiles showing the same, which when approved and adopted, shall thereafter be preserved in the Office of the Department of Public Works, or may thereupon, whether such main has already been constructed, or is in process of construction, forthwith lay and construct all such branch pipes and sewers not already constructed by the private parties interested, from a connection with the main line to the line of the street. Whenever the City constructs one or more such branch pipes or sewers it shall assess the whole cost of each upon the lot or parcel of land to which it runs without regard to the valuation or the frontage of such lot or parcel of land but in case one (1) branch is to serve two (2) or more lots or parcels of land it shall assess the whole cost of the same upon all the lots or parcels of land to be served by it, on equal sum per front foot without regard to valuation. The cost of such branches may be assessed and collected in advance of their construction as in case of other improvements, in which case the cost shall be estimated and fixed in the manner provided by this Code, for the improvement therein specified with such variances in the matters to be reported, and in the other details as shall be suggested by the different character of the improvement, or such branches may be determined upon and forthwith constructed without prior estimate or other proceedings in which case the actual cost of construction, certified to by the Director of Public Works, and approved by the City Council shall be assessed, after the completion of the same, against the private property as above specified. In either case, the assessment shall be made and collected substantially as provided in the case of other improvements. The City may, however, in case it constructs any branch at the time it constructs the main line, assess in the manner above-named the whole cost thereof, and add the same to and include it with the assessment for the main line. The property owner shall be responsible for the cost and maintenance of the property's connection out to the main regardless of the location of any stop box or other interim point. The City, acting through the Director of Public Works, may, subject to such terms, and under such regulations as it may fix, require all persons using an area or any space within the lines of any street, to permit to be laid within such area or space all necessary branch pipes, both water and gas, and branch sewers to a connection with other branches, and also to be laid therein enclosed in tubes, conduits, pipes or otherwise sufficiently protected, any and all electric wires, cables, pipes, optical fibers and other facilities or means of transmission or transportation of any substance, service, or data it may at any time require laid beneath the surface of the street. And in the future no permits for the excavation or use of any area or space within the lines of a street shall be given except upon condition that it may be used by others to the extent reasonably feasible; and on condition that there may be placed therein any hydrant or other part of the water works infrastructure of the City.

Section 4. That Chapter 509 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 509.200 to read as follows:

509.200. Damage to Water Treatment and Distribution Services Infrastructure or Other Property. Any person who shall, without authority from the City Council, willfully break, remove or in any way injure, damage or interfere with any water treatment or distribution services infrastructure or property including, but not limited to the main, meter, branch water pipes, intake pipes, aqueduct, dam, bulkhead, reservoir, pump station, gate, gate house, valve, conduit, air vent, air box, air box cover, main pipe or cover, hydrant, storage tank or any part of the machinery, equipment, infrastructure or other property of the City; or who shall fill up or partially fill up any excavation, or raise or open any gate, break down or force open any doors or breach any fences of any City property, or who shall perforate or bore, or cause to be perforated or bored, any main, distributing pipe, branch pipe, aqueduct or other pipes of any kind, or cause to be made any connections or communications with any such main, distributing pipe, branch pipe, aqueduct or other pipes, or do any act to pollute the water in any river, creek, or channel anywhere in the City limits of the City, or the Mississippi River within three (3) miles above the north line of the City, or do any act to pollute any reservoir, pipe, main, aqueduct, intake pipe, storage tank or other place for collecting water for use for the City's water distribution and transmission services, on conviction thereof shall be subject to be punished as provided by Section 1.30 of this Code in addition to being subject to any other penalties or remedies, civil or criminal, provided by local, state or federal law.

Section 5. That Chapter 509 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 509.230 to read as follows:

509.230. Extension of water works and sewers. Whenever in the enlargement or extension of water works or sewers, it shall, in the judgment of the City Council, be necessary to take any private property, consisting either of land, buildings, or other private property, the City Council shall have power to acquire the same by purchase, or by condemnation, in the matter provided in this Code or other law, and in such cases of condemnation, as well as purchase, a full title in fee simple for the property acquired shall vest in the City. Provided, however, that in the case of purchase or condemnation of private property for laying sewers or water mains, where the City Council may deem it best only to obtain the right to lay and maintain the sewers or water mains over, across or through private property, the City Council may either purchase or condemn the right simply to lay, construct and maintain the mains and sewers and the necessary appendages thereto, over, across or through any private property, giving to the owner thereof the right to use of the surface of the land, except at such times and such places as the City Council or the proper board, officer or department of city government of the City of Minneapolis may find it necessary to enter upon, dig into or disturb the surface for the purpose of laying, relaying, constructing, or reconstructing or repairing such water mains or sewer pipe; and deed of purchase in such case, or the judgment of the court in the case of condemnation shall define the rights of the City and its proper boards, officers, agents, or the City Council as well as the land owners therein.

Section 6. That Chapter 509 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 509.235 to read as follows:

509.235. Procuring Grounds and Diverting Water. Whenever the City Council shall consider it necessary to procure grounds for water works, or any water-power for water works, or the right to take from any dam or pond, reservoir or other part or portion of the waters of the Mississippi River, whether the same be private or public property or rights, any and all water

necessary or convenient for the purpose of being forced through the conduits, aqueducts, mains, pipes or branch pipes in the City of Minneapolis, or through any part thereof, for the benefit and use of the inhabitants and people residing at or being in the City of Minneapolis, and for the use of said City; or the right to lay intake pipes from any pump station in the City of Minneapolis belonging to said water works, through any mill dam, mill pond, whether above, through or below water, or through the bed or bottom of any such mill dam or mill pond, or through any private real estate, whether same be water or land, or interests in any water power or water reservoir, and to lay and maintain said intake pipe or pipes, and to construct the necessary cribs and other protections of every kind necessary to lay or to protect any such intake pipe or pipes, anywhere in the Mississippi River, or the islands therein or land adjoining thereto; and the right to construct dams and reservoirs, and wing dams, anywhere in said river, whether within or above other dams, ponds or reservoirs, the City Council may exercise its power of eminent domain, or proceed under any applicable state law granting or governing proper authority.

Section 7. That Chapter 509 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 509.240 to read as follows:

509.240. Assessment for water mains. Whenever water mains shall be laid, re-laid or extended through any street or alley of the City, or any portion thereof, the City Council shall have the authority, and it shall be its duty, to levy and collect by special assessment, the cost or expense thereof or a portion thereof, in their discretion, and the cost shall not exceed the estimated cost of laying a six-inch main (including pipe hydrants, valves and all necessary specials) by a special assessment upon the property on both sides of such street or alley fronting upon such improvement. The cost not provided for by such assessment, including the increased cost of larger mains, and the cost of laying mains upon crossing streets, as well as the proportion which would otherwise be assessed against any property which is by law exempt from such assessment, shall be paid out of the water treatment and distribution services enterprise fund established by this Code or as otherwise established by law.

Section 8. That Section 509.250 of the above-entitled ordinance be amended to read as follows:

509.250. Financial management. The city shall maintain a separate enterprise fund for the water treatment and distribution services division. The water treatment and distribution services enterprise fund shall be used to record all moneys paid and payable to the city as and for water rates or rents, and all other miscellaneous moneys payable or paid to, or received by, the city finance officer from any source whatsoever to the credit of the water treatment and distribution services enterprise fund. The water treatment and distribution services enterprise fund shall also be used to record all moneys appropriated by the city council for water treatment and distribution services division purposes. All special assessments levied upon abutting property for the laying of water mains, shall when and as fast as collected be credited to the water treatment and distribution services enterprise fund. The City shall proceed to lay mains in advance of the collection of special assessments thereof, whenever there shall be sufficient moneys in the water treatment and distribution services enterprise fund in excess of other necessary or estimated demands thereon to enable advances to be made from the fund. No contract negotiated by the City Council shall be binding upon the City until the same shall be countersigned by the Finance Officer; subject to the same rules respecting the possession of funds to meet such contracts as in case of other contracts entered into in behalf of the City; but the City shall have the right to make such contract for anything pertaining to water treatment and distribution services of the City in anticipation of the sale of any bonds which the city shall

have been authorized to sell, the proceeds of which are required to be set apart to the credit of the water treatment and distribution services enterprise fund of the City.

Section 9. That Chapter 509 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 509.320 to read as follows:

509.320. Repairs, Use of Other Funds . If it shall be necessary to make repairs, additions or alterations to any pumping stations, treatment facilities, equipment, water mains or other facilities of any kind related to water treatment or distribution, when there shall not be sufficient money in the water treatment and distribution services enterprise fund to defray the costs thereof, the City Council may appropriate from the general fund of the City to the water treatment and distribution services enterprise fund, sufficient money to insure repairs.

Section 10. That Chapter 509 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 509.580 to read as follows:

509.580. Drainage of marshes, etc. Whenever any sewer of the city shall be extended to or in the vicinity of any tract of wet or marshy land either within or without the limits of the city, and the city council shall consider that the public health of the city demands the drainage of such wet or marshy land and the extension of such sewer to or into such land and beyond the lines of the streets of the city, the city council may by resolution direct the commencement of proceedings against the owner or owners of such wet or marshy land, and thereupon the City shall have the right to maintain in the District Court of the County of Hennepin, or in any other court of competent jurisdiction, an action against the owner or owners to compel a contribution from them, to defray the expense of extending such sewer to or into such lands, and the additional expense, if any expense may be caused by the necessity of enlarging the sewers through the streets of the city from such tract of land to the outlet of such sewer. In such action the court shall have power to direct the joining of other parties to such action as defendants in such manner as it shall adjudge equitable and shall make awards of such sum or sums of contribution to the expense of such sewer as it shall deem just and in proportion to the benefit to each specific parcel of such wet or marshy land as shall be affected by such sewer, but in no case to exceed the amount of benefit it shall adjudge to accrue to each of such specific parcels by reason of the extension of the sewer. The award shall stand as the determination of the court, and the City shall upon the completion of such work have judgment and execution for the several sums so awarded, which judgment shall be a specific lien upon each of the parcels of land upon which such award is made, which lien shall have priority over every other lien or charge upon such parcel, and the judgment may be enforced only against such specific property. If upon the making of the award by the court the city council shall consider the whole expense of such improvement above the amount of the award to be an excessive burden on the City, it may abandon the proceedings by paying the taxable costs in such action, or it may determine to proceed with part of the work and abandon the remainder thereof, in its discretion, or it may, in its discretion, delay the performance of the work for a period not to exceed three (3) years. Whenever the city council shall determine that any wet or marshy district in the City needs to be drained for the public health of the city or for other public benefit, then the city council may cause to be devised and carried into construction and effect a system of drainage for such wet and marshy district by sewers, or covered drains made of wood, stone, brick, or made of any other materials, or made partly of one material and partly of other materials as the city council shall determine; or by open ditches or canals, where the same will best effect the drainage of the property; or partly of sewers or covered drains, and partly of open ditches or canals or by other means specified. The city council may cause the cost of such system of sewers, covered drains, ditches, canals, or other means to be paid by a special assessment, to

be made upon all the real property within such wet or marshy district, including any high land within or adjoining the same which shall be benefited by the system of drainage on the assessed value of each parcel of real property so benefited. The system of drainage for any such wet or marshy district may be constructed at one time or during one year or at different times in different years and in different parts or sections. In the event that different parts of any such system of drainage shall be constructed during different years, the city council shall first, as near as practicable, cause to be constructed the principal or main sewers, covered drains, ditches, or canals and afterwards shall cause to be constructed the branch or lateral sewers, covered drains, ditches, or canals; and then levying a special assessment for the cost of such system, or any portion thereof, it shall levy the special assessment for the principal or main sewer, covered drains, ditches, or canals, and also the cost of the branch or lateral sewers, covered drains, ditches, or canals or other portions belonging to the same system of the drainage upon all the real property so to be benefited by the system, whether the same shall be constructed in one year or whether parts of the system shall be constructed in different years.

Section 11. That Section 509.730 of the above-entitled ordinance be amended to read as follows:

509.730. Water rates established. The City Council shall fix from time to time the water rates to be paid by the owner, lessee or occupant for each house, building or place, or any part of the same, in the City or at which water from the City water system may be used, and shall fix the time when the charges for water shall be made payable. The City Council shall also fix the water rates for customers outside of the City that are connected to the City water system. The City Council may separately enter into contracts or otherwise sell water in bulk to cities and other governmental units that are operating their own water distribution systems. Water rates shall be set by city council resolution to be effective beginning January of each year, and as revised thereafter. Water rates may be determined by factoring meter size, volume of water used, fixed charges, or any combination thereof or in any other manner authorized by state law. Charges commence when the street valve is turned on for water service. The Director of Public Works shall have the authority to make and enforce such rules and regulations as the Director shall deem appropriate to carry into effect the object and intent of this Code regarding the treatment, distribution, consumption or other use of City conveyed water, and to protect the property, interest and rights of the City. The Director of Public Works may make any rules and regulations concerning the tapping of any mains or branches, or making connections therewith, by any private parties or licensed plumbers, the Director deems appropriate. The City Council may revoke the license of any plumber licensed by the City who has disregarded the rules and regulations regarding the tapping of any mains or branches, or making connections therewith. The Director of Public Works may also make rules for the shutting off of water from any premises where rates are payable and remain unpaid. The owner of private property which property has upon it pipes connected to the City water system, shall, as well as the lessee or occupant of the premises, be liable to the City for the rents or rates of all water from the City used upon the premises. The City may recover the rates or rents for all water supplied to a property in an action against such owner, lessee or occupant, or against any or all of them.

Section 12. That this ordinance shall take effect on January 1, 2015.