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CHAPTER 901

RESERVED
CHAPTER 902

STREET OPENINGS; DRIVEWAYS

SECTION:

902.01: Application of Provisions; Purpose
902.02: Permit Requirements for Driveway Construction
902.03: Driveway Construction
902.04: Curbing Standards
902.05: Violation of Provisions

902.01: APPLICATION OF PROVISIONS; PURPOSE:  This Chapter applies to all driveways within the Municipality and is declared to be necessary and essential because of the growth and expansion of Mounds View. (1988 Code §44.01) (Ord. 640, 10-11-99)

902.02: PERMIT REQUIREMENTS FOR DRIVEWAY CONSTRUCTION:

Subd. 1. Driveway Construction: No person shall construct a driveway without first obtaining a permit pursuant to the provisions set forth in Chapter 1006 of this Code. (1988 Code §44.05) (Ord. 640, 10-11-99)

Subd. 2. Existing, Non-conforming Driveways: Consistent with the provisions of Chapter 1123, driveways that do not conform to the requirements of the City Code may not be replaced or reconstructed without bringing them into compliance. (Minor maintenance and alterations may be permitted.) Driveways which cannot be brought into compliance without undue hardship, as determined by the Director of Community Development, may be improved, replaced or rebuilt, however, in no case may the extent of the nonconformity increase as a result. If a requested permit is denied due to noncompliance, the property owner may appeal the decision in writing to the City Council. (Ord. 640, 10-11-99; Amended, Ord. 756, 1-24-05)

1 See subdivision 604.03(3)j of this Code for nuisance excavations; see subdivision 906.03(2) of this Title for water system excavations; see subdivision 907.04(3)f of this Code for sewer system excavations.

City of Mounds View
902.03:  **DRIVEWAY CONSTRUCTION:** (Ord. 640, 10-11-99)

Subd. 1.  **General Construction:** The following procedure and specifications shall be required for all driveway construction from streets to private garages, and parking areas attached thereto:¹ (Ord. 620, 7-27-98)

a. **Excavation:** The driveway or parking area shall be excavated to remove all black dirt from the area to be surfaced. (Ord. 620, 7-27-98)

b. **Drainage Provisions:** The driveway or parking area shall be constructed so as to provide drainage from the garage to the street unless a variance is granted by the Building Inspector². (Ord. 620, 7-27-98)

Subd. 2.  **Concrete Construction:**

a. After initial excavation, the driveway shall be backfilled with Class 4 base material, compacted in place, to an elevation four inches (4") below the finished surface grade of the driveway.

b. The driveway construction shall consist of a minimum of four inches (4") of three thousand five hundred (3,500) pound mix, four inch (4") slump with air. (Ord. 620, 7-27-98)

Subd. 3.  **Asphalt Construction:**

a. After initial excavation, the driveway shall be backfilled with Class 4 base material, compacted in place, to an elevation four inches (4") below the finished surface grade of the driveway.

b. The driveway construction shall consist of a minimum of two inches (2") (compacted thickness), Class 5 base material and a minimum of two inches (2") (compacted thickness) bituminous wearing course conforming to Minnesota Highway Department specifications 2331.

c. The bituminous wearing course material shall not be delivered to the job site until the Class 5 base material has been placed compacted. (1988 Code §44.05; Ord. 620, 7-27-98)

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¹ See Chapter 1302 of this Code for storm water management requirements.

² See Chapter 1302 of this Code for storm water management requirements.
Subd. 4. Brick Construction

a. After initial excavation and compaction of the exposed earth, the driveway shall be backfilled with four inches (4") of Class 4 base material, compacted in place to an elevation four inches (4") below the finished surface grade of the driveway. (Ord. 620, 7-27-98)

b. The driveway construction shall consist of a leveled layer of sand not to exceed one and one-half inches (1-1/2") deep upon which the bricks or pavers are to be fitted and interlocked, held in place by an edging material. (Ord. 620, 7-27-98)

c. Dry sand shall be scattered over the driveway area and swept into the cracks between the bricks or pavers and repeated as necessary until all voids are filled. (Ord. 620, 7-27-98)

Subd. 5. Gravel Construction:

After initial excavation, the parking area construction (not to exceed three hundred (300) square feet in area) shall consist of a minimum of four inches (4") of Class 2 rock or other acceptable material compacted into place. (Ord. 620, 7-27-98; Ord. 640, 10-11-99)

902.04: CURBING STANDARDS: Curbing shall be required for all driveways and parking lots according to the following standards and specifications: (Ord. 640, 10-11-99)

Single-family residential - none

Two-family residential - none

Three (3) to six (6) unit residential – exposed barrier curb (Ord. 640, 10-11-99)

Seven plus (7+) unit residential, commercial and industrial - B 6-12 curb and gutter. (1988 Code §44.06) (Ord. 640, 10-11-99)

902.05: VIOLATION OF PROVISIONS: Any person who shall do or commit any act that is forbidden by the provisions of this Chapter shall be guilty of a misdemeanor. (1988 Code §44.07) (Ord. 640, 10-11-99)

Because of the numerous types and styles of brick and brick pavers available, these construction guidelines may be superseded by individual manufacturer or professional landscape specifications.
CHAPTER 903

BUILDING NUMBERS

SECTION:

903.01: Purpose and Scope
903.02: Numbers Required
903.03: Number Changes

903.01: **PURPOSE AND SCOPE:** The provisions of this Chapter are adopted to protect the public health, safety and general welfare of the people. It establishes the rules and regulations relative to a uniform system of addresses and house and building numbers within the Municipality. (1988 Code §47.01)

903.02: **NUMBERS REQUIRED:** Every house and building located within the Municipality shall have posted on it address numbers as assigned by the Municipal staff. Said numbers shall be so placed on the house or building so that they are easily discernible from the street, highway or roadway servicing said structure. Additional corresponding numbers may be placed on the mailbox servicing the structure or such other device that conforms to the provisions of the Code. When possible, the numbers posted on the structure should be of material or within a lighted area so that the numbers can be easily ascertained in the darkness. (1988 Code §47.02)

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1 See Appendices B and C of this Code for ordinance amending building number and street name changes.

City of Mounds View
Subd. 1. Procedures: Whenever it has been deemed to be in the public interest to order address or house and building number changes, the Council shall, after a public hearing, order such changes by the adoption of an ordinance. The public hearing shall be held at such time and upon such notice as the Council may determine. (1988 Code §44.04)

Subd. 2. Execution Of Changes: Whenever the Council, by appropriate action, orders the change of an address or number of a house or building, the owner, tenant, manager or caretaker of the premises shall execute the change required, at no expense to the Municipality, within thirty (30) days from the effective date of the change. (1988 Code §47.03)

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2775 Greenfield Place

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City of Mounds View
### Changes as of March 1, 1979

The following house and building address number changes shall be effective March 1, 1979:

<table>
<thead>
<tr>
<th>Previous Number</th>
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</thead>
<tbody>
<tr>
<td>7628 Woodlawn Drive</td>
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### Changes as of August 1, 1988

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>7911 Spring Lake Road</td>
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### Changes as of August 30, 1988

<table>
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<tbody>
<tr>
<td>8319 Groveland Road</td>
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### Changes as of June 27, 1989

<table>
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<tr>
<td>8249 Spring Lake Road</td>
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### Changes as of September 26, 1989

<table>
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<tr>
<td>8249 Spring Lake Road</td>
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</tr>
<tr>
<td>7801 Sunnyside Road</td>
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*City of Mounds View*
Changes as of January 8, 1996

The following house and building address number changes shall be effective January 8, 1996:

<table>
<thead>
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<tbody>
<tr>
<td>2520 County Road I</td>
<td>7687 Long Lake Road - Church</td>
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<tr>
<td>7695 Long Lake Road - Parsonage</td>
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</tbody>
</table>

(LEGAL: Subject to Long Lake Road and County Road I and except part in South 15 acres of NW-1/4 of NW-1/4 the West 388.5 feet of said 1/4 1/4 of Section 8, Township 30, Range 23; PIN 08-30-23-22-0038.) (Ord. 571, 1-8-96)
CHAPTER 904
STREET LIGHTING

SECTION:

904.01: Purpose
904.02: Existing Subdivisions
904.03: New Subdivisions
904.04: Billing

904.01: PURPOSE: The City Council has determined that it is in the best interest of the City to operate, maintain and improve upon the street lighting system throughout the City. It is the Council’s intent to encourage this program throughout the City to promote the general health, safety and welfare of the citizens of Mounds View. (Ord. 497, 11-25-91; Ord. 528, 9-27-93)

904.02: EXISTING SUBDIVISIONS:

Subd. 1. New Installations: New installations shall be in accordance with Resolution 949, on file in the office of the City Administrator. (Amended, Ord. 844, 5-20-10)

Subd. 2. Installation Costs:

   a. The City may pay such portion of the costs of improvement as the City Council may determine from ad valorem tax levies or from other funds or revenues available for that purpose.

   b. The costs of any improvement or any part thereof may be assessed upon the property benefited by the improvement based upon the benefits received, whether or not the property abuts on the improvement and regardless of any part of the improvement being paid for by any other town, County, State or Federal aid source. If the City assesses the benefited property owners, it will follow the provisions of Minnesota Statutes, chapter 429. (Ord. 497, 11-25-91; amd. Ord. 528, 9-27-93)

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1 See Title 1200 of this Code for subdivision regulations.

City of Mounds View
904.03:  **NEW SUBDIVISIONS:**

Subd. 1.  **Street Lighting Plan:** In any proposed subdivision, whether residential, commercial or other, the developer shall submit a street lighting plan, including construction schedule, for review and approval by the City Council after recommendation by the City staff.

Subd. 2.  **Cost of Installation:** The cost of installation in new subdivisions will be paid for by the developer according to the existing City policy. (Ord. 497, 11-25-91; Ord. 528, 9-27-93)

904.04:  **BILLING:** The utility billing clerk shall, quarterly, prepare a bill based on the rates established for each property class by Council and in accordance with existing Mounds View policy. Such fees shall be added to the water and sewer billing for each lot and parcel determined by Council. The amount billed will, thereupon, become due and payable in accordance with water and sewer billing policy. In the event of nonpayment of such bill, the utility billing Clerk shall be authorized to certify the unpaid portion to the County Auditor to be added to the tax rolls for the property involved. (Ord. 497, 11-25-91; amd. Ord. 528, 9-27-93)

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1 See Title 1200 of this Code for subdivision regulations.

2 See Chapter 202 of this Code.

3 See Section 203.02 of this Code, Utilities Operating Fund.

4 See Chapters 906 and 907 of this Title for water and sewer service.

*City of Mounds View*
CHAPTER 906

MUNICIPAL WATER SYSTEM

SECTION:

906.01: Connection Required; Exceptions
906.02: Application for Connection; Fees
906.03: Connection Construction Requirements
906.04: Water Meters
906.05: Cross-Connection Control
906.06: Leak in Service Line
906.07: Damage to System Prohibited
906.08: Fire Protection Service
906.09: Use of Hydrants
906.10: Right of Entry
906.11: Water Shut-Off
906.12: Emergency Water Conservation Regulations
906.13: Water Rates and Billing Regulations
906.14: Nonliability of Municipality
906.15: Violation of Provisions

906.01: CONNECTION REQUIRED; EXCEPTIONS:

Subd. 1. Connection Required:

a. Existing Buildings: Any existing building designed for human habitation or in which plumbing facilities have been installed to provide domestic water for human consumption shall be connected to the Municipal water system. Existing buildings have until September 15, 1992, to comply with this Section.

b. New Buildings: All new buildings constructed in Mounds View designed for human habitation or occupancy shall be connected to the Municipal water system for provision of domestic water supply. (Ord. 501, 1-13-92)
Subd. 2. Exceptions; Regulatory Provisions:

a. Exceptions: Any existing building which is required to connect to the Municipal water system under Subdivision 1 hereof but which does not have access to a Municipal water main adjacent to the property on which such building is built shall not be required to connect to the Municipal water system until such time as a Municipal water main is constructed adjacent to such property.

b. Testing Required; Water Quality: The owner of any property exempted under Subdivision 2a above shall be required to submit copies of certified test results to the City showing the well serving the property to have coliform organisms (mpn) of less than one and one-tenth (1.1) per one hundred (100) ml and to have less than one one-hundredth (0.01) mg/liter of nitrate nitrogen. Testing shall be required once each year, during the month of June. (Ord. 636, 11-15-99)

c. Treatment Equipment: Any well which cannot meet the requirements listed in Subdivision 2b above shall be required to have equipment attached which is capable of reducing the contaminants listed to acceptable levels for all faucets used for human consumption. This equipment may be a central unit or separate units located at each faucet used for consumption. Copies of equipment specifications and certified test of the units shall be submitted to the City for approval. (Ord. 503, 4-27-92)
906.02: **APPLICATION FOR CONNECTION; FEES:**

Subd. 1. Application for Connection: No person shall make any type of connection to the Municipal water system, except upon making an application therefor on a form provided by the Municipality and receiving a permit issued by the Municipality 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. (1988 Code §70.01)

Subd. 2. Implied Consent: Every person applying for water service and every owner of property for which any such application is made shall be deemed, upon making such application, to consent to all rules, regulations and rates set forth in this Chapter and such further rules, regulations and rates as may thereafter be set forth and adopted by the Council pursuant to resolution or ordinance. (1988 Code §70.05)

Subd. 3. Fees: At the time of making such application, there shall be paid to the Finance Director/Treasurer the following fees for the following purposes:

a. No connection shall be made to the Municipal water system by any person until that person has paid their full and proportionate share of said system, which share shall be payable as follows:

   (1) For service to property to which service lines have not been previously run from the street laterals to the property line, the user shall supply a corporate shut-off and curb stop of a type approved by the Municipality.

   (2) For service to property to which service lines have been run to the property line but which have not been paid for, the 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 the Municipal water 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 in an amount as may be established by the Council. 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, from year to year, which interest shall be computed at a rate specified by the Council.

b. Buildings that were in existence at the time of the water main installation and that have not hooked up to the water system must also pay a late hook up charge of one hundred dollars ($100.00). (1988 Code §70.01)

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1 See subdivision 906.03(2) of this Chapter for additional fees and permits.

*City of Mounds View*
906.03: CONNECTION CONSTRUCTION REQUIREMENTS:

Subd. 1. Performance of Work: All connections to the Municipal water system shall be performed by a plumber licensed to do plumbing in the Municipality; except, that nothing in this Chapter shall be construed as to prohibit an individual owner from obtaining a permit and installing such connection by their own labor; provided, however, that said construction is conducted under the regulations of this Chapter and requirements of the Director of Public Works/City Engineer and Building Inspector. (1988 Code §70.10)

Subd. 2. Excavations1:

a. No street or other excavation shall be undertaken except by permission of the Municipality.

b. All installation work or repair or connections to the Municipal water system, including grades, bends and backfilling, shall be performed under the direction and supervision of the Building Inspector. No work shall be covered or backfilled until directed by said Inspector.

c. All work and excavating shall be protected by barricades and warning markers and lights reasonable and suitable to the purpose.

d. The Municipality shall be held harmless for any claim or loss as might otherwise arise for damage, loss or injury caused by or arising by reason of such work being performed. (1988 Code §70.17)

Subd. 3. Construction of Connections: Before proceeding with the construction, enlargement, alteration or repair of any water line connecting the Municipal water system to any house or building, the owner or an agent shall fulfill the following requirements:

a. Obtain from the Municipality a water connection permit, the fee for which shall be established by resolution of the City Council. The Building Inspector shall examine all applications for water connections before construction.

b. Whenever a new water connection is constructed, the owner shall pay to the Municipality a trunk, source and storage contribution as established, from time to time, by resolution of the City Council. Such contributions shall be reserved solely for the purpose of funding construction, replacement, modification or major maintenance of water trunk lines, wells, towers or reservoirs and the debt service thereon as specifically authorized by the City Council. (1988 Code §70.01)

1 See also Chapter 902 of this Title.
Subd. 4. Requirements: There shall be installed in every connection to the Municipal water system one (1) stop and waste valve which shall be installed 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 in the pipe on the house side of the meter. All service pipes connected to the Municipal system shall be of a Type K (3E) copper tube and 3D fittings a minimum of three-fourths inch (3/4") inside the diameter of its approved equal and shall be laid at a depth not less than six and five-tenths feet (6.5’) below the established grade or as low as the street mains. (1988 Code §70.09)

Subd. 5. Final Inspection: After the construction, enlargement or alteration is complete, the Building Inspector shall be notified for the final inspection. 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 Municipality. (1988 Code §70.01)

906.04: WATER METERS:

Subd. 1. Water Meter Installation; Responsibility for Costs: Before any water conveyed through the Municipal water system shall be used or utilized on the land or premises of any Municipal hydrant by any person, there shall first be installed a water meter with remote reader that will accurately measure the water consumed on the premises, except and unless such installation shall, be exempt by the Municipality. The applicant for a new water service shall pay to the Municipality, at the time of the application, the amount to be established by resolution of the City Council equal to the cost of a water meter with remote reader. (1988 Code §70.01)

Subd. 2. Installation Specifications:

a. All water meters and remote readers installed in residences under the provisions of this Chapter shall be five-eighths inch (5/8ths") in size and shall be purchased from the Municipality. All commercial and industrial meters shall be furnished by the owners of said properties and shall be of a type approved by the Municipality.

b. All water meters shall hereafter be installed at the point the water service enters the structure and, if possible, this location shall be next to a floor drain. All remote readers shall be installed on the exterior of the structure at a point approved by the Building Inspector.

c. Every water meter hereafter installed shall be sealed by or under the direction of the City Administrator, and no person shall break or remove such seal; provided, however, that a plumber licensed by the Municipality may break such seal or remove such meter for necessary repairs1. (Amended, Ord. 844, 5-20-10)

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1 See subdivision 906.04(3)b of this Chapter for removal and repairs.

City of Mounds View
d. All water meters hereafter installed shall be accessible to the City Administrator or a
designee at any reasonable hour of any business day, and the refusal of admission by any owner
or occupant of any premises wherein a water meter is installed after notice shall constitute a
violation of this Chapter. Individual property owners may request the opportunity to hire a
private licensed plumber to install the water meter or otherwise perform work to the water meter
required by the Municipality. Any property owner requesting this option must do so in writing to
the City Administrator at least forty eight (48) hours prior to the scheduled installation or
maintenance of the water meter. The private plumber must be duly licensed prior to performing
any work on the water meter. After installation or maintenance of the water meter, the licensed
private plumber must submit a report to the Municipality showing compliance with all applicable
codes. In an emergency the Municipality may require immediate entry onto the property by
Municipal designees. (Ord. 803, 4-14-08; Amended, Ord. 844, 5-20-10)

Subd. 3. Testing and Repairs:

a. All applications for the maintenance and repair of water meters shall be made to the City
Administrator. (Amended, Ord. 844, 5-20-10)

b. Said meters shall be tested and repaired, from time to time, as is necessary to insure
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 Water Department, the
owner, occupant or user of the premises or such other persons desiring the use of the water shall
reimburse the Water Department for the expense of repairing any such meter and for the cost of
testing any meter exceeding five-eighths inch (5/8") in size. Upon failure to reimburse the
Municipality within a reasonable time and upon demand therefor, the water service and supply to
said premises may be shut off or discontinued as determined to be in the best interest of the
Municipality.

c. In all cases where a seal is broken or a meter is removed by a licensed plumber, such
 plumber shall notify the City Administrator 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 Administrator 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 and in
violation of this Chapter. (1988 Code §70.02) (Amended, Ord. 844, 5-20-10)
Subd. 4. Liability for Repairs: After the initial connection has been made to the water main, the applicant or the occupant or other user of such premises shall be liable for, but the City may perform, in its sole discretion and subject to the receipt of permission and a right of entry agreement, except in cases of emergency affecting the public health, safety and welfare, all leak-associated repairs between the water main and the structure located on the premises. It shall be in the sole discretion of the City to repair or replace the leaking water service line. The City may, in its sole discretion and subject to the receipt of permission and a right of entry agreement, except in cases of emergency affecting the public health, safety and welfare, also repair or replacement of any broken, leaking or malfunctioning curb stop boxes. This policy permitting City repair between the water main and structure located on the premises shall be funded by an additional utility fee. The City Council shall establish and adopt this utility fee by resolution annually and shall set forth any eligibility requirements and opt-out provisions therein. This service shall be provided to all single family, duplexes, fourplexes and townhouses. Large apartment complexes and commercial properties are not included in this policy. For any repairs performed by the City, the City shall not be responsible for the restoration of the excavation site, including, but not limited to seeding or placement of sod, trees, shrubs, flowers, underground irrigation or any other improvements not specifically mentioned herein which may be disturbed, destroyed or removed during the repair or replacement of the water service. The Municipality shall provide, in its sole discretion, only the initial repair or replacement of any impervious surface, should it be necessary in the performance of the repair of a leak or break of the property’s service. Responsibility for maintenance and protection of the curb stop box shall be that of the applicant, owner or occupant or other user of the premises, and it shall be the responsibility of said party to maintain the curb stop box at such height as will ensure that it will remain above the finished grade of the land or property. Nothing herein will prevent the Municipality from recovering the cost of repairs from the applicant, owner or other occupant or other user of such premises or any other party in the event it can be established that said parties were the cause of the damages requiring the repairs. (1988 Code §70.03; Ord. 565, 9-11-95; Ord. 673, 12-11-00)

Subd. 5. Tampering with Meter Prohibited: It shall be unlawful for any person to tamper with, by-pass or in any manner whatsoever interfere with the proper use and functioning of any water meter within the Municipality. (1988 Code §70.04)

Subd. 6. Meter Testing on Request of Owner; Fees: Whenever a water user questions the accuracy of a meter not exceeding five-eighths inch (5/8ths”) in size and desires that the meter be tested, they shall pay a fee of twenty five dollars ($25.00) if the meter tests accurately within a range of minus three percent to plus one and one-half percent (-3% - +1-1/2%). The testing of water meters exceeding five-eighths inch (5/8ths”) in size shall be regulated by Subdivision 3b hereof. If it is not accurate within this range, no charge will be made for testing, and an adjustment on the water bill will be made for testing and an adjustment on the water bill will be made for the period of time that the meter is assumed to be inaccurate as determined by the Municipality. (1988 Code §70.17)
906.05: **CROSS-CONNECTION CONTROL:** Whenever any premises are connected to the Municipal water system, there shall be maintained a complete physical separation between the Municipal water supply system and the private water supply system so that it is impossible to intentionally or unintentionally allow any water produced by a private system to be introduced in the supply line from the Municipal system. (1988 Code §70.21)

906.06: **LEAK IN SERVICE LINE:** Any owner, occupant or user of a premises who shall discover a leak in a service line to the premises shall notify the Municipality within twenty four (24) hours. Any water wasted due to failure of such person to comply with this regulation shall be estimated by the City Administrator and be charged for against the user at such premises at the established rate. (1988 Code §70.08) (Amended, Ord. 844, 5-20-10)

906.07: **DAMAGE TO SYSTEM PROHIBITED:** It shall be unlawful for any person to tamper with, use, alter or damage any water line or connection of any part thereof or any fire hydrant, curb or valve box or street valves or connection of any type or part thereof without authority of the Municipality. Any person who so damages shall be liable for the damage or loss to the Municipality caused thereby. (1988 Code §70.16)

906.08: **FIRE PROTECTION SERVICE:**

Subd. 1. Application For Service: Any applicant, owner, occupant or user who shall apply for a connection to the Municipal water system, which connection shall be open at all times for the purpose of fire protection, shall apply, in writing, to the Municipality giving detailed information as to the size of the main required and location served by such connection.

Subd. 2. Manhole: Such applicant shall furnish and install, at a point of connection to the Municipal main, a shut-off valve and a manhole, or if the same be installed by the Municipality, the cost thereof shall be paid by said applicant. Such manhole shall, at all times, be open for inspection purposes to Municipal personnel, but maintenance and cost of repair of the valve and tap shall be the sole responsibility of the applicant desiring such service.

Subd. 3. Conditions of Permit: Such permit may be granted by the Municipality upon such conditions as may be deemed by the Council to be in the best interests of the Municipality, including the installation of any valve and meter for water use detection purposes. (1988 Code §70.11)

Subd. 4. Illegal Connections: It shall be unlawful for any person having such an open main for the purpose of fire protection to make any connection to such main for any purpose other than the one noted in the original request to the Water Department. (1988 Code §70.12)
USE OF HYDRANTS: It shall be unlawful for a person to obtain water from a Municipal water system hydrant, except at a location specified by the Municipality and only after obtaining a permit from the Municipality. (1988 Code §70.24)

RIGHT OF ENTRY: The Municipality, represented by an authorized employee or agent, shall have the right to enter and be admitted to any lands and property in the Municipality for the purpose of inspection of materials, plumbing work and fixtures of all kinds by or in connection with the water and sewer system. (1988 Code §70.20; 1993 Code)

WATER SHUT-OFF:

Subd. 1. Requests For Shut-Off: Requests for turning off water must be made, in writing, ten (10) days prior to the time shut-off is requested, otherwise, the owner of the premises shall be liable for water usage until a meter reading is taken. (1988 Code §70.19)

Subd. 2. Shut-Off by City; Grounds: Water service to a property may be shut off by the City for the following reasons:

a. Violation of a provision of this Code relating to the operation, maintenance or connection to the water system.

b. Fraud or misrepresentation by an owner or occupant in connection with an application for service.

c. Failure of an owner or occupant to pay rates and charges for water service when due.

Subd. 3. Shut-Off Procedures: If the City Administrator determines that grounds exist for shutting off water service, the City Administrator must notify the owner or occupant of the City’s intent to shut off by mailed written notice not less than ten (10) days prior to the date of shut-off. The notice must state the reason for shutting off the water service, the date that the water shut-off will be effective and that the owner or occupant may request a hearing before the City Council and that at the hearing, the owner or occupant may present testimony as to why the service should not be shut off. The request for a hearing must be presented in writing to the City Administrator not later than the tenth day after mailing of the notice. A request from either the owner or occupant is sufficient to require the hearing. If a request for a hearing is received, the City Administrator may not shut off service until the hearing has been held and then only at the direction of the City Council. If a request for hearing is not timely received, the City Administrator may shut off the water services as of the date specified in the notice. (Amended, Ord. 844, 5-20-10)

Subd. 4. Emergency Shut-Off: The procedure in Subdivision 3 does not apply to water shut off in case of an emergency. (Ord. 551, 4-10-95)

1 See Chapter 907 of this Title for sewer provisions, in particular, Section 907.10.
906.12: **EMERGENCY WATER CONSERVATION REGULATIONS:** The Council may impose emergency regulations pertaining to the conservation of water by resolution of the Council and by giving notice by publication or by posting in the City Hall and at such public places as the Council may direct. A water sprinkling ban may be implemented by the Director of Public Works/City Engineer after notification of the City Administrator and the Mayor. The lawn sprinkling ban may be implemented for the months of May, June, July, August and September by specifying dates and times. (1988 Code §70.18; 1993 Code) (Amended, Ord. 844, 5-20-10)

906.13: **WATER RATES AND BILLING REGULATIONS:**

Subd. 1. **Authority of Council:** The Council shall have the authority to prescribe the rates to be charged for water service to the customer and may prescribe the date of billing, length of time and such further rules and regulations relative to the use and operation of such systems as it may deem necessary, from time to time. Said water rates and any surcharges shall be established by ordinance of the City Council, from time to time. (1988 Code §70.14, 70.23, Ord. 576, 5-13-96)

Subd. 2. **Meter Reading Method:** The Municipality may provide a system of water meter reading by post card, meter reader or any other method deemed suitable. The Municipality may also establish billing areas or districts and provide for the reading of meters and billing of charges by calendar quarters, monthly quarters of such periodic intervals as the Council shall determine suitable and necessary. (1988 Code §70.06)

Subd. 3. **Faulty Meters:** If a meter fails to register or accurately measure the water, the charge for water consumed shall be paid for at the established rate based upon past average billings as determined by the City Administrator. (1988 Code §70.07) (Amended, Ord. 844, 5-20-10)

Subd. 4. **Estimated Bills:** Any water obtained by any person from the Municipal water system which is not paid for by the customer or user thereof by payment of water charges or rates determined by a meter shall be charged at and paid for by such consumer or user upon an estimate of the quantity of water used as computed at the established rate for such purpose or use; except, that the Council may waive payment of such charge where deemed by the Council to be in the best interest of the Municipality. (1988 Code §70.22)

Subd. 5. **Due Dates:** Water consumption charges to consumers shall become due and payable quarterly or such periodic intervals as determined by the City Administrator. (1988 Code §70.23; 1993 Code) (Amended, Ord. 844, 5-20-10)

Subd. 6. **Late Penalties:** The Council shall establish by resolution such penalties and charges as deemed appropriate for estimating water usage bills and late payments of bills. (1988 Code §70.06; 1993 Code)

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1 See Section 904.04 of this Title, street lighting rates to be included in water and sewer bills.

City of Mounds View
Subd. 7. Delinquent Bills; Lien: In the event a water or sewer bill is unpaid by the due date, a reminder notice shall be sent to the customer. If payment in full is not received by the City within ten (10) days after the reminder notice is sent, the bill shall be considered delinquent, and the service may be discontinued as provided in Section 906.11 and the Council may cause the charges noted in such billing to become a lien against the property served by certifying to the County the amount of said delinquent bill. (Ord. 551, 4-10-95)

Subd. 8. Discontinuance of Service; Penalties: Whenever any service has been discontinued for nonpayment of charges or bills or for disregard of any rule or regulations or for any other purposes, it shall not be resumed, except upon payment of the charges or bills accrued together with interest thereon in the amount of ten percent (10%) per annum or compliance with the rules and regulations previously violated and payment to the Municipality of a restoration fee established by Council resolution. (1988 Code §70.06; 1993 Code)

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1 See subdivision 907.14.2 of this Title, shut-off of water for delinquent sewer payments.
Subd. 9. Prepayments:

a. Prepayments: All monies previously received by the Municipality as prepayments shall continue to be reflected on the user’s account as a prepayment until the user vacates the premises, at which time it shall be applied to the final bill, as regulated by subdivision 9b hereof or, should the user elect to do so, the prepayment may be credited to the fee established by Subdivision 906.04.1 of this Chapter when the user elects to have a meter with remote installed on the premises. (1988 Code §70.01)

b. Application of Prepayment Funds:

(1) The prepayment for water service made to the Municipality as provided for by subdivision 9a above and paid prior to the installation of the water meter shall be applied to the final utility bill of the person prepaying such money whenever such person shall vacate the premises and the water service is disconnected and the meter returned in good condition and not damaged and there has been no election to have the prepayment credited to the fee established by Subdivision 906.04.1 of this Chapter.

(2) Should the amount of said prepayment exceed the amount of the final bill for water service, the difference shall be returned to the person prepaying such money; provided, that there are no delinquent or unpaid water or other utility bills or charges accumulated to the date of the termination of such service.

(3) If there are unpaid bills or charges, these must first be deducted from the prepayment.

(4) Whenever any consumer shall become delinquent in payment of any utility bill, the Municipality shall be entitled to deduct from such prepayment the amount of the unpaid bill and may discontinue service to the customer until the depleted prepayment sum shall be increased to the original amount required under this Chapter.

(5) The liability of the Municipality for the return of said prepayment, however, shall be limited to the funds that are available in the Water Department and shall not constitute a general obligation of the Municipality¹.

(6) If an owner shall sell or transfer the premises to another person and fail to apply for such refund, the purchaser thereof shall be entitled to the return of said prepayment in lieu of the original applicant upon satisfactory proof of transfer of title and possession of said premises at least six (6) months prior to application for the refund or if the prior owner shall have failed to apply for such refund. Such refund, however, shall be subject to all other restrictions of this Chapter. (1988 Code §70.15)

¹ See Section 203.02 of this Code, Utilities Operating Fund.

City of Mounds View
906.14: **NONLIABILITY OF MUNICIPALITY:** The Municipality shall not be held liable at any time for any deficiency or failure in the supply of water to a customer whether the same be occasioned by shutting off the water for repairs or connections or for any cause whatever. (1988 Code §70.13)

906.15: **VIOLATION OF PROVISIONS:** Any person who shall do or commit any act that is forbidden by the provisions of this Chapter shall be guilty of a misdemeanor. (1988 Code §70.26)
CHAPTER 907

MUNICIPAL SANITARY SEWER SYSTEM

SECTION:

907.01: System Established
907.02: Connection with System Required
907.03: Permit Requirements
907.04: Construction Requirements
907.05: Prohibited Discharges; Interceptors
907.06: Storm Water
907.07: Industrial Wastes
907.08: Preliminary Treatment Facilities
907.09: Control Manhole
907.10: Right of Entry
907.11: Measurements and Tests
907.12: Tampering with System Prohibited
907.13: Maintenance and Repairs
907.14: Sewer Use Rates and Billing
907.15: Violation of Provisions

907.01: SYSTEM ESTABLISHED: There is hereby established a Municipal sanitary sewer system for the City which shall be operated as a public utility and convenience from which revenues will be derived, subject to the provisions of this Chapter. (1988 Code §71.01)

907.02: CONNECTION WITH SYSTEM REQUIRED:

Subd. 1. Existing Buildings: Any existing building for human habitation or in which a toilet or other plumbing facility for the disposal of human waste is installed and located on property adjacent to a sewer main, shall be connected to the Municipal sanitary sewer system.

Subd. 2. New Buildings: All new buildings constructed within Mounds View shall connect to the sanitary sewer system for the disposal of all sanitary wastes. (1988 Code §71.02; 1993 Code)

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1 See also Section 1 103.14 of this Code.

2 See Section 203.02 of this Code, Utilities Operating Fund.

City of Mounds View
PERMIT REQUIREMENTS:

Subd. 1. Permit Required: Before any person shall connect to the Municipal sanitary sewer system, said person must obtain a permit pursuant to subdivision 2 of this Section or be subject to the penalties authorized in Section 907.15 of this Chapter. (1988 Code §71.03)

Subd. 2. Application for Permit: Persons connecting to the Municipal sanitary sewer system shall apply to the City Administrator for a permit. The application shall be made on blanks furnished by the City Administrator and shall be accompanied by plans, specifications and any other information required by the Building Inspector, together with a permit fee established by resolution of the City Council. (1988 Code §71.05) (Amended, Ord. 844, 5-20-10)

Subd. 3. Issuance: Permits for such connections will be issued only to a person duly licensed to make such connections under the provisions of this Chapter. (1988 Code §71.05)

CONSTRUCTION REQUIREMENTS:

Subd. 1. Supervision of Sewer Connections: The Building Inspector shall supervise all sewer connections made to the Municipal sanitary sewer system and excavations for installing or repairing the connections\(^1\). (1988 Code §71.04)

Subd. 2. Reinspections: When reinspection is necessary, a fee for such reinspection shall be paid. All costs and expenses incident to installation and connection shall be borne by the owner, and the owner shall indemnify the Municipality for any loss or damage that may, directly or indirectly, be occasioned by the installation of the sewer connection, including restoring streets and street surfaces. (1988 Code §71.05)

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\(^1\) See subdivision 907.04(3)m of this Chapter.
Subd. 3. Construction Specifications:

a. Materials: All pipe shall be cast iron soil pipe conforming to A.S.T.M. Standard Specification A-74-80, vitrified glazed clay sewer pipe conforming to A.S.T.M. Standard Specification C-700-78A, asbestos cement sewer pipe, conforming to A.S.T.M. Standard Specifications C-428-80 or PVC plastic sewer pipe, conforming to A.S.T.M. Standard Specification D-3033 or D-3034. All pipe used shall be a four inch (4”) diameter pipe; except, that when vitrified glazed clay sewer pipe is used, it shall be at least six inch (6”) diameter pipe.

b. State Plumbing Code Incorporated by Reference: There is hereby adopted and incorporated by reference, the “State Plumbing Code”\(^1\), as amended. All sanitary sewer construction and material shall be in accordance with the provisions of said Code.

c. Joints and Connections:

   (1) Cast Iron Soil Pipe: Hub and spigot shall have a compression type gasket, or hubless joints will be made with fittings conforming to C.I.S.P.I. Standard 301-72.

   (2) Vitrified Glazed Clay Sewer Pipe: Compression joints for vitrified glazed clay pipe will conform to A.S.T.M. Standard Specification C425-77, relating to rubber ring-sealing elements, rubber for other than ring-sealing elements, plastic components or metallic components.

   (3) Asbestos Cement Sewer Pipe: Joints for asbestos cement sewer pipe shall be made by use of the manufacturer’s joint, which shall include an asbestos cement sleeve, together with rubber rings which shall form a tight and flexible joint.

d. Grades: Unless otherwise authorized, all house sewers shall have a grade of not less than one-eighth inch per foot (1/8” = 1”). A grade of one-fourth inch per foot (1/4” = 1”) should be used wherever practical. The person to whom the permit is issued shall check grades before construction proceeds. Wherever possible, the connecting sewer shall join the building at an elevation which is below the basement floor of such building.

e. Alignment: No connecting sewer shall contain bends or a combination of bends which, at any point, shall be greater than forty five degrees (45°), except where cleanouts are constructed at such points and in a manner as directed by the Building Inspector. No connecting sewer shall be laid parallel to any bearing wall or footing unless farther than three feet (3’) from any such bearing wall or footing. No connecting sewer shall be laid within twenty feet (20’) of any existing well, except in a manner specifically approved by the Building Inspector.

\(^1\) See Section 1004.01 of this Code.
f. Trenching and Backfilling: All excavating shall be open trench work unless otherwise authorized by the Building Inspector. The foundation in the trench shall be formed in such manner as to prevent any subsequent settling of the pipes. If the foundation is good, firm earth, the earth shall be pared or molded to give full support to the lower one-third (1/3) of each pipe. Bell holes shall be dug. Care must be exercised in backfilling below the center line of the pipe in order to give it proper support.

Backfilling shall be placed in layers and solidly tamped or packed up to one foot (1’) above the pipe. Backfilling shall not be done until the section to be backfilled has been inspected and approved by the Building Inspector. All excavation work must be done in such a manner as to protect workmen from cave-ins.

g. Use of Old House Sewers: Old house sewers or portions thereof may be approved for use by the Building Inspector. The Building Inspector may request that the old sewer be excavated for the purpose of facilitating inspection. No cesspool or septic tank shall be connected to the Municipal sanitary sewer system.

h. Existing Septic Tanks to be Filled: Upon applying for a permit to connect to the Municipal sanitary sewer system, the applicant shall agree, when applicable, to pump out the contents of any cesspool or septic tank then located on applicant’s property and to refill same with noncombustible and nondeteriorating fill to the lot level. The owner or an agent shall have such septic tank and/or cesspool pumped and filled within seven (7) days from the time said sewer connection is completed.

i. Connections at “Y” Only: Every connecting sewer shall be connected to the Municipal sewer system at the “Y” or sewer connection stubs designated for the property served by the connection, except where otherwise expressly authorized by the Building Inspector, which authorization shall be in writing. Connections so authorized by the Building Inspector shall be made only under the Building Inspector’s direct supervision and in such manner as may be directed.

j. Tunneling: Tunneling is permissible in yards, courts or driveways or any building site upon receipt of written approval of the Building Inspector.

k. Independent Systems: The drainage and plumbing system of each new building and new work installed in an existing building shall be separate from, and independent of, that of any other building.

l. Restoration of Rights-of-Way: No connection to the Municipal sanitary sewer system shall be finally approved until all streets, pavements, curbs and boulevards or other public improvements thereon have been restored to their former condition to the satisfaction of the Director of Public Works/City Engineer.

m. Street Cuts: All street cuts are hereby regulated by Chapter 902 of this Code. (1988 Code §71.06; 1993 Code)
907.05: **PROHIBITED DISCHARGES; INTERCEPTORS:**

Subd. 1. Prohibited Substances: It is unlawful to discharge any of the following described waters or wastes into the Municipal sanitary sewer system:

a. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°F) Fahrenheit.

b. Any water or waste containing more than one hundred (100) parts per million by weight of fat, oil or grease.

c. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

d. Any garbage that has not been properly shredded.

e. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

f. Any waters or wastes having pH lower than six (6.0) or higher than nine (9.0) or having any other property to corrode or abrade, cause materials to be deposited or attached to the walls of sewers or having any other property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

g. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

h. Any noxious or malodorous gas or substance capable of creating a public nuisance.

i. Any wastes prohibited by the Metropolitan Waste Control Commission.

Subd. 2. Interceptors: Grease, oil and sand interceptors shall be provided when, in the opinion of the Building Inspector, they are necessary for the proper handling of liquid wastes containing grease in excess amounts or any inflammable wastes, sand or other harmful ingredients; except, that such interceptors shall not be required for private dwelling units from which only normal wastes are discharged. Such grease and oil interceptors shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. All grease, oil and sand interceptors shall be maintained by the owner, at the owner’s expense. (1988 Code §71.07)
907.06: **STORM WATER:** It shall be unlawful to discharge or cause to be discharged into the City sewer system, either directly or indirectly, any roof, surface, ground, sump pump, footing tile, or other natural precipitation, or water discharged from any air conditioning unit or system. (1988 Code §71.07; Amended, Ord. 740, 6-28-04)

Subd. 1. **Definition and Method:** Dwellings and other buildings and structures which require, because of the infiltration of water into basements, crawl spaces and the like, a sump pump system to discharge excess water, shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer system. A permanent installation shall be one which provides for year-round discharge capability to either the outside of the dwelling, building or structure, or is connected to the City storm sewer or discharges on the surface within the property or drainage easement. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge. Discharge directly into the street or street guttering system is prohibited. (Added, Ord. 740, 6-28-04)

Subd. 2. **Disconnection:** Any person, firm or corporation having a roof, surface, ground, sump pump, footing, or air conditioning unit or system now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove same by November 1, 2004. Any disconnects or openings in the sanitary sewer shall require a plumbing permit and must be closed or repaired in an effective manner as approved by the City Building Inspector. (Added, Ord. 740, 6-28-04; Amended, Ord. 803, 4-14-08)

Subd. 3. **Inspection:** Every person owning improved real estate that discharges into the City’s sanitary sewer system shall allow for inspections of the building(s) located on said property to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. Said inspections may be conducted by employees or designated representatives of the City of Mounds View, or, if the property owner so chooses, by a licensed plumber hired by the property owner. Any person refusing to allow their property to be inspected within fourteen (14) days of the date City employee(s) or their designated representative(s) are denied admittance to the property must either hire a licensed plumber to inspect the property and submit the licensed plumber’s report within thirty (30) days of the date the City employee’s or their designated representative(s) were denied admittance to the property, or, shall become subject to the surcharge hereinafter provided for. The City may also obtain an administrative search warrant in order to enter the property to inspect any discharge into the sanitary sewer system and to determine compliance with this Code. Any owner of a property found to be discharging storm water into the City sewer system, either directly or indirectly shall make the necessary changes and furnish proof of the changes to the City within sixty (60) days of the finding of noncompliance, unless such other time is agreed to by the City, in order to comply with this Code. (Added, Ord. 740, 6-28-04; Amended, Ord. 803, 4-14-08)
Subd. 4. Future Inspections: At any future time, if the City has reason to suspect that an illegal connection may exist in a premises, the owner, by written notice shall comply with the provisions of Chapter 907.06, Subdivision 3. (Added, Ord. 740, 6-28-04)

Subd. 5. Surcharge: A surcharge of seventy five dollars ($75.00) per quarter shall be imposed and added to every sewer billing mailed on and after January 1, 2005 to property owners that are not in compliance with this Section. The surcharge shall be added for the entire quarter until the property is in compliance. (Added, Ord. 740, 6-28-04; Amended, Ord. 803, 4-14-08)

Subd. 6. Penalties: Any violation of this Section is a misdemeanor and is subject to penalties provided for such violations under provision of Chapter 702 of this Code. (Added, Ord. 740, 6-28-04; Amended, Ord. 803, 4-14-08)

907.07: INDUSTRIAL WASTES:1 It shall be unlawful to discharge into the Municipal sanitary sewer system any industrial wastes unless the prior approval of the Building Inspector is obtained. The Building Inspector shall approve the discharge of industrial wastes when, in the Building Inspector’s opinion, the proposed wastes will not be of an unusual amount or character. (1988 Code §71.07)

907.08: PRELIMINARY TREATMENT FACILITIES:

Subd. 1. Discharge Criteria: The admission into the public sewers of any waters or wastes having a) a five (5)-day biochemical oxygen demand greater than three hundred (300) parts per million by weight, or b) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or c) having an average daily flow greater than two percent (2%) of the average daily sewage flow of the Municipality, shall be subject to the review and approval of the Building Inspector.

Subd. 2. Provision for Pretreatment: The owner shall provide, at owner’s expense, such preliminary treatment as may be necessary to, 1) reduce the Biochemical Oxygen Demand to three hundred (300) parts per million and the suspended solids to three hundred fifty (350) parts per million by weight, or 2) control the quantities and rates of discharge of such waters or wastes.

Subd. 3. Approval of Facilities: Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Council. No construction of such facilities shall be commenced until proper approvals are obtained in writing.

Subd. 4. Maintenance of Facilities: Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at owner’s expense. (1988 Code §71.07)

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1 See subdivision 907.14(3) of this Chapter for special rates and regulations.

City of Mounds View
907.09: **CONTROL MANHOLE:** The owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Building Inspector. The manhole shall be installed by the owner at owner’s expense and shall be maintained by the owner so as to be safe and accessible at all times. (1988 Code §71.07)

907.10: **RIGHT OF ENTRY:** The Building Inspector and other duly authorized employees of Mounds View, bearing proper credentials and identification, shall, at reasonable times, be permitted to enter upon all properties connected to the Municipal sanitary sewer system for the purpose of inspection, observation, measurement, sampling and testing in connection with the operation of the Municipal sanitary sewer system. (1988 Code §71.09)

907.11: **MEASUREMENTS AND TESTS:** All measurement tests and analyses of the characteristics of waters and wastes to which reference is made shall be determined in accordance with methods employed by the Minnesota Pollution Control Agency and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole and at the expense of the owner of the property contributing such water and wastes. (1988 Code §71.07)

907.12: **TAMPERING WITH SYSTEM PROHIBITED:** No person shall maliciously, willfully or negligently damage, destroy, uncover, deface or tamper with any part of the Municipal sewer system. (1988 Code §71.08)

907.13: **MAINTENANCE AND REPAIRS:** Each property owner shall be responsible for maintaining an unobstructed sewer line from the building located on the premises to the sewer main, and each property owner shall be responsible for all repairs to that portion of the sewer line between said building and the sewer main. (1988 Code §71.10)
SEWER USE RATES AND BILLING:

Subd. 1. Rates Established: Rates and charges for the use and service of the sanitary sewer system shall be established by Ordinance of the Council. (Ord. 577, 5-13-96)

Subd. 2. Payment of Charges: The charges imposed hereunder shall become due and payable quarterly on a calendar schedule prepared by the Council. Unpaid sewer use charges may entitle the Municipality to discontinue water service to the user.

Subd. 3. Industrial Waste:

a. Authorization: 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 (as defined in Minnesota Statutes, Section 473.121, Subdivision 24, to recover operation and maintenance costs of treatment works attributable to the strength of the discharge of industrial waste, such sewer 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. 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 based upon each person 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”).

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1 See Section 906.13 of this Title for delinquent bills.

2 See Section 906.11 of this Title.

3 M.S.A §473.501 et seq.
c. **Strength Charge Formula:** For the purpose of computation of the strength charge established by subdivision 3b above, there is hereby established, approved and adopted in compliance with the Act the same strength charge formula designated in Resolution 76-172 of the Commission, dated June 15, 1976, adopted by the governing body, a copy of said resolution on file in the office of the City Administrator, 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 based on the proportionate costs of operation and maintenance of waste treatment services provided by the Commission.  (Amended, Ord. 844, 5-20-10)

d. **Strength Charge Payment:** It is hereby approved, adopted and established that the strength charge established by Subdivision 3b above shall be paid by each industrial user receiving waste treatment services and subject thereto before twenty (20) days 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 an interest charge as determined by the Metropolitan Waste Commission.

e. **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 Subdivision 3b above is not paid before the sixty (60) days 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 Subdivision 3d above 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 collection 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. (1988 Code §71.11; 1993 Code)

907.15: **VIOLATION OF PROVISIONS:** Any person who shall do or commit any act that is forbidden by the provisions of this Chapter shall be guilty of a misdemeanor. (1988 Code §71.13)
CHAPTER 908

SURFACE WATER MANAGEMENT UTILITY

SECTION:

908.01: General Operation
908.02: Definitions
908.03: Surface Water Management Fee
908.04: Adjustments of Management Fees
908.05: Excluded Lands
908.06: Supplying Information
908.07: Estimated Charges
908.08: Billings and Collections
908.09: Use of Revenues
908.10: Penalties and Remedies for Delinquency or Default in Paying Bills

908.01: GENERAL OPERATION:

Subd. 1. Title: The Municipal surface water system shall be operated as a public utility (hereinafter called the Surface Water Management Utility), pursuant to Minnesota Statutes, section 444.075, from which revenues will be derived subject to the provisions of this Chapter and Minnesota Statutes. The Mounds View Municipal Code is amended by adding Chapter 908 to be entitled, “Surface Water Management Utility”.

City of Mounds View
Subd. 2. Findings and Determinations: In providing for such charges, the findings and determinations are as follows:

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 surface water system (“the system”). This Section is adopted in the further exercise and authority and for the same purpose.

b. The system, as constructed, heretofore has been financed and paid for through the ad valorem taxes and assessments. Such financing methods were appropriate to the circumstances at the time they were used. 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 user charges.

c. In imposing charges, it is necessary to establish a methodology that undertakes to make them just and equitable. Taking into account the status of completion of the system, past methods of recovering system costs, the topography of the City and other relevant factors, it is determined that it would be just and equitable to assign responsibility for some or all of the future costs of operating, maintaining and improving the system on the basis of the expected storm water runoff from the various parcels of land within the City during a standard one-year rainfall event.

d. Assigning costs and making charges based upon typical storm water runoff cannot be done with mathematical precision but can only be accomplished within reasonable and practical limits. The provisions of this Section undertake to establish a reasonable and practical methodology for making such charges. (Ord. 529, 8-23-93)

908.02: DEFINITIONS:

Subd. 1. QUARTERLY SURFACE WATER MANAGEMENT REVENUE REQUIREMENT: The estimated quarterly expenditures for planning and inventories, capital expenditures, personnel, equipment and operation of the surface water utility, in accordance with established City policy. The quarterly surface water management revenue requirement and resulting surface water management fees shall be established for a period of time as set by City Council resolution.

Subd. 2. SURFACE WATER MANAGEMENT FEE: The quarterly charge developed for each parcel of land pursuant to this Chapter.

Subd. 3. UTILITY FACTOR: The utility factor is defined as the ratio of runoff volume, in inches, for a particular land use, to the runoff volume, in inches for an average single-family residential lot, assuming a two inch (2”) rainfall and Soil Conservation Service (SCS) “Type B” soil conditions. (Ord. 529, 8-23-93)
908.03: **SURFACE WATER MANAGEMENT FEE:**

Subd. 1. Determination: The surface water management fee shall be determined by first determining the percentage of total runoff in the City which is attributed to residential property. The total fee for all residential property in the City is computed by multiplying the runoff percentage by one-quarter (1/4) of the annual surface water management revenue requirement. The residential surface water management fee, per acre, is determined by dividing the total residential fee by the estimated total acres of residential land use in the City.

Subd. 2. Total Fee: The surface water management fee for residential, town-homes/condominiums, apartments and mobile home parks will be determined on a per-household basis rather than a per acre basis. The fee per household is determined by first determining the total fee for each land use. The total fee for each land use is determined by multiplying the total fee for all residential property by the appropriate utility factor based on land use. The total fee is then divided by the total number of households for the particular land use, resulting in cost per household.
Subd. 3. Individual Parcels, Excluding Residential: The surface water management fee for all individual parcels, excluding residential, shall be defined as the product of 1) the residential surface water management fee (per acre); 2) the appropriate utility factor based on land use, and 3) the total acreage of the parcel.

a. Credits: The Council may adopt policies, by resolution, for adjustment of the surface water management fees. Information to justify a fee adjustment must be supplied by the property owner. Such adjustments of fees shall not be retroactive unless provided within said resolution. Credits will be reviewed regularly by a staff committee.

b. Surface Water Management Utility Factors: The utility factors for various land uses are as follows:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Land Use</th>
<th>Utility Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1, R2</td>
<td>Single and Two-Family Residential</td>
<td>1.0</td>
</tr>
<tr>
<td>R-3</td>
<td>Medium Density Residential</td>
<td>2.68</td>
</tr>
<tr>
<td>R-4, R-5, R-0</td>
<td>High Density Residential, Mobile Homes,</td>
<td>3.26</td>
</tr>
<tr>
<td></td>
<td>Residential Office</td>
<td></td>
</tr>
<tr>
<td>B-1, B-2, B-3, B-4</td>
<td>Neighborhood Business, Limited Business, Highway Business, Regional Business</td>
<td>4.17</td>
</tr>
<tr>
<td>1-1</td>
<td>Industrial</td>
<td>3.26</td>
</tr>
<tr>
<td>PF</td>
<td>Public Facilities</td>
<td>1.28</td>
</tr>
<tr>
<td>PUD</td>
<td>Planned Unit Development</td>
<td>3.69</td>
</tr>
<tr>
<td>CRP</td>
<td>Conservancy, Recreation and Presentation</td>
<td>0.46</td>
</tr>
<tr>
<td>School/Church</td>
<td>Public/Private</td>
<td>1.5</td>
</tr>
</tbody>
</table>

c. Other Land Uses: Other land uses not listed in the foregoing table shall be classified by the City Administrator by assigning them to the classes most nearly like the listed uses, from the standpoint of probable hydrologic response. Appeals from the City Administrator’s determination of the proper classifications may be made to the City Council in the same manner as other appeals from administrative determinations. (Ord. 529, 8-23-93)
908.04: **ADJUSTMENTS OF MANAGEMENT FEES:** The City Council may by resolution, from time to time, adopt policies providing for the adjustment of management fees for parcels or groups of parcels, based upon hydrologic data supplied by affected property owners, demonstrating an actual hydrologic response substantially different from the utility factor being used for the parcel or parcels. (Ord. 529, 8-23-93)

908.05: **EXCLUDED LANDS:** No management fee for system availability or service shall be made against land which is public street right of way. (Ord. 529, 8-23-93)

908.06: **SUPPLYING INFORMATION:** The owner, occupant or person in charge of any premises shall supply the City with such information as the City may reasonably request related to the use, development and area of the premises. Willful failure to provide such information or to falsify it is a violation of this Section. (Ord. 529, 8-23-93)

908.07: **ESTIMATED CHARGES:** If the owner, occupant or person in charge of any premises fails or refuses to provide information requested under Section 908.06 of this Chapter, the management fee for such premises shall be estimated and billed in accordance with such estimate, based upon information then available to the City. (Ord. 529, 8-23-93)

908.08: **BILLINGS AND COLLECTIONS:** Bills for surface water management fees for the use and availability of the system shall be rendered by the Finance Department in accordance with usual and customary practice in rendering of water and sanitary sewer service bills. Bills shall be rendered quarterly, shall be payable at the office of the City Finance Department and may be rendered in conjunction with billings for water or sanitary sewer service, or both. (Ord. 529, 8-23-93)

908.09: **USE OF REVENUES:** Revenues received from charges shall be placed in the surface water management utility account and shall be used to finance operational costs and improvements to and betterment of the system. (Ord. 529, 8-23-93)

908.10: **PENALTIES AND REMEDIES FOR DELINQUENCY OR DEFAULT IN PAYING BILLS:** Penalties and remedies for late payments or nonpayment of billings shall be the same as those applicable to billings rendered for water and sanitary sewer service. (Ord. 529, 8-23-93)
CHAPTER 909

PARKS AND RECREATION^1

SECTION:

909.01: Purpose
909.02: Definitions
909.03: Construction And Scope
909.04: Hours And Access
909.05: Permits
909.06: Special Activities
909.07: General Conduct
909.08: Traffic Rules
909.09: Penalties for Violation
909.10: Additional Rules and Regulations

909.01: PURPOSE: This Chapter is enacted to govern the conduct of members of the public during their use and enjoyment of the Mounds View open space system so as to further the safety, health, enjoyment and welfare of all persons in the use of those facilities and to protect public property and resources for posterity. (Ord. 557, 3-27-95)

^1 See the following sections of this Code for funds: Section 203.04, Lakeside Park Fund; Section 203.05, Park and Playground Fund; Section 203.06, Recreation Activity Fund.
909.02: **DEFINITIONS:** As used in this Chapter, the following words and terms have the meanings ascribed to them in this Section:

Subd. 1. DEPARTMENT: The City of Mounds View Parks and Recreation Department.

Subd. 2. DIRECTOR: The Director of Parks and Recreation - that person authorized by the Mounds View City Council to direct the Department of Parks and Recreation.

Subd. 3. LAW ENFORCEMENT OFFICER: Any person duly deputized or commissioned by the City of Mounds View, Board of Ramsey County Commissioners or the State of Minnesota for the purpose of enforcing the laws, ordinances and regulations of their respective jurisdictions.

Subd. 4. MOTOR VEHICLE: Every vehicle which is self-propelled and does not derive its power from overhead wires. Motor vehicles include, but shall not be limited to automobiles, trucks, motor bikes, mini bikes, all-terrain vehicles and snowmobiles - with the exception of battery powered wheelchairs.

Subd. 5. OPEN SPACE SITE: Any park, reserve, special use area, golf course, linear park or any other area owned, improved maintained, operated or otherwise controlled by the City of Mounds View for recreation and natural resource preservation purposes.

Subd. 6. OPEN SPACE WATERS: Any public shoreline owned by or under the authority of the City of Mounds View.

Subd. 7. PARK: Any area designed or used for active or passive recreation and which is owned, operated or controlled by the City or controlled by another government unit.

Subd. 8. PARK SYSTEM: The City of Mounds View Park System which includes the sites and facilities owned, maintained, and operated by or otherwise under the authority of the City of Mounds View. (Ord. 557, 3-27-95)
909.03: **CONSTRUCTION AND SCOPE:** In the interpretation of this Chapter, all provisions contained are to be construed as follows:

Subd. 1. Any requirement or prohibition by any provision extends to and includes the causing, procuring, aiding or abetting directly or indirectly, of such acts; and the permitting or allowing any minor by the responsible parent, guardian, or custodian to commit any such act.

Subd. 2. No provision shall make unlawful any act necessarily performed by any law enforcement officer or Department employee in the line of duty or work as such, or by any person, that person’s agents or employees, in the proper and necessary execution of the terms of any contract or agreement with the City.

Subd. 3. Any act otherwise prohibited by statute or local ordinances, is lawful if performed under, by virtue of and strictly within the provisions of a Department permit to do so, and to the extent authorized thereby. (Ord. 557, 3-27-95)

909.04: **HOURS AND ACCESS:**

Subd. 1. The recreation and education opportunities of the system are available to all members of the public regardless of race, sex, age, creed, national origin or place of residency.

Subd. 2. The park system shall be open to the public between the hours of six o’clock (6:00) A.M. and ten o’clock (10:00) P.M., prevailing time in the City. No person shall remain, stop, use or be present within the confines of any open space site between the hours of ten o’clock (10:00) P.M. and six o’clock (6:00) A.M. Exceptions may be made at the discretion of the Director in the case of emergency or when use permits have been authorized or for other reasons the Director may determine necessary or desirable. Open space sites are subject to curfew hours in force in the city.

Subd. 3. Any section or part of any open space site may be declared closed to the public by the Director at any time or for any interval of time, either temporarily or at regular and stated intervals, and either entirely or for certain uses as the Director shall find necessary. (Ord. 557, 3-27-95)
909.05: **PERMITS:**

Subd. 1. Permits are required for the exclusive use of all or portions of specific areas, buildings, and other system facilities; and for conducting special events such as those of a cultural, educational, political, religious or recreational nature; and for specific exemption from any provision of this Chapter. Any person, group or association of persons required to obtain a permit must file an application for a permit with the Director.

Subd. 2. The grantee of a permit is bound by this Chapter and any Department regulations in force as though the same were inserted in the permit.

Subd. 3. The grantee of a permit is liable for any loss, damage or injury sustained by the system or by any person whatever, by reason of the negligence of the person or persons to whom such permits are issued.

Subd. 4. The grantee of a permit may not transfer or relinquish the permit to another person or group of persons without the written permission of the Director.

Subd. 5. The Director may revoke a permit upon evidence of a violation of this Chapter.

Subd. 6. No person may disturb, harass, or interfere with the grantee of a valid permit, nor with any of the grantee’s property or equipment.

Subd. 7. Permits may be issued to adults only and an adult must be on the premises at all times during the duration of the permit.

Subd. 8. No person or group may place or keep any goods, wares, merchandise or other articles on park property or facilities without the written permission of the Director.

Subd. 9. No person may use park facilities such as picnic areas, ballfields, tennis courts or volleyball courts which have been reserved by another party, or to conduct picnic activity at reservation picnic sites in violation of a permit. (Ord. 557, 3-27-95)
909.06: SPECIAL ACTIVITIES:

Subd. 1. Swimming:

a. No person may bathe, wade or swim in any open space waters or at any Mounds View beach except in such areas specifically designated for such use, and only at such times when a “beach open” sign is posted and an authorized lifeguard is on duty.

b. No person may bathe, wade or swim at any beach except when dressed in bathing attire which is socially acceptable and conducive to water safety.

c. No person may use at any beach any inner tube, water wings, raft, U.S. Coast Guard-approved life jackets when properly attached or other inflatable or buoyant object except if parents or a guardian adult is in the water with the child and is within arms reach.

d. No person may possess, carry onto or scatter on any beach, any glass container, broken glass, metal can, or other debris which could be a safety hazard.

e. No person having custody of any animal may permit the animal to enter any beach area during the swimming season so established by the Director.

f. No person may launch, dock or operate any watercraft in any designated swimming area.

g. No person may violate rules of Lakeside Park.
Subd. 2. Bicycling:

a. No person may ride or operate a bicycle in any open space site except on designated bikeways or surfaces normally provided for vehicular traffic.

b. No person may ride or operate a bicycle in violation of Chapter 169, Minnesota Statutes. Persons riding a bicycle must observe and obey all traffic and directional signs.

c. No person may ride or operate a bicycle in any open space site except in a prudent and careful manner, and unless such person shall be capable of effective control and operation of said vehicle. Pedestrians and motorized vehicles shall have the right of way where a bikeway intersects pedestrian trails or roadways.

d. No person may ride or operate a bicycle in any open space site faster than is reasonable and safe, with regard to the safety of the operator and other persons in the immediate area.

e. No person may ride or operate a bicycle in any open space site thirty (30) minutes after sunset and thirty (30) minutes before sunrise without appropriate front and rear lighting.

f. All bicycle riders must remain in single file and proceed in the extreme right hand lane of a drive or bikeway at all times except when passing another vehicle or bicyclist parked or traveling in the same direction.

g. Bicycles must be parked in locations, wherever provided, set aside specifically for their storage.

Subd. 3. Golf:

a. No person or group of persons or organization may play golf or hold a tournament or use any golf course or practice range under the jurisdiction of the City without having procured a permit or green fee receipt from the Director or Director’s representative.

b. No person may drive, putt or, in any other manner, play or practice golf except in areas specifically designed for such use.

c. Valid permits or green fee receipts issued by the Department must be carried on the player, or group representative, and must be exhibited upon demand by the Director or Director’s representative.

d. Golfers must be attired in accordance with the rules posted at the golf course.

e. No person may tamper with any irrigation system, tee marker, green flag, or maintenance equipment.

f. No person may sell any merchandise on any golf course except those concessionaires authorized by the Director.

g. Entrance to or exit from any golf course must only be through designated access points.

City of Mounds View
Subd. 4. Boating:

a. No person may on any lake, pond or stream within the City use any mechanically propelled watercraft unless being used for emergency rescue or the maintenance of the lake, pond or stream.

b. No person may operate any watercraft on any open space waters contrary to or in violation of State law.

c. No person may operate, row or paddle a boat, canoe or other watercraft on any open space waters unless able to handle the same with safety to themselves, other occupants, or in such manner as not to annoy or endanger the occupants of other boats.

d. No person may leave any watercraft unattended except in areas specifically designated for mooring, anchoring or beaching.

e. No person may operate watercraft within an area which has been designated as a swimming area.

f. No person may drop or throw any watercraft garbage, litter or other debris.

g. All watercraft launched from a system facility or operating on open space waters must have a Coast Guard-approved life preserver for each occupant.

h. No person may operate any watercraft in a careless or reckless manner.

Subd. 5. Motorized Recreation Vehicle:

a. No person shall operate a motorized recreation vehicle within any open space site except in such areas specifically designated for such use.

b. No person may operate a nonlicensed vehicle on any parkway or other roadway within an open space site.

c. No person may place any vehicle for sale or exchange on park property.

d. No person may wash, grease, repair, change oil or maintain in any way a vehicle except as necessary in an emergency.

Subd. 6. Camping: No person may establish or maintain any camp or other temporary lodging or sleeping place in any open space site. (Ord. 557, 3-27-95)
909.07: **GENERAL CONDUCT:**

Subd. 1. Defacement, Destruction of Property and Resources:

a. No person may tamper with, climb on, injure, deface, destroy, disturb, damage, move or remove any part of any park building, portable bathrooms, structure, sign, fight pole, drinking fountain, hydrant, picnic table, grill, trash receptacle, equipment, statue or other property found therein. This does not prohibit appropriate use of play equipment.

b. No person may deface, disturb or remove in any manner any soil, artifact, fossil, rock or other mineral resource.

c. No person may excavate any ditch, trench, tunnel or hole in any open space site.

d. No person may erect or maintain a shelter, hockey goals or other structures on the ice unless the structure is portable and removed each day.

Subd. 2. Preservation of Vegetation:

a. No person may injure, cut, destroy, mutilate, uproot, disturb, or remove any flower, tree, shrub, or any plant whether wild or cultivated, or any part thereof.

b. No person may plant or cause to be planted any wild, cultivated or exotic tree, shrub, or plant except in specifically designated areas with the written permission of the Director.

c. No person may fell or climb any tree; pick any flowers, fruit or vegetable (not self-grown); trample any flowers, tree seedlings, flower beds, vegetable gardens or new turf seedlings.

d. No person may hitch any animal or fasten, anchor or otherwise attach any wire, rope, cable, signs, posters, or other articles to any tree, shrub or plant.

e. No person may make any unauthorized use of any open space site which is detrimental to the turf and soil conditions.

f. No person may remove any device, apparatus or material installed for the protection, support, or preservation of any tree, shrub or plant.

g. No person may construct or place any type of structure including but not limited to deer tree stands, playhouses, treehouses, temporary storage buildings, motorcycle or bicycle launches, temporary shelters, tents, tarps, canopies or other such devices upon park land without permission by the Director.
Subd. 3. Animals\(^1\):

a. No person owning, being in custody, or having control of an animal, whether wild, pet or domestic, may cause or allow such animal to roam or be at large in any open space site.

b. No person being in custody of any animal may permit said animal to enter any beach area, nature interpretive area, wildlife refuge, golf course or park building, whether leashed or otherwise, except trained animals assisting handicapped persons.

c. No person in custody of any pet or animal may allow the animal to disturb, harass, or interfere with other open space users or their property.

d. No person may feed wild animals or birds or deposit a food source for wild animals or birds in the park system.

e. Any unattended domestic animal or pet found roaming or at large within any open space site will be impounded.

f. All State and local ordinances relating to the licensing and muzzling of animals and pets apply to any open space site.

g. No person may release or possess any exotic or wild animal in any open space site without written permission of the Director.

h. It is unlawful for any person who owns, harbors, or has custody of a dog, cat or other animal to permit such animal to defecate on any public property unless such person immediately removes the excrement and properly disposes of it.

Subd. 4. Hunting, Fishing and Molesting Wildlife:

a. No person may kill, hunt, trap, pursue, injure, molest or unnecessarily disturb or have in possession any species of wildlife including birds, waterfowl, fish or other animals found within the confines of any open space site, except that fishing may be permitted in designated areas subject to laws and regulations as established by the State.

b. No person may rob, disturb, or molest the nest, eggs or young of any birds, or other animals within the confines of any open space site.

\(^1\) See Chapter 701 of this Code for animal provisions.

City of Mounds View
Subd. 5. Fires¹:

a. No person may start or maintain a fire in any open space site except small recreational fires in fireplaces, fire rings and grills provided for that purpose in areas specifically designed for such use. Private grills may be used in designated areas provided that all ashes and residue are disposed of in containers provided for such disposal.

b. Any person who starts or maintains a fire in an authorized area must exercise continuous supervision from the time the fire is kindled until it is extinguished. No fire may cause damage or constitute a threat to site vegetation and resources, nor may it cause discomfort to other open space users.

c. The Director may, at the Director’s discretion, prohibit fires for limited periods at any location for any purpose when it is necessary for the continued protection of park property and resources.

d. Minors are prohibited from possessing any means of starting a fire in City open space sites.

Subd. 6. Waste and Litter:

a. No person may throw, cast, drop, pour, spill or discharge, or permit to escape in or upon any land, pond, river, creek, stream, ditch, storm sewer or drain flowing into or through any open space site, any substance, matter or thing whether solid, liquid, or gas, which may result in the pollution of said waters, interfere with the conservation management of the water resource, or endanger the health of the public.

b. No person may deposit in public trash receptacles any household refuse, including all organic material resulting from the manufacture, preparation, or serving of food or food products; spoiled, decayed or waste products from any source; bottles, cans or glassware; paper or paper products; crockery, ashes, rags, discarded clothing, tree or lawn clippings, leaves, weeds, waste resulting from building construction, remodeling or demolition; and other waste products, unless such refuse is the result of activities in the park in which such public receptacles are located.

c. No person may drop, throw or otherwise leave unattended in any open space site lighted matches, burning cigars, cigarettes, tobacco, paper or other combustible material.

¹ See Section 1002.02 of this Code, amendments to Section 11.101 of the adopted Fire Code.
Subd. 7. Firearms, Weapons, Fireworks:

a. No person may possess, fire, discharge, or set off any firearm, missile, fireworks\(^1\), or explosives in any open space site. Permits for fireworks will only be issued upon proof of adequate insurance and compliance with State statutes.

b. No person, except a law enforcement officer, shall possess or carry a firearm of any description in any open space site. No person may possess or carry in any open space site any air gun, bow and arrow, knife with a blade greater than three inches (3”), slingshot, dart or projectile thrower, or any other dangerous or illegal weapon.

c. Any unauthorized or illegal weapon within an open space site is subject to seizure by a law enforcement officer.

Subd. 8. Disturbing The Peace - Conduct:

a. No person, or group of persons, may disturb the peace and good order in any open space site by either word or act.

b. No person, or group of persons, may use threatening, abusive, insulting, obscene or indecent language or commit, perform or engage in any lewd, lascivious, obscene or indecent act.

c. No person, or group of persons may engage in fighting, quarreling, wrangling, riotous clamor, or tumult.

d. No person, or group of persons, may disturb, harass or interfere with any open space user or the user’s property.

e. No person may solicit or ask anyone to commit, perform or engage in any lewd, lascivious, obscene or indecent act or behavior.

Subd. 9. Audio Devices: No person may operate or play any musical instrument, radio, television, record or tape players, loudspeaker, public address system or sound amplifying equipment of any kind in any open space site in such as manner that the sound emanating therefrom is audible beyond the immediate vicinity of the set or instrument, and subsequently interferes with the use of the open space site by other users or disturbs the residents of adjacent property.

\(^1\) See also subdivisions 607.03.3p and 702.01.13 of this Code.
Subd. 10. Loitering:

a. No person over the age of six (6) may enter any comfort station or restroom, washroom or toilet facility set apart or designated for the opposite sex.

b. No person may lurk or loiter in or around any toilet facility or other system structure except to use such facility for the purpose of which it is intended.

Subd. 11. Alcoholic And Intoxicating Beverages:\footnote{1} No person may possess, have within their immediate control, display, consume or use intoxicating liquor or 3.2 percent malt liquor in or upon any public park open space, except as permitted by temporary license, pursuant to Section 503.03, subdivision 4 Temporary On-Sale License/Festival In the Park. This does not include the sale or consumption of alcoholic and intoxicating beverages at “The Bridges” golf course. (Ord. 618, 4-27-98)

Subd. 12. Parades, Entertainment, Public Meetings: No procession, parades, pageants, ceremonies, exhibitions, celebration, training exercises, speeches, entertainment or other public gatherings may be allowed to take place in any open space site or on any parkway except with written permission of the City Council or Director.

Subd. 13. Games: No person may engage in any potentially dangerous games involving thrown or propelled objects, such as horseshoes, golf balls, darts, or similar objects except in appropriate areas specifically designated for such usage.

Subd. 14. Use of Tennis and Basketball Courts:

a. No person may use a bicycle, roller skates, roller blades, roller skis, skateboard or scooter, or allow a dog to be on a color-coated tennis or basketball court surface, excluding hockey rink pavement, which is specially designed for roller blade use.

b. No person may use a tennis court or basketball court while not wearing tennis shoes.

c. No person may play continuously upon a tennis court for more than one hour while others are waiting to use the court.

d. No person may play hockey on a tennis court.

\footnote{1}{See Chapters 501, 502 and 503 of this Code for liquor control regulations.}

City of Mounds View
Subd. 15. Skateboards:

a. A skateboard is a footboard or similar object mounted on wheels and designed or intended to propel a rider by human power or force of gravity but without mechanical assistance. The following is not a skateboard: a wheelchair operated by a disabled person.

b. It is unlawful to operate a skateboard upon a State or County road within the City.

c. It is unlawful to operate a skateboard carelessly or heedlessly in disregard of the rights of others, or in a manner that endangers or is likely to endanger persons, property or the operator of the skateboard.

d. It is unlawful to operate a skateboard in a place where the surface or traffic conditions render the place unsafe for skateboarding.

e. It is unlawful to operate a skateboard on private property without the prior express permission of the owner of the property.

f. An operator of a skateboard must yield the right of way to any other type of vehicle or a pedestrian while the operator is entering or traveling upon a street, alley, sidewalk or bicycle path.

g. The operation and use of skateboards is restricted to paved trails, paved hockey rinks and paved parking lots which are unoccupied, located in the parks.

A person who violates this Section is guilty of a petty misdemeanor and may be fined up to fifty dollars ($50.00).

Subd. 16. Advertising:

a. No person may distribute or disseminate any leaflets, pamphlets, circulars, handbills¹, advertisements or other written or printed material except with the written permission of the Director.

b. No person may post, display, affix or attach any sign, poster, placard, notice, banner or advertisement to any tree, building, shelter, fence, pole or other structure except with the written permission of the Director.

c. No person may use loudspeakers, sound amplifying equipment, musical equipment or cause any noise to be made for advertising purposes or for the purpose of attracting attention to any exhibition, performance, event or other purpose except with the written permission of the Director.

¹ See also subdivision 607.03.3v of this Code.

City of Mounds View
Subd. 17. Unlawful Sales:

a. No person may sell, offer for sale, hawk, peddle or lease any object, merchandise or service or carry on any manner of business or commercial enterprise except those concessions authorized or operated by the City.  

b. No person may park or occupy a vehicle or stand to sell any farm produce, flowers, merchandise or any other product or for conducting any business or selling of services unless authorized by the City.

Subd. 18. Soliciting Alms: No person shall beg or solicit alms, donations or contributions without a valid permit.

Subd. 19. Photography: No person may take any photographs, or motion or sound pictures for commercial purposes or for use in commercial advertising except with the written permission of the Director.

Subd. 20. Utilities:

a. The location, construction or erection of any sewer, gas pipe, water pipe, hydrant, lamp post, telephone and electric power post, conduit, pump, lift station and other utility feature proposed in any open space site is subject to the approval of the City.

b. No person, firm or corporation may construct or relocate any of these utility installations or fixtures without the written permission of the Director.

c. Every person, firm or corporation who receives a contract or permit to do work must, after such work has commenced and until the same has been completed, isolate the construction area by security fencing, warning lights and signs, or other appropriate measures that will protect the public from exposure to danger and prevent unnecessary accidents.

Subd. 21. Lost And Found Articles: Lost or mislaid articles or money or personal property which are found in any open space site shall be delivered or turned over to the Mounds View Parks and Recreation Department. If the lawful owner of any article or money deposited with the Department does not claim the same within a period of sixty (60) days, it may be returned to the finder upon request.

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1 See Chapter 504 of this Code for peddlers, solicitors and transient merchants.

City of Mounds View
Subd. 22. Law Enforcement Officers and Employees:

a. No person may willfully resist, refuse or fail to comply with any order, direction or request lawfully given by any law enforcement officer or Department employee acting under the authority of the City and in accordance with this Chapter.

b. No person may interfere with, or in any manner hinder any Department employee or law enforcement officer during the performance of their assigned duties; nor any employee of a contractor engaged in construction, repairing or caring for any open space site or part thereof, or while in the discharge of duties conferred by this Chapter.

Subd. 23. Posted Regulations, Directional Signs And Graphics: No person may disregard or fail to comply with any posted regulations, directional signs and graphics, barriers or other control devices located within any open space site or on any parkway. (Ord. 557, 3-27-95)

909.08: TRAFFIC RULES:

Subd. 1. No person may drive or operate a motor vehicle within any open space site except upon roadways, parking areas, parkways or other areas designated for such use. Disabled vehicles may be moved off a paved area to allow for the continued flow of traffic but the vehicle must be repaired or removed within two (2) hours, unless other arrangements are made with the Director.

Subd. 2. No person may operate a motor vehicle within any open space site or on any parkway, in violation of posted regulations and directional signs; Chapter 169, Minnesota Statutes; County or Municipal traffic ordinances, or orders or direction of law enforcement officers or Department employees.

Subd. 3. No person may drive or operate a vehicle on or along any roads, drives or parking lots which have been restricted, closed or posted with appropriate signs or barricades. The Director will have the authority to order roads, drives or parking lots within any open space site or any roadway closed during the process of construction, reconstruction, or repair or when in the Director’s opinion, weather conditions render travel unsafe or unduly destructive.

Subd. 4. No person may operate a motor vehicle in a careless or reckless manner or without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, so as to endanger the life, limb or property of any other person while in lawful use of an open space site.

Subd. 5. No person may park, stop, or leave a vehicle in any open space, site or on any parkway or parking lot between the hours of ten o’clock (10:00) P.M. to six o’clock (6:00) A.M., unless a permit is obtained from the Director.
Subd. 6. No person may operate a vehicle in any open space site or on any parkway at a speed in excess of fifteen (15) miles per hour or in excess of posted speed limits.

Subd. 7. No persons may operate a vehicle in any open space site which emits excessive or irritating noise, noxious fumes, dense smoke or other pollutants.

Subd. 8. No person may wash, grease or change oil on any vehicle in any open space site. All disabled vehicles shall quickly be made operational or removed from the open space site.

Subd. 9. No person shall park a vehicle adjacent to any curb painted yellow in any open space site.

Subd. 10. Vehicles illegally parked, disabled or abandoned may be towed away and impounded at the owner’s expense. The vehicle may be sold if unclaimed after sixty (60) days to pay towing and storage charges.

Subd. 11. No person may drink, consume or have in their possession an open bottle or container of an alcoholic or intoxicating beverage in any motor vehicle when such vehicle is in an open space site or on a parkway.

Subd. 12. Vehicles must yield the right of way at all times to pedestrians.

Subd. 13. No person may participate in a drag race or test of unreasonable acceleration in any open space site or on any parkway. (Ord. 557, 3-27-95)

909.09: PENALTIES FOR VIOLATION:

Subd. 1. Violating any of the provisions of this Chapter, shall be a misdemeanor.

Subd. 2. Any person violating any of this Chapter may be expelled, ejected or ousted at such time from an open space site at the discretion of a law enforcement officer. (Ord. 557, 3-27-95)

909.10: ADDITIONAL RULES AND REGULATIONS: The Director may adopt additional rules and regulations not contrary to the provisions of this Code governing the use and enjoyment of parks, trails, playgrounds, lakes, ponds, streams and other publicly owned properties which shall be prominently posted or publicly announced in the places where they are intended to apply. Any person who violates a rule or regulation so posted may be excluded from the use of the park system and may in addition be prosecuted as for a misdemeanor. (Ord. 557, 3-27-95)
CHAPTER 910

RIGHT-OF-WAY MANAGEMENT
(Ord. 630, August, 23, 1999)

SECTION:

910.01: Findings, Purpose and Intent
910.02: Election to Manager the Public Right-of-Way
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910.05: Registration and Right-of-Way Occupancy
910.06: Registration Information
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910.08: Permit Requirement
910.09: Permit Applications
910.10: Issuance of Permit; Conditions
910.11: Permit Fees
910.12: Right-of-Way Patching and Restoration
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910.15: Other Obligations
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910.20: Supplementary Notification
910.21: Revocation of Permits
910.22: Mapping Data
910.23: Location and Relocation of Facilities
910.24: Pre-Excavation Facility and Facilities Location
910.25: Damage to Other Facilities
910.26: Right-of-Way Vacation
910.27: Indemnification and Liability
910.28: Abandoned and Unusable Facilities
910.29: Appeal
910.30: Reservation of Regulatory and Police Powers
910.31: Severability
FINDINGS, PURPOSE, AND INTENT: The City hereby enacts this new Chapter of this Code relating to right-of-way permits and administration and to provide for the health, safety and welfare of its citizens, and to ensure the integrity of its streets and the appropriate use of the rights-of-way. This Chapter imposes reasonable regulation on the placement and maintenance of facilities and equipment currently within its rights-of-way or to be placed therein. It is intended to complement the regulatory roles of state and federal agencies.

This Chapter shall be interpreted consistently with 1997 Session Laws, Chapter 123, substantially codified in Minnesota Statutes, sections 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the “Act”) and the other laws governing applicable rights of the City and users of the right-of-way. This Chapter shall also be interpreted consistently with Minnesota Rules Part 7819.0050 – 7819.9950 where possible. To the extent any provision of this chapter cannot be interpreted consistently with the Minnesota Rules, that interpretation most consistent with the Act and other applicable statutory and case law is intended.

ELECTION TO MANAGE THE PUBLIC RIGHT-OF-WAY: In accordance with the authority granted to the City under state and federal statutory, administrative and common law, the city hereby elects pursuant to this Chapter to manage rights-of-ways within the jurisdiction.

DEFINITIONS: The following definitions apply in this Chapter of this Code. References hereafter to “Sections” are unless otherwise specified references to Sections in this Chapter. Defined terms remain defined terms whether or not capitalized.

Subd. 1. ABANDONED FACILITY means a facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service. A facility is not abandoned unless declared so by the right-of-way user.

Subd. 2. APPLICANT means any Person requesting permission to Excavate or obstruct a right-of-way.

Subd. 3. CITY means the City of Mounds View, Minnesota. For purposes of Section 910.27, City means its elected officials, officers, employees and agents.

Subd. 4. COMMISSION means the Minnesota Public Utilities Commission.

Subd. 5. CONGESTED RIGHT-OF-WAY means a crowded condition in the subsurface of the public right-of-way that occurs when the maximum lateral spacing between existing underground facilities does not allow for construction of new underground facilities without using hand digging to expose the existing lateral facilities in conformance with Minnesota Statutes, section 216D.04. subdivision 3, over a continuous length in excess of five hundred feet (500’).
Subd. 6. CONSTRUCTION PERFORMANCE BOND means any of the following forms of security provided at permittee’s option:

a. Individual project bond

b. Cash deposit;

c. Security of a form listed or approved under Minnesota Statutes, section 15.73 subdivision 3;

d. Letter of Credit, in a form acceptable to the LGU;

e. Self-insurance, in a form acceptable to the LGU;

f. Blanket bond for projects within the City, or other form of construction bond, for a time specified and in a form acceptable to the City.

Subd. 7. DEGRADATION means a decrease in the useful life of the right-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation or disturbance did not occur.

Subd. 8. DEGRADATION COST subject to Minnesota Rules 7819.1100 means the cost to achieve a level of restoration as determined by the City at the time the permit is issued, not to exceed the maximum Restoration shown in plates 1 to 13, set forth in Minnesota Rules parts 7819.9900 to 7819.9950.

Subd. 9. DEGRADATION FEE means the estimated fee established at the time of permitting by the City to recover costs associated with the decrease in the useful life of the right-of-way caused by the excavation, and which equals the degradation costs.

Subd. 10. DEPARTMENT means the Department of Public Works of the City.

Subd. 11. DEPARTMENT INSPECTOR means any person authorized by the Director to carry out inspections related to the provisions of this Chapter.

Subd. 12. DIRECTOR means the Director of the Department of Public Works of the City, or Director’s designee.

Subd. 13. DELAY PENALTY is the penalty imposed as a result of unreasonable delays in right-of-way excavation, obstruction, patching, or restoration as requested by permit.

Subd. 14. EMERGENCY means a condition that (1) poses a danger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement of facilities in order to restore service to a customer.
Subd. 15. EQUIPMENT means any tangible asset used to install, repair, or maintain facilities in any right-of-way.

Subd. 16. EXCAVATE means to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

Subd. 17. EXCAVATION PERMIT means the permit which, pursuant to this Chapter, must be obtained before a person may excavate in a right-of-way. An excavation permit allows the holder to excavate that part of the right-of-way described in such permit.

Subd. 18. EXCAVATION PERMIT FEE means money paid to the city by an applicant to cover the costs as provided in Section 910.11.

Subd. 19. FACILITY OR FACILITIES means any tangible asset in the right-of-way required to provide utility service.

Subd. 20. FIVE YEAR PROJECT PLAN shows projects adopted by the local government unit for construction within the next five (5) years.

Subd. 21. HIGH DENSITY CORRIDOR means a designated portion of the public right-of-way within which telecommunications right-of-way users having multiple and competing facilities may be required to build and install facilities in a common conduit system or other common structure.

Subd. 22. HOLE means an excavation in the pavement, with the excavation having a length less than the width of the pavement.

Subd. 23. LOCAL GOVERNMENT UNIT means the City.

Subd. 24. LOCAL REPRESENTATIVE means a local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this Chapter.

Subd. 25. MANAGEMENT COSTS means the actual costs the City incurs in managing its rights-of-way, including such costs, if incurred, as those associated with registering Applicants; issuing, processing, and verifying right-of-way permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking right-of-way permits. Management costs do not include payment by a telecommunications right-of-way user for the use of the right-of-way, the fees and cost of litigation relating to the interpretation of Minnesota Session Laws 1997, Chapter 123; Minnesota Statutes, sections 237.162 or 237.163 or any ordinance enacted under those Sections, or the City fees and costs related to appeals taken pursuant to Section 910.29 of this Chapter.
Subd. 26. **OBSTRUCT** means to place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

Subd. 27. **OBSTRUCTION PERMIT** means the permit which, pursuant to this Chapter, must be obtained before a person may obstruct a right-of-way, allowing the holder to hinder free and open passage over the specified portion of that right-of-way, for the duration specified therein.

Subd. 28. **OBSTRUCTION PERMIT FEE** means money paid to the City by a permittee to cover the costs as provided in Section 910.11.

Subd. 29. **PATCH OR PATCHING** means a method of pavement replacement that is temporary in nature. A patch consists of (1) the compaction of the subbase and aggregate base, and (2) the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions. A patch is considered full restoration only when the pavement is included in the city’s five-year project plan.

Subd. 30. **PAVEMENT** means any type of improved surface that is within the public right-of-way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

Subd. 31. **PERMIT** has the meaning given “right-of-way permit” in Minnesota Statutes, section 237.162.

Subd. 32. **PERMITTEE** means any person to whom a permit to excavate or obstruct a right-of-way has been granted by the City under this Chapter.

Subd. 33. **PERSON** means an individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.

Subd. 34. **PROBATION** means the status of a person that has not complied with the conditions of this Chapter.

Subd. 35. **PROBATIONARY PERIOD** means one (1) year from the date that a person has been notified in writing that they have been put on probation.

Subd. 36. **PUBLIC RIGHT-OF-WAY** means the area on, below, or above a public roadway, highway, street, cartway, bicycle lane and public sidewalk in which the City has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the City. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other non-wire telecommunications or broadcast service.

Subd. 37. **REGISTRANT** means any person who (1) has or seeks to have its equipment or facilities located in any right-of-way, or (2) in any way occupies or uses, or seeks to occupy or use, the right-of-way or place its facilities or equipment in the right-of-way.

*City of Mounds View*
Subd. 38. RESTORE OR RESTORATION means the process by which an excavated right-of-way and surrounding area, including pavement and foundation, is returned to the same condition and life expectancy that existed before excavation.

Subd. 39. RESTORATION COST means the amount of money paid to the City by a permittee to achieve the level of restoration according to plates 1 to 13 of PUC rules.

Subd. 40. RIGHT-OF-WAY PERMIT means either the excavation permit or the obstruction permit, or both, depending on the context, required by this Chapter.

Subd. 41. RIGHT-OF-WAY USER means (1) a telecommunications right-of-way user as defined by Minnesota Statutes, section 237.162, subdivision 4; or (2) a person owning or controlling a facility in the right-of-way that is used or intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public right-of-way.

Subd. 42. SERVICE OR UTILITY SERVICE includes (1) those services provided by a public utility as defined in Minnesota Statutes, section 216B.02, subdivisions 4 and 6; (2) services of a telecommunications right-of-way user, including transporting of voice or data information; (3) services of a cable communications systems as defined in Minnesota Statutes, chapter 238; (4) natural gas or electric energy or telecommunications services provided by the City; (5) services provided by a cooperative electric association organized under Minnesota Statutes, chapter 308A; and (6) water, sewer, steam, cooling or heating services.

Subd. 43. SUPPLEMENTARY APPLICATION means an application made to excavate or obstruct more of the right-of-way than allowed in, or to extend, a permit that had already been issued.

Subd. 44. TEMPORARY SURFACE means the compaction of subbase and aggregate base and replacement, in kind, of the existing pavement only to the edges of the excavation. It is temporary in nature except when the replacement is of pavement included in the local government unit’s two-year plan, in which case it is considered full restoration.

Subd. 45. TRENCH means an excavation in the pavement, with the excavation having a length equal to or greater than the width of the pavement.

Subd. 46. TELECOMMUNICATION RIGHTS-OF-WAY USER means a person owning or controlling a facility in the right-of-way, or seeking to own or control a facility in the right-of-way, that is used or is intended to be used for transporting telecommunication or other voice or data information. For purposes of this chapter, a cable communication system defined and regulated under Minnesota Statutes, chapter 238, and telecommunication activities related to providing natural gas or electric energy services whether provided by a public utility as defined in Minnesota Statutes, section 216B.02, a municipality, a municipal gas or power agency organized under Minnesota Statutes, chapters 453 and 453A, or a cooperative electric association organized under Minnesota Statutes, chapter 308A, are not telecommunications right-of-way users for purposes of this Chapter.

Subd. 47. TWO YEAR PROJECT PLAN shows projects adopted by the local government unit for construction within the next two (2) years.

City of Mounds View
910.04: **ADMINISTRATION:** The Director is the principal City official responsible for the administration of the Rights-of-Way, Right-of-Way Permits, and the ordinances related thereto. The Director may delegate any or all of the duties hereunder.

910.05: **REGISTRATION AND RIGHT-OF-WAY OCCUPANCY:**

Subd. 1. Registration: Each Person who occupies, uses, or seeks to occupy or use, the Right-of-Way or place any Equipment or Facilities in or on the Right-of-Way, including Persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the Director. Registration will consist of providing application information and paying a registration fee.

Subd. 2. Registration Prior to Work: No Person may construct, install, repair, remove, relocate, or perform any other work on, or use any Facilities or any part thereof in any Right-of-Way without first being registered with the Director.

Subd. 3. Exceptions: Nothing herein shall be construed to repeal or amend the provisions of a City ordinance permitting Persons to plant or maintain boulevard plantings or gardens in the area of the Right-of-Way between their property and the street curb. Persons planting or maintaining boulevard plantings or gardens shall not be deemed to use or occupy the Right-of-Way, and shall not be required to obtain any permits or satisfy any other requirements for planting or maintaining such boulevard plantings or gardens under this Chapter. However, nothing herein relieves a Person from complying with the provisions of the Minnesota Statutes chapter 216D, One Call Excavation Notice System.

910.06: **REGISTRATION INFORMATION:**

Subd. 1. Information Required: The information provided to the Director at the time of registration shall include, but not be limited to:

(a) Each Registrant’s name, One Call Excavation Notice System registration certificate number, address and e-mail address if applicable, and telephone and facsimile numbers.

(b) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a Local Representative. The Local Representative or designee shall be available at all times. Current information regarding how to contact the Local Representative in an Emergency shall be provided at the time of registration.
(c) A certificate of insurance or self-insurance:

(1) Verifying that an insurance policy has been issued to the Registrant by an insurance company authorized to do business in the State of Minnesota, or a form of self insurance acceptable to the Director;

(2) Verifying that the Registrant is insured against claims for Personal injury, including death, as well as claims for property damage arising out of the (i) use and occupancy of the Right-of-Way by the Registrant, its officers, agents, employees and Permittees, and (ii) placement and use of Facilities and Equipment in the Right-of-Way by the Registrant, its officers, agents, employees and Permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground Facilities and collapse of property;

(3) Either naming the City as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages or otherwise providing evidence satisfactory to the Director that the city is fully covered and will be defended through Registrant’s insurance for all actions included in Minnesota Rule subpart 7819.1250;

(4) Requiring that the Director be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term;

(5) Indicating comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the Director in amounts sufficient to protect the City and the public and to carry out the purposes and policies of this Chapter.

(d) The City may require a copy of the actual insurance policies if necessary to ensure the Director that the policy provides adequate third party claim coverage and city indemnity and defense coverage for all actions included in the indemnity required by Minnesota Rule subpart 7819.1250.

(e) Such evidence as the Director may require that the person is authorized to do business in Minnesota.

Subd. 2. Notice of Changes: The Registrant shall keep all of the information listed above current at all times by providing to the Director information as to changes within fifteen (15) days following the date on which the Registrant has knowledge of any change.
910.07:  REPORTING OBLIGATIONS:

Subd. 1. Operations: Each Registrant shall, at the time of registration and by December 1 of each year, file a construction and major maintenance plan for underground Facilities with the Director. Such plan shall be submitted using a format designated by the Director and shall contain the information determined by the Director to be necessary to facilitate the coordination and reduction in the frequency of excavations and Obstructions of Rights-of-Way.

The plan shall include, but not be limited to, the following information:

(a) The locations and the estimated beginning and ending dates of all Projects to be commenced during the next calendar year (in this section, a “Next-year Project”); and

(b) To the extent known, the tentative locations and estimated beginning and ending dates for all Projects contemplated for the five (5) years following the next calendar year (in this section, a “Five (5)-year Project”).

The term “project” in this section shall include both Next-year Projects and Five (5)-year Projects.

By January 1 of each year the Director will have available for inspection in the Director’s office a composite list of all Projects of which the Director has been informed of the annual plans. All Registrants are responsible for keeping themselves informed of the current status of this list.

Thereafter, by February 1, each Registrant may change any Project in its list of Next-year Projects, and must notify the Director and all other Registrants of all such changes in said list. Notwithstanding the foregoing, aRegistrant may at any time join in a Next-year Project of another Registrant listed by the other Registrant.

Subd. 2. Additional Next-year Projects: Notwithstanding the foregoing, the Director will not deny an application for a Right-of-Way Permit for failure to include a project in a plan submitted to the City if the Registrant has used commercially reasonable efforts to anticipate and plan for the project.
910.08: **PERMIT REQUIREMENT:**

Subd. 1. Permit Required: Except as otherwise provided in this Code, no Person may Obstruct or Excavate any Right-of-Way without first having obtained the appropriate Right-of-Way Permit from the Director to do so.

(a) Excavation Permit: An Excavation Permit is required by a Registrant to Excavate that part of the Right-of-Way described in such permit and to hinder free and open passage over the specified portion of the Right-of-Way by placing Facilities described therein, to the extent and for the duration specified therein.

(b) Obstruction Permit: An Obstruction Permit is required by a Registrant to hinder free and open passage over the specified portion of Right-of-Way by placing Equipment described therein on the Right-of-Way, to the extent and for the duration specified therein. An Obstruction Permit is not required if a Person already possesses a valid Excavation Permit for the same project.

Subd. 2. Permit Extensions: No Person may Excavate or Obstruct the Right-of-Way beyond the date or dates specified in the permit unless such Person (i) makes a Supplementary Application for another Right-of-Way Permit before the expiration of the initial permit, and (ii) a new permit or permit extension is granted.

Subd. 3. Delay Penalty: In accordance with Minnesota Rule 7819.1000 subp. 3 and notwithstanding subdivision 2 of this Section, the City shall establish and impose a Delay Penalty for unreasonable delays in Right-of-Way excavation, Obstruction, Patching, or Restoration. The Delay Penalty shall be established from time to time by City Council resolution.

Subd. 4. Permit Display: Permits issued under this Chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the Director.
910.09: **PERMIT APPLICATIONS:** Application for a permit is made to the Director. Permit applications shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

(a) Registration with the Director pursuant to this Chapter;

(b) Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed Facilities.

(c) Payment of money due the City for

   (1) permit fees, estimated Restoration Costs and other Management Costs,

   (2) prior Obstructions or Excavations;

   (3) any undisputed loss, damage, or expense suffered by the City because of Applicant’s prior excavations or Obstructions of the rights-of-way or any Emergency actions taken by the City;

   (4) franchise fees or other charges, if applicable.

(d) Posting an additional or larger construction performance bond for additional facilities when applicant requests an excavation permit to install additional facilities and the director deems the existing construction performance bond inadequate under applicable standards.

910.10: **ISSUANCE OF PERMIT; CONDITIONS:**

Subd. 1. Permit Issuance: If the Applicant has satisfied the requirements of this Chapter, the Director shall issue a permit.

Subd. 2. Conditions: The Director may impose reasonable conditions upon the issuance of the permit and the performance of the Applicant thereunder to protect the health, safety and welfare or when necessary to protect the Right-of-Way and its current use.
910.11: PERMIT FEES:

Subd. 1. Fee Schedule and Fee Allocation: The City’s permit fee schedule shall be available to the public and established in advance. The permit fees shall be designed to recover the City’s actual costs incurred in managing the right-of-way and shall be based on an allocation among all users of the right-of-way, including the City.

Subd. 2. Excavation Permit Fee: The city shall establish an Excavation Permit Fee in an amount sufficient to recover the following costs:

(a) the City Management Costs;

(b) Degradation Costs, if applicable.

Subd. 3. Obstruction Permit Fee: The city shall establish the Obstruction Permit Fee which shall be in an amount sufficient to recover the City Management Costs.

Subd. 4. Payment of Permit Fees: No Excavation Permit or Obstruction Permit shall be issued without payment of Excavation or Obstruction Permit Fees. The City may allow Applicant to pay such fees within thirty (30) days of billing.

Subd. 5. Non refundable: Permit fees that were paid for a permit that the Director has revoked for a breach as stated in Section 910.21 are not refundable.

Subd. 6. Application to franchises: Unless otherwise agreed to in a franchise, Management Costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise.
910.12: RIGHT-OF-WAY PATCHING AND RESTORATION:

Subd. 1. Timing: The work to be done under the Excavation Permit, and the Patching and Restoration of the Right-of-Way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the Permittee or when work was prohibited as unseasonal or unreasonable under Section 910.15.

Subd. 2. Patch and Restoration: Permittee shall Patch its own work. The City may choose either to have the Permittee restore the Right-of-Way or to Restore the Right-of-Way itself.

(a) City Restoration: If the City restores the Right-of-Way, Permittee shall pay the costs thereof within thirty (30) days of billing. If, following such Restoration, the pavement settles due to Permittee’s improper backfilling, the Permittee shall pay to the City, within thirty (30) days of billing, all costs associated with having to correct the defective work.

(b) Permittee Restoration: If the Permittee Restores the Right-of-Way itself, it shall at the time of application for an Excavation Permit post a Construction Performance Bond in accordance with the provisions of Minnesota Rules 7819.3000.

(c) Degradation Fee in Lieu of Restoration: In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee. However, the right-of-way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.

Subd. 3. Standards: The Permittee shall perform Patching and Restoration according to the standards and with the materials specified by the Director and shall comply with Minnesota Rule 7819.1100. The Director shall have the authority to prescribe the manner and extent of the Restoration, and may do so in written procedures of general application or on a case-by-case basis.

Subd. 4. Duty to Correct Defects: The Permittee shall correct defects in patching, or restoration performed by permittee or its agents. Permittee shall upon notification from the Director, correct all restoration work to the extent necessary, using the method required by the Director. Said work shall be completed within five (5) calendar days of the receipt of the notice from the Director, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonal or unreasonable under Section 910.15.

Subd. 5. Failure to Restore: If the Permittee fails to Restore the Right-of-Way in the manner and to the condition required by the Director, or fails to satisfactorily and timely complete all Restoration required by the Director, the Director at its option may do such work. In that event the Permittee shall pay to the City, within thirty (30) days of billing, the cost of Restoring the Right-of-Way. If Permittee fails to pay as required, the City may exercise its rights under the Construction Performance Bond.
910.13:  **JOINT APPLICATIONS:**

Subd.  1. Joint Application: Registrants may jointly apply for permits to Excavate or Obstruct the Right-of-Way at the same place and time.

Subd.  2. Shared Fees: Registrants who apply for permits for the same Obstruction or excavation, which the Director does not perform, may share in the payment of the Obstruction or Excavation Permit Fee. In order to obtain a joint permit, registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

Subd.  3. With City Projects: Registrants who join in a scheduled Obstruction or excavation performed by the Director, whether or not it is a joint application by two or more Registrants or a single application, are not required to pay the Excavation or Obstruction and Degradation portions of the permit fee, but a permit would still be required.

910.14:  **SUPPLEMENTARY APPLICATIONS:**

Subd.  1. Limitation on Area: A Right-of-Way Permit is valid only for the area of the Right-of-Way specified in the permit. No Permittee may do any work outside the area specified in the permit, except as provided herein. Any Permittee which determines that an area greater than that specified in the permit must be Obstructed or Excavated must before working in that greater area (i) make application for a permit extension and pay any additional fees required thereby, and (ii) be granted a new permit or permit extension.

Subd.  2. Limitation on dates: A Right-of-Way Permit is valid only for the dates specified in the permit. No Permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a Permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This Supplementary Application must be submitted before the permit end date.
910.15: **OTHER OBLIGATIONS:**

Subd. 1. Compliance With Other Laws: Obtaining a Right-of-Way Permit does not relieve Permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the City or other applicable rule, law or regulation. A Permittee shall comply with all requirements of local, state and federal laws, including Minn. Stat. § 216D.01-.09 (One Call Excavation Notice System). A Permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the Right-of-Way pursuant to its permit, regardless of who does the work.

Subd. 2. Prohibited Work: Except in an Emergency, or with the approval of the Director, no Right-of-Way Obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.

Subd. 3. Interference with Right-of-Way: A Permittee shall not so Obstruct a Right-of-Way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with. Private vehicles of those doing work in the Right-of-Way may not be parked within or next to a permit area, unless parked in conformance with City parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.

910.16: **DENIAL OF PERMIT:** The Director may deny a permit for failure to meet the requirements and conditions of this Chapter or if the Director determines that the denial is necessary to protect the health, safety, and welfare or when necessary to protect the Right-of-Way and its current use.

910.17: **INSTALLATION REQUIREMENTS:** The excavation, backfilling, Patching and Restoration, and all other work performed in the Right-of-Way shall be done in conformance with Minnesota Rules 7819.1100 and other applicable local requirements, in so far as they are not inconsistent with the Minnesota Statutes, Sections. 237.162 and 237.163.
910.18: **INSPECTION:**

Subd. 1. Notice of Completion: When the work under any permit hereunder is completed, the Permittee shall furnish a Completion Certificate in accordance Minnesota Rules 7819.1300.

Subd. 2. Site Inspection: Permittee shall make the work-site available to the Director and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

Subd. 3. Authority of Director:

(a) At the time of inspection, the Director may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public.

(b) The Director may issue an order to the Permittee for any work which does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the Permittee shall present proof to the Director that the violation has been corrected. If such proof has not been presented within the required time, the Director may revoke the permit pursuant to Section 910.21.

910.19: **WORK DONE WITHOUT A PERMIT:**

Subd. 1. Emergency Situations: Each Registrant shall immediately notify the Director of any event regarding its Facilities, which it considers to be an Emergency. The Registrant may proceed to take whatever actions are necessary to respond to the Emergency. Within two business days after the occurrence of the Emergency the Registrant shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this Chapter for the actions it took in response to the Emergency.

If the Director becomes aware of an Emergency regarding a Registrant’s Facilities, the Director will attempt to contact the Local Representative of each Registrant affected, or potentially affected, by the Emergency, direct them to take whatever action may be necessary to respond to the Emergency, or otherwise take whatever action the Director deems necessary to respond to the Emergency if Registrant does not timely respond. The Cost shall be borne by the Registrant whose Facilities occasioned the Emergency.

Subd. 2. Non-Emergency Situations: Except in an Emergency, any Person who, without first having obtained the necessary permit, Obstructs or Excavates a Right-of-Way must subsequently obtain a permit, and as a penalty pay double the normal fee for said permit, pay double all the other fees required by the Legislative Code, deposit with the Director the fees necessary to correct any damage to the Right-of-Way and comply with all of the requirements of this Chapter.

910.20: **SUPPLEMENTARY NOTIFICATION:** If the Obstruction or Excavation of the Right-of-Way begins later or ends sooner than the date given on the permit, Permittee shall notify the Director of the accurate information as soon as this information is known.
910.21:  **REVOCATION OF PERMITS:**

Subd. 1.  **Substantial Breach:** The City reserves its right, as provided herein, to revoke any Right-of-Way Permit, without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by Permittee shall include, but shall not be limited to, the following:

(a) The violation of any material provision of the Right-of-Way Permit;

(b) An evasion or attempt to evade any material provision of the Right-of-Way Permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the City or its citizens;

(c) Any material misrepresentation of fact in the application for a Right-of-Way Permit;

(d) The failure to complete the work in a timely manner; unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the Permittee’s control; or

(e) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to Section 910.18.

Subd. 2.  **Written Notice of Breach:** If the Director determines that the Permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit the Director shall make a written demand upon the Permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the Director, at his or her discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

Subd. 3.  **Response to Notice of Breach:** Within twenty-four (24) hours of receiving notification of the breach, Permittee shall provide the Director with a plan, acceptable to the Director, that will cure the breach. Permittee’s failure to so contact the Director, or the Permittee’s failure to submit an acceptable plan, or Permittee’s failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit. Further, Permittee’s failure to so contact the Director, or the Permittee’s failure to submit an acceptable plan, or Permittee’s failure to reasonably implement the approved plan, shall automatically place the Permittee on Probation for one (1) year.

Subd. 4.  **Cause for Probation:** From time to time, the Director may establish a list of conditions of the permit, which if breached will automatically place the Permittee on Probation for one full year, such as, but not limited to, working out of the allotted time period or working on Right-of-Way grossly outside of the permit authorization.

Subd. 5.  **Automatic Revocation:** If a Permittee, while on Probation, commits a breach as outlined above, Permittee’s permit will automatically be revoked and Permittee will not be allowed further permits for one year, except for Emergency repairs.

Subd. 6.  **Reimbursement of City Costs:** If a permit is revoked, the permittee shall also reimburse the City for the City’s reasonable costs, including restoration costs and the costs of collection and reasonable attorneys’ fees incurred in connection with such revocation.

*City of Mounds View*
910.22:  **MAPPING DATA:**

Subd. 1. Information Required: Each Registrant and Permittee shall provide Mapping information required by the Director in accordance with Minnesota Rules 7819.4000 and 7819.4100.

910.23:  **LOCATION AND RELOCATION OF FACILITIES:**

Subd. 1. Unless otherwise agreed in a franchise between the applicable right-of-way user and the City, Facilities in the right-of-way must be located or relocated and maintained underground in accordance with this section, Minnesota Rule subpart 7819.3100 and Chapter 911 of this Code.

Subd. 2. Corridors: The Director may assign specific corridors within the Right-of-Way, or any particular segment thereof as may be necessary, for each type of Facilities that is or, pursuant to current technology, the Director expects will someday be located within the Right-of-Way. All excavation, obstruction, or other permits issued by the Director involving the installation or replacement of Facilities shall designate the proper corridor for the Facilities at issue. Any relocation of Facilities required by the Director shall be carried out in accordance with Minnesota Rule subpart 7819.3100.

Subd. 3. Limitation of Space: To protect health, safety, and welfare or when necessary to protect the Right-of-Way and its current use, the Director shall have the power to prohibit or limit the placement of new or additional Facilities within the Right-of-Way. In making such decisions, the Director shall strive to the extent possible to accommodate all existing and potential users of the Right-of-Way, but shall be guided primarily by considerations of the public interest, the public’s needs for the particular Utility Service, the condition of the Right-of-Way, the time of year with respect to essential utilities, the protection of existing Facilities in the Right-of-Way, and future City plans for public improvements and development projects which have been determined to be in the public interest.

910.24:  **PRE-EXCAVATION FACILITY AND FACILITIES LOCATION:** Registrant shall comply with the requirements of Minn. Stat. § 216D.01-.09 (“One Call Excavation Notice System”). Any Registrant whose Facilities are less than twenty (20) inches below a concrete or asphalt surface shall notify and work closely with the excavation contractor to establish the exact location of its Facilities and the best procedure for excavation.

910.25:  **DAMAGE TO OTHER FACILITIES:** When the Director does work in the Right-of-Way and finds it necessary to maintain, support, or move a Registrant’s Facilities to protect it, the Director shall notify the Local Representative as early as is reasonably possible. The costs associated therewith will be billed to that Registrant and must be paid within thirty (30) days from the date of billing. Each Registrant shall be responsible for the cost of repairing any Facilities in the Right-of-Way, which it or its Facilities damages. Each Registrant shall be responsible for the cost of repairing any damage to the Facilities of another Registrant caused during the City’s response to an Emergency occasioned by that Registrant’s Facilities.
910.26: **RIGHT-OF-WAY VACATION:** If the City vacates a Right-of-Way, which contains the Facilities of a Registrant, the registrant’s rights in the vacated right-of-way are governed by Minnesota Rule 7819.3200.

910.27: **INDEMNIFICATION AND LIABILITY:** By registering with the Director, or by accepting a permit under this Chapter, a Registrant or Permittee agrees to defend and indemnify the city in accordance with the provisions of Minnesota Rule 7819.1250.

910.28: **ABANDONED AND UNUSABLE FACILITIES:**

Subd. 1. Discontinued Operations: A Registrant who has determined to discontinue all or a portion of its operations in the City must provide information satisfactory to the Director that the Registrant’s obligations for its Facilities in the Right-of-Way under this Chapter have been lawfully assumed by another Registrant.

Subd. 2. Removal: Any Registrant who has abandoned Facilities in any Right-of-Way shall remove it from that Right-of-Way if required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the Director.

910.29: **APPEAL:** A Right-of-Way user that: (1) has been denied registration; (2) has been denied a permit; (3) has had permit revoked; or (4) believes that the fees imposed are invalid, may have the denial, revocation, or fee imposition reviewed, upon written request, by the City Council. The City Council shall act on a timely written request at its next regularly scheduled meeting. A decision by the City Council affirming the denial, revocation, or fee imposition will be writing and supported by written findings establishing the reasonableness of the decision.

910.30: **RESERVATION OF REGULATORY AND POLICE POWERS:** A Permittee’s or Registrant’s rights are subject to the regulatory and police powers of the City to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

910.31: **SEVERABILITY:** If any portion of this chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof. Nothing in this Chapter precludes the City from requiring a franchise agreement with the Applicant, as allowed by law, in addition to requirements set forth herein.

*City of Mounds View*
CHAPTER 911

LOCATION, RELOCATION, INSTALLATION AND
REINSTALLATION OF FACILITIES IN THE RIGHT-OF-WAY
(Ord. 631, 9-13-99)

SECTION:

911.01: Purpose
911.02: Definitions
911.03: Undergrounding of Facilities
911.04: Undergrounding of New Facilities
911.05: Undergrounding of Permanent Replacement, Relocated or Reconstructed Facilities
911.06: Retirement of Overhead Facilities
911.07: Public Hearings
911.08: Public Hearing Issues
911.09: Undergrounding Plan

911.01: PURPOSE. The purpose of this Section is to promote the health, safety and general welfare of the public and is intended to foster (i) safe travel over the right-of-way, (ii) non-travel related safety around homes and buildings where overhead feeds are connected and (iii) orderly development in the City. Location and relocation, installation and reinstallation of Facilities in the right-of-way must be made in accordance with this Section.
911.02: **DEFINITIONS.** The terms used in this Section have the meanings given them.

**Subd. 1.** COMMISSION means the Minnesota Public Utilities Commission.

**Subd. 2.** FACILITY means tangible asset in the public right-of-way required to provide utility service. The term does not include Facilities to the extent the location and relocation of such Facilities are preempted by Minnesota Statutes, Section 161.45, governing utility facility placement in state trunk highways. Facility does not mean electric transmission lines, as distinguished from electric distribution lines.

**Subd. 3.** PUBLIC RIGHT-OF-WAY has the meaning given it in Minnesota Statutes, Section 237.162, subdivision 3.

**Subd. 4.** RIGHT-OF-WAY USER means (1) a telecommunications right-of-way user as defined by Minnesota Statutes, Section 237.162, subdivision 4; or (2) a person owning or controlling a facility, in the right-of-way, that is used or intended to be used for providing utility service, and who has a right under law, franchise or ordinance to use the public right-of-way.

**Subd. 5.** UTILITY SERVICE means and includes: (1) service provided by a public utility as defined in Minnesota Statutes, Section 216B.02, subdivisions 4 and 6; (2) services of a telecommunications right-of-way user, including the transporting of voice or data information; (3) services provided by a cable communications system as defined in Minnesota Statutes, Section 238.02, subdivision 3; (4) natural gas or electric energy or telecommunications services provided by a local government unit; (5) services provided by a cooperative electric association organized under Minnesota Statutes, Chapter 308A; and (6) water, sewer, steam, cooling or heating services.

911.03. **UNDERGROUNDING OF FACILITIES.** Facilities placed in the public right-of-way must be located, relocated and maintained underground pursuant to the terms and conditions of this section and in accordance with applicable construction standards. This Section is intended to be enforced consistently with state and federal law regulating right-of-way users, specifically including but not limited to Minnesota Statutes, Sections 161.45, 237.162, 237.163, 300.03, 222.37, 238.084 and 216B.36 and the Telecommunications Act of 1996, Title 47, USC section 253.

911.04. **UNDERGROUNDING OF NEW FACILITIES.** A new Facility or a permanent extension of Facilities must be installed and maintained underground when supplied to:

(a) a new installation of buildings, signs, streetlights or other structures;

(b) a new subdivision of land; or

(c) a new development or industrial park containing new commercial or industrial buildings.

The City Council in its discretion may deviate from the requirements of this Section in situations where undergrounding is not technically or economically feasible.
911.05. **UNDERGROUNDING OF PERMANENT REPLACEMENT, RELOCATED OR RECONSTRUCTED FACILITIES.** A permanent replacement, relocation or reconstruction of a Facility of more than three hundred (300) feet must be located, and maintained underground, with due regard for seasonal working conditions. For purposes of this Section, reconstruction means any substantial repair of or any improvement to existing Facilities. Undergrounding is required whether a replacement, relocation or reconstruction is initiated by the right-of-way user owning or operating the Facilities, or by the City in connection with (1) the present or future use by the city or other local government unit of the right-of-way for a public project, (2) the public health or safety, or (3) the safety and convenience of travel over the right-of-way. The City Council in its discretion may deviate from the requirements of this Section in situations where undergrounding is not technically or economically feasible.

911.06. **RETIREMENT OF OVERHEAD FACILITIES.** The City Council may determine whether it is in the public interest that all Facilities within the City, or within certain districts designated by the City, be permanently placed and maintained underground by a date certain or target date, independently of undergrounding required pursuant to Sections 911.04 and 911.05 of this Code. The decision to underground must be preceded by a public hearing, and must be preceded by two weeks’ published notice and not less than thirty (30) days written notice to the utilities affected. At the hearing the council must consider items (1) – (4) in Section 911.08 of this Code and make findings. Undergrounding may not take place until the City Council has, after hearing and notice, adopted a plan containing items (1) – (6) of Section 911.09 of this Code.

911.07. **PUBLIC HEARINGS.** A hearing must be open to the public and may be continued from time to time. At each hearing any person interested must be given an opportunity to be heard. The subject of the public hearings shall be the issue of whether Facilities in the right-of-way in the City, or located within a certain district, shall all be located underground by a date certain. Hearings are not necessary for the undergrounding required under Sections 911.04 and 911.05 of the City Code.

*City of Mounds View*
911.08. **PUBLIC HEARING ISSUES.** The issues to be addressed at the public hearings include but are not limited to:

1. The costs and benefits to the public of requiring the undergrounding of all Facilities in the right-of-way.
2. The feasibility and cost of undergrounding all Facilities by a date certain as determined by the city and the affected utilities.
3. The tariff requirements, procedure and rate design for recovery or intended recovery of incremental costs for undergrounding by the utilities from ratepayers within the City.
4. Alternative financing options available if the City deems it in the public interest to require undergrounding by a date certain and deems it appropriate to participate in the cost otherwise borne by the ratepayers.

911.09. **UNDERGROUNDING PLAN.** If the Council finds that it is in the public interest to underground all or substantially all Facilities in the public right of way, the Council must establish a plan for such undergrounding. The plan for undergrounding must include at least the following elements:

1. Timetable for the undergrounding.
2. Designation of districts for the undergrounding unless, undergrounding plan is citywide.
3. Exceptions to the undergrounding requirement and procedure for establishing such exceptions.
4. Procedures for the undergrounding process, including but not limited to coordination with City projects and provisions to ensure compliance with non-discrimination requirements under the law.
5. A financing plan for funding of the incremental costs if the City determines that it will finance some of the undergrounding costs, and a determination and verification of the claimed additional costs to underground incurred by the utility.
6. Penalties or other remedies for failure to comply with the undergrounding.
CHAPTER 912

ILLICIT DISCHARGE AND CONNECTIONS TO STORM DRAINAGE SYSTEM
(Ord. 868, 3-8-12)

SECTION:

912.01: Purpose/Intent
912.02: Definitions
912.03: Applicability
912.04: Responsibility for Administration
912.05: Ultimate Responsibility
912.06: Discharge and Connection Prohibitions
912.07: Watercourse Protection
912.08: Industrial or Construction Activity Discharges
912.09: Right of Entry
912.10: Requirement to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices
912.11: Violations, Enforcement, and Penalties
912.12: Remedies Not Exclusive

912.01: PURPOSE/INTENT: The purpose of this Chapter is to promote, protect, and enhance the natural resources within the City of Mounds View and provide for the health, safety, and general welfare of its citizens through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This Chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Chapter are:

(1) To regulate the contribution of pollutants to the municipal separate storm sewer system by storm water discharges by any user.

(2) To prohibit illicit connections and discharges to the municipal separate storm sewer system.

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

City of Mounds View
912.02: **DEFINITIONS:** The following definitions apply in this Chapter:

Subd. 1. **CITY.** The City of Mounds View, Minnesota and its elected officials, officers, employees, and agents.

Subd. 2. **BEST MANAGEMENT PRACTICES (BMPs).** Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

STRUCTURAL BMPs are physical devices that are typically designed and constructed to trap or filter pollutants from storm water runoff or reduce runoff velocities.

NON-STRUCTURAL BMPs are practices that typically focus on preserving open space, protecting natural systems, and incorporate other existing landscape features to manage storm water runoff at its source.

Subd. 3. **CLEAN WATER ACT.** The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Subd. 4. **CONSTRUCTION ACTIVITY.** Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Subd. 5. **HAZARDOUS MATERIALS.** Any material, including, any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Subd. 6. **ILLEGAL / ILLICIT DISCHARGE.** Any direct or indirect non-storm water discharge to the storm drainage system, except as exempted in this Chapter.
Subd. 7. ILLICIT CONNECTIONS. An illicit connection is defined as either of the following:

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

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

Subd. 8. INDUSTRIAL ACTIVITY. Activities subject to NPDES Industrial Storm Water Permits as defined in 40 CFR, Section 122.26 (b)(14).

Subd. 9. MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4). The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

Subd. 10. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT. A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Subd. 11. NON-STORM WATER DISCHARGE. Any discharge to the storm drainage system that is not composed entirely of storm water.

Subd. 12. PERSON. Any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting either as the owner or as the owner’s agent.

Subd. 13. POLLUTANT. Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; undiluted coal tar-based sealers or other products containing polycyclic aromatic hydrocarbons (PAHs); non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous materials and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
Subd. 14. PREMISES. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Subd. 15. STORM DRAINAGE SYSTEM. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Subd. 16. STORM WATER. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Subd. 17. STORMWATER POLLUTION PREVENTION PLAN (SWPPP). A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm Water, Storm Water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Subd. 18. WASTEWATER. Any water or other liquid, other than uncontaminated storm water, discharged from any premises.

912.03: APPLICABILITY: This Chapter shall apply to all water entering the storm drainage system generated on any premises unless explicitly exempted by the City.

912.04: RESPONSIBILITY FOR ADMINISTRATION: The Director of Public Works is the principal City official responsible to administer, implement, and enforce the provisions of this Chapter. The Director may delegate any or all of the duties hereunder to designated persons or entities acting in the beneficial interest of or in the employ of the City.

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

City of Mounds View
912.06: DISCHARGE AND CONNECTION PROHIBITIONS

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

Subd. 2. Exemptions to Discharge Prohibitions: The commencement, conduct, or continuance of any illegal discharge to the storm drainage system is prohibited except as described as follows:

a. Discharges resulting from the following activities: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.

b. Discharges or flow from fire fighting, and other discharges specified in writing by the City as being necessary to protect public health and safety.

c. Discharges associated with dye testing. Persons performing this activity are required to verbally notify the City prior to the time of the dye test.

d. Any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drainage system.
Subd. 3. **Prohibition of Illicit Connections:**

a. The construction, use, maintenance, or continued existence of illicit connections to the storm drainage system is prohibited.

b. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

c. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

d. Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved on-site wastewater management system or the sanitary sewer system upon approval of the City.

e. Any drain or conveyance that has not been documented in plans, maps, or equivalent, and which may be connected to the storm drainage system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the City requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented by qualified persons and provided to the City in a format acceptable to the City.

Subd. 4. **Prohibition of Illegal Disposal and Dumping:** No person shall throw, deposit, place, leave, maintain, or keep any pollutant or substance upon any pavement, storm drain inlet, or other areas exposed to precipitation that may cause pollutant or substance to become an illicit discharge. The intentional disposal of grass, leaves, dirt, or other material into a water resource, buffer, street or pavement, storm drain inlet, conveyance, or other component of the storm drainage system shall also be prohibited.

912.07: **WATERCOURSE PROTECTION:** Every person owning property through which a watercourse passes, or such person’s lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
912.08: **INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES:**

Subd. 1. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City prior to the allowing of any discharges to the MS4.

Subd. 2. The operator of a facility, including construction sites, required to have an NPDES permit to discharge storm water associated with industrial activity shall submit a copy of the Notice of Intent to the City at the same time the operator submits the original Notice of Intent to the EPA as applicable.

Subd. 3. The copy of the Notice of Intent to Discharge Storm Water may be delivered to the City either in person or by mailing it to:

   Director of Public Works  
   City of Mounds View  
   2401 County Highway 10  
   Mounds View, MN 55112

Subd. 4. A person commits an offense if the person operates a facility that is discharging storm water associated with industrial activity without having submitted a copy of the Notice of Intent to do so to the City.

912.09: **RIGHT OF ENTRY:** The City shall be permitted to enter and inspect premises subject to regulation under this Chapter as often as may be necessary to determine compliance with this Chapter. Unreasonable delays in allowing the City access to enter and inspect premise is a violation of this Chapter.
912.10: REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES:

Subd. 1. The City may adopt requirements identifying Best Management Practices for any activity, operation, or facility that may cause or contribute to pollution or contamination of storm water, the storm drainage system, or waters of the United States. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials, or other wastes into the storm drainage system or watercourses using these structural and nonstructural BMPs.

Subd. 2. Further, any person responsible for a property or premises that is, or may be, the source of an illicit discharge, may be required to implement, at said person’s expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the maximum extent practicable, shall be deemed compliant with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

912.11: VIOLATIONS, ENFORCEMENT, AND PENALTIES:

Subd. 1. Any person violating any provision of this Chapter is guilty of a misdemeanor.

Subd. 2. Emergency cease and desist orders. When the City finds that any person has violated, or continues to violate any provision of this Chapter, or any order issued hereunder, or that the person’s past violations are likely to recur, and that the person’s violation(s) has (have) caused or contributed to an actual or threatened illicit discharge to the MS4 or waters of the state, which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City may issue an order to the violator directing it to immediately cease and desist all such violations.

Subd. 3. Suspension due to the detection of illicit discharge. Any person discharging to the MS4 in violation of this Chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. Such suspension may also be imposed if it is necessary to stop an actual or threatened illicit discharge that presents or may present imminent and substantial danger.

Subd. 4. Violations deemed a public nuisance. In addition to the enforcement processes and penalties provided in this Chapter, any condition caused or permitted to exist in violation of any of the provision of this Chapter is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance, and may be summarily abated or restored at the violator’s expense; and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the City.

Subd. 5. Assessments. All costs and expenses, including attorney and consultant fees, incurred by the City in abating any public nuisance under this Chapter may be assessed against the premises at which the violation exists as a special assessment or a charge under Minnesota Statutes, Municipal Code, or City Charter.
REMEDIES NOT EXCLUSIVE: The remedies listed in this Chapter are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the City to seek cumulative remedies. The City may recover all attorneys’ fees, court costs, and other expenses associated with enforcement of this Chapter, including sampling and monitoring expenses.