

## ORDINANCE NO. 1601

CITY OF BURNSVILLE, MINNESOTA

### AN ORDINANCE REVISING TITLE 7: HEALTH AND SANITATION

THE CITY COUNCIL OF THE CITY OF BURNSVILLE ORDAINS AS FOLLOWS:

**SECTION 1:** "TITLE 7: HEALTH AND SANITATION" of the Burnsville Municipal Code is hereby amended as follows:

#### **7-1-1: Definitions**

~~In this chapter "nuisance" means a thing, act or use of property that:~~

- ~~A. Annoys, injures or endangers the health, safety, comfort or repose of the public.~~
- ~~B. Offends public decency.~~
- ~~C. Unlawfully interferes with the use of or obstructs, or tends to obstruct or render dangerous for passage a lake, stream, navigable river or public water, park, square, sidewalk, street, alley or highway.~~
- ~~D. Depreciates the value of the property of the inhabitants of the City.~~
- ~~E. In any manner renders the inhabitants of the City insecure in life or in use of property. (Ord. 1198, 4-20-2010)~~

ABANDONED VEHICLE: A vehicle has remained for a period of more than 48 hours on public property or any vehicle lacking vital component parts or current license or registration. Any such vehicle shall be presumed to be abandoned and may be immediately removed and impounded by any police officer or duly authorized person in accordance with this code.

ESTABLISHED DRIVEWAY: A permanent concrete, asphalt or other surfaced area of a lot designed to provide ingress and egress for vehicles from the street to a garage or other off-street parking area authorized herein.

~~INOPERABLE VEHICLE: A vehicle, other than a restorable automobile or street rod as those terms are defined in this section, including, but not limited to, any automobile, truck, trailer, marine craft, snowmobile, motorcycle, all-terrain vehicle, mobile home, pickup camper, camping trailer, and other equipment for motorized transportation, which is in a condition which is described by one of the following:~~

- ~~A. Has a missing or defective part that is necessary for the normal operation of the vehicle including, but not limited to the (a) motor, (b) drive train (c) a wheel or wheels;~~
- ~~B. Is stored on blocks, jacks, or other supports;~~
- ~~C. Does not display a license, or displays a license that is 90 days or more past its required renewal date;~~
- ~~D. Unmounted pickup campers or vehicles which are towed shall not be deemed inoperable vehicles if they otherwise possess all parts and are capable of normal operation and, if a license is required, display a license that is not more than 90 days past its required renewal date.~~

JUNK VEHICLE: A vehicle that is:

~~A. Three years old or older;~~

A.B. Extensively damaged, with the damage including such things as broken or missing wheels, motor, drive train, or transmission;

~~B.C. Apparently inoperable;~~

~~C.D. Does not have a valid, current registration plate; and~~

D.E. Has an approximate fair market value equal only to the approximate value of the scrap in it; and

E. Is not a restorable vehicle.

MANAGED NATURAL LANDSCAPE: A planned, intentional, and maintained planting of native or non-native grasses, wildflowers, forbs, ferns, shrubs or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plantings. Managed natural landscape does not include noxious weeds or turf-grass lawns left unattended for the purpose of returning to a natural state.

MEADOW VEGETATION: Grasses and flowering broadleaf plants that are native to the state of Minnesota or this region, and that are commonly found in woodland, meadow and prairie plant communities, except weeds.

NOXIOUS WEEDS: Those plants designated by the Commissioner of Agriculture to be injurious to public health, the environment, public roads, crops, livestock, or other property.

ORNAMENTAL PLANTS: Grasses, perennials, annuals, and groundcovers purposely planted for aesthetic reasons.

OUTDOOR WOOD BOILER: A fuel burning device that is designed for outdoor installation or installation in structures not normally occupied by humans to heat building space and/or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.

PARK: To temporarily locate a trailer or camping vehicle on a driveway for a period of time not to exceed 14 days. Parking is also distinguished from "storage" as indicated by frequent use of a vehicle on a regular basis.

POLLINATOR LAWNS: Turf grasses mixed with low-growing legumes and other non- invasive perennials that produce flowers beneficial to pollinators.

RAIN GARDEN: A native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of stormwater and accompanying pollutants from entering streams, lakes, and rivers.

REGULARLY CUT: Mowing or otherwise cutting weeds or grass so that it does not exceed 8 inches in length.

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RESTORABLE VEHICLE: A vehicle located on a driveway that is in the process of active restoration or repair to full operability by the owner of the property.

STORE: To locate a trailer or camping vehicle on a lot for longer than 14 days.

TRAILERS AND CAMPING VEHICLES: Includes, but are not limited to, motor homes, nonmotorized vehicles, utility trailers, and recreational equipment trailers as further defined:

- A. Motor Homes: A camping vehicle in which the driver is located within the vehicle;
- B. Nonmotorized Vehicles: A camping vehicle that is towed behind a separate motor vehicle (fifth wheel, hard side camper, pop up);
- C. Recreational Equipment Trailers: Wheeled trailers used to transport boats, ATVs, motorcycles, snowmobiles, etc.;
- D. Utility Trailer: Wheeled trailers used for the transport of work tools and equipment, hobby equipment, landscaping supplies or other nonrecreational equipment; and
- E. A boat, snowmobile(s), ATV, motorcycle or other trailer or camping vehicle, when stored or kept on a trailer, shall be considered as one vehicle.

TURF GRASSES: Grasses commonly used in regularly cut lawn areas, such as bluegrass, low-input fescue and perennial rye grass blends.

VEHICLE: Any machine as defined under Minnesota statutes section 168.00211 or 169.011, and includes snowmobiles and trailers.

WEEDS: Include all poison ivy, Canada thistle, leafy spurge, garlic mustard and other noxious weeds, as well as nuisance weeds such as burdock, European bellflower, stickseed, sow thistle, and ragweed.

WOOD: Includes, but not limited to, firewood and lumber, whether rough, precut construction grade or finished, which is stored or kept on property in the City.

### **7-1-2: Property Nuisances Generally**

A thing, act, or use of property that is any of the below is considered a nuisance and prohibited by this Chapter:

- A. Annoys, injures or endangers the health, safety, comfort or repose of the public;
- B. Offends public decency;
- C. Unlawfully interferes with the use of or obstructs, or tends to obstruct or render dangerous for passage a lake, stream, navigable river or public water, park, square, sidewalk, street, alley or highway;
- D. Depreciates the value of the property of the inhabitants of the City; or
- E. In any manner renders the inhabitants of the City insecure in life or in use of property.

### **7-1-23: Illustrative Enumeration**

The following are nuisances affecting health, safety, comfort or repose, and also affecting public peace and safety:

- A. Accumulations of manure, rubbish, garbage, tin cans, bottles, junk, debris or other waste which are kept so as to result in offensive odors, unsightly conditions, or excessive manifestation of flies to the discomfort and annoyance of adjacent property owners of the

- public, except as expressly authorized by ~~statute or ordinance~~ City Code or State Statute.
- D. ~~A person engaging in one (1) or more of the following activities at any time between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. upon land in or adjacent to any residential zoning district: (Ord. 1296, 4-16-2013)~~ The following activities may not be done prior to 7:00 a.m. and past 10:00 p.m.
- E. The throwing, dumping or depositing of any dead animals, manure, garbage, waste, decaying matter, ground, sand, stones, ashes, rubbish, tin cans, paper, or other material of any kind on private or public property, except as expressly authorized by ~~statute or ordinance~~ City Code or State Statute.
- F. Dense smoke, noxious or offensive fumes or odors, gas, soot, or cinders in unreasonable quantities. This includes smoke from an outdoor wood boiler.
- I. Causing or permitting any unnecessary or annoying noises or vibrations.  
     1. Exception: Engineered blasts to keep vibrations to a minimum.
- J. The pollution of any public well, stream, river, lake or body of water by sewage, creamery, illicit discharge, or industrial wastes.
- K. All other acts, omissions, occupations and uses of property which have a negative impact on the health or safety of the inhabitants of the city ~~of a considerable number thereof~~.
- N. The piling, storing or keeping of old machinery, wrecked or junked vehicles, or other junk or debris upon open spaces, except as expressly authorized by ~~statute or ordinance~~ City Code or State Statute. ~~"Junked vehicles" means a vehicle that does not display current registration, is inoperable, or is lacking vital components. The registration shall not be the sole factor determining the status of the vehicle.~~
- O. ~~Non-Permitted~~ Obstructing s of traffic and the free use of public streets or sidewalks.
- Q. ~~Directing Permitting rain,~~ water including sump pumps, ice or snow ~~to fall from any building on any public street or sidewalk or to flow across~~ onto any public sidewalk. Dedicated drainage easements may be used to route overland drainage to the street. Drainage shall not be allowed to create unsafe conditions to the public or damage of public or private property. Drainage patterns may not be modified without receiving a city grading permit which will require mitigation measures for modifications. Discharging of pool water into a City Park is not allowed.
- R. ~~Placing entrance culverts, or d~~ oing any act which may alter or affect the drainage of public streets or alleys or the surface or grade of public streets, alleys or sidewalks without proper permit.
- S. Making repairs to motor vehicles, or tires in public streets, ~~or~~ alleys, or public property and structures, excepting only emergency repairs which will not unduly impede or interfere with traffic.
- T. Throwing, placing, depositing, or burning leaves, trash, lawn clippings, weeds, grass, or other material in the streets, alleys. ~~or gutters, (Ord. 1198, 4-20-2010)~~ or drainage structures/sewer access structures.
- U. Erecting, painting or placing of unauthorized traffic, advertising, or other signs in ~~streets, or alleys or on sidewalks,~~ public right-of-way except as authorized by law or ordinance. (Ord. 1300, 5-14-2013)
- V. All trees, hedges, billboards or other obstructions in or overhanging the right-of-way which prevent a clear view of traffic approaching an intersection or driveway in sufficient time to bring a motor vehicle driven at a reasonable speed to a stop before the intersection or driveway is reached.
- ~~W. Installing or allowing the installation, or operating or allowing the operation, of an outdoor~~

~~wood boiler in the city. "Outdoor wood boiler" means a fuel burning device that is designed for outdoor installation or installation in structures not normally occupied by humans to heat building space and/or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.~~

- X. All other conditions, acts, or things which are ~~liable~~likely to cause injury to persons or property. (Ord. 1198, 4-20-2010)

### **7-1-34: Enforcement**

It shall be the duty of the city manager or designee to enforce the provisions of this chapter, and the council may delegate to other officers or agencies of the city power to enforce particular provisions of this chapter. (Ord. 1198, 4-20-2010)

### **7-1-5: Violations**

Any person who shall cause or create a nuisance ~~to be created~~ or ~~to~~ remain upon any~~the~~ premises, ~~owned or occupied by him~~, and any person who ~~shall~~ fails to comply with any order or notice made under the provisions of this chapter shall be guilty of a misdemeanor. ~~The officer charged with enforcement of this chapter may pursue criminal prosecution without serving any notice of or order to terminate and abate the nuisance pursuant to section 7-1-4 of this chapter. (Ord. 1198, 4-20-2010)~~  
The City may abate any nuisance on violation of this section as provided in Section 7-1-6.

### **7-1-46: Abatement**

- A. ~~Whenever, in the judgment of the officer charged with enforcement of this chapter, it is determined that a nuisance is being maintained or exists within the city, such officer shall notify in writing the person committing or maintaining such public nuisance and require him or her to terminate and abate said nuisance and to remove such conditions or remedy such defects. Injunctive Relief: Without affecting any other penalty provision in this division or elsewhere in City, at the direction of the City Manager or their designee, the City may enforce any provision of this division by mandamus, injunction, or any other appropriate remedy in any court of competent jurisdiction.~~
- B. ~~The written notice shall be served on the person committing or maintaining said nuisance in person or by mail. If the premises are not occupied and the address of the owner is unknown, service on the owner may be had by posting a copy of the notice on the premises. The notice shall require the owner or occupant of such premises, or both, to take reasonable steps within a reasonable time to abate and remove the nuisance, the steps and time to be designated in said notice, but the maximum time for the removal of the nuisance after service of the notice shall not in any event exceed thirty (30) days. Service of the notice will be complete upon mailing. (Ord. 1300, 5-14-2013) Alternative Civil Remedy: Without affecting any other penalty provision in this division or elsewhere in City Code, the Council may, in conjunction with such penalty or in the alternative, in the form of a resolution, declare that there exists upon privately owned lands or premises a public nuisance.~~
1. Notice of the passage of the resolution shall be served personally upon the owner of the premises or their agent or the occupant of the premises if the names of such persons can be readily ascertained. Such notice may be served by mail in all cases where such owner, agent, or occupant is not in the city or cannot be found therein. Such notice may likewise be served by posting for 24 hours a copy of such notice upon the premises where the nuisance exists whenever the owner or agent thereof is not known or cannot be found and a post office address is unknown. The notice shall

designate therein the time after the service or the mailing or the posting of the notice which the council considers a reasonable time for the abatement or removal of such nuisance and the right to a hearing before the city council made within 24 hours of the notice of abatement and that, if no hearing is demanded, any right to a hearing is waived.

2. In instances where the council declares by resolution that there is a public nuisance and proceeds with a civil remedy as provided in this section instead of the criminal remedy as set forth by the giving of notice as required in this section, the owner, agent, or occupants of the premises, after such notice, shall remove and abate the nuisance. The cost of such removal or abatement shall be paid by the owner, agent, or occupants.
3. If such notice is not complied with within the time specified therein, the city shall cause the removal or abatement of such nuisance and the cost thereof shall be assessed against the premises. The cost of such removal or abatement shall include publication of any action by the council, posting and service of notices, and costs and expenses, including personnel, expenses of equipment, a certification processing fee, and the sums of money necessarily paid out by any city department as a cost or expense of abatement from such nuisance. The council shall adopt an assessment roll levying a special assessment upon such lands and premises directly involved in the abatement of nuisance, which shall be transmitted to the county auditor and included with the next tax levy upon such land and premises and collected in the manner provided by law for levying and collection of other special assessments.

- C. ~~If the council determines it is in the best interests of the city to immediately abate the nuisance at the city's expense, the council shall by motion direct city staff to obtain an appropriate court order approving entry onto the property and directing the abatement of the nuisance. The city may ask the court to approve the city's costs of abatement, and order they be spread on the property benefited as a special assessment and certified to the county auditor for collection. (Ord. 1198, 4-20-2010)~~ Abatement; Disposition of Property: Upon the declaration of certain conditions and acts to be a public nuisance in violation of City Code and, if the city council requires such conditions to be abated, the council may order the property constituting the nuisance to be removed, destroyed, or disposed of, to ensure termination of the nuisance. Upon seizure of the property constituting the nuisance, the city will inventory the property, and the city Manager or their designee will determine whether the items seized have any reasonable value, in excess of city costs to store and dispose of the property. If, after inventory, the city Manager or their designee makes a determination that no reasonable value of the property exists or that destruction of the property is necessary to abate the nuisance, the property shall be destroyed. If the city Manager or their designee, however, determines such destruction is not necessary and there is reasonable value remaining in the property, the property shall be sold. The amount of money received as a result of any sale, if any, shall be applied against the cost of abatement, including all costs incurred by the city in the abatement, including without limitation the cost of the removal, storage, handling, destruction, and disposal thereof, all staff time, legal and other consulting fees. Any balance remaining after such reimbursement to the city, if any, shall be remitted to the property owner. This provision may be utilized in conjunction with a court order for injunctive relief.
- D. Nothing in this section prevents abatement by the city of a public nuisance without notice and hearing in the case of an emergency in which there is an immediate and direct threat

to the public health or safety. The expense of such an emergency abatement shall be collected as a special assessment against the property upon which the nuisance was located.

### **7-1-67: Junked Or Abandoned Vehicles**

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

~~ABANDONED VEHICLE: A "vehicle", as defined herein, that has remained for a period of more than forty eight (48) hours on public property or any vehicle lacking vital component parts or current license or registration. Any such vehicle shall be presumed to be abandoned and may be immediately removed and impounded by any police officer or duly authorized person in accordance with this code.~~

~~VEHICLE: Any machine as defined under Minnesota statutes section 168.011 or 169.01, and includes snowmobiles and trailers.~~

~~B. Prohibited:~~

- ~~1. No person shall park, store, or leave, or permit the parking, storing or leaving of any abandoned vehicle upon any property, including private property, within the city unless:
  - ~~a. Such vehicle is completely enclosed within a building;~~
  - ~~b. Such vehicle is stored or parked on private property in connection with a duly licensed or authorized commercial enterprise operated and conducted pursuant to law when such parking or storing of vehicles is necessary to the operation of the commercial enterprise; or~~
  - ~~c. Such vehicle is stored or parked on private property of the owner thereof, or a member of his family, for the purpose of making repairs thereto, provided that at all times while said vehicle is so stored at least one half (1/2) of the total number of wheels of said vehicle are in contact with the ground and only one such vehicle be so stored or parked at any one time, such vehicle may be so stored or parked for a period not to exceed fourteen (14) days, after which time the vehicle shall be deemed abandoned.~~~~

It is unlawful for any person to park, keep, place, or store outside or permit the parking or storage of junked, inoperable or abandoned vehicles, unless such vehicle is completely enclosed within a building.

- ~~2.A. Any person who abandons a motor vehicle, without the consent of the person in control of such property, or any person who fails, neglects or refuses to remove the abandoned vehicle or to house such vehicle and abate such nuisance in accordance with the provisions of this chapter shall be guilty of a misdemeanor. (Ord. 1300, 5-14-2013)~~

### **7-1-7: Entry Upon Private Property For Removal Or Abatement**

~~City staff, at the direction of the city manager, is authorized to obtain an appropriate court order for the purpose of entry upon private property for the purpose of enforcing this chapter. (Ord. 1198, 4-20-2010)~~

### **7-1-8-1: Purpose And Intent**

~~The purpose and intent of this section 7-1-8 is to promote and preserve the public health, safety and welfare and to protect property values by providing certain minimum requirements and standards for the outside storage of trailers and camping vehicles and wood. (Ord. 1300, 5-14-2013)~~

**7-1-8-2: Definitions**

~~ESTABLISHED DRIVEWAY: A permanent concrete, asphalt or other surfaced area of a lot designed to provide ingress and egress for vehicles from the street to a garage or other off street parking area authorized herein.~~

~~PARK: As used in this section 7-1-8, to temporarily locate a trailer or camping vehicle on a driveway for a period of time not to exceed fourteen (14) days. Parking is also distinguished from "storage" as indicated by frequent use of a vehicle on a regular basis.~~

~~STORE: As used in this section 7-1-8, to locate a trailer or camping vehicle on a lot for an extended period of time. Storage is distinguished from parking as indicated by nonuse or nonmovement of a vehicle in excess of fourteen (14) days.~~

~~TRAILERS AND CAMPING VEHICLES: As used in this section 7-1-8 shall include, but are not limited to, motor homes, nonmotorized vehicles, utility trailers, and recreational equipment trailers as further defined as follows:~~

~~Motor Homes: A camping vehicle in which the driver is located within the vehicle.~~

~~Nonmotorized Vehicles: A camping vehicle that is towed behind a separate motor vehicle (fifth wheel, hard side camper, pop up).~~

~~Recreational Equipment Trailers: Wheeled trailers used to transport boats, ATVs, motorcycles, snowmobiles, etc.~~

~~Utility Trailer: Wheeled trailers used for the transport of work tools and equipment, hobby equipment, landscaping supplies or other nonrecreational equipment.~~

~~For the purpose of this section 7-1-8, a boat, snowmobile(s), ATV, motorcycle or other trailer or camping vehicle, when stored or kept on a trailer, shall be considered as one vehicle.~~

~~WOOD: As used in this section 7-1-8 shall include, but not be limited to, firewood and lumber, whether rough, precut construction grade or finished, which is stored or kept on property in the city. (Ord. 1300, 5-14-2013)~~

**7-1-8-31: Wood Storage**

**7-1-8-42: Regulation Of Storage; Trailers And Camping Vehicles**

Trailers and camping vehicles may be parked or stored in a residential district in accordance with this section, provided the following conditions are met:

- A. In all residential districts:

3. ~~Unmounted slide-in pickup campers must be stored no higher than twenty inches (20") above the ground and must be securely supported at least at four (4) corners by solid support blocks or support mechanisms.~~
6. Except for routine maintenance or during emergency conditions when power supply is disrupted, the operation of a trailer or camping vehicle power generator plant shall not be permitted in residential districts. ~~Routine maintenance periods shall not exceed sixty (60) minutes per month.~~
- B. In R-1 Single Family Residential, R-1A One Family Rural Residential and R-2 districts Two Family Residential:
1. No more than two (2) trailers or camping vehicles may be parked or stored outside on a residential lot less than one acre in size; ~~provided, that in the case where~~ However, no more than 1 trailer or camping vehicle may be parked or stored outside on that lot if there is also one commercial vehicle, as permitted in subsection 7-1-11(A)2c of this chapter, ~~is~~ parked or stored outside on ~~at the same~~ residential lot; ~~only one trailer or camping vehicle may then be parked or stored outside on that lot.~~ No more than four (4) trailers or camping vehicles may be parked or stored outside on a residential lot one acre or larger in size; ~~provided, that at least two (2) of these trailers or camping vehicles~~ Any number of trailers or camping vehicles exceeding 2 be completely screened from view from public streets or adjacent property. Additional recreational vehicles may be kept within an enclosed structure which otherwise conforms to the zoning requirements of the district.
  2. Trailers and camping vehicles ~~may be~~ which are parked on the front yard ~~of any lot~~ only may only be located on the established driveway entirely on the vehicle owner's property ~~for a maximum of fourteen (14) continuous days.~~ For most residential lots, the front yard property line is approximately fifteen feet (15') from the back of the curb of the city street. Trailers and camping vehicles may be stored or parked on the rear or side yard behind the required front yard setback and not closer than ~~two~~ 5 feet ~~(2')~~ from the side lot line and eight feet (8') from the rear lot line. The parking or storage of trailers and camping vehicles on the rear or side yard, as permitted herein, shall be on hard surface that is as least equal in size to the perimeter of trailers and camping vehicles being stored. Said hard surface ~~shall consist of~~ must be composed of at least on of the following materials: class 5, concrete, bituminous, decorative landscape rock, or brick pavers. There shall be ~~No~~ other outdoor parking or storage of trailers and camping vehicles ~~shall be beyond that~~ permitted under this sections. (Ord. 1395, 8-16-2016)
- C. In R-3A Medium Density Residential, R-3B High Density Residential and R-3D Mobile Home Park districts: Trailers and camping vehicles may be stored on site if they are stored in an area that is completely screened from eye level view from adjacent properties and public streets. ~~This space~~ The storage area shall be in addition to, and not within, any ~~required~~ parking area otherwise required under the City Code. (Ord. 1300, 5-14-2013)

### **7-1-9-1: Definitions**

- A. ~~The following words, terms and phrases, when used in this section 7-1-9, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~MEADOW VEGETATION: Grasses and flowering broadleaf plants that are native to, or adapted to, the state of Minnesota, and that are commonly found in meadow and prairie plant communities, except weeds.~~

~~NOXIOUS WEEDS: Those plants so categorized by the state of Minnesota under Minnesota statutes 18.75–18.91 and listed on the "noxious weeds list" published by the Minnesota department of agriculture.~~

~~REGULARLY CUT: Mowing or otherwise cutting weeds or grass so that it does not exceed eight inches (8") in length.~~

~~TURF GRASSES: Grasses commonly used in regularly cut lawn areas, such as bluegrass, fescue and rye grass blends, and nonwoody vegetation interspersed with them.~~

~~WEEDS: Shall be construed to mean and include all noxious weeds as defined by the statutes of the state of Minnesota to include, but not be limited to: buffalobur, burdock, common cocklebur, crabgrass, dandelions, jimsonweed, quack grass, common and giant ragweed, field sandbur, velvetleaf, and wild sunflower, and all such useless and troublesome plants as are commonly known as weeds to the general public. Weeds also include anything that is horticulturally out of place. For example, a tree seedling is a weed in a vegetable garden. (Ord. 1300, 5-14-2013; amd. Ord. 1316, 4-8-2014; Ord. 1395, 8-16-2016)~~

### **7-1-9-1: Purpose**

The City Council finds that:

- A. Diverse landscapes support biodiversity and enhance the quality of life of residents. This includes certain landscapes in the city that have been created to provide a function, such as those that capture and divert water, and other unmaintained areas that offer significant ecological benefits. There are community expectations, however, that once an area has been disturbed, landscaped, or otherwise altered, that area will continue to be maintained in a consistent manner. When vegetation in that area is not continually maintained, it becomes aesthetically unpleasing, can become invaded with noxious weeds or invasive plant species, and violates community standards. Poorly maintained property may decrease the value of adjacent properties. In addition, if vegetation is not properly maintained, the following adverse impacts on the environment or the public health, safety, and welfare may occur:
  1. Undesirable vegetation and noxious weeds such as common buckthorn, garlic mustard, and Canada thistle may invade and threaten to supplant desirable vegetation;
  2. Vegetation that causes allergic reactions, such as ragweed, may develop; and
  3. Tall vegetation or overhanging branches may impair visibility along public roads.
- B. It is in the public interest to allow residents to choose the type of landscaping on their properties and to make changes in that vegetation, as long as the new vegetation does not include noxious weeds or invasive plant species. As a protection for the larger community, the change in vegetation must be properly managed and maintained and the length of the transition period must be minimized.
- C. Managed natural landscapes and pollinator lawns are acceptable landscape treatments in the city. When these plantings or lawns are started from seed, however, this requires special

consideration and management because weeds will grow during the first few years during the transition and, before the new vegetation predominates, will appear like neglect. Therefore, the council finds that managed natural landscapes and pollinator lawns are acceptable if these landscapes are properly established and maintained and if signage is posted describing the intended result.

- D. Establishing reasonable maintenance standards turf grass, pollinator lawns, and managed natural landscapes is in the best interest of the public health, safety, and welfare as outlined above.

The City Council enacts this Chapter to balance the public interest in diverse vegetation with the public need to ensure proper maintenance of that vegetation.

### **7-1-9-2: Maintenance Standard**

The maintenance standard in this section applies to property that has been developed with a building as defined in the building code, including vacant property combined with developed property for tax purposes, and a parcel of property that has been completely or partially disturbed by demolition, grading or other means in preparation for development or redevelopment.

~~A. Growing Grass: Weeds or grasses growing to a length greater than eight inches (8") upon any lot or parcel of land within the city are a detriment to the public health, comfort, safety and convenience of the residents, create a general aesthetic depreciation of the neighborhood, and may be declared by the weed inspector, or his or her assistants, to be a nuisance as set out in section 7-1-9-3 of this chapter. All turf grasses, pollinator lawns and weeds must not exceed a height of 8 inches, measured from the base at ground level to the tip of each stalk, stem, blade, or leaf.~~

- ~~1. Weeds and grasses are measured from the base at ground level to the tip of each stalk, stem, blade, or leaf.~~

~~B. Landscape Plan: A property owner may establish that a plant or plants are not horticulturally out of place by providing a written landscape plan for the area in question, complete with a listing and locations of plant species. The plants specifically listed above may not be included within the landscape plan. Vegetation that does not comply with this plan are weeds. This requirement does not apply to the following:~~

1. A wetland or floodplain designated in Title 10 and required wetland buffers or those voluntarily created by a private land owner when compatible with the character of the neighborhood and the intent of Section 10-8-5: Wetland Overlay District Standards of this Code;
2. A drainage pond or ditch that stores or conveys stormwater;
3. An area identified as a natural area in an approved planned unit development;
4. A natural woodland preserved during development or in a reforested woodland related to meeting the requirements of Section 10-8-9: Woodland Protection Standards of this Code;
5. An area in which the land and vegetation appear not to have previously been graded, landscaped, mowed, or otherwise disturbed by human or mechanical means at any recent time. Determination of what constitutes this type of area will be based on a reasonable judgment of the present appearance of the area. The recent history of the area may be relevant to this determination; and
6. A managed natural landscape permitted under Minnesota Statute 412.925.

~~C. Maintenance Standard: The maintenance standard in this section and title 10, chapter 30A of this Code applies to property that has been developed with a building as defined in the Building Code, including vacant property combined with developed property for tax purposes, and a parcel of property that has been completely or partially disturbed by demolition, grading or other means in preparation for development or redevelopment. (Ord. 1300, 5-14-2013) Managed natural landscapes may include plants and grasses in excess of 8 inches in height and which have gone to seed, but may not include any noxious weeds and must be maintained so as to not include unintended vegetation. Managed natural landscapes may not include any plantings, which due to location and manner of growth constitute a hazard to the public or may cause injury or damage to persons or property when such growth is in violation of clearance and sight line requirements. During the establishment of a managed natural landscape that is in a location likely to be seen by the public, a sign must be posted on the property that advises a managed natural landscape is being established. The sign must remain posted until weeds cover less than 25% of the area.~~

### **7-1-9-3: Nuisance Defined Declaration of Public Nuisance**

~~A. Nuisances Defined: In determining whether weeds or growing grasses constitute a nuisance, the weed inspector, or his or her assistants, shall consider and must find the existence of one or more of the following:~~

- ~~1. The weeds or growing grass is located within three hundred fifty feet (350') of any structure on a developed lot. An exception to this definition of a nuisance will be allowed if one or more of the following conditions are met:
 
  - ~~a. That the weeds or growing grass is on a public land which is left in a natural state as a prairie, wetland, wooded area or meadow.~~
  - ~~b. That the weeds or growing grass is on private land that is either zoned R-1A Rural Residential District or identified as a natural area in an approved planned unit development.~~
  - ~~c. That the weeds or growing grass is within twenty feet (20') of a body of water, including streams, rivers, ponds and lakes.~~
  - ~~d. That the weeds or growing grass is within a natural woodland preserved during development or in a reforested woodland related to meeting the requirements of the City's Woodland Overlay Ordinance.~~
  - ~~e. That the weeds or growing grass is within a required wetland buffer yard per section 10-8-5 of this Code.~~
  - ~~f. An area established with meadow vegetation if:
 
    - ~~(1) The prior vegetation is eliminated and the meadow vegetation is planted through transplanting or seed by human or mechanical means;~~
    - ~~(2) The area is cut at least once per year to a length of no more than eight inches (8"), if weeds cover more than twenty five percent (25%) of the area;~~
    - ~~(3) The area is clearly defined by edging, fence, or similar material;~~
    - ~~(4) The area does not extend into the public right of way; and~~
    - ~~(5) A sign is posted on the property in a location likely to be seen by the public, advising that a meadow or prairie is being established. This~~~~~~

~~sign is required only if the meadow vegetation is in an area likely to be seen by the public. This sign must be in addition to any sign permitted by the Sign Ordinance but must be no smaller than ten inches (10") square, no larger than one square foot, and no higher than three feet (3') tall. The sign is no longer required when weeds cover twenty five percent (25%) or less of the area.~~

- ~~2. The weeds or growing grass are located within a sight triangle as defined by section 10-7-6 of this Code. (Ord. 1316, 4-8-2014)~~

The following are public nuisances subject to abatement under this Chapter:

- A. Noxious weeds;
- B. Vegetation that does not meet the maintenance standard specified in this Chapter; and
- C. Vegetation that violates the sight-distance standards listed in Section 10-7-6: Traffic Visibility.

**7-1-9-4: Permitting A Nuisance Nuisance Notification**

- A. Notice: ~~If a violation is found in accordance with this section, notice will be mailed to~~ When the owner and/or occupant ~~permit a nuisance to exist in violation of section 7- 1-9-3 of this section 7-1-9, the weed inspector, or his or her assistants, may serve a notice on the owner, occupant or agent of the owner of such lot or parcel of land ordering such person to have~~ such ~~the~~ weeds or grass ~~to be~~ cut and removed or otherwise eradicated ~~or removed~~ within ten ~~(10)~~ 14 ~~days after the service of such notice~~ receiving the letter.
1. Such ~~The~~ notice shall ~~will~~ also state that in event of noncompliance, removal will be done by the City at the owner's expense, and ~~shall state~~ that the owner has the right to file an appeal with the City pursuant to section 1-4-7 of this Code.
  2. When no owner, occupant or agent of the owner can be found, notice shall be sent by registered mail to the person ~~who is~~ listed on the records of the county auditor ~~or county treasurer~~ as the owner; service will be complete with mailing.
  3. Noxious weeds shall be controlled or eradicated using control best practices methods recommended by the Minnesota department of agriculture.
- B. Noncompliance With Notice: ~~If such person fails to comply with the notice within ten~~ ~~(10)~~ 14 ~~days after service, or if no owner, occupant or agent can be found, the weed inspector~~ or ~~designee, or his assistants,~~ may have ~~such~~ the ~~weeds~~ or grass ~~cut and removed or otherwise eradicated. The records showing the cost of such work attributable to each separate lot or parcel, including an administrative fee as may be determined by the city council, shall~~ ~~will~~ be delivered ~~mailed~~ to the property owner ~~and the city clerk.~~ The city shall collect any unpaid amounts under the provisions of Minnesota statutes chapter 429.101. The city may collect unpaid amounts relating solely to the elimination of noxious weeds pursuant to Minnesota statutes section 18.83, subdivision 7. (Ord. 1395, 8-16-2016)
- C. Obstructing City Employees: ~~No person shall obstruct the weed inspector~~ or designee, ~~his assistants or agents,~~ in the inspection, posting, cutting, removal or eradication of weeds or grass. Each day on which such obstruction continues shall constitute a separate offense. (Ord. 1300, 5-14-2013)

**7-1-10-1: Definitions**

- ~~A. The words, terms and phrases, when used in this section 7-1-10, shall have the~~

~~meanings ascribed to them in section 7-7-1 of this title. (Ord. 1329, 9-2-2014)~~

### **7-1-10-21: Nuisance Defined**

- A. In determining whether refuse containers constitute a nuisance, the code enforcement official or designee shall consider the following:
1. The presence of waste outside the container.
  2. Inadequate design to contain the waste.
  3. Foul odor or liquid leaking from container.
  4. Illegal or hazardous materials in container.
  5. Placement of containers is in violation of fire or building codes.
- B. Property owners and/or occupant shall be responsible to remove any refuse containers creating nuisance conditions as directed by the city. ~~Upon proper notification, property owners may be assessed for any charges or fees related to failing to correct nuisance conditions.~~

### **7-1-10-32: Permitting A Nuisance Nuisance Notification**

- A. Notice: If a violation is found in accordance with this section, notice will be mailed to ~~When the property owner and/or occupant permits a nuisance to exist in violation of this chapter, the code enforcement official, or his or her assistants, may serve a notice on the owner, occupant or agent of the owner of such lot or parcel of land~~ ordering such person to remove ~~or abatement of~~ the nuisance within a time specified in the notice up to ten (10) days ~~14 days after receiving the letter.~~
1. ~~Such~~ The notice ~~shall~~ will also state that in event of noncompliance, removal will be done by the city or its agents at the property owner's expense.
  2. When no owner, occupant or agent of the owner can be found, notice ~~shall~~ will be sent by registered mail to the person who is listed on the records of the county auditor or county treasurer as the owner; or posted conspicuously on the property.
- B. Noncompliance With Notice: If such person fails to comply with the notice by the compliance date indicated on the notice or if no owner, occupant or agent can be found, the code enforcement official or designee shall abate the nuisance conditions. The records showing the cost of such work attributable to each separate lot or parcel, including an administrative fee as may be determined by the City Council, ~~shall~~ will be ~~delivered~~ mailed to the property owner ~~and the City Clerk~~. The City shall collect any unpaid amounts under the provisions of Minnesota Statutes chapter 429.101. (Ord. 1329, 9-2-2014)
- C. Obstructing City Employees: No person shall obstruct the Code Enforcement Official or their designees, in the inspection, posting or removal of the refuse containers. Each day on which such obstruction continues shall constitute a separate offense.

### **7-1-11: Parking**

- A. Use Of Parking Area:
2. Limitations: Off street parking in R-1 Single Family Residential, R-1A One Family Residential, R-2 Two Family Residential and R-3A Medium Density Residential, R-3B High Density Residential and R-3D Mobile Park Districts shall be limited to the following:
  3. Parking And Storage Of Certain Vehicles: ~~Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. Any person guilty of violating this provision shall be guilty of a petty misdemeanor.~~

- a. Automotive vehicles or trailers of any kind or type shall not be parked or stored on any area that is not surfaced with concrete, bituminous, pavers, or pervious paving/paver systems. Parking is prohibited on other materials such as grass, sod, decorative rock, gravel, sand, or bare soil.
- b. The property owner or registered owner of the vehicle or trailer shall be held responsible for parking violations that occur in R residential districts. (Ord. 1395, 8-16-2016)

### **7-1-12: Temporary Construction Noise Permit**

- A. Required: A temporary construction noise permit is required to create temporary noise conditions which may exceed the requirements of this chapter. A person making application for a permit shall include the reason for requesting the permit, the nature of the event occurring, the time period for which the permit is requested and the operation or procedure to be employed during the period of the permit. Such applications for a permit shall be submitted to the City at least fourteen (14) days in advance of the activity.

Exceptions: Properties that are authorized under an existing planned unit development, conditional use permit, interim use permit agreement, or development contract approved by the City Council, permitting construction activities are not required to obtain a permit. Public improvements that are safer and/or reduce traffic congestion on arterial or collector roadways as determined by the City Engineer shall be exempt

- B. Permit Duration: No permit shall be approved for any construction noise activities extending beyond twelve o'clock (12:00) midnight. Each permit shall be site specific and not exceed three (3) consecutive evenings. A separate permit and fee will be required for each location per event. Up to three (3) permits per calendar year are allowed per site. The City Council may approve permits that exceed the time, number or duration after notice has been served as provided in subsection D.
- D. Notice Required: All properties within three hundred fifty feet (350') of construction site shall be given a minimum of seven (7) days' notice of pending temporary construction noise. If objections are received within seven (7) days of the notices being mailed, the permits shall not be issued **administratively**. Permits with objections from affected property owners will be forwarded by the City Council for determination to approve or disapprove the permit.
- E. Special Provisions:
1. Temporary construction noise permits ~~may be~~ only issued to commercial properties zoned B-1 Office Business, B-2 Neighborhood Business, B-3 General Business, B-4 Highway Commercial, CRD (Commercial Recreational District), TOD (Transit Oriented Development), Mix Mixed Use ~~District~~, or ~~industrial properties zoned~~ GIM Gateway Industrial Medium, GIH Gateway Industrial Heavy, I-1 Industrial Park, I-2 General Industry, I-3 Office and Industrial Park ~~only~~.

## **CHAPTER 7-2 WATER AND SEWER IN PUBLIC RIGHT OF WAY**

### **7-2-1: Definitions**

EMERGENCY: The declaration of a critical water deficiency by the Governor.

IRRIGATION: The watering of shrubs, trees, sod, seeded areas, gardens, lawns, or any other outdoor vegetation, except outdoor vegetation utilized for agricultural purposes.

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NOTIFICATION TO PUBLIC: Means notification through local media, including interviews and issuance of news releases.

PUBLIC WATER SUPPLIER: The City or other entity that owns, manages, or operates a public water supply, as defined in Minnesota Statutes section 144.382, subdivision 4.

RECLAIMED WATER: Water collected from rooftops, paved surfaces, or other collection devices and all water utilized more than once before re-entering the natural water cycle.

WATER RECIRCULATION SYSTEM: Means any system which enables a user to reuse water at least once prior to returning the water to the natural water cycle.

WATER SHORTAGE: The city's production of water is less than the consumption of water by users so that the municipal water supply is less than the minimal levels necessary to adequately provide fire protection for the city and potable water for the residents' drinking and sanitary needs.

### **7-2-12: Applications, Permits And Fees**

No person shall make any type of connection to the water system, sanitary sewer system or storm sewer system ~~except upon making an application therefor on a form provided by the City and receiving a permit issued by the City for such purposes. The application shall include the legal description of the property to be served, the uses for which the connection is requested and the size of the service line to be used.~~ serving the property of any person or occupants of the land, parcel or premises until:

~~No connection shall be made with respect to any sanitary sewer, water system or storm sewer system serving the property of any person or occupants of the land, parcel or premises affected that have not paid or provided for the payment of the full and proportionate share of the said utilities. At the time of taking such application there shall be paid to the City Treasurer the following fees for the following purposes:~~

- A. ~~For service to property to which service lines have not been previously run from the street laterals to the property line, the owner, occupant or user shall pay into the Treasury an amount not less than the cost of making the necessary connections, taps and installation of pipe and appurtenances to provide service to the property and the necessary street repairs.~~ An application has been completed, associated permit fee has been paid and a permit is issued;
  1. The application shall include the legal description of the property to be served, the uses for which the connection is requested and the size of the service line to be used.
- B. ~~For service to property to which service lines have been run to the property line but which have not been paid for, the owner, occupant or user shall pay in cash or agree to pay charges in the form of special assessments to be levied against the property to be spread over a number of years coincident with the maturity requirements of any special improvement bonds sold for the purpose of financing the construction of sanitary sewer, Municipal water, or storm sewer system serving the property. Said cash payment or assessment charge shall be in the principal amount of not less than the payments made by or charges placed against comparable properties for like services for such sanitary sewer, water or storm sewer system in an amount as may be established by the Council. In the instance of services run to the property~~

~~lines as provided under subsection (A) of this section, the payment to the Clerk of any amount required under this subsection shall be reduced by the amount paid to the City under subsection (A) of this section. Payment to the Treasury in the form of a special assessment charge shall be in the form of equal annual installments together with interest on the unpaid balance. (Ord. 25, 6-4-1963)~~The payment of the full and proportionate share of utilities have been made.

1. Property owners wishing to extend public utility system and/or connect to the municipal utility pipes/service shall contact the City Engineer to discuss the request. The City Engineer shall ensure all State Laws and City Policies shall be followed for planning, design, construction, and financing of utility extensions and connections. Connections may simply be made with a connection fee and permit when service laterals already exist.

~~The above charges for water and sewer connections, trunk assessments, permits, meters shall be as established by the city council from time to time. (Ord. 222, 1-20-1981) The plumbing inspector shall examine all applications before construction is begun; and, after the construction, enlargement, alteration, or repair is complete, the plumbing inspector shall be notified. It shall be unlawful to cover any connecting line until an inspection has been made and such connection and the work incident thereto has been approved by the city as a proper and suitable connection. (Ord. 25, 6-4-1963)~~

~~C. Where application is made for connection to the water system, the applicant shall pay to the Clerk a connection fee which covers the cost of supply, storage and main oversizing plus the cost of the water meter. Where application is made for connection to the sanitary sewer system, a connection fee for trunk sewer construction shall be paid. Where no trunk sanitary sewer assessment for the construction of trunk lines has been levied, such assessment shall be levied at the time of the connection application. Fees for the connection of commercial and industrial properties shall be based upon area and usage population equivalent factors.~~

~~There shall be a connection fee for water or sewer connections to multiple housing for each living unit in the multiple housing project.~~

~~Before proceeding with the construction, enlargement, alteration, or repair, of any water or sewer lines connecting the water system, sanitary sewer system or storm sewer system and any house or building, the owner or his agent shall first obtain a permit for such purpose from the city through its plumbing inspector.~~

### **7-2-23: Meters**

All water meters must be purchase through the City and installed to code before water service is provided by the City. ~~Before any water conveyed through the city water system shall be used or utilized on the land or premises of any person, there shall first be installed a water meter that will accurately measure the water consumed on the premises.~~

~~All meters for residential housing and such other connections as may permit the use of the same kind of water meter shall be furnished by the city as set forth above at such time as the water connection charge has been paid. In the event special meters are required for commercial or industrial connections, then the applicant shall furnish a meter of the type approved by the city for such connection, and an allowance shall be made towards the cost of such meter in an amount equal to the cost of residential meters.~~

~~No connection of water or sewer service shall be made to any house or building unless the plumbing therein has been installed pursuant to the latest Minneapolis plumbing code; provided, that this shall apply only to construction which has not been completed prior to this chapter. (Ord. 25, 6-4-1963)~~

### **7-2-34: Private Water And Sewage Systems**

- A. ~~It is shall be unlawful for any persons~~ to install ~~or repair~~ a private water ~~system supply in the city~~, except ~~in such cases as the when~~ public water is not accessible to the premises. ~~where such private systems are requested. To determine whether or not such public water systems are available for connection, each person desiring to install a private water system must first make application for connection to a public system. (Ord. 374, 7-2-1990)~~ A request must be made and approved by the City Engineer prior to installation of a private water system. However, the premises must be connected when public water supply is available.
- B. ~~Where~~ It is unlawful to install, repair or pump an existing private sewer sewage treatment system, has been installed before the public sewer system was accessible to the premises served by said private system, connection of said premises to the public system must be made within ninety (90) days after such private system fails to function properly except when the City's sewage system is not accessible to the premises. It shall be unlawful to repair or pump a private system after such time as the public sewer system is accessible to the premises without written permission of the water and sewer department for the city. (Ord. 55, 7-19-1965) Private sewage treatment systems need to be connected to the City's sewage system, if accessible to the premises, within 90 days of failure. A request must be made and approved by the City Building Official prior to installation of the private sewer system.

### **7-2-4: Implied Consent To Rules, Regulations And Rates**

~~Every person applying for water or sewer service, every owner of property for which any such application is made, every person accepting water or sewer services and every owner of property where such service is accepted subsequent to the passage of this chapter shall be deemed upon making such application or accepting such service to consent to all rules, regulations, and rates as established by this chapter and as may hereafter be set forth and adopted by the council by resolution or ordinance. (Ord. 25, 6-4-1963)~~

### **7-2-5: Meter Readings**

- A. ~~The city council may provide a system of water meter reading by postcard, meter man, or any other method deemed suitable to the purpose by the council. The council may also establish billing areas or districts and provide for the reading of meters and billing charges by calendar quarters or monthly quarters or such periodic intervals as the council shall determine suitable and necessary from time to time. (Ord. 25, 6-4-1963)~~ The City shall obtain meter readings via digital electronic connected water meters. Other methods of obtaining the meter data shall be subject to fees and charges if connection to the City's meter reading network is unavailable.
- B. The city reserves the right to discontinue service to any customer of the water and sanitary sewer system without notice when necessary for repairs, additional connection, ~~or reconnection or for nonpayment of charges or bills or for disregard of any rules or regulations in connection with the use or operation of said system. or for~~ disregard of any rules or regulations in connection with the use or operation of said system. Whenever a service has been discontinued for ~~nonpayment of charges or bills or for disregard of any other~~

purpose it shall not be resumed ~~except upon payment of the charges or bills accrued together with interest thereon, or until~~ compliance with the rules and regulations previously violated ~~and payment to the city of a restoration fee to turn on the water service~~ has been corrected. Reasonable notice shall be provided prior to shut off when feasible. ~~The interest rate and restoration fee to turn on the water service will be reviewed and set by the city council each year. (Ord. 1191, 3-2-2010)~~

- C. In the event a water or sewer bill, ~~whether incurred prior or subsequent to the passage of this chapter,~~ is unpaid at the end of 60 days following the payment due date calendar quarter or the billing period under which the billing is sent out, the bill shall be considered delinquent, ~~and the service may be discontinued as provided in subsections (B) and (D) of this section and.~~ The council may cause the charges noted, including interest, in such billing to become a lien against the property served by certifying to the county auditor the amount of said delinquent bill in accordance with the statutes of the state. Such action is discretionary and may be in lieu of or in addition to any other action to collect delinquent accounts. ~~(Ord. 605, 2-5-1996)~~ The interest rate and service fee to turn on the water service will be reviewed and set by City Council each year.
- D. ~~Water shall not be shut off under this section for nonpayment or for violation of rules and regulations affecting utility service until notice and an opportunity for a hearing have first been given the occupant of the premises involved. The notice shall state that if payment is not made or the rule violation remedied before a day stated in the notice but not less than thirty (30) days after the date on which the notice is given, the water supply to the premises will be shut off. The notice shall also state that the occupant may, before such date, demand a hearing on the matter, in which case the supply will not be cut off until after a hearing is held. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the city manager at least one week after the date on which the request is made. If, as a result of the hearing, the city manager finds that the amount claimed to be owing is actually due and unpaid or the rules and regulations affecting utility service have been violated and that there is no legal reason why the water supply of the customer may not be shut off, the city may shut off the supply. (Ord. 605, 2-5-1996)~~

#### **7-2-6: Billing Regulations Water And Sewer Usage Fees**

~~The council shall have the authority to prescribe by resolution the rates to be charged for water and sewer service to the customer from time to time and may prescribe the date of billing, a discount for payment within a prescribed period and/or penalty for failure to pay within such period and such further rules and regulations relative to the use and operation of such system as it may deem necessary from time to time. (Ord. 25, 6-4-1963)~~ The water and sewer rates will be established annually by ordinance of the City Council and set forth in the fee schedule.

#### **7-2-9: Public Water System Connection Requirements**

- A. ~~There shall be installed i~~ In every connection to the city water system one stop and waste valve which a full way valve shall be installed before and after the water meter at a point between the curb stop and the meter so that the water may be turned off and the meter and house plumbing entirely drained. There shall be installed another stop and waste cock and check valve in the pipe on the house side of the meter. There shall be installed a A pressure review valve may be installed where water pressures are high according to the Minnesota State Plumbing Code. A meter yokehorn of the type approved by the city for convenient installation or removal of the meter will also be installed. ~~All service pipes connected to the~~

~~system shall be of a type K copper, a minimum three fourths inch (3/4") inside diameter or its approved equal and shall be laid at a depth not less than seven feet (7') below the established grade.~~

~~B. Separate water service lines from the main water line shall be installed to each building, each detached dwelling, and each townhouse unit as defined by its individual property lines. (Ord. 571, 6-5-1995)~~

### **7-2-10: Water Meter Regulations**

A. All applications for the installation ~~, maintenance and repair~~ of new water meters shall be made to the City. Maintenance, repair and replacement of meters shall be coordinated directly with the City.

B. No person other than the City or its designee shall maintain or repair any water meter within the City limits. ~~Every water meter connected to the water system shall be sealed by or under the direction of the City, and no other person shall break or remove such seal; provided, however, that a plumber licensed to do business in the State may break such seal to remove such meter for necessary repairs. In all cases where a seal is broken or a meter is removed by a licensed plumber, such plumber shall notify the City of the fact within twenty four (24) hours after the seal is broken or the meter is removed. Whenever any seal attached to a water meter by or under the direction of the City is found broken, the broken condition of such seal shall be prima facie evidence that such seal was broken contrary to the terms and provisions in violation of this chapter.~~

D. Said meters shall be repaired from time to time as is necessary to ensure accurate measuring of the flow of water, except that whenever a meter has been damaged due to negligence on the part of persons other than the employees of the City, the owner, occupant or user of the premises or such other persons desiring the use of the water shall reimburse the City for the expense of repairing any such meter. ~~Upon failure to reimburse the City, within a reasonable time and upon demand therefor, the water services and supply to said premises may be shut off or discontinued as determined to be in the best interest of the City. (Ord. 25, 6-4-1963)~~

E. The City may turn off the water to a structure if the structure is unoccupied and is not heated to prevent damage from frozen pipes.

### **7-2-12: Liability For Repairs**

For water service, the City shall own and maintain the curb stop, the property owner is responsible for the connection to the curb stop and all water service infrastructure on the house side of the curb stop. For storm and sanitary sewer service, the City shall own the sewer main, the property owner is responsible for the connection to the City's storm and sanitary sewer main and all sewer infrastructure to the building. Utility pipes in private communities are owned by the property owners unless the pipe is designated as publicly owned. After the initial connection has been made to the curb stop or the sewer lead the applicant, owner or the occupant or user of such premises shall be liable for all repairs required to any water line or any sanitary or storm sewer lines necessary for connection of the premises to the street main, including any repairs necessary to the curb stop box and any necessary street repairs. ; it shall be the responsibility of the applicant, owner, occupant or user to maintain the stop box at such height as will ensure that it remains above the finished grade of the land or property. (Ord. 25, 6-4-1963) All water, sanitary, and storm sewer leads shall be checked by the party attempting to hook up to it prior to doing so. These costs shall be borne by the party checking the facility for adequacy.

**7-2-13: Installation Of Connections**

~~All connections to the water and sanitary sewer systems shall be performed by a plumber licensed to do plumbing in the City. (Ord. 218, 11-3-1980)~~

**7-2-1413: City Not Liable**

The City shall not be held liable at any time for any deficiency or failure in the supply of water to the customer whether the same be occasioned by shutting off the water for repairs, connections, ~~nonpayment of water bill~~, or for any other cause. (Ord. 605, 2-5-1996)

**7-2-1514: Clear Water Not Permitted In Sanitary Sewer System**

**7-2-1615: Excavation Work ~~And Testing Of Meters~~**

- A. All installation work or repair of connections to the water and sewer systems, ~~including grades, bends and backfilling, shall be performed under the direction and supervision of the plumbing inspector~~ shall be completed after obtaining a building or utility permit from the City. No work shall be covered or backfilled until ~~inspected~~ ~~directed the by said inspector~~ ~~permit inspector~~. All work and excavations shall be protected by barricades and warning markers and lights reasonable and suitable to the purpose. The City shall be held harmless of any claim or loss as might otherwise arise for damage, loss or injury caused by or arising by reason of such work being performed; and the applicant causing such work to be done shall give undertaking to the City with respect thereto.

**7-2-1716: Water Use Restrictions; Penalties**

In order to protect the health, safety, and general welfare of the residents of Burnsville, the following regulations shall apply:

- B. ~~Definition: "Water shortage" means the city's production of water is less than the consumption of water by users so that the municipal water supply is less than the minimal levels necessary to adequately provide fire protection for the city and potable water for the residents' drinking and sanitary needs.~~
- C. Water Shortage Determination: The city council shall determine ~~from time to time~~ by resolution when there is a water shortage within the city's municipal water system. In case of emergency, the city manager ~~or designee~~ may determine a water shortage exists and institute restrictions without a council resolution; provided, that such a determination and restrictions shall only be effective until the ~~city manager or designee~~ determines the emergency has ended or the next council meeting, whichever occurs first. Depending upon the cause and severity of the shortage, additional limitations may be placed on the use of water from the city water supply system for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other uses of water as specified by the city manager's notification.
- D. Notification Of Water Shortage: Whenever a water shortage exists, the ~~city manager or designee~~ may notify users of the municipal water system that additional use restrictions are being implemented. The notice shall be ~~posted on the city's bulletin board, may be published in a newspaper of general circulation within the city, and may be broadcast by television and radio stations~~ ~~advertised by means available to the City~~. The notice shall include the following information:
1. Uses of the municipal water system which will be restricted.
  2. Times during which the restrictions will apply.

3. Whether the use restrictions will be absolute or vary depending upon location or identification of property.
  4. When the restrictions will be implemented and when they will terminate.
  5. Fees and penalties for noncompliance.
- E. Fees for violating the permanent or temporary water restrictions shall be added to the water bill of the offending property according to the ~~following schedule~~ Fee Schedule.

<del>First violation within a calendar year</del>	<del>Warning only</del>
<del>Second violation within a calendar year</del>	<del>\$25.00</del>
<del>Third violation within a calendar year</del>	<del>\$50.00</del>
<del>Fourth violation within a calendar year</del>	<del>\$100.00</del>
<del>Fifth violation within a calendar year</del>	<del>\$250.00</del>

(Ord. 918, 5-3-2004)

### 7-2-~~1817~~: Right To Enter Land

### 7-2-~~1918~~: Private Water Not Permitted In System

### ~~7-2-20: Public Sewer System Connection Requirements~~

- ~~A. The owner of every building from which sewage or industrial waste is drained and to which the city sanitary sewer system is provided shall cause the premises to be connected with the sanitary sewer system of the city within twelve (12) months after such connection becomes available to any such premises, unless a longer time period is provided for by resolution of the city council after consultation with the city engineer. Immediately after such sewer connection has been made, all privy vaults, septic tanks and cesspools shall be thoroughly cleaned and filled according to the requirements of the plumbing inspector.~~
- ~~B. Separate sewer system lines from the main sewer line shall be installed to each building, each detached dwelling, and each townhouse unit as defined by the individual property lines. (Ord. 571, 6-5-1995)~~

### 7-2-~~2119~~: Prohibited Discharge Into Sanitary Sewers And Storm Drainage System

- A. ~~No~~ It is unlawful for any person ~~shall to~~ discharge any oils, grease or inflammable liquids (other than domestic grease), or any inflammable oils mixed with other substances, or any effluent from any cesspool or septic tank, into any sewer or drain in the city and ~~it shall be unlawful~~ to install any plumbing or pipe for the purpose of conveying any such oils, grease or inflammable liquids (other than domestic grease), or any such inflammable oils mixed with other substances or effluent, into any sewer or drain in the city.
- B. It is unlawful for any person to directly or indirectly discharge, place or cause to be discharged any of the following described substances into the city's sanitary sewers or storm drainage system:
12. Any pollutants that cause or contribute to a violation of applicable water quality standards.
- C. The construction, use, maintenance, or continued existence of any illicit connections to the storm drain system is prohibited.

**7-2-22: Industrial Waste, User Charge**

- ~~A. Recitals: The metropolitan waste control commission, a metropolitan commission organized and existing under the laws of the state (the "commission"), in order to receive and retain grants in compliance with the federal water pollution control act amendments of 1972 and regulations thereunder (the "act"), has determined to impose an industrial user sewer strength charge upon users of the metropolitan disposal system<sup>1</sup> to recover operation and maintenance costs of treatment works attributable to the strength charge being in addition to the charge based upon the volume of discharge. In order for the city to pay such costs based upon strength of industrial discharge and allocated to it each year by the commission, it is hereby found, determined and declared to be necessary to establish sewer strength charges and a formula for the computation thereof for all industrial users receiving waste treatment services within or served by the city. Furthermore, Minnesota statutes section 444.075, subdivision 3, empowers the city to make such sewer charge a charge against the owner, lessee, occupant or all of them and certify unpaid charges to the county auditor as a tax lien against the property served.~~
- ~~B. Establishment Of Strength Charges: For the purpose of paying the costs allocated to the city each year by the commission that are based upon the strength of discharge of all industrial users receiving waste treatment services within or served by the city, there is hereby approved, adopted and established, in addition to the sewer charge based upon the volume of discharge, a sewer charge upon each person, company or corporation receiving waste treatment services within or served by the city, based upon strength of industrial waste discharged into the sewer system of the city (the "strength charge").~~
- ~~C. Establishment Of Strength Charge Formula: For the purpose of computation of the strength charge established by subsection (B) of this section, there is hereby established, approved and adopted in compliance with the act the same strength charge formula designated in resolution 76-172 adopted by the governing body of the commission on June 15, 1976, such formula being based upon pollution qualities and difficulty of disposal of the sewage produced through an evaluation of pollution qualities and quantities in excess of an annual average base and the proportionate costs of operation and maintenance of waste treatment services provided by the commission.~~
- ~~D. Strength Charge Payment: It is hereby approved, adopted and established that the strength charge established by subsection (B) of this section shall be paid by each industrial user receiving waste treatment services and subject thereto before the twentieth day next succeeding the date of billing thereof to such user by or on behalf of the city, and such payment thereof shall be deemed to be delinquent if not so paid to the billing entity before such date. Furthermore, it is hereby established, approved and adopted that if such payment is not paid before such date an industrial user shall pay interest compounded monthly at the rate of two thirds of one percent (2/3%) per month on the unpaid balance due.~~
- ~~E. Establishment Of Tax Lien: As provided by Minnesota statutes section 444.075, subdivision 3, it is hereby approved, adopted and established that if payment of the strength charge established by subsection (B) of this section is not paid before the sixtieth day next succeeding the date of billing thereof to the industrial user by or on behalf of the city, said delinquent sewer strength charge, plus accrued interest established pursuant to subsection (D) of this section, shall be deemed to be a charge against the owner, lessee and occupant of the property served, and the city or its agent shall certify such unpaid delinquent balance to the county auditor with taxes against the property served for connection as other taxes are collected; provided, however, that such certification shall not preclude the city or its agent from recovery of such delinquent sewer strength charge and interest thereon under any other~~

~~available remedy. (Ord. 162, 6-20-1977)~~

~~Notes <sup>1</sup>As defined in MSA § 473.121, subd. 24.~~

## **7-2-~~23~~20: Storm Drainage Utility**

### **7-2-~~23~~20-1: Establishment Of Storm Drainage Utility**

#### **7-2-~~23~~2-2: Findings, Determinations And Purpose**

~~A. In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the city has constructed, operated and maintained a storm drainage system (the system). This section 7-2-23 is adopted in the further exercise of such authority and for the same purpose.~~

~~B. The system, as constructed, heretofore has been financed and paid for through the imposition of special assessments and ad valorem taxes. It is now necessary and desirable to provide an alternative method of recovering some or all of the future costs of improving, maintaining and operating the system through the imposition of charges as provided in this section 7-2-23. (Ord. 1262, 4-17-2012)~~

### **7-2-~~23~~320-2: Payments And Storm Drainage Utility Fund**

#### **7-2-~~23~~420-3: Establishment Of Charges**

The city council shall, by ~~resolution~~ordinance, from time to time establish rates for the use of the storm drainage system. (Ord. 1262, 4-17-2012)

#### **7-2-~~23~~20-5: Payment Of Charges And Collections**

All fees are charges against the respective owners, lessees and occupants and are due on the due date specified by the city for the respective account, and shall be delinquent if unpaid thirty (30)60 days thereafterafter the due date. ~~It is the duty of the city to endeavor to promptly collect delinquent accounts, and in all cases where satisfactory arrangements for payments have not been made, all such delinquent accounts shall be forwarded to the city clerk who shall prepare an assessment of the delinquent accounts against the property served and certify the unpaid charges to the county auditor with taxes against the property served for collection as other taxes are collected. The council may cause the charges noted including interest in such billing to become a lien against the property served by certifying to the county auditor the amount of said delinquent bill in accordance with the statutes of the state.~~ To each account, there shall be added an administrative charge for the preparation of certification of delinquent accounts in the amount provided for by council resolution. This assessment roll shall be delivered to the council for adoption ~~on or before October 1 of~~ each year. Such action may be optional or subsequent to taking legal action to collect delinquent accounts. (Ord. 1262, 4-17- 2012)

### **7-2-~~24~~21: Protection Of Drinking Water Supply**

B. Applicability: This section shall apply to any operation, use or site located in the drinking water protection overlay district (as defined in the adopted wellhead protection plan, illustrated on the official zoning map and further regulated in title 10, chapter 8 of this Code), and having, storing, or using any "regulated substances", ~~as defined in this section.~~

C. Definition Of Regulated Substances:

- ~~1. For the purposes of this section, "regulated substances" shall be defined~~

as Regulated substances are:

- c. Hazardous ~~materials~~ waste of any quantity, as defined by the Minnesota State Statute 116.06, the Federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA), or the Federal Resource Conservation and Recovery Act (RCRA);
  2. Regulated substances shall not, ~~however,~~ include:
- E. Procedures: In order to meet the purpose and intent of this section, the following procedures will be completed by the City Public Works Director or designee:
2. Periodic inspection by the City ~~Engineering~~ Public Works Department of drinking water, properties and equipment associated with the drinking water system, and review of operations and procedures for the storage, handling, and usage of regulated substances and storage tanks.
  4. Annually, the inspection results will be reported in the ~~Annual Monitoring Report~~ inspection summary along with a recommended inspection schedule for the upcoming year based on findings. (Ord. 1448, 2-6-2018)
- F. Violations:
3. Prosecution Of Violation: If the notice of violation is not complied with, the ~~City Engineer~~ Public Works Director or designee shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this section or of the order or direction made pursuant thereto.
- G. Notice To Owner Or To Person(s) ~~Or Persons~~ Responsible: Whenever the ~~City Engineer~~ Public Works Director or designee determines that there has been a violation of this section or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefor in the manner prescribed in subsections (G)1 and (G)2 of this section. Property owners are responsible for their property regardless of occupancy.
1. Notices Shall:
    - e. Explain the right to file an appeal with the City pursuant to section 1- 4-7 of this Code.
  3. Transfer Of Ownership: It shall be unlawful for the owner who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of property until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the ~~City Engineer~~ Public Works Director or designee and shall furnish to the ~~City Engineer~~ Public Works Director or designee a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections required by such compliance order or notice of violation. (Ord. 1344, 6-2-2015)

**7-2-2522: Water Usage In A Critical Water Deficiency**

**7-2-2522-1: Purpose**

- A. ~~This section establishes water conservation restrictions; and the plan will be in effect at any-time~~ When the governor declares by executive order a critical water deficiency, pursuant to

Minnesota Statutes section 103G.291., plan will be in effect.

B. This section applies to all customers of public water suppliers who own or control water use on any premises.

1. No person shall make, cause, use, or permit the use of water received from a public water supply for residential, commercial, industrial, governmental, or any other purpose in any manner contrary to any provision in this section.
2. Mandatory emergency conservation measures shall be implemented based upon the declaration of a critical water emergency by the Governor

**7-2-25-2: Definitions**

~~CLERK: In statutory cities means the person assigned duties pursuant to Minnesota Statutes section 412.151; or the City Manager pursuant to Minnesota Statutes section 412.601– 412.751 or in charter cities as determined by city charter.~~

~~DEPARTMENT: Means the City Water Department.~~

~~EMERGENCY: Means the declaration of a critical water deficiency by the Governor.~~

~~IRRIGATION: Means the watering of shrubs, trees, sod, seeded areas, gardens, lawns, or any other outdoor vegetation, except outdoor vegetation utilized for agricultural purposes.~~

~~NOTIFICATION TO PUBLIC: Means notification through local media, including interviews and issuance of news releases.~~

~~PUBLIC WATER SUPPLIER: Means the City or other entity that owns, manages, or operates a public water supply, as defined in Minnesota Statutes section 144.382, subdivision 4.~~

~~RECLAIMED WATER: Means water collected from rooftops, paved surfaces, or other collection devices and all water utilized more than once before re-entering the natural water cycle.~~

~~WATER RECIRCULATION SYSTEM: Means any system which enables a user to reuse water at least once prior to returning the water to the natural water cycle.~~

**7-2-25-3: Application**

A. This section applies to all customers of public water suppliers who own or control water use on any premises.

- ~~B.~~1. No person shall make, cause, use, or permit the use of water received from a public water supply for residential, commercial, industrial, governmental, or any other purpose in any manner contrary to any provision in this section.
- ~~C.~~2. Mandatory emergency conservation measures shall be implemented based upon the declaration of a critical water emergency by the Governor.

**7-2-25-422-1: Declaration Of Critical Water Deficiency**

**7-2-25-522-2: Mandatory Emergency Water Conservation Measures**

A. Upon declaration of a water emergency and notification to the public, the following mandatory

restrictions upon nonessential water use shall be enforced:

- ~~4.—Restaurants and other food service establishments are prohibited from serving water to their customers, unless water is specifically requested by the customer.~~
6. The filling of swimming pools, fountains, spas, or other ~~exterior~~ water features is prohibited.

### 7-2-25-622-3: Variances

The ~~City Clerk~~ Public Works Director or their designee, is authorized to grant variances to this section where strict application of its provisions would result in serious hardship to a customer. A variance may be granted only for reasons involving health or safety. An applicant may appeal the denial of a variance within five (5) days of the decision by submitting a written appeal to the City Clerk. ~~The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final.~~ Appeals will be heard as set forth in Section 1-4-7 of this Code.

### 7-2-25-722-4: Violation

- A. Violations shall be determined and cited by the ~~City Clerk or his/her~~ Public Works Director or designee. A violator may appeal the citation within five (5) days of its issuance by submitting a written appeal to the City. ~~The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final.~~ Appeals will be heard as set forth in Section 1-4-7 of this Code.
  1. Violators may be granted an administrative waiver if evidence is provided that equipment failure was the cause of the violation. A letter from a qualified vendor or equipment invoice will be required to show proof of equipment failure.
- B. ~~Upon discovery of a f~~First violation,: the violator ~~shall~~ will be issued, either personally or by mail, a warning letter that ~~sets forth~~ describes the violation and ~~which shall describe the~~ remedy, and fines for future violations.
- C. ~~Upon s~~Subsequent violations at the same location,: the violator ~~shall~~ will be issued, either personally or by mail, a citation that ~~sets forth~~ describes the violation and ~~shall describe the~~ remedy.
  1. Fines, according to the City's Fee Schedule, ~~shall~~ will be added to the monthly water bill of the owner or current occupant of the premises where the violation occurred. The imposition of the fine shall in no way limit the right of the City to pursue other legal remedies.

### 7-2-25-8: Enforcement

~~The City Clerk or his/her designee is authorized to designate City employees or law enforcement personnel to enforce the provisions of this section.~~

### 7-2-25-9: Severability

~~If any provision of this section or the application of any provision to a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of this section and the application of this section to any other situation shall not be invalidated.~~

### 7-3-1: Definitions

~~For the purpose of this Chapter, unless otherwise defined in this section, certain words and terms are defined as provided in state law, most particularly Chapter 115A of Minnesota Statutes, in County Ordinance 110, or as follows:~~

~~PRIVATE DUMP: Means all land or parcels of land on which refuse is accepted for deposit or permitted to be deposited regardless of whether a charge is made therefor.~~

~~REFUSE: Means something rejected or discarded as worthless or useless, and includes all waste substances.~~

~~HAZARDOUS WASTE: Means any refuse, sludge, spent solutions or other waste material or combinations of refuse, sludge, spent solutions or other waste materials in solid, semi-solid, liquid or contained gaseous form which, because of its quantity, concentrations, or chemical, physical or infectious characteristics may: (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants and corrosives. Hazardous waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.~~

~~SANITARY LANDFILL: Means a facility that employs a method for final disposal on land, of solid waste, including mixed municipal solid waste, in accordance with a preconceived plan and without creating nuisances or hazards to public health or safety, by utilizing the principles of environmental planning and engineering to confine solid waste to the proper and smallest practical area, to reduce it to the smallest volume, and to cover it with an adequate layer of cover material at the conclusion of each day's operation, or at such more frequent intervals as may be required.~~

~~SOLID WASTE: Means garbage, refuse and other discarded waste materials, in solid, semisolid, liquid, or contained gaseous form, resulting from residential, industrial, commercial, mining and agricultural operations, and other activities, but does not include hazardous waste, animal waste used as fertilizer, earthen fill, boulders, rock or other landscape materials, sewage sludge, solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under section 402 of the federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows, or source, special nuclear, or by-product material as defined by The Atomic Energy Act of 1954, as amended.~~

~~SOLID WASTE FACILITY: Means all property, real or personal, including negative and positive easements and water and air rights that is used for processing, managing, or disposing of solid waste, except property used primarily for the manufacture of metal or paper. The term solid waste facility includes solid waste landfills, transfer stations, incinerators, energy recovery facilities, special waste facilities, processing facilities, composting facilities, infectious waste facilities, hazardous waste facilities, and also includes any other intermediate and final solid waste disposal sites and facilities.~~

~~ENFORCEMENT OFFICER: Means any City Code Official or any other representative duly appointed by the Council or designated by the City Manager.~~

The definitions listed in Minnesota Statutes, Chapter 115A and Dakota County Ordinance 110 are hereby

adopted and made part of this Chapter.

**7-3-2: Disposal Or Processing Facility**

It shall be unlawful for any person to allow or use any land, premises or property within the City for a disposal, processing or other solid or hazardous waste facility without first making application for and securing a license so to do. The issuance of such license shall be subject to payment of any fees established by the City and governed by the following provisions:

- A. The application for a license to operate a ~~private dump or~~ sanitary landfill shall be filed with the ~~Clerk on forms provided by the City and shall contain all information specified on that form and such other information as may be required by the City or as required by law~~ Dakota County Environmental Department and MN Pollution Control Agency. No landfill activities may start until all necessary permits have been approved.

**7-3-4: Operational Regulations; Adoption By Reference**

**7-3-5: Dumping Only In Permitted Places**

~~No person, including those persons hauling or disposing of garbage or refuse, trash or other rubbish for a fee, shall deposit or dispose of any solid or hazardous waste, garbage, trash or other refuse on any property in the City not operated under a license issued by the City.~~

**7-3-65: Enforcement**

The provisions of ~~Title 7 of the City Code relating to waste management provisions~~ this Chapter may be enforced by City Code Compliance personnel, and as specified in Dakota County Ordinance 110, and Minnesota Statutes, Chapter 115, and Sections 3.15 and 3.16, by Dakota County.

**CHAPTER 7-4 EATING AND DRINKING ESTABLISHMENTS**

**7-4-1: Ordinance Adopted**

~~An ordinance entitled the National Sanitation Foundation Standards of Commercial Powered Food Preparation Equipment, Food Service Refrigerator and Food Service Storage Freezers, Automatic Ice-Making Equipment, Soda Fountain Luncheonette Equipment and Appurtenances, Dispensing-Freezers, Food Vending Machines, Food Service Equipment and Appurtenances and Commercial Spray-type Dishwashing Machines is hereby adopted for all public eating, drinking and food service establishments in the Village. (Ord. 83)~~

**CHAPTER 7-5 POLLUTION CONTROL**

**7-5-1: Adoption Of Standards And Regulations**

~~The Ambient Air Quality Standards and Air Pollution Control Regulations as published by the Minnesota Pollution Control Agency and in effect this date be and the same hereby are adopted by reference by the Village of Burnsville.~~

~~Three (3) copies of the Regulations shall be marked as Official Copies and filed for use and examination by the public in the office of the Municipal Clerk by the Municipal Clerk. (Ord. 103; 9-8-70)~~

**CHAPTER 7-64 SOLID WASTE LANDFILL FEELANDFILLS**

**7-6-1: Title**

~~This Chapter shall be known as the "Burnsville Solid Waste Landfill Fee". It may also be referred to~~

herein as "this Chapter".

**7-6-24-1: Purpose And Intent**~~Purpose~~

**7-6-34-2: Definitions**

**7-6-4: Fee On Operators Of Disposal Facilities**

~~There is imposed a fee on operators of facilities within the City which accept and dispose of mixed Municipal solid waste.~~

**7-6-54-3: Determination Of Host Community Fee**

- ~~A. Amount. Subject to State statute, the fee prescribed by this Chapter shall be set by City Council resolution. The fee shall be due from an operator of a mixed Municipal waste disposal facility within the City for each cubic yard of solid waste accepted for disposal. If the waste is weighed, six hundred (600) pounds of waste shall be deemed to be the equivalent of a cubic yard. All vehicles transporting solid waste shall register at the entrance of the facility.~~
- ~~B. Basis for Calculation. An operator of a facility that weighs waste accepted for disposal may allow haulers to elect the method to be used for calculation of the fee on the hauler's vehicles. This election shall be made in accordance with rules promulgated by the Minnesota Commissioner of Revenue in conjunction with the "Metropolitan Solid Waste Landfill Fee", Minnesota Statutes, section 473.843.~~
- ~~C. Passenger Cars and Pickup Trucks Exception. The fee charged for waste transported by passenger cars and pickup trucks shall be computed in accordance with the rules promulgated by the Minnesota Commissioner of Revenue and shall be prorated in accordance with the ratio between the State's fee and the City's fee.~~
- ~~D. "Rolloffs" Exception. The operator of a mixed Municipal solid waste disposal facility may calculate the fee for rolloffs on a "load by load" basis. Each invoice shall reflect the basis for the calculation of the fee.~~

The City has the right to negotiate a Host Community Agreement with any permitted sanitary landfill which will describe the terms for the operation of the sanitary landfill within the City, including related fees.

**7-6-64-4: Exemptions**

- ~~A. Energy and Resource Recovery Facilities. Waste residue from energy and resource recovery facilities at which solid waste is processed for the purposes of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse shall be exempt from one-half (1/2) the amount of the fee imposed if there is at least an eighty five percent (85%) volume reduction in the solid waste processed. To qualify for the partial exemption granted by this subdivision, the verification procedures of ~~section 73, subdivision 1, paragraph (c), of Minnesota Laws 1984, chapter 644,~~Minnesota Statutes, Section 473.843, Subd. 1(c) must be followed and submitted to the Department of Revenue in accordance with their rules.~~
- ~~B. Temporary Exemption for Metal Casting Facilities. For the period January 1, 1985, through December 31, 1987, nonhazardous solid waste from metal casting facilities shall not be subject to the fee imposed by this Section, provided such waste is brought to the disposal~~

~~facility separately. The operator must return to the City a statement of exemption with its monthly return for all wastes exempted pursuant to this subsection. Such statement of exemption shall be in the form provided by the Minnesota Commissioner of Revenue.~~

- C. Cover Material and Lining. When solid waste that is accepted at a mixed ~~M~~municipal solid waste facility is not disposed of in the body of the facility, but is used in the operation of the facility as cover or lining material, the solid waste may be exempt from the amount of the fee charged.

### **7-6-74-5: Reporting Requirements**

- A. ~~Time for Fee~~ Payment ~~of the Fee~~ to ~~the~~ City: The fee prescribed by this Chapter shall be paid to the City on or before the twentieth day of the month immediately following the month in which the solid waste was received at the facility.
- B. Returns: A return shall be submitted to the City by each operator that is subject to the fee imposed by this Chapter. The return shall be in a form specified by the City and shall be signed by the operator or an authorized agent. The return shall be accompanied by the corresponding fee payment. The City may require a payment of a fee on the basis of an estimated return when a regular return is not available because of an extension.
- C. Extensions: For good cause, the City may extend the time for filing returns and for the payment of fees. No extension shall be granted for more than sixty (60) days. ~~The City may require a payment of a fee on the basis of an estimated return when a regular return is not available because of an extension.~~
- D. Failure to File Return: If an operator fails to file a return within the time prescribed by this Section or makes, ~~wilfully or otherwise,~~ an incorrect, false or fraudulent return, the operator shall, upon written notice and demand, immediately file the demanded return and at the same time pay any fee due on the basis thereof. If the operator fails to file the demanded return, the City may prepare a return for the operator based on such information as the City can obtain through testimony or otherwise and assess a fee on the basis thereof. Any fee calculated in this manner (less any previous partial payments thereto) shall be immediately paid upon written notice and demand. Returns or assessments prepared by the City pursuant to this Section shall be prima facie correct and valid, and the operator shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto. Nothing in this subsection shall preclude the City from enforcing this Section by pursuing any other remedy authorized by law or ordinance.

## **CHAPTER 7-75 MIXED MUNICIPAL SOLID WASTE TRASH AND RECYCLABLES**

### **7-75-1: Definitions**

LARGE EVENT VENUE WITH ORGANICS: A gathering of at least three hundred (300) people that generates at least one ton (eight cubic yards) of trash per location and that generates back-of-house organics.

MIXED MUNICIPAL SOLID WASTE: Garbage, refuse, and other solid waste from residential, commercial, industrial and community activities which is generated and collected in aggregate, but excluding auto hulks or large auto parts, street sweepings, ash, construction debris, mining waste, sludges, household hazardous waste, tree and agricultural wastes, tires, lead acid batteries, used oil, yard waste and other materials collected, processed and disposed of as separate waste streams. \_

Commonly referred to as TRASH.

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**MULTIPLE DWELLING OR MULTI-UNIT RESIDENTIAL BUILDING:** Any building used for residential purposes consisting of ~~more than~~ four (4) or more dwelling units.

~~**NONPUTRESCIBLE SOLID WASTE:** Solid waste that is resistant to decomposition or decay by bacterial or fungal action. Examples are glass, steel, concrete, treated lumber, finished wood furniture, carpeting, rubber, paper, cardboard, or plastics that do not contain putrescible solid waste.~~

**ORGANICS or ORGANIC MATERIAL:** Food waste and the designated list of organics published on the Dakota County Website.

**PUTRESCIBLE SOLID WASTE:** Solid waste that contains organic matter that is capable of rotting or that is in a foul state of decay or decomposition or that is an attractant to animals and pests. Examples are food waste and containers, excreta, diapers, manure, and other materials.

~~**REFUSE:** Nonputrescible solid wastes such as nonrecyclable glass, crockery, cans, paper, boxes, rags, but excluding ashes, sand, earth, brick, stone, concrete, trees, tree branches and wood. Something rejected or discarded as worthless or useless, and includes all waste substances.~~

#### **7-75-2: Required Collection Of Mixed Municipal Solid Waste Trash and Recyclables**

Every household, multi-unit residential building, and commercial/industrial establishment in the city must be under a contract for the collection of ~~mixed municipal solid waste~~ trash and recyclables with a licensed hauler. A household in a multi-dwelling property is considered to be under a garbage collection contract if the owner, association, or management entity has a contract with a licensed ~~garbage~~ hauler.

#### **7-75-3: Exemption From Collection Requirement**

A household or commercial/industrial establishment may be exempt from the requirement to be under a ~~mixed municipal solid waste~~ trash contract if the household or commercial/industrial establishment hauls ~~mixed municipal solid waste~~ trash and recyclables from their own residence or business property and complies with the standards set forth in section 7-75-6 of this chapter.

#### **7-75-4: Opportunity To Recycle**

- ~~A. All owners or lessees of commercial or industrial properties shall have an opportunity to recycle. The recycling opportunity shall include the collection of all designated recyclables.~~
- ~~B. It is unlawful for any residential or multiple dwelling association or management entity to negotiate, execute or maintain a contract for mixed municipal solid waste collection unless it includes, as a part of the contract or as a part of a separate contract, a service capacity of one-tenth (0.1) cubic yards per week per dwelling unit of all designated recyclables. Owners and managers of multiple dwelling must:~~
  - ~~1. Ensure designated recyclables are collected for recycling.~~
  - ~~2. Provide recycling containers with a weekly service capacity of at least one-tenth (0.1) cubic yards per dwelling unit.~~
  - ~~3. Ensure that the collection schedule and container capacity are sufficient to contain all the recyclables collected and organics (if collected) from the building and public spaces and to prevent overflowing containers.~~
  - ~~4. Ensure all trash collection containers or collection chutes are co-located within ten (10') feet from a recycling container or recycling chute. Each container or chute must have~~

~~equal access.~~

- ~~5. Ensure all trash, recyclables, and organics collection containers are labeled in accordance with Dakota County Ordinance 110, Solid Waste Management, 16.06 Labeling, as may be amended.~~
  - ~~6. Ensure all trash is delivered to a facility licensed or permitted to accept the waste, recyclables collected are delivered to a recycling facility and organics (if collected) are delivered for food recovery or to an organics facility.~~
  - ~~7. Provide solid waste abatement messages in print or electronic form to each dwelling resident, tenant, employee, housekeeping, and custodial contractors. Messaging must be documented and follow the solid waste abatement messaging published on the Dakota County Website. Such messaging must occur: \_\_\_\_\_~~
    - ~~a. At least annually;~~
    - ~~b. Within thirty (30) days of a substantive change to the generator's waste program; and~~
    - ~~c. Within thirty (30) days of a new hire or tenant.~~
- ~~C. Large event venues with organics are defined as a gathering of at least three hundred (300) people that generates at least one ton (eight cubic yards) of trash per location and that generates back-of-house organics. Event sponsors and owners and operators of large event venues with organics must:~~
- ~~1. Ensure the designated recyclables are collected for recycling.~~
  - ~~2. Provide a collection schedule and containers adequate to meet the requirements of this ordinance. Container locations must include but are not limited to: indoor and outdoor locations, public spaces, private spaces, and communal spaces. \_\_\_\_\_~~
  - ~~3. Co-locate all recycling containers within ten (10') feet from a trash collection \_\_\_\_\_ containers. Each container must have equal access.~~
  - ~~4. Ensure all trash, recyclables, and organics collection containers are labeled in \_\_\_\_\_ accordance with Dakota County Ordinance 110, Solid Waste Management, 16.06 Labeling, as may be amended.~~
  - ~~5. Ensure all trash is delivered to a facility licensed or permitted to accept the waste, recyclables collected are delivered to a recycling facility and organics (if collected) are delivered for food recovery or to an organics facility.~~
  - ~~6. Provide solid waste abatement messaging in print or electronic form to each employee, volunteer, tenant, and housekeeping and custodial contractors. \_\_\_\_\_ Messaging must be documented and follow the solid waste abatement messaging published on the Dakota County Website. Such messaging must occur:~~
    - ~~a. At least annually;~~
    - ~~b. Within thirty (30) days of a substantive change to the generator's waste program; and~~
    - ~~c. Within thirty (30) days of a new hire or tenant.~~

The provisions relating to recycling of Dakota County Ordinance 110 are hereby adopted and made a part of this Chapter as it is set out in full.

#### **7-75-5: License Requirements**

- A. No person shall haul ~~mixed municipal solid waste~~trash or recyclables in the city without first securing a license from the city.
- B. The license shall be valid for one calendar year and shall expire on December 31 of each

year unless revoked sooner.

C. No license may be transferred.

~~D. An applicant for a license shall make application to the city manager through forms and procedures prescribed by the city manager.~~ An application to haul trash or recyclables shall be made on a form provided by the City. The application ~~for a license shall contain the following information~~ include, but is not limited to:

- ~~1. A list of the equipment proposed to be used in the collection, including information about the number, type, license number, and capacity of the collection vehicles and equipment to be used in the city;~~
- 4. The place or places to which ~~mixed municipal solid waste~~ trash and/or recyclables are to be hauled;
- 5. Information about the location and method of storage of collected recyclable materials, including evidence of compliance with all state, county, and local laws and regulations; ~~and~~
- 6. Information about the location and method of storage of collected organic materials, including evidence of compliance with all state, county, and local laws and regulations; and

~~E. An applicant must obtain all of the insurance required by this subsection. All costs and expenses are the responsibility of the applicant. All insurance coverage is subject to approval by the city and shall be maintained by the licensee during the term of the license. No work under this license shall be commenced until the requirements of this section have been satisfied.~~ A copy of the current Certificate of Insurance is required to be submitted at the time of application.

~~1. The licensee shall obtain and maintain statutory workers' compensation insurance and employer's liability insurance, as required under the laws of the state of Minnesota.~~

~~In the event licensee is a sole proprietor and has not elected to provide workers' compensation insurance, licensee shall be required to execute and submit an affidavit of sole proprietorship in a form satisfactory to the city.~~

2. ~~Licensee shall obtain and maintain~~ The following minimum coverage for comprehensive general liability (including premises-operations; independent contractors' protective; products and completed operations; broad form property damage): (Ord. 433, 12-2-1991) Applicants for a solid waste hauler license must provide proof of liability insurance for the amounts detailed in Minnesota Statutes Section 466.04

<del>Bodily injury:</del>
<del>\$2,000,000.00 per occurrence</del>
<del>\$2,000,000.00 product and completed operations</del>
<del>Property damage:</del>
<del>\$2,000,000.00 per occurrence</del>

~~(Ord. 433, 12-2-1991; amd. Ord. 1367, 2-16-2016)~~

~~3. Licensee shall obtain and maintain the following minimum insurance coverage for personal injury liability (with employment related exclusion deleted): (Ord. 433, 12-2-1991)~~

Limit:
\$2,000,000.00 per occurrence

~~(Ord. 433, 12-2-1991; amd. Ord. 1367, 2-16-2016)~~

~~4. Licensee shall obtain and maintain the following minimum insurance coverage for comprehensive automobile liability (owned, nonowned, hired): (Ord. 433, 12-2-1991)~~

Bodily injury:
\$2,000,000.00 per person
\$2,000,000.00 per occurrence
Property damage:
\$2,000,000.00 per occurrence

~~(Ord. 433, 12-2-1991; amd. Ord. 1367, 2-16-2016)~~

- ~~5. Insurance certificates evidencing that the insurance required by this subsection is in force with companies acceptable and licensed in the state of Minnesota, and in amounts required, shall be submitted for examination and approval prior to the execution of the license. Thereafter, the certificates shall be filed with the city. The insurance certificates shall specifically provide that a certificate shall not be modified, canceled or nonrenewed, except upon thirty (30) days' prior written notice to the city. Neither the city's failure to require or insist upon certificates, or other evidence tending to show a variance from the coverages specified in this subsection shall change a licensee's responsibility to comply with these insurance requirements.~~
- F. The annual license fee shall be established from time to time by ~~resolution~~ ordinance of the city council and set forth in the fee schedule.
- G. The city manager or designee shall issue licenses only after receipt and review of all required forms, certificates and fees. Upon review of the documents submitted, the city manager or designee shall issue a license if the documents comply with the provisions of this chapter. ~~An applicant denied a license by the city manager may have the decision reviewed by the city council. The applicant shall request review by the city council in writing within ten (10) days after denial of the license. (Ord. 433, 12-2-1991)~~
- H. The locations and boundaries of the day specific hauling areas established under this chapter are hereby set forth on the map entitled city of Burnsville day specific hauling map. ~~The official day specific hauling map shall be kept on file with the city clerk, and hereinafter referred to as the day specific hauling map. The day specific hauling map and all the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this code by reference. (Ord. 1124, 7-8-2008, eff. 1-1-2009)~~

**7-75-6: Exemption From License Requirements**

The license requirements of this chapter shall not apply to persons who haul recyclables, yard waste or ~~mixed municipal solid waste~~ trash from their own residences or business properties; provided, that they are disposed of in an environmentally sound manner by meeting the following conditions:

- A. ~~Mixed municipal solid waste~~ Trash, recyclables, and yard waste ~~is~~are hauled in a timely manner such that it does not accumulate and become a "nuisance" ~~as defined under sections 7-1-1 and 7-1-2 of this title;~~
- B. ~~Mixed municipal solid waste~~ Trash, recyclables, and yard waste ~~is~~are hauled in containers equipped with tightfitting covers and which are also watertight on all sides and the bottom;
- C. ~~Mixed municipal solid waste~~ Trash and recyclables are hauled in a manner that prevents leakage or any possibility of a loss of cargo;
- D. ~~Mixed municipal solid waste~~ are Trash ~~is~~ only dumped or unloaded at designated sanitary landfills, municipal solid waste composting facility, resource recovery facility or other facilities authorized by ~~Dakota County~~ applicable state and county laws;
- E. Recyclables are only dumped or unloaded at a recycling facility, an organized recycling drive, or through licensed collectors;
- F. Yard waste is privately composted, or is only dumped or unloaded at a composting facility authorized by ~~Dakota County~~ applicable state and county laws, or through a licensed collector;
- G. Items excluded in "~~mixed municipal solid waste~~" ~~(as defined in section 7-7-1 of this chapter)~~ trash shall be collected, processed, and disposed of according to state and county laws.

**7-75-7: Duties And Obligations Of Licensed Collector**

A licensed collector must comply with the following operational requirements. Failure to observe these provisions may be a basis for suspension or revocation of a license.

- A. The licensee shall operate in a manner consistent with its application materials and shall provide notice to the city within ten (10) days of any changes in the information, forms or certificates filed as a part of the license application process, except for the thirty (30) day notice required by subsection ~~7-75-5(D)~~ Subd. E(3) of this chapter;
- B. The licensee shall comply with all state, county, and local laws and regulations;
- C. Each licensed collector shall provide ~~all of~~ its customers with ~~the opportunity for the~~ weekly collection of ~~mixed municipal solid waste~~ trash.
- D. No collections of ~~mixed municipal solid waste~~ trash, ~~and/or~~ recyclable materials, ~~and/or~~ organics shall be made except between the hours of six thirty o'clock (6:30) A.M., and six o'clock (6:00) P.M. Monday through Friday in residential use areas or areas adjoining or across the street from residential use areas. To accommodate recognized national holidays or a "special pick up" ~~as defined in section 7-7-1 of this chapter~~, ~~mixed municipal solid waste~~ trash, ~~and/or~~ recyclables, ~~and/or~~ organics may be collected on Saturdays during permitted hours. Customers shall be reasonably notified of the specific day and hours for the collection of their mixed municipal solid waste and/or recyclables and the licensee shall collect the materials within those time periods. Individual residential collection shall be on the specific day of the week as identified on the day specific hauling map. Commingled commercial/residential collection is exempt from the day specific hauling map;
- E. Each licensed collector shall only use vehicles and equipment so constructed that the contents will not leak or spill. The vehicles and equipment shall also be kept clean and as free

- from offensive odors as possible, and shall not stand in any street, alley, or public place longer than is reasonably necessary to collect ~~mixed municipal solid waste~~trash, yard waste, organics, and/or recyclables. The licensee shall also ensure that the collection site is left tidy and free of litter. Bulk refuse containers must be covered when transporting;
- H. No bulk refuse containers may be placed in the right of way without a permit;
- I. Each licensed collector shall provide its residential customers, including residents of multi-family dwellings, with an opportunity to recycle through collection of designated "recyclables" ~~(as defined in section 7-7-1 of this chapter and by resolution of the city council hereinafter adopted)~~ in an adequately sized recycling container at least biweekly. Individual residential collection of designated recyclables shall be on the specific day of the week identified on the day specific hauling map. The designated recyclables collection shall be from a location at or near the customer's ~~mixed municipal solid waste~~ trash collection site, or such other location mutually agreeable to the hauler and the customer. The licensee may specify how a customer is to place and prepare their designated recyclables for collection. The licensee is also deemed the owner of the recyclables and, upon collection, the licensee may market them. Nothing herein shall be construed to prevent a licensee from offering collection for other recyclable materials or organics, in addition to the designated recyclables;
- J. Each licensed collector shall provide for a separate collection of yard waste(s) from customers who receive individual residential collection services. This yard waste collection shall be offered on a weekly basis from April 1 until November 15 unless by determination of the city manager or designee, shorter collection periods are deemed more appropriate. The yard waste collection shall occur on the specific day of the week as identified on the day specific hauling map. Yard waste collection shall also be offered for two (2) weeks in January for the collection of Christmas trees. The licensed collector shall have the discretion of setting specific dates and times for the Christmas tree collection, but shall give reasonable notice and instructions to the customer. The licensee shall also ensure that the materials are collected within those time periods. The collected yard waste shall only be dumped or unloaded at a composting facility authorized or approved by Dakota County;
- K. Each licensed collector shall provide a volume -based rate structure ~~with a minimum of three (3) tiers for individual residential customers~~. Licensed collectors are prohibited from imposing a greater charge on residents who recycle than on residents who do not recycle; licensed collectors shall offer a 35-gallon or less base unit fee for trash generated by a residential source. Incremental service levels shall not increase by more than 32 gallos, with the exception of fees charged for bulky items; and
- L. Licensed collectors may only dispose of mixed municipal solid waste at waste to energy facilities, sanitary landfills, or other solid waste disposal facilities meeting the requirements of 40 CFR parts 257 and 258, and Dakota County Ordinance 110.

### **7-75-8: City Process For Designating Recyclables**

### **7-75-9: ~~Suspension Or Revocation~~Denial, Revocation or Suspension Of License**

Upon the recommendation of the city manager, the city council may suspend or revoke the license of any person whose conduct is found to be in violation of the provisions of this chapter. If the City Manager or designee denies the issuance of a license, or suspends or revokes a license due to a violation of this chapter, a written notice of action and the right to an appeal will be sent to the applicant or licensee. Appeals will be set forth in Section 1-4-7 of this Code.

- A. Suspension or revocation may also be based on other health, safety, and welfare concerns

arising out of the performance of the licensee, its employees and agents, and/or its vehicles and equipment. ~~Revocation or suspension of a license by the council shall be preceded by a public hearing conducted in accordance with Minnesota statutes sections 14.57 to 14.70. The city council may appoint a hearing examiner or may conduct a hearing itself. The hearing notice shall be given at least ten (10) days prior to the hearing, include notice of the time and place of the hearing, and shall state the nature of the charges against the licensee. (Ord. 433, 12-2-1991)~~

- B. If the applicant or license holder does not provide a written request for a hearing within 14 calendar days of receipt the letter, then the denial, civil penalty, suspension, or revocation shall take immediate effect.
- C. The City Manager or designee may allow exceptions to the time frame in this Section when warranted.

### 7-75-10: Antiscavenging Provision

It is unlawful for any person or business to scavenge, collect, or otherwise remove ~~mixed municipal solid waste~~trash, recyclables, or yard waste that has been placed at the curb or in recycling containers, without a license from the city and an account relationship with the owner, lessee, or occupant of the premises. (Ord. 433, 12-2-1991)

### 7-75-11: Reservation Of Rights

#### 7-7-12: Severability

~~In the event that a court of competent jurisdiction adjudges any part of this chapter to be invalid, such judgment shall not affect any other provision of this chapter not specifically included within the judgment. (Ord. 433, 12-2-1991)~~

#### 7-7-135-12: Penalty

## CHAPTER 7-86 CONSTRUCTION DEBRIS DISPOSAL FEE

### 7-8-1: Title

~~This Chapter shall be known as the *BURNSVILLE CONSTRUCTION DEBRIS DISPOSAL FEE*. It may also be referred to herein as "this Chapter". (Ord. 686, 10-20-1997)~~

### 7-8-17-86-1: Purpose And Intent

~~This Chapter~~ The City shall imposes and administers a fee upon operators of facilities accepting and disposing of construction debris within the City of Burnsville, as authorized by Minnesota Statutes section 115A.921. (Ord. 686, 10-20-1997)

### 7-86-3: Definitions

The ~~terms~~ definitions in this Chapter shall have the meanings given them by Minnesota Statutes chapters 115A, 116, 290, and 473; the rules of the Minnesota Pollution Control Agency and the Department of Revenue; and ~~the Solid Waste Management Ordinance for~~ Dakota County Ordinance 110. (Ord. 686, 10-20-1997)

### 7-8-4: Fees On Operators Of Disposal Facilities

~~There is imposed a fee on operators of facilities within the City which accept and dispose of construction debris. (Ord. 686, 10-20-1997)~~

**7-8-56-3: Determination Of Fee Host Community Fee**

- ~~A. Amount: Subject to State statute, the fee prescribed by this Chapter shall be set by City Council resolution. The fee shall be due from an operator of a construction debris disposal facility within the City for each cubic yard of construction debris accepted for disposal, or its equivalent by weight or other measure. All vehicles transporting construction debris shall register at the entrance to the facility.~~
- ~~B. Basis For Calculation: An operator of a facility that weighs waste accepted for disposal may allow haulers to elect the method to be used for calculation of the fee on the hauler's vehicle. This election shall be made in accordance with rules promulgated by the Minnesota Commissioner of Revenue, laws of the State of Minnesota, or ordinances of Dakota County and the City of Burnsville.~~
- ~~C. Passenger Cars And Pickup Trucks Exception: The fee charged for construction debris transported by passenger cars and pickup trucks shall be computed in accordance with rules promulgated by the Minnesota Commissioner of Revenue, laws of the State of Minnesota, or ordinances of Dakota County and the City of Burnsville.~~
- ~~D. Rolloffs Exception: The operator of a construction debris disposal facility may calculate the fee for rolloffs on a "load-by-load" basis, with the prior approval of the City. Each invoice shall reflect the basis for the calculation of the fee. (Ord. 686, 10-20-1997)~~

The City has the right to negotiate a Host Community Agreement with any permitted sanitary landfill which will describe the terms for the operation of the sanitary landfill within the City, including related fees.

**7-8-6: Exemptions**

- ~~A. Recycling Program Credit: A facility is exempt from twenty five percent (25%) of the fee imposed under this Chapter if the facility has implemented a recycling program that has been reviewed and approved by the County. This partial exemption shall cease upon a finding by the City or County that the facility is not complying with its approved recycling program.~~
- ~~B. Liner And Leachate Collection System Credit: A facility is exempt from twenty five percent (25%) of the fee imposed under this Chapter if the facility contains a liner and leachate collection system approved by the Minnesota Pollution Control Agency. This partial exemption shall cease upon a finding by the State, County, City or other authorized governmental unit that the liner and/or leachate collection system is no longer functioning properly.~~
- ~~C. Financial Assurances Offset: Two thirds (2/3) of the revenue from fees collected under this Chapter must be used to offset any financial assurances required by the City for a construction debris facility. (Ord. 686, 10-20-1997)~~

**7-8-7: Maximum Fee Collected**

~~The maximum fee collected from any facility pursuant to this Chapter shall be determined by multiplying the total permitted capacity of a facility by fifteen cents (\$0.15) per cubic yard. Once the maximum revenue has been collected for a facility, the fee imposed by this Chapter shall no longer be imposed. The fees imposed by this Chapter shall be reimposed if the maximum limits authorized by statute are increased or if the facilities permit is amended to allow additional construction debris to be disposed of at the facility. (Ord. 686, 10-20-1997)~~

## **7-8-86-4: Payment, Reporting, And Recordkeeping Requirements**

### **CHAPTER 7-9 LAWN FERTILIZER**

#### **7-9-1: Statement Of Purpose**

~~The city has conducted studies and reviewed existing data and literature to determine the current and projected water quality of various lakes, ponds, and wetlands within the community. Lake water quality may be improved if the amount of phosphorus from fertilizer and vegetative sources entering water bodies through the storm drainage system as well as overland runoff, is reduced. The purpose of this chapter is to maintain and promote improvement of lake, pond, and wetland resources enjoyed by Burnsville's residents and other users. (Ord. 815, 2-5-2001, eff. 5-1-2001)~~

#### **7-9-2: Definition**

~~For purposes of this chapter, the following term shall be defined as stated:~~

~~FERTILIZER: A substance containing one or more recognized plant nutrients that is used for its plant nutrient content and designed for use or claimed to have value in promoting plant growth. Fertilizer does not include animal and vegetable manures that are not manipulated, marl, lime, limestone, and other products exempted by rule by the Minnesota commissioner of agriculture. (Ord. 815, 2-5-2001, eff. 5-1-2001)~~

#### **7-9-3: Restrictions On Application And Use**

~~The application and use of lawn fertilizer is subject to the following restrictions:~~

- ~~A. Timing Of Application: No fertilizer application shall be made when the ground is frozen and in no event during the period of November 15 through April 1 of the succeeding year.~~
- ~~B. Impervious Surfaces: Fertilizer shall not be applied, spilled, or otherwise deposited on impervious surfaces. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on impervious surfaces shall be immediately and completely removed.~~
- ~~C. Buffer Zones: No fertilizer shall be applied within established buffer zones as outlined in the city wetland ordinance, section 10-8-5 of this code, or within twenty feet (20') of the edge of any wetland, pond, or lake.~~
- ~~D. Fertilizer Content And Application Rate: No fertilizer shall be applied to turf within the city which contains any amount of phosphorus or other compounds containing phosphorus, such as phosphate. The provisions of this subsection regarding fertilizer content shall not apply to:
  - ~~1. Newly established turf areas for the turf's first growing season; or~~
  - ~~2. In turf areas which soil tests confirm area below phosphorus levels established by the University of Minnesota extension service. The lawn fertilizer application shall not contain an amount of phosphorus exceeding the amount of phosphorus and the appropriate application rate recommended in the soil test evaluation. (Ord. 815, 2-5-2001, eff. 5-1-2001)~~~~

#### **7-9-4: Notice Requirement**

~~Retail businesses selling fertilizer shall post a notice in a conspicuous location near the fertilizer notifying customers of the limitation on the use of fertilizer containing phosphorous contained in this chapter. (Ord. 815, 2-5-2001, eff. 5-1-2001)~~

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### **7-9-5: Review**

~~If statutory provisions are adopted subsequent to the adoption of this chapter that address phosphorous levels in fertilizer, the city council shall review this chapter for possible revisions or repeal. (Ord. 815, 2-5-2001, eff. 5-1-2001)~~

### **7-9-6: Violations**

~~For the first twelve (12) months following the effective date of this chapter no penalty shall attach to its violation. Thereafter, a person violating any provision of this chapter shall be guilty of a petty misdemeanor and upon conviction shall be subject to the penalties imposed by Minnesota Statutes for petty misdemeanor offenses. (Ord. 815, 2-5-2001, eff. 5-1-2001)~~

## **CHAPTER 7-107 COMPOSTING**

### **7-107-1: General Rule**

The provisions of Dakota County Ordinance 110, Section 13.03, Subd. D are hereby adopted and made a part of this Chapter as it is set out in full.

Every householder or owner, occupant, or tenant of any premises who composts shall do so in an environmentally sound manner, and shall meet the standards set forth in this chapter. (Ord. 1224, 1-18-2011)

### **7-107-2: Compost Bin Standards**

#### **7-7-3: Composting Activities**

- ~~A. Operations at the site shall not create a public nuisance or any conditions adversely affecting the environment or public health;~~
- B.A. Activity at the site must not violate state or local laws, ordinances, rules, regulations, or orders; and
- C.B. Failure to comply with the requirements of this section is a violation of this Chapter.

### **7-10-37-4: Permitted Compostable Materials**

### **7-10-47-5: Prohibited Materials**

## **CHAPTER 7-118 SUBSURFACE SEWAGE TREATMENT SYSTEMS (SSTS)**

### **7-11-1: Title**

~~This chapter shall be known as *SUBSURFACE SEWAGE TREATMENT SYSTEMS*. It may also be referred to herein as "this chapter". (Ord. 1228, 2-8-2011)~~

### **7-118-1: Purpose, Intent And Authority**

### **7-11-38-2: Definitions**

~~CITY: City of Burnsville, Minnesota.~~

~~COLIFORM BACTERIA: A group of fifteen (15) bacteria species that are commonly found in human and animal wastes, and may indicate groundwater contamination from a failed septic system when found in private well water.~~

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~~COUNTY: Dakota County, Minnesota, which also acts as the Dakota County board of health pursuant to Minnesota statutes chapter 145A.~~

~~DEPARTMENT: The Burnsville protective inspections department, its staff and designated agents.~~

~~MUNICIPALITY: Any incorporated city or township within the boundaries of Dakota County, Minnesota.~~

~~NITRATE: A combination of nitrogen and oxygen that is found in human and animal wastes, and may indicate groundwater contamination from a failed septic system when found in private well water.~~

~~PERSON: Any human being, any municipality or other governmental or political subdivision, or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity.~~

~~STATE: The state of Minnesota.~~

### **7-11-48-3: General Provisions**

#### **7-11-58-4: Public Sewer Availability**

B. No individual subsurface sewage treatment system shall be installed or renovated on lands to which public sewer service is available pursuant to section 7-2-~~204~~, "~~Public Sewer System Connection Requirements~~"Private Water And Sewage Systmes, of this title, except as allowed by city council policies 5.035 "Street And Utility Improvements In The Southwest Area" and 5.036 "Options To Connection To Existing Trunk Mains For County Road 5 Improvements". (Ord. 1228, 2-8-2011)

#### **7-11-68-5: Minimum Lot Size For SSTS**

#### **7-11-78-6: Subdivisions**

#### **7-11-88-7: SSTS In Floodplains**

#### **7-11-98-8: SSTS Permitting**

#### **7-11-108-9: Abandonment Certification**

#### **7-11-118-10: Compliance Inspection Program**

#### **7-11-128-11: Variances**

#### **7-11-138-12: Violations**

**7-11-14: (Reserved)**  
(Ord. 1316, 4-8-2014)

## **7-11-158-13: Recordkeeping And Annual Report**

### **7-11-16: Severability**

~~If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of law, the remainder of this chapter shall not be affected and shall remain in full force. (Ord. 1228, 2-8-2011)~~

## **7-11-178-14: Remedies Cumulative**

### **CHAPTER 7-9 DEICER**

#### **7-9-1: Purpose**

Chloride-based deicers, specifically sodium chloride (NaCl), magnesium chloride (MgCl<sub>2</sub>), and calcium chloride (CaCl<sub>2</sub>) are generally referred to as ‘salt.’ These deicers can enter into the environment during storage, transport, and application, threatening groundwater and drinking water supplies, as well as the health of freshwater fish and other aquatic life in lakes, ponds, wetlands, and streams. The purpose of this chapter is to maintain and promote improvement of groundwater and surface water resources enjoyed by Burnsville’s residents and other users.

#### **7-9-2: Definitions**

DEICER: Any substance used to melt snow and ice or used for its anti-icing effects.

#### **7-9-3: Deicer Application And Use**

The application and use of deicers are subject to the following restrictions:

- A. Implementation of Best Management Practices (BMPs): BMPs such as sweeping, diversions, and containment shall be used to reduce exposure to the maximum extent practicable.
- B. Excess Material: Excess materials present after the winter season should be properly swept and disposed of.
- C. Buffer Zones: To the maximum extent practicable, deicer use shall be minimized within established buffer zones as outlined in City Code Section 10-8-5 of this code, or within twenty feet (20’) of the edge of any wetland, pond, or lake.

#### **7-9-4: Deicer Storage**

Property owners of commercial, institutional, and non-NPDES (National Pollution Discharge Elimination System) permitted industrial facilities shall have designated salt and deicer storage that:

- A. Are covered or indoors;
- B. Located on an impervious surface; and
- C. Contain diversions and/or containment as necessary to reduce exposure when transferring materials in and from designated deicer storage areas.

#### **7-9-5: Review**

If statutory provisions are adopted subsequent to the adoption of this chapter that address deicer use and storage, the city council shall review this chapter for possible revisions or repeal.

#### **7-9-6: Violations**

A person violating any provision of this chapter shall be guilty of a petty misdemeanor and upon

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conviction shall be subject to penalties imposed by Minnesota Statutes for petty misdemeanor offenses.


**SECTION 2:** This ordinance shall be effective immediately upon its passage and publication.

PASSED AND ADOPTED by the City Council of the City of Burnsville this 17<sup>th</sup> day of October, 2023.

DocuSigned by:  
  
87F692077A7D426...

Elizabeth B. Kautz, Mayor

ATTEST:

DocuSigned by:  
  
1810DB3C25F04EF...

Macheal Collins, City Clerk