

## CHAPTER 56. PROHIBITED DISCHARGES TO SANITARY OR COMBINED SEWER

**56.10. Purpose.** The City of Minneapolis has been pursuing an aggressive campaign of separating its sanitary sewer system from its stormwater drainage system to reduce the number of combined sewer overflows (CSO). However, some rainleaders and other components, which handle stormwater, are still connected to the sanitary sewer system. During rain events, infiltration and inflow from buildings and parking lots with rainleaders and area drains connected to the sanitary sewer system, cause its capacity to be exceeded resulting in overflows to adjacent storm drains. This overflow ends up discharging sewage and stormwater into the Mississippi River. Rooftop drains (rainleaders) that are connected to the sanitary sewer system are one (1) of the major causes of combined sewer overflows. Residential and commercial buildings, usually built before 1961, sometimes have pipes that lead underground directly into the sanitary sewer system, rather than through gutters to lawns or the stormwater drainage system. To protect the environment and prevent these overflows as well as preventing the possibility of sewage backing up into homes and businesses, rainleaders and other connections which deliver stormwater into the sanitary system rather than the stormwater drainage system or to pervious surfaces need to be disconnected. State and federal environmental mandates require us to work to eliminate combined sewer overflows. The city and metropolitan council have conducted studies that determined the main contributor to these overflows is rainleader connections. The purpose of this chapter is to define regulations that will aid the city in limiting inflow of rainwater to the sanitary sewer system. The ordinance will help to minimize the overflow problem resulting from the lack of capacity of the sanitary system to handle large amounts of rainwater. Rainwater runoff will be more appropriately handled through natural filtration and/or the stormwater drainage system. The net result will be a cleaner Mississippi River and a more efficient waste treatment system. (2003-Or-053, § 1, 5-2-03)

**56.20. Definitions.** For the purpose of this Code, the following terms shall have the meaning indicated in this part. No attempt is made to define ordinary words that are used in accordance with their established dictionary meaning except where it is necessary to define their meaning as used in this Code to avoid misunderstanding. Certain provisions of this Code contain other definitions. In case of any conflict between such other definitions the definitions in section 56.20 shall apply to Chapter 56.

*Area drain* is a receptacle designed to collect and convey surface or stormwater to the drainage system.

*Clearwater* is any surface flow, runoff, and drainage that does not contain any hazardous substance or sewage. This includes but is not limited to NPDES permitted discharges, stormwater and water from foundation and footing drains and basement sump pumps.

*Combined sewer* is a sewer that must handle flow of both sanitary wastewater and stormwater in a single pipeline.

*Combined sewer overflow (CSO)* occurs when excessive amounts of rainfall enter a sanitary sewer system. The result is a volume of rainwater and sanitary wastewater, which exceeds the system's capacity. Combined rainwater and sewage is forced to overflow into area streams and rivers through outfalls.

*Hazardous substances* are material 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.

*Liquid waste* means the discharge from any fixture, appliance, or appurtenance that does not receive fecal matter.

*Owner*, for the purposes of this chapter, shall mean the person who is listed as the contact person on the current rental licensing application on file with the city, if any, or if none, the person listed as owner by the city assessor on the homestead record, or if none, the taxpayer as shown by the records of the city assessor.

*Rainleader*, for the purposes of this chapter, shall be defined as any conduit that conveys stormwater from a rooftop to a point of discharge.

*Runoff* is precipitation and other surface drainage that is not infiltrated into or otherwise retained by the soil, concrete, asphalt, or other surface upon which it falls.

*Sanitary sewer system* means pipelines, pumping stations, force mains, and all other constructions, devices, and appliances appurtenant thereto, used for conveying sewage or industrial waste or other wastes to a point of ultimate disposal.

*Separator* is a device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter including but not limited to oil, grease and flammable wastes from normal wastes while permitting normal sewage or liquid wastes to discharge into the drainage system by gravity.

*Sewage* means the water carried waste from residences, buildings, institutions or any mobile source, including the excrementitious or other discharge from bodies of humans beings or animals, together with such ground water infiltration and surface water as may be present.

*Stormwater* is any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation. (2003-Or-053, § 1, 5-2-03)

**56.30. Compliance with other codes and laws.** Compliance with the provisions of this chapter does not release a person from any responsibility to comply with any other law or regulation, whether federal, state, or local. (2003-Or-053, § 1, 5-2-03)

**56.40. Conflict.** (a) *Conflict.* In the event that the provisions of this chapter shall conflict with any Minnesota Statute or any federal statute, the Minnesota Statute or federal statute shall govern to the extent of any direct conflict.

(b) *Conflict in orders.* In the event of a conflict between an order of the city and a valid order of a federal or state agency, the order of the federal or state agency shall govern to the extent of the conflict.

(c) *Conflict in permitted activity.* In the event that any conduct prohibited by this chapter is affirmatively and specifically authorized by a valid permit issued by a duly authorized official of the State of Minnesota or a duly authorized official of the United States of America, then the affirmative and specific authority granted in such permit shall govern to the extent of any direct conflict with this chapter. (2003-Or-053, § 1, 5-2-03)

**56.50. Violations.** (a) *Violations of this Code.* Any person who violates any provision of this chapter shall be guilty of an ordinance violation and subject to the punishment and penalties of section 1.30(a), 1.40 and Chapter 2 of this Code.

(b) *License revocation.* Any owner of land, buildings, or structures who possesses a city license to conduct business, in addition to the fine, may have his or her license revoked for failure to comply with this chapter. (2003-Or-053, § 1, 5-2-03; 2006-Or-134, § 1, 11-17-06)

**56.60. Authority to administer.** The authority to administer and enforce the provisions of this chapter of the Minneapolis Code of Ordinances on behalf of the city is vested in the Minneapolis Watershed Management Authority located in the Environmental Management section of the Department of Operations and Regulatory Services. The Minneapolis Watershed Management Authority, hereafter referred to as the "authority," shall have full authority to administer this chapter in addition to all authority given to it pursuant to section 48.70 and other sections of this Code. (2003-Or-053, § 1, 5-2-03)

**56.70. Prohibited connections.** (a) *Connections not permitted.* Rainwater pipes, rainleaders, area drains or other connections used for conveying stormwater and clearwater from any building, structure, ground or premises shall be not connected or reconnected with any sanitary sewer system.

(b) *Exceptions for new parking ramps.* Drains from an uncovered top deck of a new parking ramp shall not be connected to the sanitary sewer system. Ramp drains on all other floors shall be discharged to the sanitary sewer system via a separator. (2003-Or-053, § 1, 5-2-03)

**56.80. Previously allowed connections.** (a) *Existing connections not permitted.* Rainwater pipes, rainleaders, area drains and other connections used for conveying stormwater and clearwater from any building, structure, ground or premises which were legally connected to the sanitary sewer system prior to 1961 or those which were connected later by city permission shall be disconnected from the sanitary sewer system pursuant to 56.140 of this Code or by January 1, 2005, whichever occurs first.

(b) *Exceptions for existing parking ramps.* Drains from an uncovered top deck of an existing parking ramp shall not be connected to the sanitary sewer system. Ramp drains on all other floors shall be permitted to discharge as existing in so far as the discharge is not in conflict with state and federal requirements and other Minneapolis Codes. (2003-Or-053, § 1, 5-2-03)

**56.90 Downspout placement.** Except as provided herein, all rainleader downspouts shall be placed so that drainage is to the back and/or to the front of the property. Downspouts shall be allowed in the existing side yards where adjacent structures are separated by more than ten (10) feet and where the downspout discharge point is no closer than ten (10) feet from an adjoining structure. The owner is responsible for the arranging drainage in a manner that complies with the law. Rainwater from downspouts shall be drained so as not to cause flooding of or dampness in walls, ceilings or floors in any portion of the building or in any adjacent building, structure or property. Downspout placement shall not be prohibited so long as no conflicts exist with this section and section 56.40 of this Code or any other applicable City Codes. For example, a building downspout shall not be prohibited from discharging to the building's property lot or common alleyway unless an applicable law, regulation or City Code prohibits it. (2003-Or-053, § 1, 5-2-03)

**56.100. Disconnection permit requirement.** (a) *Permit required.* No person shall perform a disconnection of any rainwater pipe, rainleader, area drain or other connections used for conveying stormwater and clearwater from any building, grounds or premises from the sanitary sewer system without first having obtained a disconnection permit from the authority.

(b) *Permit expiration.* Permits issued under Chapter 56 shall be valid for the period during which the proposed activity takes place or is scheduled to take place, which ever is shorter, but in no event shall a permit be valid for more than one (1) year. (2003-Or-053, § 1, 5-2-03)

**56.110. Permit fee.** The fee for obtaining a disconnection permit shall be established in the director's fee schedule pursuant to section 91.70. (2003-Or-053, § 1, 5-2-03; 2006-Or-134, § 2, 11-17-06)

**56.120. Requests for inspection.** The contractor or permit holder shall make a request for inspection with the authority before any work of the contractor or permit holder is covered up or concealed and shall file this request within forty-eight (48) hours after the completion of any work done by said contractor or permit holder. (2003-Or-053, § 1, 5-2-03; 2006-Or-134, § 3, 11-17-06)

**56.130. Manner of disconnection.** The disconnection shall be accomplished by a complete and permanent method and performed in a competent manner. Any disconnection, plugging, capping, rerouting, altering, or modifying must be done in accordance with all applicable state rules and Minneapolis ordinances. (2003-Or-053, § 1, 5-2-03)

**56.140. Disconnection required.** (a) *Notification.* For all properties identified by the authority as having rainwater pipes, rainleaders, area drains or other connections used for conveying stormwater and clearwater from any building, structure, ground or premises to any sanitary sewer system the authority shall provide written notification to the owner informing the owner that they are required to disconnect from the sanitary sewer system as specified in the notice. As required by the official notification the property owner must obtain a rainleader disconnection permit and complete the disconnection prior to expiration of the permit, or request a time extension to the requirement of disconnection by the noted due date. In case the owner fails to make the disconnection as ordered, the city may elect to make the disconnection, or any part thereof, as it shall deem appropriate, and assess the cost against the property in the same manner as provided by Section 5, Chapter 9 of the City Charter. The owner shall continue to have the responsibility to do any additional work required to complete the disconnection from the city's sanitary sewer and direct the water for surface drainage in a manner that complies with all local, state and federal laws. The city shall take any steps that are legally required in order to gain entry to the property.

(b) *Order to connect to storm sewer.* If the authority determines based on the nature of the property that there is no reasonable way to disconnect rainwater pipes, rainleaders, area drains or other connections used for conveying stormwater and clearwater from any building, structure, ground or premises other than by connecting them to the city's storm sewer system, then the authority may, if the city engineer concurs, order the owner in a reasonable period of time of not less than thirty (30) days to disconnect from the sanitary sewer system by connecting to the city's storm sewer system as specified by the city engineer in a permit issued by the city engineer. The owner shall be responsible for the design and construction of the connecting line or lines within the terms of the permit and shall be responsible for all costs associated with the connection to the city's storm sewer system. The owner shall be responsible for all costs of maintenance, repair and replacement of the connection. In case the owner shall fail to make the connection as ordered, the city may elect to install the connection, or any part thereof, as it shall

deem appropriate, and assess the cost thereof against the property in the same manner as provided by Section 5, Chapter 9 of the City Charter. The owner shall continue to have the responsibility to do any additional work required to complete the connection to the city's storm sewer and complete the disconnection from the city's sanitary sewer. The city shall take any steps that are legally required in order to gain entry to the property.

(c) *Request to city engineer to connect to storm sewer.* The owner of any property that needs to disconnect from the sanitary sewer and desires to connect to the storm sewer may, voluntarily and without an order pursuant to paragraph (b), request and authorize the city, on forms prescribed by the city engineer, to make the connection or hire a private contractor to make the connection. Such connection shall be made at the discretion of the city engineer and upon such terms as the city engineer shall determine. Such authorization by the owner to the city shall constitute, and such authorization form shall provide for, the right to enter upon the premises as may be necessary to make such connection; a waiver and release by the owner of any and all claims and damages against the city arising out of the making of such connection; and the consent of the owner to any unpaid charges for such work to be collected as a special assessment against the property as provided herein. The city engineer, upon receiving such authorization from the owner, may cause the connection of the property's stormwater line to be done by city forces or by a contractor as it shall direct. The costs of this connection shall be initially provided for by an advance of funds from the sewer rental fund or other fund as shall be determined by a council resolution or such other council action as they shall determine as appropriate, to be reimbursed from the collection of such charges. The city engineer, upon completion of any such repairs or replacement work, shall notify such owner of the amount of the charges for such work which the owner may pay to the city on or before July first, without penalty added thereto. If the charges or any part thereof for any such work is unpaid by July first, the city engineer shall prepare a proposed assessment roll listing the amount of charges unpaid and the benefited property which shall be filed with the city clerk. The city council shall assess and levy and cause to be collected the amount of such costs as a special assessment upon and against the property benefited in the manner provided by Minnesota Statutes, Sections 429.061, 429.071 and 429.081. Such costs so assessed shall be payable in a single installment except that the city council may provide that the costs so assessed may be paid in not to exceed ten (10) equal annual installments. Such assessments may include a penalty not to exceed ten (10) per cent of the amount thereof, as the council may determine, and shall bear interest at eight (8) per cent per annum or at such lesser rate as the council shall direct consistent with the City Charter. The owner shall continue to have the responsibility to do any additional work required to complete the connection to the city's storm sewer and complete the disconnection from the city's sanitary sewer.

(d) *Failure to respond.* Failure to obtain a permit and disconnect or obtain a time extension pursuant to the terms of any official notification or order shall subject the property owner to penalties as provided by sections 56.50, 1.30(a), 1.40, and Chapter 2 of this Code. (2003-Or-053, § 1, 5-2-03; 2006-Or-134, § 4, 11-17-06)

**56.150. Time extension.** (a) *Time extension for compliance.* An owner may request a time extension to comply with a notification to disconnect. A time extension for one (1), two (2) or three (3) years may be requested and renewed prior to expiration as provided for in subsection (d). A request for a time extension must be submitted on a form provided by the authority with payment of a twenty-five dollar (\$25.00) filing fee to cover review, administration and handling costs.

(b) *Time extension approval.* A request for a time extension will be approved only in those cases in which the facts presented to the authority and city engineer demonstrate to the reasonable satisfaction and professional judgement of the authority and city engineer that timely

disconnection would not be safe, prudent, or feasible and that a delay in disconnection is consistent with plans for the area's public infrastructure. For example, a disconnection that when performed would pose an increased risk to public health, or a disconnection that when performed would contribute to localized flooding would not be safe, prudent, or feasible. A time extension shall not be for a period longer than the period necessary to reasonably plan for and achieve compliance consistent with plans for the area's public infrastructure and keeping in mind the city's overriding interest in limiting inflow of stormwater into the city's sanitary sewer system consistent with the purposes set forth in section 56.10.

(c) *Conditions of a time extension granted.* Issuance of a time extension means that the authority does not require disconnection at this time. The authority and the city engineer reserve the right to require minimization of the continued inflow, prohibit expansion of the inflow and impose other reasonable conditions based upon the facts in each case. The time extension may be reopened to require additional work if previously undisclosed or unknown information or changing regulatory requirements makes additional work necessary.

The fee for obtaining a time extension shall be waived for time extensions acquired prior to January 1, 2007. On or after January 1, 2007, the owner must at that time pay a fee for buildings or premises as calculated by the authority based on the following formula: The current sewer utility rate multiplied by the square footage of the area contributing rainwater to the sanitary sewer system multiplied by the average annual rainfall in the Minneapolis/St. Paul area from 1990 to 2000 as determined by the National Weather Service (twenty-six (26) inches, two and seventeen hundredths (2.17) feet).

*Sample calculation:* Current Sewer Rate in 2002--\$3.16 per 100 ft<sup>3</sup>; Average Rainfall--2.17 ft  
TABLE INSET:

(	\$3.16	)(2000 ft <sup>2</sup> )(2.17 ft)-\$137.14
	100 ft <sup>3</sup>	

(d) *Time extension renewal.* Prior to the expiration of an existing time extension, the owner may request an extension on a form provided by the authority pursuant to subsection (a).

(e) *Time extension disapproved.* If a time extension to disconnection is not approved, or is approved upon conditions that the applicant finds objectionable, the applicant may appeal pursuant to the procedures provided in sections 56.300 to 56.330 of this Code or their successor provisions. If the time extension is denied, or approved on conditions the applicant finds unacceptable, the obligation to disconnect or comply with the conditions of the time extension shall be stayed pending the specified appeal period and during the pendency of any appeal of the decision pursuant to sections 56.300 to 56.330 of this Code or their successor provisions. If there is no appeal or following the conclusion of the appeal procedures, the property owner shall disconnect or alternatively comply with any time extension granted on the conditions specified. Any failure to meet these obligations shall subject the property owner to penalties as provided by sections 56.50, 1.30(a), 1.40, and Chapter 2 of this Code. (2003-Or-053, § 1, 5-2-03; 2006-Or-134, § 5, 11-17-06)

**56.160. Disclaimer.** The city in no way guarantees or implies that areas will be free from flooding or flood damages. The city does not assume a specific duty as to individual property owners to enforce this ordinance, but is enacting this chapter as a general regulation. This chapter is not intended for reliance by individual property owners. This chapter shall not create liability on the part of the city or its officers or employees for any flood damage that may result from the failure to comply with any portion of this chapter or any administrative decisions made pursuant thereto, whatever the cause. (2003-Or-053, § 1, 5-2-03)

**56.170. Effective date.** This chapter shall become effective on August 1, 2003. (2003-Or-053, § 1, 5-2-03)

**56.180. Rainleader disconnection appeals panel.** A rainleader disconnection appeals panel is hereby established to hear appeals related only to rainleader disconnection time extension decisions. The panel shall consist of the following three (3) members:

- (1) Director of operations, licenses and environmental services or designee;
- (2) City engineer or designee;
- (3) Director of inspections or designee.

The director of operations, licenses and environmental services or their designee shall provide a secretary to the panel who will serve in a nonvoting capacity. The panel shall adopt its own rules for procedures which are not in conflict with applicable ordinances. (2006-Or-134, § 6, 11-17-06)

**56.190. Duties and responsibilities of the panel.** The panel shall hear appeals from rainleader disconnection time extension decisions as specifically provided in section 56.150 of this Code. The panel may modify, sustain, or quash all or any portion of any order, interpretation, requirement, decision, or other determination made in matters relative only to rainleader disconnection time extension requests as specifically provided in section 56.150 of this Code. (2006-Or-134, § 7, 11-17-06)

**56.200. Right to appeal; procedure.** (a) If a time extension to disconnection is not approved, or is approved upon conditions that the applicant finds objectionable, the applicant may, either personally or through his/her authorized agent, make an appeal to the panel. Such appeal shall be filed on a form provided by the rainleader disconnect program within fourteen (14) days from the date of the adverse determination. The appellant shall file any and all documents and/or affidavits that support the appeal. The payment of a fee in the amount of one hundred dollars (\$100.00) must accompany the submission of the appeal to cover administrative and handling costs.

(b) The appeals panel shall render its decision based upon the evidence submitted, unless the panel believes that a hearing is necessary in order to reach its decision. If a hearing is determined to be necessary, the director of operations, licenses and environmental services or designee shall schedule a hearing. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to the appellant by mail, addressed to the appellant at his/her address shown on the appeal. (2006-Or-134, § 8, 11-17-06)

**56.210. Hearings and decisions of the panel.** (a) All hearings before the panel shall be public. A record of the entire proceedings shall be made by tape recording. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefore. Such fees may be established by the panel, but shall in no event, be greater than the cost involved. The panel may grant continuances for good cause shown.

(b) The panel shall make specific findings of fact and/or conclusions in connection with any decision upon any appeal. For those appeals without a hearing, a decision shall be made within sixty (60) days of the date of appeal. For those appeals with a hearing, a decision on any appeal shall be made at the hearing in which the appeal is heard, unless the appeal is continued to a

subsequent meeting. Any decision by the panel shall be made by a majority of the quorum. All decisions by the panel shall be a final decision and shall become final when signed by the director of operations, licenses and environmental services or their designee chair, and shall become effective and enforceable at such time or at such alternative time as is specified therein. (2006-Or-134, § 9, 11-17-06)