



Legislation Text

File #: Ord 19-37, **Version:** 1

Amending Chapter 76 of the Legislative Code pertaining to sewers and drains by adding new language authorizing the creation of special sanitary sewer availability districts and authorizing the imposition and collection of connection charges within such districts where facilities were constructed, enlarged or improved to manage increased sanitary sewer volume within the district. (Public hearing continued from June 26)

The Council of the City of Saint Paul does hereby ordain:

Section 1

That Legislative Code Chapter 76 is hereby amended by adding new language to sections 76.01, 76.03, 76.031, 76.04, 76.06, and by adding a new section entitled "Special Sanitary Sewer Availability Connection Districts and Charges" as Section 76.30:

Chapter 76. - Sewers and Drains

Sec. 76.01. - Payments required for connection.

The director of the department of public works shall not grant to any person, firm, corporation or association a permit to tap or connect with any sewer of the City of Saint Paul unless:

- (a) the current annual installment of any assessment for sewer construction levied against the subject land, as shown by the pertinent public records in the office of the real estate division, shall have been fully paid; or
- (b) where applicable, the outstanding balance of a connection charge for a special sanitary sewer availability connection charge district, established pursuant to section 76.30 of this chapter, shall have been fully paid.

Sec. 76.02. - Limitation of assessment of benefits; larger tracts, corner tracts.

Where a large tract of unplatted land or platted land assembled into a single tract by vacation of streets, alleys or otherwise constituting an area in excess of ten thousand (10,000) square feet is involved, any assessment of benefits thereon for an existing abutting sanitary sewer, for the purposes hereof, shall be deemed limited to a depth of one hundred fifty (150) feet from the front line of any such tract, and where a corner tract or platted land is involved and any such assessment of benefits was reduced because of such location, the assessment of benefits shall be deemed limited to the width of any such tract or parcel or fifty (50) feet, whichever is the lesser.

Sec. 76.03. - Connection charges; exceptions.

(a) Where any tract of land has not been assessed for any existing abutting sanitary sewer and has been excepted from the levy of the assessment for the same, and a new sewer has not been built for which it may be assessed, no permit shall be granted to connect such tract of land with the city sanitary sewer except upon payment of a connection charge in the amount of twenty-five dollars (\$25.00) per assessable front foot to a depth of one hundred fifty (150) feet; except that where a public sewer has been built under private contract and paid for by one (1) or more owners of land thereby served or provided to be served under a permit authorized by the city council, and in accordance with conditions specified in such permit, in any such case a permit shall be granted to connect all or any of the land which such sewer is intended to drain and which abuts

on such sewer without payment of a connection charge.

(b) For any new or modified development of land or use, connecting to sanitary sewer facilities within a special sanitary sewer availability connection charge district in which facilities were constructed, reconstructed, repaired, enlarged or improved to manage anticipated demand or increased sanitary volume within that district, any outstanding special sanitary sewer availability connection charge for that property or use, together with any interest or other inflator thereon, as set forth in the council resolution establishing the district, must be paid in full before any building permit for the property or use is issued by the department of safety and inspections.

Sec. 76.031. - Method for payment of sewer connection charges.

(a) Sewer connection charges required under section 76.03(a) shall be a charge upon the property served and shall be paid in the manner set forth below.

(b₁) The connection charge shall be paid prior to the issuance of the permit, or, at the election of the owner, may be paid over a term of years not to exceed ten (10) years. Owners electing to make installment payments shall make written application to the real estate section of the office of financial services. The application shall require that the owner agree to pay annual installments including fixed interest at a rate determined in accordance with section 64.04 of the Administrative Code together with all administrative costs connected with the collection and certification of the connection charge. A certified copy of the completed application shall be filed with the county recorder.

(e₂) Annual installments, including interest and administrative costs, shall be certified by the department of finance to the Ramsey County Department of Property Records and Revenue to be collected as other taxes are collected against the property served. Additional payments can be made to the real estate section of the office of financial services to shorten the term of the agreement.

(b) Any charge required under section 76.03(b) shall be a charge to the development or use served and shall be paid in full to the department of safety and inspections.

Sec. 76.04. - Application of connection charges.

(a) All sewer connection charges received under the terms of this chapter shall be paid into the permanent improvement revolving fund with such funds being applied towards the financing of sewer projects throughout the city except any payment received by the department of safety and inspections pursuant to section 76.03(b). All deposits made under the terms of section 76.01(a), 76.02 through and 76.031(a) shall be credited towards payment of any future assessments for an abutting sanitary sewer which may be levied on the property for which the deposit was made subject to the following:

- (1) Those who pay the connection charges due in one (1) lump sum shall receive credit applied in the amount equal to the current rate of deposit in effect on the date such credit is applied;
- (2) Those who elect to pay the connection charges due over time, pursuant subsection 76.031(b), shall receive credit only in the amount originally due on the date of the election.

(b) Any payment received by the department of safety and inspections pursuant to section 76.03(b) shall be paid into the specific account established for the applicable special sanitary sewer availability connection charge district and shall be applied only to reimburse the original source that funded the sewer capacity or facilities improvements.

Sec. 76.05. - Supervision by director.

The director of the department of public works shall take the general supervision of all sewers and their connections, which now or hereafter may be built by the city, or which may be permitted to be built by his authority, and shall take charge of the building repairs of the same, and all matters in connection with the

sewage of the city.

Sec. 76.06. - Payment record.

(a) All sums to be paid by any person or persons for licenses or permits as provided for in section 76.03(a)(1-2) this chapter shall be paid to the director of the office of financial services, by the director of the department of public works before he shall deliver said license or permit.

(b) All sums to be paid pursuant to section 76.03(b) shall be paid to the department of safety and inspections which shall provide a receipt therefor and advise the source that originally funded the sewer capacity or facilities improvements of the receipt of payment.

Sec. 76.07. - Licensed contractor.

No connection shall be made with any sewer or drain except by persons regularly licensed as house sewer contractors, bonded and insured as provided in the applicable sections of this Legislative Code.

Cross reference- Class I license provisions for house sewer contractors, Ch. 338.

Sec. 76.08. - Connection permit.

No connection shall be made with any sewer without the written permission of the director of the department of public works, and any opening or connection made into any sewer without such permission, or in any manner different from the mode prescribed for such opening or connection by this chapter, shall subject the person making the same, and the occupier or owner of the premises directing it, to a penalty of not less than one hundred dollars (\$100.00) for each and every day said connection or opening shall remain after notice by the city engineer to close and disconnect the same.

Sec. 76.09. - Revocation.

All permissions given, as aforesaid, to connect with sewers and drains shall be upon the express condition that the director of the department of public works of the city may, at any time, revoke and annul the same, and the persons making such connections, or their successors in interest, shall have no right to claim any damages in consequence of such permission being revoked or annulled.

Sec. 76.10. - Connection regulations.

The connections with all sewers must be made even with the inside surface in a workmanlike manner, where a length of pipe or drain has not been left in the sewer, and made perfectly tight with good cement, and, where a pipe has been left in, the connection shall be made with such pipe without injuring the same. The street must be opened and the paving and earth deposited in a manner that will occasion the least inconvenience to the public, and provide for the passage of water along the gutters; one-half the street must be left clear for the passage of vehicles, and bridgeways provided on sidewalks for pedestrians. In refilling the trench, the earth must be laid in layers not more than six (6) inches in depth, and each layer wetted and rammed to prevent settlement. The paving, flagging and sidewalks are to be restored to at least as good condition as previous to the excavation, and all rubbish and surplus earth to be immediately removed.

Sec. 76.11. - Drain construction.

It shall be unlawful to construct or extend any drain for the reception of sewage or wastewater under or into any hotel, tenement house, dwelling or any building, or to connect the same with any public sewer, unless the drain shall, in its plan and construction, conform to the following requirements: First, there shall be in said drain a trap, so constructed as to bar the passage of air from beyond the trap into the house by an obstacle equal to at least one inch in depth of water; second, between said trap and the foot of the soil pipe there shall be connected with the drain an inlet pipe for the admission of fresh air, and the soil pipe within the house shall be continued above the roof and left open, so that the whole drain may be thoroughly and constantly ventilated.

Sec. 76.12. - House drains.

Whenever any person desires to construct a house drain intended to be connected with or discharged into any sewer, he shall, before beginning work upon the same, deposit with the director of the department of public works a plan thereof, which shall show the whole course of the drain from its connection with the sewer to its terminus within the house, said plan or copy thereof to be left on file in the office of the city engineer. If, upon inspection of said plan, the director of public works shall find that the same does not conform to the requirements of this chapter, he shall not issue any permit for its construction and connection with any sewer, and it shall be unlawful to construct said drain or to connect the same either directly or indirectly with any sewer.

Sec. 76.13. - Inspection, etc.

The director of public works, or his duly authorized agents, shall have the right to enter upon the premises drained by any house drain and connected with any public sewer, at all reasonable hours, to ascertain whether the provisions of this or any other ordinance in regard to house drains have been complied with, and if he shall find that said drain or its attachments do not conform to the provisions of law in regard thereto, he shall notify the owner of said premises or his agent of this fact. It shall thereupon be the duty of said owner or his agent to cause said drain or its attachments to be so altered, repaired or reconstructed as to make them conform to the requirements of law in regard thereto, within fifteen (15) days from the time of receiving such notice.

Sec. 76.14. - Permits.

Applications for permits must be made by the party employed to do the work, and must state the location, name of the owner, number of buildings to be connected, and how occupied. It shall be unlawful for any person to extend any private drain beyond the limits of the buildings or property for which the permit has been given.

Sec. 76.15. - Drain connections.

All drains, which enter into any public sewer or drain or drain in any street or highway, shall be built of such size and materials and in such direction and with such grades and in such manner as the director of the department of public works may direct, and all work thereupon shall only be done by a regularly licensed person, as provided in this chapter.

Sec. 76.16. - Inspection.

Notice in writing must be given to the director of the department of public works at his office by the person who is to make the connection with any sewer or drain, when such work will be ready for inspection, previous to making such connection.

Sec. 76.17. - Licensees.

No person licensed to make such connection with sewers, etc., shall allow his name to be used by any other person, either for the purpose of obtaining permits or doing any work under the license; and every person licensed shall have recorded in the office of the department of public works his place of business, the name under which the business is transacted, and shall immediately notify the sewer engineer of any change.

Sec. 76.18. - Garbage, etc.

No butcher's offal or garbage, dead animals, kitchen slops or any substance or obstruction of any kind whatever shall be placed, thrown or deposited in any catch basin, and no person shall injure or break or remove any portion of any catch basin, covering flag, gully grating, manhole or side entrance cover, or any part of any sewer or drain, or obstruct the mouth of any sewer or drain.

Sec. 76.19. - Required connection.

The director of the department of public works, under the direction of the health officer, shall have power in all cases where there is a public sewer in any street or highway to cause every owner of land upon or adjoining such street or highway, his agent or tenant, to make a sufficient drain from his or her house, yard or lot, whenever in their opinion the same may be necessary, and they shall thereupon give such owner, agent, or tenant notice in writing specifying the time when such drain must be completed; and if the owner, agent or tenant neglects to complete the same within the time specified, and in addition to the penalties imposed for violation of any of the provisions of this chapter, the department of public works shall cause it to be done, and shall recover the whole amount of the expenses thereof, together with ten (10) percent damages, by an action in the name of the City of Saint Paul before any court proper to try the same.

Sec. 76.20. - Defective drain.

Whenever any drain connected with any public sewer or drain becomes clogged, obstructed, broken or out of order, or detrimental to the use of the sewer or drain or unfit for the purposes of drainage, the owner, agent, occupant or person having charge of any building, yard, lot of land or other premises which are drained by said drain or sewer shall, when directed by the director of public works or health officer, remove, reconstruct, alter, cleanse or repair said drain as the condition of said drain may require. In case of neglect or refusal to remove, reconstruct, repair, alter or cleanse said drain for the space of three (3) days, the director of the department of public works shall cause the same to be removed, reconstructed, repaired, altered or cleansed, as he may deem expedient, at the expense of the owner, agent or other person as aforesaid.

Sec. 76.21. - Obstructions.

No owner, agent, occupant or other person having charge of any building, yard, lot of land or other premises which are drained into any public sewer or drain shall permit any substance or matter, which may form a deposit or obstruction in any public sewer or drain, to flow or pass into the same. And said owner, agent, occupant or other person, as aforesaid, shall, when directed by the health officer, or division of housing and building code enforcement, within ten (10) days' notice in writing to that effect from said health officer or division of housing and building code enforcement, provide his drain with sufficient cesspool or catch basin, or, if one already exists, clean out, repair or alter the same, and provide such other means as shall prevent any substance or matter from passing into the drain or sewer which may cause a deposit or obstruction therein.

Sec. 76.22. - Police duties.

It shall be the duty of the police of the city and street inspectors, in all cases where they may find any person or persons engaged in the work of breaking ground for the purpose of making connections, etc., with sewers or drains, or in any manner interfering with or operating upon any of the sewers or drains of the city, to ascertain at once if such person or persons are duly licensed to perform such work, and in the event of said person or persons not being licensed, and having a permit, to order them to desist, under pain of arrest for a violation of this chapter, and at once report the facts to the director of the department of public works.

Sec. 76.23. - Violations.

Any person licensed to make connections with sewers and drains who shall be guilty of any violation of the provisions of this chapter shall be immediately either deprived of his license or fined, or both, at the direction of the court before whom the action may be brought.

Sec. 76.24. - Engineer's permits.

- (a) No person shall make connection with any sewer, or with any drain that connects with a sewer, without previously having obtained from the city engineer a written permit to make such connection and notifying him of the time when the connection is to be made.
- (b) Each opening or connection made into or with any sewer, or into or with any drain that connects with a sewer, without such written permit, or in any manner different from that prescribed by the ordinances of the City of Saint Paul, shall be a separate violation.

Sec. 76.25. - Connections off street line prohibited.

- (a) No permit shall be issued to any person to tap or connect with any sewer off the line of the street upon which property sought to be drained is situated.
- (b) Whenever it is proposed to connect a building or other structure to a sewer which in the opinion of the chief engineer of the City of Saint Paul is either inadequate in size or not deep enough to properly drain the premises sought to be connected, a permit may be issued to connect with the nearest available sewer.

Sec. 76.26. - Definitions.

The following definitions shall apply to this chapter:

- (1) *Stormwater* is defined as rainwater runoff which is collected by roof and paved areas, yards, courts and courtyards, etc.
- (2) *Clearwater* is defined as condensate water, cooling water, uncontaminated wastewater, and shall exclude storm or rainwater runoff. Such clearwater shall meet federal and state water pollution control agencies' effluent standards for discharges of untreated water to watercourse.
- (3) *Sanitary wastewater* is defined as all sanitary sewage or wastewater which does not fall under the categories of either stormwater or clearwater.

Sec. 76.27. - Permit required.

Permission and payment of all necessary fees shall be required before any person may tap into or connect his real property with any public sewer.

Sec. 76.28. - Clearwater connections.

No clearwater connection permit shall be granted for any tract of land unless a clearwater connection charge has been paid to the City of Saint Paul in the amount of three cents (\$0.03) per square foot of land being served by the clearwater connection. "Land served by a clearwater connection" is defined as the entire area of any parcel except where a large tract of unplatted land assembled into a single tract constituting an area in excess of ten thousand (10,000) square feet is involved, in which case the property served shall be the land area occupied by the building served plus the contiguous land or improved area adjacent thereto amounting to not less than ten thousand (10,000) square feet. Where portions of large tracts are served, plot plans of the area shall be submitted with applications for storm or clearwater connection permits. Where a public storm or clearwater sewer has been built under private contract and paid for by one or more owners of land thereby served or provided to be served under a permit authorized by the city council, and built in accordance with conditions specified in said permit, then and in any such case, a permit shall be granted to connect all or any of the land which said storm or clearwater sewer is intended to drain and which abuts on said storm or clearwater sewer without payment of a clearwater connection deposit.

Sec. 76.29. - Explosive materials in sewers prohibited.

It shall be unlawful for any person, firm or corporation to drain or deposit, or permit to be drained or deposited, into any public sewer or into any drain or pipe connecting with any public sewer, any gasoline, naphtha, benzine, kerosene, turpentine or any other spirit, gas or fluid containing any materials of an explosive or suffocating nature or that may gasify or create combustible or suffocating gases or vapors.

Sec. 76.30. - Special Sanitary Sewer Availability Connection Districts and Charges.

(a). *Authorization.* Pursuant to Minn. Stat. Chap. 444, the City may establish special sanitary sewer availability connection charge districts to serve areas of the City identified as lacking sufficient sanitary sewer capacity or requiring construction, reconstruction, repair, enlargement, or other improvements to sanitary sewer facilities to manage anticipated sewer demand and in which the City has improved the sewer capacity or facilities to manage anticipated demand. To recover the costs of sanitary sewer and facilities improvements

within such districts, each new or modified land development or use connecting to the sanitary capacity and facilities improvements shall pay a connection charge.

(b). Establishment: process and charge calculation.

(1). A special sanitary sewer availability connection charge district ("SSACCD") shall be established by city council resolution upon a report and recommendation by the sewer utility. The council resolution shall only be adopted following a public hearing, the notice and conduct of which shall be as provided under sections 14.01.1(4) and (5) of the City Charter.

(2). The council resolution establishing each SSACCD shall state the special sanitary sewer availability connection charge ("SSACC") for the district. The SSSACC must reflect the proportional cost of providing sanitary capacity or facilities' improvements used by the connection. The SSSACC shall be determined by dividing the total project cost by the incremental increase in sanitary sewer capacity generated by the project expressed, as City Sewer Availability Charge (CSAC) units, pursuant to the conversion rate of 1 CSAC unit equals 274 gallons per day set forth in the *Sewer Availability Charge Procedure Manual of the Metropolitan Council Environment Services (MCES) Division* dated January 1, 2019. The per-unit SSSACC determined in this manner shall be applied consistent with the service availability charge determination required by Section 77.07 but will exclude any credits applied to the service availability charge determination. For all other sanitary sewer projects, the council shall specify the SSSACC, or shall specify the methodology to determine the SSSACC, in the council resolution upon recommendation of the director of the department of public works. The SSSACC may inflate annually at the rate set forth in the council resolution.

Section 2

These amendments shall become effective thirty (30) days after passage, approval, and publication once in the official newspaper of the City.