



**CITY OF NEWPORT  
COUNCIL WORKSHOP MEETING  
NEWPORT CITY HALL  
MARCH 5, 2015  
IMMEDIATELY FOLLOWING THE NEDA MEETING**

**MAYOR:** Tim Geraghty  
**COUNCIL:** Tom Ingemann  
Bill Sumner  
Tracy Rahm  
Dan Lund

**City Administrator:** Deb Hill  
**Supt. of Public Works:** Bruce Hanson  
**Chief of Police:** Curt Montgomery  
**Fire Chief:** Steven Wiley  
**Executive Analyst:** Renee Eisenbeisz

**AGENDA**

1. ROLL CALL
2. DISCUSSION CHAPTER 10 ORDINANCE AMENDMENTS
3. DISCUSSION REGARDING I & I
4. ADJOURNMENT



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## MEMO

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**To:** Honorable Mayor and City Council Members  
Ms. Deb Hill, City Administrator

**From:** Jon Herdegen, P.E. – City Engineer

**Subject:** Water/Sewer Ordinance Review/Revisions

**Date:** March 2, 2015 – For the March 5<sup>th</sup> City Workshop

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Staff has been working to amend and update Chapter 10 –of the Newport City Code “Water and Sewer” over the last few months. The existing Chapter contains language that regulates the following:

- Sewer
- Water
- Street Lighting Utility
- Stormwater Utility
- Illicit Discharge and Connections
- Regulating use of coal base tar sealer products

The goal was to reorganize the Chapter itself; create a consistent format; update and combine the sewer and water utility regulations; update and relocate stormwater related regulations to a single location for ease of use; and move all design standards from the Ordinance to the Newport Public Works Design Manual. Enclosed in your packet you will find a draft version of the revised Chapter 10 – Public Works and Stormwater ordinance for review and consideration. Throughout the document you will find all new language that is underlined in red and original language is shown in black text. Also enclosed is a summary of the language that has been removed from the ordinance to be relocated to the City of Newport Public Works Design Manual.

Below are the highlights of the proposed amendment(s):

- New Section 1000 contains and mixes of updated and existing language that governs municipal sewer and water utilities.
- New Section 1005 contains updated language regulating Subsurface Sewage Treatment Systems (septic/mound) in the City of Newport.
- New Section 1010 contains the existing Street Lighting Utility Charge language. Minor formatting changes have been made.

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## MEMO

March 2, 2015

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- Existing Section 1015 contains existing Storm water Utility language. Minor formatting changes have been made.
- New Section 1020 contains language now known as section 1371 of the Zoning Ordinance regulating Stormwater Management. The plan is for this section is to live in 2 locations for now. Leaving it in the Zoning Ordinance for now until the Mississippi River critical area regulations are updated by the DNR and released. Meantime, the established regulations will live in the new section 1020 and except for the design standards which will be relocated to the Newport Public Works Design Manual. Part of the work being completed relates to the MS4 permit update.
- Existing Section 1025 contains existing language that relates illicit discharge and connections. Minor formatting changes have been made.
- Next Section 1030 contains existing language regulating the use of coal tar based sealer products. Minor formatting changes have been made.
- New Section 1035 contains language regulating disposal of grass clippings related to stormwater.
- New Section 1040 contains regulation provided by state statute that regulates the use of phosphorous fertilizer.

We appreciate the opportunity to review this ordinance with the Council at the Workshop on March 5<sup>th</sup> and look forward to incorporating applicable revision at the direction of the Council. If the City Council wants to move forward with the amendments, there will be a public hearing at the April 2nd City Council meeting.

**CHAPTER 10 – Public Utilities and Stormwater****Section 1000 – Sewer and Water Utility System**

**1000.01 General Operation.** The City municipal sewer, water, and storm sewer public utility system shall be operated as a public utility and convenience from which revenue shall be derived, subject to the provisions of this Chapter.

**1000.02 Management of Public Utility Systems.**

A. The water and sewer systems as they are now constituted or shall hereafter be enlarged or extended shall be operated and maintained under the provisions of this Chapter subject to the authority of the City Council at any time to amend, alter, change or repeal the same.

B. The City Council shall have charge and management of the water and sewer systems, subject to such delegation of the authority to the Public Works Supervisor or its designee, City Engineer, City Administrator its designee.

**1000.03 Consent to Rules, Regulations, and Rates.** Every person applying for water or sewer service, every owner of property for which any such application is made, every person accepting water or sewer service, and every owner of property where such service is accepted shall be deemed upon making such application or accepting such service to consent to all rules, regulations and rates as established by this chapter and as may hereafter be set forth and adopted by the City Council by ordinance.

**1000.04 Minnesota Plumbing Code.** The provisions of the Minnesota Plumbing Code, as approved by the Minnesota State Board of Health, including future amendments thereof, shall be hereby adopted by reference and shall be a part of this Chapter as if set forth in full, except as the same may be inconsistent with any provision of this Chapter or inapplicable.

**1000.05 Public Work Superintendent.** The Public Works Superintendent and shall appoint some person suitable and qualified to fulfill the office and who shall assume and discharge the responsibility imposed by this Chapter, together with such other duties as may be required or assigned to him or her. ~~by the Clerk-Administrator.~~

**1000.06 City of Newport Public Works Design Manual.** The Public Works Design Manual is a separate administrative and policy document that provides design standards for public infrastructure improvements and acceptable construction practices and applications. The Public Works Superintendent and the City Engineer are responsible for its enforcement. The Public Works Superintendent shall have the authority to amend the Public Works Design Manual from time to time as needed.

**1000.07 Nonliability of City for Water Utility Deficiency.** The City shall not be held liable at any time for any deficiency or failure in the supply of water to the customer whether the same be occasioned by shutting off the water for repairs or connections or for any cause whatsoever.

**1000.08 Tampering with Public Utility System.** No person shall maliciously, willfully break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewer, water, or storm sewer system.

**1000.09 Turning on/off Water.** No person except an authorized City employee, shall turn on or off any water supply at the stop box without permission from the Public Works Superintendent.

**1000.10 Private Water Supplies (Wells) and Cross Connection Control.** Whenever any premises are connected to the City water system, they shall be maintained to have a complete physical separation between the City 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 City system. If necessary, hose bibbs that will enable the cross-connection of the two systems shall be prohibited on internal piping of the well supply system. The threads on the boiler drain of the well volume tank shall be removed or the boiler drain bibb replaced with a sink faucet. Where both private and City systems are in use, outside hose bibbs shall not be installed on both systems.

**1000.11 Use of Fire Hydrants.** No person other than authorized City employees shall operate fire hydrants or interfere in any way with the water system without first obtaining authority to do so from the Public Works Superintendent.

**1000.12 Utility Connections Beyond City Limits.**

**Subd. 1 Water.** Where water mains of the City are in any street or alley adjacent to or outside the corporate limits of the City, the Council may issue permits to the owners or occupants of properties adjacent or accessible to the water mains to make proper water service pipe connections with the water mains of the City and to be supplied with water in conformity with the applicable provisions of this Chapter, and to set rates and charges therefor in excess of those provided for in this Section.

**Subd. 2. Sewer.** No buildings located on property lying outside the limits of the City shall be connected to the municipal sanitary sewer system unless express authority therefor shall be obtained from the Council.

**1000.13 Utility Connection Requirements.**

**Subd. 1. Valves Required.** There shall be installed in every connection to the City water system one full-way 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 full-way valve in the pipe on the house side of the meter.

**Subd. 2. Backflow Valves.** All water lines serving commercial, industrial, or multiple dwelling structures which are connected to the municipal water system shall contain an automatic backflow valve to prevent contamination of the municipal water in the event of low pressure. The valve shall be of a type approved and identified in the City of Newport Public Works Design Manual.

**Subd. 3. Hydrant Shutoff Valves.** All fire hydrants installed in the City, except those in single-family residential districts, shall be equipped with a shutoff valve in the water supply line.

**Subd. 4. Pipe Specifications.** All service pipes connections shall be installed me the requirements of the adopted City of Newport Public Works Design Manual.

**Subd. 5. Separate Lines Required.** The drainage and plumbing systems of each new building, and work installed in an existing building, shall be separate from and independent of that of any other

building and every building shall have an independent connection with the public sewer and water when such is available.

**A. Exception.** Where one building stands to the rear of another building on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building drain from the front building may be extended to the rear building and the whole shall be considered as one building drain. Where the building drain is extended, a clean out shall be provided immediately inside the rear wall of the front building. This exemption shall be determined on a case by case basis by the Public Works Superintendent.

**Subd. 6. Replacement of Existing Utility Services.** When new buildings are erected on existing sites served by existing services, and it is necessary as determined by the Public Works Superintendent. **If the property owner is required to replace the old water and/or sewer service, new connections with the sewer or water main shall not be made until all the old services ~~shall~~ have been removed and the main is plugged. See the City of Newport Public Works Manual for specific details.**

**Subd. 7. Use of Old House Sewers.** Old house sewers or portions thereof may be approved for use by the public works Superintendent. The public works Superintendent may request that the old sewer be excavated and or televised for the purpose of facilitating inspection. No cesspool or septic tank shall be connected to any portion of the house sewer. The existing cesspool or septic tank shall immediately be pumped, cleaned and filled with earth to the surrounding ground level. See the City of Newport Public Works Manual for specific sewer service details.

**Subd. 8. Required Connection to Sewer.**

**A. Existing Buildings.** Any building used for human use or habitation and located on property adjacent to a sewer main, or in a block through which the system extends within one hundred feet (100') of the property line, shall be connected to the municipal sanitary sewer system within two (2) years from the time a connection is available to any such property.

**B. New Buildings.** All buildings hereafter constructed within the City on property adjacent to a sewer main, or in a block through which the system extends within one hundred feet (100') of the property line, shall be provided with a connection to the municipal sanitary sewer system for the disposal of human wastes.

**1000.14 Liability for Maintenance and Repairs of Utility Lines.** After the initial connection has been made to the sanitary sewer line or to the water system, the responsibility for maintenance and repair shall be as follows:

**Subd. 1 Sanitary Sewer Lines.**

**A. The owner, occupant, or user of the premises shall be responsible for all maintenance and repair from the structure up to the sanitary sewer main and including the service wye, tap, or break-in.**

**B. The owner, occupant, or user is responsible for the repair of any break between the structure and the sanitary sewer main. All repairs shall be made at the expense of the property owner meeting the adopted City of Newport Public Works Design Manual and inspection of the Public Works Superintendent or his designee.**

**C. "Maintenance", as used in this section, shall include but not limited to the following: repair of any**

break, cleaning and/or removal of roots, debris, clogs, and freeze ups between the structure and the sewer main.

**Subd. 2 Water Lines:**

A. The owner, occupant, or user of the structure shall be responsible for all maintenance and repair of water lines between the structure to the water main, excluding the curbstop.

B. The owner, occupant, or user shall be responsible for repair of the water lines from the structure to the water main. All repairs shall be made meeting the adopted City of Newport Public Works Design Manual and inspection of the Public Works Supervisor or his designee.

C. "Maintenance", as used in this section, shall include but not limited to the following: repair of any break, cleaning and/or removal of roots, debris, clogs, and freeze ups between the structure and the water main, excluding the curbstop.

D. Leak in Service Line: Any owner, occupant, or user of premises who shall discover a leak in a service line to the premises shall notify the public works department within twenty four (24) hours. Any water wasted due to failure of such person to comply with this regulation shall be estimated by the public works supervisor and be charged against the owner of such premises at the established rate.

E. All water breaks in a structure that occur due to freezing are the responsibility of the owner. This includes water services, pipes, fixtures, and water meters. If a water meter should break or leak due to freezing, it is the responsibility of the owner to immediately contact the City Public Works Department so the damaged meter can be repaired or replaced. The City reserves the right to charge the owner for the repair or replacement of the damaged water meter and the estimated amount of water lost during the break.

**Subd. 3 Curb Stop Box Installations:**

A. The curb stop box shall be installed as required by the adopted City of Newport Public Works Design Manual.

B. The curb stop box shall be maintained at a height at finished grade of the land or property, and the owner of such property shall not interfere with the same.

C. No structure or driveway shall be installed in such a manner as to interfere with access to the curb stop box.

D. The homeowner shall be responsible to ensure that the curb stop box remains at finished grade where there is any landscaping or where grade changes are made.

**1000.15 Water Meters.** Before any water conveyed through the City water system shall be used on the land or premises of any person, there shall first be installed a water meter that will accurately measure the water actually consumed on the premises, except and unless such installation shall be exempted by the City. All meters installed shall be of a type approved by the City. If a proposed meter location is not readily accessible to City personnel, the City may require installation of outside reading remote meters. All meters shall be purchased by the applicant from the City and after installation shall become and remain the property of the City.

**Subd. 1. Use of Meters.** Except for extinguishment of fires, no person, except authorized City employees, shall use water from the water system or permit water to be drawn therefrom, unless the same be metered by passing through a meter supplied or approved by the City. No person not

authorized by the Public Works Superintendent shall connect, disconnect, take apart, or in any manner change, or cause to be changed, or interfere with any the meter or the action thereof.

**Subd. 2. Application for Meter.** All applications for the installation, maintenance, and repair of water meters shall be made to the City.

**Subd. 3. Authority to Install a Meter.** The Public Works Superintendant or his designee shall have authority to install a meter.

**Subd. 4. Accessibility of Meters.** All water meters connected to the water system shall be accessible to the Public Works Superintendant or designee at any reasonable hour of any business day. The refusal of admission by any owner or occupant of any premises wherein a water meter is installed after such owner or occupant has been notified that admission is desired for the purpose of inspecting or reading a water meter installed in such premises shall constitute a violation of this Chapter.

**Subd. 5. Meter Maintenance and Repairs.** The City shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them, if necessary. However, where replacement, repair, or adjustment of any meter is rendered necessary by the act, neglect, including damage from hot water backup or carelessness of the owner or occupant of any premises, any expenses caused the City thereby shall be charged against and collected from the water consumer.

**Subd. 6. Meter Tests.** A consumer may, by written request, have his or her meter tested by depositing an amount as set from time to time by the Council, with the help of the Public Works Superintendent. If the meter is found to be operating properly and there is less than a 5% error the meter testing deposit shall be retained by the City. In case a test should show an error of 5% or more of the water consumed, the deposit shall be refunded to the consumer, a correctly registering meter shall be installed, and the bill shall be adjusted accordingly if the meter erred in favor of the City. The adjustment shall not extend back more than one billing period from the date of the written request.

**Subd. 7. Tampering with Meters.** No person shall tamper with, alter, bypass or in any manner whatsoever interfere with the proper use and functioning of any water meter within the City.

**1000.16 Discharge of Storm and/or Surface Water into a Public Utility Prohibited.** It shall be unlawful for any owner, occupant or user of any premises to direct into or allow any storm water, surface water, ground water, well water or water from industrial or commercial air conditioning systems to drain into the sanitary sewer system of the City. No rain spout, or other form of surface drainage and no foundation drainage or sump pump shall be connected or discharged into any sanitary sewer.

**1000.17 Types of Wastes Prohibited in the Sanitary Sewer System.**

**Subd. 1 Prohibited Wastes.** It shall be unlawful to discharge any wastes into the municipal sanitary sewer system as regulated by the Metropolitan Council Waste Discharge Rules for the Metropolitan Disposal System and as amended from time to time.

**Subd. 2 Industrial Wastes.** It shall be unlawful to discharge into the municipal sanitary sewer system any industrial wastes unless the prior approval of the Public Works Superintendent or designee is obtained. The Public Works Superintendent or designee shall approve the discharge of industrial wastes when in his or her opinion; the proposed wastes shall not be of an unusual amount or character. When in the opinion of the Public Works Superintendent or Council; the proposed wastes are of an unusual amount or

character, the Public Works Superintendent or Council may approve the wastes, provided the approval of the Council shall be obtained by resolution as to a particular use and subject to the restriction as imposed by the Council.

### **Subd. 3 Fat, Oils and Grease Interceptor Requirements**

- A. The following provisions establish standards for the reduction of fats, oils and grease by requiring proper grease interceptor design, installation, maintenance, reporting and the enforcement of penalties for failure to comply. These actions will protect the health, welfare and safety of the public and the environmental by requiring provisions for the reduction of fats, oils and grease, minimizing the impact on the Wastewater Collection and Transmission System.
- B. Definitions:
1. "Customer" means any entity which discharges wastewater to the City wastewater conveyance system.
  2. "Fats, Oils and Grease" (FOG) means material, either liquid or solid, composed primarily of fat, oil and grease from animal, vegetable or mineral sources.
  3. "Food Service Facility" includes the following types of establishments: Full service restaurants, fast food establishments, delicatessens, cafeterias, school cafeterias, church kitchen, hospitals and medical facilities, boarding houses, clubhouses, adult daycare facilities, assisted living facilities, convalescent homes, meat distributors and processing facilities, food processing facilities, grocery stores with food preparation/service areas, bakeries, caterers and or other similar types of operations with commercial kitchen equipment.
  4. "Grease Interceptor" or "Interceptor" means a device designed to capture fats, oils and grease prior to discharge to a sanitary sewer. Also termed grease traps or grease recovery devices.
  5. "City" means the City of Newport, Minnesota.
- C. Requirements: The installation or upgrade, and maintenance, of grease control equipment at both new and existing FOG generating facilities must meet the following requirements:
1. Grease Interceptors must be installed at all new FOG generating facilities.
  2. Existing FOG generating facilities must install an approved, properly operated and maintained Grease Interceptor when any of the following conditions exist:
    - a. If the City determines the discharge of grease from the facility to the sewer has or is creating restrictions in the public sewer or is causing additional sewer maintenance costs.
    - b. Construction which requires issuance of a building permit from the City occurs at a Food Service Facility.
  3. Grease Interceptors must be of adequate size and efficiency and at a minimum shall be sized and installed in accordance with the State of Minnesota Administrative Rules, Chapter 4715, Plumbing Code and all applicable municipal plumbing codes.

4. Grease Interceptors shall be installed in the waste line leading from the sinks, drains or other fixtures where grease may be introduced, and must be readily accessible for cleaning and inspection.
  5. FOG generating facilities must maintain records for all Grease Interceptor cleaning and maintenance activities in a format approved by the City and have such records available for inspection.
  6. FOG generating facilities that maintains a grease interceptor as required by the City of Newport must clean said interceptor at a minimum on a monthly basis. If the owner of a FOG generating facilities in which an interceptor is installed and or required can demonstrate to the reasonable satisfaction of the City Council or a designated representative that cleaning does not need to be monthly, the Council or its designated person may grant an exception allowing such owner to clean less frequently, but not less than on a quarterly basis.
    - a. Each facility must maintain records of the dates and means of disposal.
    - b. Any removal and hauling of the captured materials not performed by the owner's personnel must be performed in compliance with all applicable laws and regulations by a licensed waste disposal contractor.
  7. Variance. The City may grant a variance or conditional waiver from the minimum requirements in Section C if the FOG generating facility demonstrates to the satisfaction of the City that any FOG discharge is negligible and will have an insignificant impact on the sewer system. At a minimum, the following conditions apply:
    - a. The FOG generating facility must demonstrate that the discharge from its activities contains less than 100 mg/l of FOG.
    - b. The sampling and testing to demonstrate the concentration of grease in the discharge must be conducted, at the facilities expense, by an independent testing organization in accordance with acceptable industry standards
  8. The City will perform periodic and random FOG equipment inspections, including scheduled inspections of known problem areas. Records of the inspections shall be maintained by the City. An authorized agent of the City or employee of the City may at all reasonable hours, enter any private premises for the purpose of inspecting sewer system connections, plumbing, Grease Interceptors and appurtenances to assure compliance with this or other applicable laws, regulations and ordinances.
- D. Penalties and Charges for remedial maintenance or repair of sanitary sewer system.
1. Any person found in violation of any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by penalty established in Minnesota law for a misdemeanor as may be amended from time to time. Any person convicted of a violation of this ordinance shall be required to pay the reasonable costs of prosecution.
  2. The City may in its discretion, seek any civil remedies available to it including remedies at law, in equity or other relief. In the event that civil remedy is pursued, the City may seek reimbursement of any and all costs, disbursements, witness or other fees, as well as reasonable attorney's fees

expended by the City in order to enforce this Ordinance.

3. Other Remedies.
  - a. Each right or remedy accruing to the City under this Ordinance or at law is separate and distinct and may, at the City's discretion, be exercised independently or simultaneously with any other right or remedy.
  - b. The City may disconnect water and sewer service to the establishment and to the structure in which the grease trap is located.
  - c. The City may impose a civil penalty of not more than \$1,000 per month until such owner demonstrates that they are in compliance with the requirements of this Ordinance.
  - d. For failure to maintain records as required by this Ordinance, or failing or refusing to timely comply with any request for records required to be provided to the Council or its designated representative, a civil penalty of up to \$250.00 per day shall be imposed until such records are provided.
  - e. All unpaid civil penalties imposed on a Food Service Facility during that calendar year shall be assessed to said facilities first quarter water bill for the following calendar year.
4. In the event that the owner is found to have contributed to the partial or complete obstruction of the sewer system resulting from the discharge of waste containing grease and that the City is required to act immediately to control a public health hazard because of such blockage, such owner shall be required to reimburse the City for all costs of abating such condition. In situations where there are multiple owners identified as contributing to the obstruction, the City will apportion the cost of the clean-up, maintenance or repair costs on a prorated basis, based on each owner's percentage share of the average total sanitary sewer charges for all such owners. Further should inspection, testing or other sampling activity by the City or its representative confirm that any user is contributing excessive grease (including other harmful ingredients) and is causing the repair or extraordinary maintenance activity to maintain the sanitary sewer system the City Council may require further remedial actions necessary to correct the problem.

#### **1000.18 Public and Private Utility Related Excavations and Restoration.**

Subd. 1. Supervision. All installation work or repair of connections to the water and sewer systems, including excavations, grades, bends, and backfilling, shall be performed under the direction and supervision of the Public Works Superintendant or designee.

Subd. 2. Permit Required. No digging in any permanent type street shall be permitted except by permission or a permit from the City.

Subd. 3. Protective Devices. All work and excavations shall be protected by barricades and warning markers and lights reasonable and suitable to the purpose.

Subd. 4. No liability Of City. The City 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, and the applicant causing such work to be done shall give undertaking to the City with respect thereto.

Subd. 5 No public or private connection to the municipal sewer or water system shall be finally approved until all streets, pavements, curbs and boulevards, establishment of turf, final grade, or other public improvements thereon have been restored to their former condition to the satisfaction of the Public Works Superintendent and the City Engineer.

**1000.19 Utility Connection or Repair Permits and Fees:**

**Subd. 1 Permit Required.** No person shall make any type of connection or repair to the water system, sanitary sewer, or storm sewer system except upon making an application therefor on a form provided by the City and receiving a permit issued by the City for such purposes.

**Subd. 2 Application for Permit.** Any person desiring a connection to the municipal water, sewer, storm sewer system for property not previously connected with the system, shall apply to the City for permit. The application shall be submitted on forms furnished by the City and shall be accompanied by plans, specifications and such other information as desired by the City, together with a permit and required fees as may be set from time to time by the City Council. All costs and expenses incident to the installation and connection shall be borne by the owner, and the owner shall indemnify the City for any loss or damage that may, directly or indirectly, be occasioned by the installation of the sewer connection, including restoring streets or street surfaces.

**Subd. 2 Issuance.** A permit shall be issued only to such persons who shall be duly licensed by the City to engage in the business of plumbing or sewer installation and who have filed with the municipality the bonds and insurance certificates required by this Chapter.

**Subd. 3 Bond and Insurance.** Before any permit required under this Section shall be issued, the licensee applying for the permit shall file with the City the following bond and insurance certificate:

- A. A bond in favor of the City, with an approved corporate surety, in the penal sum of Ten-Thousand and no/100 Dollars (\$10,000.00); the conditions of which bond shall be that the licensee shall save the obligee harmless from all costs and charges that may accrue on account of the doing of any work authorized or permitted by this Section; and that the licensee shall save the obligee harmless from any loss or damage by reason of improper or inadequate work performed by the licensee under the provisions of this Section; and further that the licensee shall defend, indemnify and hold harmless the municipality from any damage to the utility lines, curbs, streets, street surfaces, or sidewalks.
- B. A certificate that insurance shall be in force covering the licensee for the period covered by the license in the following minimum amounts: Property Damage -- \$10,000.00; Public Liability -\$25,000.00, each person; \$50,000.00 each accident. The certificate shall state that the policies covering the licensee shall not be canceled without ten (10) days written notice to the municipality.

**Subd. 3 Fees.** At the time of making such application all required fees shall be paid in full as approved by the City Council.

**Subd. 4 Sewer and Water Connection Charges.** Before proceeding with the construction of any new water or sewer lines connecting the water system or sanitary sewer system with any new house or building, the owner or his/her agent shall first obtain a permit for such purposes from the City. The fees for connection charges shall be established by ordinance of the City Council.

- A. A Water Access Charge (WAC) shall be paid at the time of making application for a connection or building permit.
- B. A Sewer Access Charge (SAC) shall be paid at the time of making application for a connection or building permit.

**1000.20 MCES Sewer Service Availability and Connection Charges.**

**Subd. 1 Statement of Purpose.** The Metropolitan Council Environmental Services (MCES) Agency reserves unused capacity in the metropolitan disposal system (MDS) each year for local government units in which new buildings will be connected to the system or new connections to the system are commenced during each year and allocates the debt service costs of such unused capacity for the year among such local government units. In order for the City to pay such costs allocated to it each year, sewer service availability and connection charges are levied for all new connections or increased volume to the metropolitan disposal system.

**Subd. 2 Service Availability Charge Established.** For the purpose of paying costs of reserve capacity allocated to the City each year by the Metropolitan Council Environmental Services Agency, there is hereby established a service availability charge (SAC) for:

A. The availability of treatment works and interceptors comprising the metropolitan disposal system.

B. Connections, direct and indirect, to the metropolitan disposal system.

C. The charge is imposed on each building or structure in the City and each connection to the metropolitan disposal system directly or through the City's system, inside any sewer service area established by the Metropolitan Council Environmental Services Agency. The charge shall be payable upon the issuance of a building permit or a connection permit, as the case may be, but no charge shall be due upon the issuance of a connection permit if a charge was paid upon issuance of a building permit.

D. The service availability charge (SAC) for each building or structure shall be equal to the estimated number of units of sewage volume that it will discharge. Service availability charge (SAC) determinations and related fees are established by the Metropolitan Council Environmental Services Agency.

E. Information Provided: The City shall provide information necessary for the computation of the number of units assignable to the building or structure in question and shall collect the applicable charge before issuance of a permit. The City shall make such information available to the Metropolitan Council Environmental Services (MCES) Agency on a report format provided by them for that purpose or upon request. If, upon filing a report covering such permit with the Metropolitan Council Environmental Services (MCES) Agency, the MCES Agency determines that a greater number of units are assignable to the building or structure in question, any additional cost allocated to the City as a result shall be paid by the person or company to whom the permit was granted.

**1000.21 Utility Rates and Charges: Bills for Service, Discontinuance of Service.**

**Subd. 1 Authority.** The City council shall have the authority to prescribe by ordinance the rates to be charged for water and sewer service to the customer from time to time and may prescribe the date of billing, a discount for payment within a prescribed period, penalty for failure to pay within such period and such further rules and regulations relative to the use and operation of such systems as it may deem necessary from time to time.

**Subd. 2 Public Utilities Fund.** There shall be hereby continued a public utilities fund, which fund shall be used to meet all of the expenses for operating, maintenance, repair and expansion of the water system and for the administration of the water system. There shall be paid into the fund all monies

collected pursuant to this Chapter, together with such other funds as may be paid into the fund pursuant by resolution of the Council. The accounting procedure shall conform to the requirements and recommendations of the Auditor of the State of Minnesota.

**Subd. 3 Water Rates and Collection of Charges.** All accounts shall be kept on the books of the City by the house and street number and under the account number assigned thereto, and by the name of the owner or of the person signing the application for service. All statements of charges and notices sent out by the City shall normally be sent to the property owner at the address shown for that property owner. Responsibility for the payment of all fees and charges shall rest jointly with the property owner and occupant with the occupant being the person initially responsible unless the owner of the property shall notify the City of his or her intent to be the primary person responsible for payment. If non-resident owners or agents desire notices and statements of charges sent to a different address, they shall file an application for the notice or statement of charges with the ~~City Clerk Administrator~~. Any error in address shall be promptly reported to the ~~City Clerk Administrator~~.

**Subd. 4 Water Rates.**

**A. Amount.** Charges for water usage shall be as set from time to time by the City Council

**B. Payment of Charges.** Statements for total water charges for the preceding quarterly period shall be mailed by the City to each customer on or before the 10th day of each quarter. The statement shall be due on or before the 10th day of the month following the quarterly period covered by the statement. There shall be added to all statements not paid when due a penalty charge as set from time to time by the Council. If any account shall remain unpaid for a period of 30 days beyond the original due date, the water may be turned off, pursuant to 1000.09, and a fee collected for having the water service restored.

**C. Faulty Meter.** In case the meter is found to have stopped or to be operating in a faulty manner, the amount of water used shall be estimated in accordance with the amount used previously in comparable periods of the year.

**D. Monthly Change.** Where service is for less than a quarterly period, the quarterly charge shall be prorated on a monthly basis.

**E. Sprinkler Systems.** Where a connection is made to an automatic sprinkler system for standby service only, a charge for installation, inspection, and maintenance of the service shall be made as set from time to time by the Council. The charge shall apply in all cases where automatic sprinklers are installed and where fire gates and other outlets are sealed. Meters or detector check valves shall be installed on the services as shall be required by the Public Works Superintendent.

**F. Extra-territorial Service.** Rates due and payable by each water user located beyond the territorial boundaries of the City, shall be determined by special contract.

**Subd. 5 Sanitary Rates and Charges.**

**A. Amount.** Charges for sewer usage shall be as set from time to time by the City Council.

**B. Payment.** Statements for sewer service for the preceding quarterly period shall be mailed by the City to each customer on or before the 10th day of each month following the mailing of the quarterly statement. There shall be added to all statements not paid when due a penalty charge as set from time

to time by the Council by resolution. Delinquent payment for sewer service may be collected by the method set forth in this Chapter.

**Subd. 6 Action to Collect Charges.** Any amounts due for water charges hereunder may be collected in a civil action, or the Clerk-Administrator may certify to the County Auditor the amounts due, together with a legal description of the premises served; and the County Auditor shall thereupon enter the amount as part of the tax levy on the premises to be collected during the ensuing year as provided by law of the State of Minnesota.

**Subd. 7 Discontinuance of Service.** The City reserves the right to discontinue service to any customer of the water and sanitary sewer system without notice when necessary for repairs, additional connection or reconnection, for nonpayment of charges or bills, or for disregard of any rules or regulations in connection with the use or operation of such system. Whenever any service has been discontinued for nonpayment of the charges or bills, for disregard of any rules or regulations, or for any other purpose, it shall not be resumed except upon payment of the charges or bills accrued, together with interest thereon, or upon compliance with the rules and regulations previously violated and payment to the City of a restoration fee established by council ordinance.

**Subd. 8 Delinquent Bills; Lien.** In the event a water or sewer bill is unpaid at the end of the calendar quarter or the billing period under which the billing is sent out, the billing shall be considered delinquent, the service may be discontinued, and the City Council may cause the charges noted in such billing to become a lien against the property served by certifying to the county auditor the amount of such delinquent bill in accordance with the statutes of the state.

**Subd. 9 Final Meter Readings; Water Shutoff; Reconnections.** After a final meter reading, the water shall be forthwith shut off, unless a responsible party assumes the obligation of payment of the new water bill. Any reconnection or turn on outside of the water and wastewater division's regular working hours shall be charged a fee established by ordinance.

#### **1000.22 Inspections; Entry Powers.**

**Subd. 1 Entry.** The City, by any authorized employee, agent, or contractor, shall have the right to enter and be admitted to any land, property, or building in the City that is connected to City water and sewer systems for the following purposes:

A. Inspection and maintenance of materials, plumbing work, and fixtures of all kinds used by or in connection with the City water and sewer systems.

B. Repair of materials, plumbing work, and fixtures of all kinds used by or in connection with the water and sewer systems.

C. Replacement of materials, plumbing work, and fixtures of all kinds used by or in connection with water and sewer systems, specifically including the water meters and their accompanying wiring and attached meter recording device.

**1000.23 Water Conservation.** All water customers and consumers shall be governed by the applicable regulations promulgated by the Public Works Superintendent to limitations in the time and manner of using water and such other applicable regulations promulgated by the Public Works Superintendent affecting the preservation, regulation, and protection of the water supply and system.

**Subd. 1 Emergency Regulations.** The City may impose emergency water usage regulations by

limiting the times and hours, or completely prohibiting water use of the City's water system for certain uses for example. The following are some best management practices that may be implemented from time to time if found necessary to conserve water supply:

A. The watering and sprinkling of lawns and/or gardens from a municipal water supply system shall be permitted on even numbered days for property with even numbered addresses and on odd numbered days for property with odd numbered addresses; except, that any property may be watered on the thirty first day of any month.

B. Outdoor watering is prohibited between the hours of twelve o'clock (12:00) noon and four o'clock (4:00) P.M.

C. Other practices as determined by the City Public Works Superintendent necessary to conserve the water supply.

D. The foregoing limitations shall apply only to property served by City water.

**1000.24 Violation a Misdemeanor.** Every person violates a section, subdivision, paragraph or provision of this chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

### **Section 1005 Subsurface Sewage Treatment System**

**1005.01 Subsurface Sewage Treatment System Regulations.** Pursuant to Minnesota Statutes 471.62, the provisions of the Washington County Subsurface Sewage Treatment System Regulations Ordinance hereby adopted and made a part of this Code as if fully set out herein, except as here in after modified or changed from time to time. In case of conflict between this Section and other provisions of the Code, the other provisions shall prevail. The City is authorized to contract for permitting and inspection services with Washington County.

#### **Subd. 1. Other Controls**

In the event of any conflict between the provisions of this ordinance or adopted regulations provisions the more restrictive standard prevails.

A. Minnesota Rules, Chapter 7080-7083, Subsurface Sewage Treatment System Program, are hereby incorporated as the minimum acceptable design standards for the management of subsurface sewage treatment systems in the City; should there be any discrepancy between the M.R. 7080-7083 and the Washington County SSTS Ordinance, the most stringent shall apply.

B. Post installation inspection and maintenance requirements are hereby incorporated as outlined in the Metropolitan Council's Wastewater Treatment and Handling Policy Plan.

**Subd. 2. Required Permitting.** The location, design, installation, use, maintenance and inspection of Subsurface Sewage Treatment System Regulations shall be governed by the Washington County Development Code and administered by County officials and personnel. No permit shall be issued for installation, expansion or alteration of an Subsurfacel Sewage Treatment System or for a new building or the remodeling or expansion of an existing building which provides for or requires the installation,

expansion or alteration of an Individual Sewage Treatment System unless and until Washington County has issued a permit for such system. No certificate of occupancy shall be issued until following the final inspection and issuance of an operation permit.

1000.24 Violation a Misdemeanor. Every person violates a section, subdivision, paragraph or provision of this chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

### **Section 1005 1010 – Street Lighting Utility Charge**

**1005 1010.01 Policy and Purpose** The Newport City Council has determined that it is in the best interests of the residents of the City of Newport or operate a street light system throughout the City to promote the general health, safety, and welfare of the residents pursuant to Minnesota Statutes 412.221, Subd. 7. In order to help defray the cost of the establishment, construction, repair, replacements, maintenance, enlargement and improvement of said system, it is hereby determined by the City Council that every parcel of property benefits from the safety and convenience of street lights and, therefore, there shall be a Street Light Utility Charge payable by every lot, parcel or piece of property within the City, whether residential, commercial, institutional or industrial.

It is hereby determined to be the policy of the City that the benefit of street lighting to any lot, piece or parcel of land developed within the City limits is similar and that payment for said services should be collected on a fair, reasonable, and equitable basis as possible. It is further determined that any charge set forth pursuant to this Chapter is in addition to any charge pursuant to any other ordinance of the City or any other governmental entity or agency.

**1005 1010.02 Initiation:** The Council, in all new subdivisions or upon a petition by a developer or a petition of at least 60% of the property owners within 150 feet of the proposed location, or upon its own initiative or recommendation of the City Engineer based on traffic or safety considerations, shall determine the street, parks or other public areas on which the City shall install and operate a street lighting system pursuant to the authority granted by Minnesota Statutes 429.021, Subd. 1(4).

#### **1005 1010.03 Authority to Impose Street Light Utility Charge:**

- A. **Subd. 1. Installation Costs.** The cost of installation of the street light system in all new subdivisions shall be included in the cost of required public improvements and may be assessed against the benefiting property owners in accordance with the provisions of Minnesota Statutes, Chapter 429.
- B. **Subd. 2. Operating Costs.** For the purpose of providing funds to defray the cost of maintenance and operation of the street light system, the costs of construction, maintenance and operation of street lights, payment of capital charges represented by bonds, certificates of indebtedness or otherwise, and the payment of reasonable requirements for replacement and obsolescence thereof, there is hereby levied and assessed upon each lot, parcel of land, building or premises within the City, a monthly street light utility charge determined as provided in this Chapter.

**1005 1010.04 Collection of Charges:** Street Light Utility Charges shall be determined by resolution of the City Council. Street Light Utility Charges shall be collected in conjunction with other City utility charges. The Council may prescribe the date and manner of billing, a penalty for failure to pay within the period set for

payment, and such other rules and regulations relative to the system as it may deem necessary from time to time.

**~~1005-1010.05~~ Enforcement for Collection of Charges:** Any unpaid or delinquent Street Light Utility Charges may be recovered from the occupant or owner of the premises billed therefore in a civil action by the City in any competent jurisdiction or, in the discretion of the City Council, may be certified to the County Auditor as taxes against any such property to be collected and paid over to the City along with other taxes. Either or both of such methods of collection thereof may be pursued by the City until payment in full has been made and the initiation of one such method of collection shall not be deemed to be an election preventing the City from thereafter using the other method of collection until paid in full. Payment of delinquent Street Light Utility Charges shall be credited to the same fund used for current Street Light Utility Charges, deduction there from any costs of collection accruing to the City therefore.

**~~1005-1010.06~~ Exemptions: Collection of Charges:** The following land uses are exempt from street light fees:

- A. Public rights-of-way; and
- B. City owned property.

**1010.07 Violation a Misdemeanor.** Every person violates a section, subdivision, paragraph or provision of this chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

**~~1005-1010.08~~ Effective Date**

1. This ordinance is effective the day following its publication.
2. Adopted by the City Council of the City of Newport, MN this 1st day of 2004.

### **Section 1015: Storm Water Utility**

**1015.01 Purpose** The purpose of this Section is for the efficient, economic and safe operation of a storm water system for the protection of the health, safety and general welfare of the residents of the City of Newport.

The system, as constructed heretofore, has been financed and paid for through the imposition of special assessments and ad valorem taxes. In addition to these funding sources, it is now necessary and desirable to provide an alternative method of recovering some or all of the future costs of improving, establishing, enlarging, replacing, repairing, maintaining, and operating the system through the imposition of charges as provided in this ordinance.

**1015.02 Storm Water Utility Established.** A municipal storm water utility is hereby established and shall be operated as a public 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 storm water drainage utility will be part of the Public Works Department and under the administration of the Superintendent of Public Works.

**1015.03 Definitions.** Unless the context clearly indicates otherwise, the following words or phrases have the meanings given in this section.

- A. **Subd. 1. Runoff Equivalent Unit (REU).** Rates and charges for the use and availability of the system are to be determined through the use of a “Runoff Equivalent Unit”. For the purposes of this section, one REU is defined as calculated by the South Washington Watershed District for the East Mississippi sub-watershed.
- B. **Subd. 2. Storm Water Utility Rate.** The rate charged against a REU of one (1.0) shall be the storm water utility rate as determined annually by the City of Newport.

**1015.04 Calculation of Fee.**

- 1) **Subd. 1. Land Use Classifications.** Storm water drainage fees shall be determined by multiplying the most recent REU for a tax parcel, as determined from time to time by the South Washington County Watershed District, by the Storm Water Utility Rate.
- 2) **Subd. 2. Storm Water Utility Rate.** The storm water utility rate shall be determined by the City Council on an annual basis in the same manner as for other utilities, and shall be charged to all parcels not listed as exempt in Subdivision 4.

**1015.05 Billing and Payment.** Storm water utility charges shall be computed and billed quarterly with, and included as a charge on, bills issued by the City for water and sewer services. If a parcel of land subject to the storm water utility is not served by other utilities, a separate bill shall be issued on a quarterly basis. All charges shall be subject to:

- 1) **Subd. 1. Penalties and Remedies for Delinquencies.** All storm water utility charges shall be due on the date specified by the City for the respective amount and shall be delinquent thereafter. Delinquent accounts will be charged a late fee of 10% of the amount past due. The late charge will be added to the bill and shall be payable together with the amount of such bill. The City shall attempt to collect delinquent accounts promptly. Any past due storm water drainage fees, in excess of ninety (90) days past due on October 1 of any year, may be certified to the County Auditor for collection with real estate taxes in the following year, pursuant to Minnesota Statute, section 444.075, subdivision 3. In addition, the City shall also have the right to bring a civil action or to take other legal remedies to collect unpaid fees.

**1015.06 Fee Appeal.** If a property owner or person responsible for paying for the storm water utility fee believes that a particular assigned fee is incorrect, such person may request, in writing, and that the fee be recomputed. Such request shall be made within thirty (30) days of the mailing of the billing in question, and shall immediately be addressed by appropriate City Staff. If the property owner is not in agreement with the City’s staff’s determination of the fee, he or she may appeal the determination in writing by making a request for a hearing to the Storm Water Utility Board of Appeals within fourteen (14) days of the Staff’s determination. The City Council shall act as the Storm Water Utility Board of Appeals. A hearing before the Board of Appeals shall be scheduled to occur within forty-five (45) days of receiving the property owner’s request for a hearing. Notice of the hearing must be served on the property owner at least fourteen (14) days in advance unless a shorter time is accepted by all parties. Service of the Notice shall be by first class mail and will be complete upon mailing. The property owner shall have the burden of proving that the storm water utility fee for his or her property is incorrect. The decision of the Board of Appeals is final without any further right of appeal. The property owner may obtain judicial review of the

decision of the Board of Appeals by proceeding pursuant to a writ of certiorari in the appropriate court. In the event that the property owner believes that the REU assigned to the Tax Property is incorrect he/she shall be responsible for petitioning the South Washington Watershed District to recalculate the value of REU assigned to the property in question. The City Council shall accept the most recent value of REU per parcel as established by South Washington County Watershed District

**1015.07 Establishment of Fund.** All fees collected for the storm water utility shall be placed in a fund for storm water purposes. Revenues shall be used to pay for the construction, reconstruction, repair, enlargement, improvement, or other obtainment and the maintenance, operation and use of the facilities, and all other purposes as permitted by Minnesota Statutes Section 444.075.

**1015.08 Severability Clause.** Should any section, subdivision, clause or other provision of this Section be held to be invalid by any Court of competent jurisdiction, such decision shall not affect the validity of this Section or the Newport City Code as a whole, or any part thereof, other than the part held to be invalid.

**1015.09 Violation a Misdemeanor.** Every person violates a section, subdivision, paragraph or provision of this chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

### **1371 1020 Storm Water Management**

#### **1020 1371.01 Statutory Authorization**

This ordinance is adopted pursuant to Minnesota Statutes Section 462.351 (1990).

#### **1020 1371.02 Findings**

The City of Newport hereby finds that uncontrolled and inadequately planned use of wetlands, woodlands, natural habitat areas, areas subject to soil erosion and areas containing restrictive soils adversely affects the public health, safety and general welfare by impacting water quality and contributing to other environmental problems, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the City of Newport to provide adequate water, sewage, flood control, and other community services. In addition, extraordinary public expenditures may be required for the protection of persons and property in such areas and in areas, which may be affected by unplanned land usage.

#### **1020 1371.03 Purpose**

The purpose of this ordinance is to promote, preserve and enhance the natural resources within the City of Newport and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land disturbing or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land; by minimizing conflicts and encouraging compatibility between land disturbing and development activities and water quality and environmentally sensitive lands; and by requiring detailed review standards and procedures for land disturbing or development activities proposed for such areas, thereby achieving a balance between urban growth and development and protection of water quality and natural areas.

#### **1020 1371.04 Definitions**

For the purposes of this ordinance, the following terms, phrases, words, and their derivatives shall have the meaning stated below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number

include the plural number. The word "shall" is always mandatory and not merely directive.

- 1- **Subd. 1. Applicant.** Any person who wishes to obtain a building permit, zoning or subdivision approval.
- 2- **Subd. 2. Control measure.** A practice or combination of practices to control erosion and attendant pollution.
- 3- **Subd. 3. Detention facility.** A permanent natural or man-made structure, including wetlands, for the temporary storage or runoff, which has a storm water outlet and may have a permanent pool of water.
- 4- **Subd. 4. Dual Purpose Pond.** A detention facility without a permanent pool that functions as both a storm water ponding basin and as a sedimentation basin. Sediment removal is accomplished through the use of filter media surrounding a slotted outlet pipe, with an overflow outlet set at an elevation that provides for minimum required run off volume and sediment storage.
- 5- **Subd. 5. Flood Fringe.** That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for the City of Newport.
- 6- **Subd. 6. Flood Plain.** The beds proper and the areas adjoining a wetland, lake or watercourse, which have been or hereafter may be covered by the regional flood. (The critical 100-year storm). Or as may be defined by a FEMA approved FIRM.
- 7- **Subd. 7. Floodway.** The bed of a wetland or lake and the channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry or store the regional flood discharge.
- 8- **Subd. 8. Hydric soils.** Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
- 9- **Subd. 9. Hydrophytic vegetation.** Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.
- 10- **Subd. 10. Land disturbing or development activities.** Any change of the land surface including removing vegetative cover, excavating, filling, grading, and the construction of any structure.
- 11- **Subd. 11. Person.** Any individual, firm, corporation, partnership, franchisee, association or governmental entity.
- 12- **Subd. 12. Public Waters.** Waters of the state as defined in Minnesota Statutes, section 103G.005, subdivision XX.
- 13- **Subd. 13. Regional Flood.** A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the critical 100 year recurrence interval. Regional flood is synonymous with the term "base flood" in the Flood Insurance Study.
- 14- **Subd. 14. Retention facility.** A permanent natural or man made structure that provides for the storage of storm water runoff by means of a permanent pool of water.

- 15. **Subd. 15. Sediment.** Solid matter carried by water, sewage, or other liquids.
- 16. **Subd. 16. Structure.** Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, mobile or manufactured homes, and other similar items.
- 17. **Subd. 17. Wetlands.** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water no deeper than 6 feet. For purposes of this definition, wetlands must have the following three attributes:
  - a) Have a predominance of hydric soils;
  - b) Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
  - c) Under normal circumstances support a prevalence of such vegetation.

**1020.1371.05 Scope and Effect.**

**Subd.1 Applicability.** Every applicant for a building permit, subdivision approval, or a permit to allow land-disturbing activities must submit a storm water management plan to the City Clerk. No building permit, subdivision approval, or permit to allow land disturbing activities shall be issued until approval of the storm water management plan or a waiver of the approval requirements has been obtained in strict conformance with the provisions of this ordinance. The provisions of Section 1371.09 of this ordinance apply to all land, public or private, located within the City of Newport.

**Subd.2 Exemptions.** The provisions of this ordinance do not apply to:

- a) **A.** Any part of a subdivision if a plat for the subdivision has been approved by the City Council on or before the effective date of this ordinance;
- b) **B.** Any land disturbing activity for which plans have been approved by the watershed management organization within six months prior to the effective date of this ordinance;
- c) **C.** A lot for which a building permit has been approved on or before the effective date of this ordinance;
- d) **D.** Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles gardening, tree planting, deck construction and other types of construction disturbing 1/3 acre or less; or
- e) **E.** Emergency work to protect life, limb, or property.

**Subd.3 Waiver.** The City Council may waive any requirement of this ordinance upon making a finding that compliance with the requirement will involve an unnecessary hardship and the waiver of such requirement will not adversely affect the standards and requirements set forth in Section 6. The City Council may require as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct as may be necessary to adequately meet said standards and requirements.

**1020 1371.06 Storm Water Management Plan Approval Procedures**

**Subd.1 Application.** A written application for storm water management plan approval, along with the proposed storm water management plan, shall be filed with the City Clerk and shall include a statement indicating the grounds upon which the approval is requested, that the proposed use is permitted by right or as an exception in the underlying zoning district, and adequate evidence showing that the proposed use will conform to the standards set forth in this ordinance. Prior to applying for approval of a storm water management plan, an applicant may have the storm water management plans reviewed by the appropriate departments of the City.

Two sets of clearly legible blue or black lined copies of drawings and required information shall be submitted to the City Clerk and shall be accompanied by all required fees for processing and approval as set forth in Section 7.5, and a bond when required by Section 7.4 in the amount to be calculated in accordance with that section. Drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. The drawing size shall be limited to a maximum of 22" x 34", and the drawing scale may range from a maximum of 1 inch equals 20 feet to a minimum of 1 inch equals 100 feet.

**Subd.2 Storm water management plan.** At a minimum, the storm water management plan shall contain the following information:

- a) **A. Existing site map.** A map of existing site conditions showing the site and immediately adjacent areas, including:
- 1) The name and address of the applicant, the section, township and range, north direction arrow, date and scale of drawing and number of sheets;
  - 2) Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of adjoining roads, utilities, subdivisions, towns and districts or other landmarks;
  - 3) Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than 2 feet;
  - 4) A delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site, including depth of water, a description of all vegetation which may be found in the water, a statement of general water quality and any classification given to the water body or wetland by the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, the Washington County Soil and Water Conservation District and/or the United States Army Corps of Engineers;
  - 5) Location and dimensions of existing storm water drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate storm water is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where storm water collects;
  - 6) A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the

type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the developer to render the soils suitable including special rotations locating where erosion soils exist on the site;

- 7) Vegetative cover and clearly delineating any vegetation proposed for removal; and
- 8) 100-year floodplain, flood fringes and floodways.

↳ **B. Site Construction plan.** A site construction plan including:

- 1) Locations and dimensions of all proposed land disturbing activities and any phasing and phasing time frame of those activities;
- 2) Locations and dimensions of all temporary soil or dirt stockpiles;
- 3) Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this ordinance;
- 4) Schedule of anticipated starting and completion date of each land disturbing activity including the installation of construction site erosion control measures needed to meet the requirements of this ordinance (in general such erosion control measure shall be installed prior to any grading activity); and
- 5) Provisions for maintenance of the construction site erosion control measures during construction.

⇒ **C. Plan of final site conditions.** A plan of final site conditions on the same scale as the existing site map showing the site changes including:

- 1) Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;
- 2) A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials, which will be added to the site as part of the development;
- 3) A drainage plan of the developed site delineating in which direction and at what rate storm water will be conveyed from the site and setting forth the areas of the site where storm water will be allowed to collect;
- 4) The proposed size, alignment and intended use of any structures to be erected on the site;
- 5) A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used; and
- 6) Any other information pertinent to the particular project which in the opinion of the applicant and/or the City is necessary for the review of the project.

**1020 1371.07 Plan Review Procedure**

**Subd.1 Process.** Applicant prepared storm water management plans meeting the requirements of Section 6 shall be submitted to the City Clerk and to the City Council for review in accordance with the standards of Section 8. City Council action on the storm management plan must be accomplished within 120 days following the date the application for approval is filed with the City Clerk.

**Subd. 2 Duration.** Approval of a plan submitted under the provisions of this ordinance shall expire one year after the date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of the approval, the applicant makes a written request to the City Clerk for an extension of time to commence construction setting forth the reasons for the requested extension, the City Clerk may grant an extension of not greater than one single year. Receipt of any request for extension shall be acknowledged by the City Clerk within 15 days. The City Clerk shall make a decision on the extension within 30 days of receipt. Any plan may be revised in the same manner as originally approved.

**Subd. 3 Conditions.** A storm water management plan may be approved subject to compliance with conditions reasonable and necessary to insure that the requirements contained in this ordinance are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require placement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to insure buffering, and require the conveyance to the City of Newport or other public entity of certain lands or interests herein.

**Subd. 4 Performance bond Letter of Credit.** Prior to approval of any storm water management plan, the applicant shall submit an agreement to construct such required physical improvements, to dedicate property or easements, or to comply with such conditions as may have been agreed to. Such agreement shall be accompanied by a performance bond letter or credit to cover the amount of the established cost of complying with the agreement. The agreement and performance bond letter of credit shall guarantee completion and compliance with conditions within a specific time, which time may be extended in accordance with \_\_\_\_\_ The performance bond amount shall be determined by the City Engineer, and shall be set at 125% of the estimated cost of the required improvement.

The adequacy, conditions and acceptability of any agreement and performance bond letter of credit shall be determined by the Newport City Council or any official of the City of Newport as may be designated by resolution of the City Council.

**Subd. 5 Fees.** All applications for storm water management plan approval shall be accompanied by a processing and approval application fee as required by ordinance resolution of the City Council.

**1020 1371.08 Approval Standards**

**Subd.1 Standards.** No storm water management plan which fails to meet the design standards contained in the adopted City of Newport Public Works Design Manual in this section shall be approved by the City Council.

**Subd.2 Site dewatering.** Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, up flow chambers, hydro cyclones, swirl concentrators or other appropriate controls as appropriate. Water may not be discharged in a manner that causes erosion or flooding of the site or receiving channels or a wetland.

**Subd.3 Waste and material disposal.** All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials) shall be properly disposed of off site and not allowed to be carried off by runoff into a receiving channel or storm sewer system.

**Subd.4 Tracking.** Each site shall have graveled roads, access drives and parking areas of sufficient width and a length providing a minimum of 50 feet of maintained graveled surface both from the edge of the public or private roadway to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday. Failure to keep the public or private roadway clean may result in the City ordering construction halted until such time as the roadways are properly clean.

**Subd.5 Drain inlet protection.** All storm drain inlets shall be protected during construction until control measures are in place with a straw bale, silt fence or equivalent barrier meeting accepted design criteria, standards and specifications contained in the MPCA publication "Protecting Water Quality in Urban Areas".

**Subd.6 Site erosion control.** The following criteria (a. through d.) apply only to construction activities that result in runoff leaving the site.

- a) Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below. Sheet flow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff rates of less than 0.51 ft. <sup>3</sup>/sec. across the disturbed area for the one year storm. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.
- b) All activities on the site shall be phased and/or conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
- c) Runoff from the entire disturbed area on the site shall be controlled by meeting either subsections 1 and 2 or 1 and 3.
  - 1) All disturbed ground left inactive for fourteen or more days shall be stabilized by mulching and seeding, or sodding (only available prior to September 15) and/or by mulching or covering or other equivalent control measure. Straw, hay or other vegetative mulch shall be disc anchored. Geotextile or other approved covering shall be anchored in accordance with the manufacturer's specifications.
  - 2) For sites with more than ten acres disturbed at one time, or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one percent of the area draining to the basin and at least three feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
  - 3) For sites with less than ten acres disturbed at one time, silt fences, straw bales, or equivalent control measures shall be placed along all side slope and down slope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. Silt fence and swale/ditch checks

shall be installed in accordance with the standard plates for "Preassembled Silt Fence" and "Bale Ditch Check" on file in the office of the City Engineer. The use of silt fences, straw bales, or equivalent control measures must include a maintenance and inspection schedule.

d) Any soil or dirt storage piles containing more than ten cubic yards of material shall not to the exact possible, be located with a down slope drainage length of less than 25 feet from the toe of the pile to a roadway or drainage channel. If remaining for more than seven days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than seven days shall be controlled by placing straw bales or silt fence barriers around the pile. In street utility repair or construction soil or dirt storage piles located closer than 25 feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than seven days, and the storm drain inlets must be protected with straw bale or other appropriate filtering barriers.

**Subd.7 Storm water management criteria for permanent facilities.**

a) An applicant shall install or construct, on or for the proposed land disturbing or development activity, all storm water management facilities necessary to manage increased runoff so that the two-year, ten-year, and 100-year storm peak discharge rates existing before the proposed development shall not be increased and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity. An applicant may also be allowed or required to make an in-kind or monetary contribution to the development and maintenance of community storm water management City for facilities designed to serve multiple land disturbing and development activities undertaken by one or more persons, including the applicant.

b) The applicant shall give consideration to reducing the need for storm water management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.

c) The following storm water management practices shall be investigated in developing a storm water management plan in the following descending order of preference:

1) Infiltration of runoff on-site, if suitable soil conditions are available for use;

2) Flow attenuation by use of open vegetated swales and natural depressions;

3) Storm water retention facilities; and

4) Storm water detention facilities.

d) A combination of successive practices may be used to achieve the applicable minimum control requirements specified in subsection (a) above. Justification shall be provided by the applicant for the method selected.

**Subd.8 Dual Purpose or Wet Pond.** Permanent storm water detention facilities constructed in the City of Newport shall be designed according to the most current technology as reflected in the MPCA publication "Protecting Water Quality in Urban Areas", and shall contain, at a minimum, the following design factors:

a) ~~Runoff and sediment storage volume:~~

| <del>Land Use</del>            | <del>Runoff Volume + Sediment Storage (acre-ft/acre)</del> |
|--------------------------------|--|
| <del>Park and Open Space</del> | <del>.02</del>   |
| <del>Single Family</del>       | <del>.06</del>   |
| <del>Multiple Family</del>     | <del>.09</del>   |
| <del>Industrial</del>          | <del>.15</del>   |
| <del>Commercial</del>          | <del>.14</del>   |

b) ~~If a permanent pool is to be construed as part of the sedimentation basin (rather than a dual purpose pond), the following minimum design criteria shall govern:~~

- ~~1) An average permanent pool depth of four to ten feet;~~
- ~~2) A permanent pool length to width ratio shall be 3:1 or greater;~~
- ~~3) Pool side slopes shall not exceed 5:1;~~
- ~~4) A protective buffer strip of vegetation surrounding the permanent pool at a minimum width of 16.5 feet.~~

c) ~~All permanent storm water detention facilities shall have a device to keep oil, grease and other floatable material from moving downstream as a result of normal operations;~~

d) ~~Storm water detention facilities for new development must be sufficient to limit peak flows in each subwatershed to those that existed before the development for the 10 year storm event. All calculations and hydrologic models/information used in determining peak flows shall be submitted along with the storm water management plan;~~

~~(Move all highlighted sections to Public Works Design Manual)~~

**1020.09 ~~Subd.9~~ Wetlands.**

- a) A. Runoff shall not be discharged directly into wetlands without presettlement of the runoff.
- b) B. A protective buffer strip of natural vegetation at least 16.5 feet in width shall surround all wetlands.
- e) C. Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value. Replacement must be guided by the following principles in descending order of priority:

- 1) Avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;
- 2) Minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;
- 3) Rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;
- 4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and
- 5) Compensating for the impact by replacing or providing substitute wetland resources or environments. Compensation, including the replacement ratio and quality of replacement shall be consistent with the requirements outlined in the rules which will be adopted by the Board of Water and Soil Resources to implement the Wetland Conservation Act of 1991.

~~**Subd.10 Steep slopes.** No land disturbing or development activities shall be allowed on slopes of 18 percent or more.~~

~~**Subd.11 Drain leaders.** All newly constructed and reconstructed buildings will route drain leaders to pervious areas wherein the runoff can be allowed to infiltrate. The flow rate of water exiting the leaders shall be controlled so no erosion occurs in the pervious area.~~

~~**Subd.12 Models/methodologies/computations.** Hydrologic models and design methodologies used for the determination of runoff and analysis of storm water management structures shall be approved by the City Engineer. Plans, specifications and computations for storm water management facilities submitted for review shall be signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the Public Works Director.~~

~~**Subd.13 Watershed management plans/groundwater management plans.** Storm water management plans shall be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with Minnesota Statutes section 103B.231 and 103B.255 respectively, and as approved by the Minnesota Board of Water and Soil Resources in accordance with state law.~~

~~**Subd.14 Easements.** If a storm water management plan involves direction of some or all runoff off of the site at a point, which presently does not receive runoff, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.~~

(Move highlighted sections to Public Works Design Manual)

**1020.10 1371.09 Other Controls**

In the event of any conflict between the provisions of this ordinance and the provisions of an erosion control or shoreland protection ordinance adopted by the City Council, the more restrictive standard prevails.

**1020.11 1371.10 Severability**

The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

**1020.12 ~~1371.99~~ Violation a Misdemeanor**

Every person violates a section, subdivision, paragraph or provision of this chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

**Section 1025 – Illicit Discharge and Connection**

**1025.01 Statutory Authorization** This ordinance is adopted pursuant to Minnesota Statutes Section 462.351 (1990).

**1025.02 Purpose and Intent** The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of City of Newport 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 ordinance 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 ordinance are:

1. To regulate the contribution of pollutants to the MS4 by storm water discharges by any user.
2. To prohibit illicit connections and discharges to the MS4.
3. To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

**1025.03 Definitions** For the purposes of this ordinance, the following terms, phrases, words, and their derivatives shall have the meaning stated below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directive.

1. **Subd. 1. Authorized Enforcement Agency.** City Administrator or other Staff as designated to enforce this ordinance by the City Council.
2. **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. BMP’s shall be the more stringent as defined by the Minnesota Pollution Control Agency or by the South Washington Watershed District
3. **Subd. 3. Clean Water Act.** The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
4. **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.

5. **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.
6. **Subd. 6. Illegal Discharge.** Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 8 of this ordinance.
7. **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 drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,
  - (b) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
8. **Subd. 8. Industrial Activity.** Activities subject to NPDES Industrial Storm Water Permits as defined in 40 CFR, Section 122.26 (b)(14).
9. **Subd. 9. Minnesota Pollution Control Agency (MPCA).** The Minnesota Pollution Control Agency is the governing body in the State of Minnesota responsible for monitoring environmental quality and enforcing environmental regulations. Included with this oversight is the enforcement of the City's Municipal Separate Storm Sewer System (MS4).
10. **Subd. 10. 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 of Newport and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.
11. **Subd. 11. National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit.** The permit issued by the Minnesota Pollution Control Agency (MPCA) 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.
12. **Subd. 12. Non-Storm Water Discharge.** Any discharge to the storm drain system that is not composed entirely of storm water, or snowmelt.
13. **Subd. 13. Person.** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
14. **Subd. 14. Pollutant.** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances 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.

15. **Subd. 15. Premises.** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
16. **Subd. 16. 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.
17. **Subd. 17. Storm Water.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
18. **Subd. 18. Storm Water Management Plan.** 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.
19. **Subd. 19. Wastewater.** Any water or other liquid, other than uncontaminated storm water, discharged from a residence, business, or other facility.

**1025.04 Applicability** This ordinance shall apply to all water entering the storm drain system, serving the area encompassed by the municipal boundary and as generated on any developed and undeveloped lands unless explicitly exempted by the City of Newport.

**1025.05 Responsibility for Administration** The City of Newport shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the City of Newport may be delegated in writing by the Administrator of the City of Newport to persons or entities acting in the beneficial interest of or in the employ of the City.

**1025.06 Compatibility With Other Regulations** This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

**1025.07 Severability** The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

**1025.08 Ultimate Responsibility** The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

**1025.09 Discharge Prohibitions**

**Subd. 1 Prohibitions 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.

The commencement, conduct, or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- 1- **A.** Discharges associated with 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.
- 2- **B.** Discharges or flow from firefighting, and other discharges specified in writing by the City of Newport as being necessary to protect public health and safety.
- 3- **C.** Discharges associated with dye testing, however this activity requires a verbal notification to the City of Newport prior to the time of the test.
- 4- **D.** The prohibition shall not apply to 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 Minnesota Pollution Control Agency (MPCA), 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 drain system.

**Subd. 2 Prohibitions of Illegal Connections**

- 1- **A.** The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- 2- **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.
- 3- **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.
- 4- **D.** Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City of Newport.
- 5- **E.** Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the City of Newport 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 and provided to the City of Newport.

**1025.10 Industrial or Construction Activity Discharges**

**Subd. 1 Submission of permit application or (notice of intent) to City of Newport**

- 1- **A.** 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 of Newport prior to the allowing of discharges to the MS4.
- 2- **B.** The operator of a facility required to have an NPDES permit to discharge storm water associated with industrial activity or construction site activity shall submit a copy of the completed permit application (notice of intent) to the City of Newport at the same time the operator submits the original completed permit application to the Minnesota Pollution Control Agency (MPCA) as applicable.

3. **C.** The copy of the permit application may be delivered to the City of Newport either in person or by mailing it to:  
City of Newport  
Attention: City Administrator  
596 7th Avenue  
Newport, MN 55055
4. **D.** 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 permit application to the City of Newport.

### 1025.11 Compliance Monitoring

**Subd. 1 Right of Entry: Inspection and Sampling** The City of Newport shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance.

1. **A.** If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the City of Newport.
2. **B.** Facility operators shall allow the City of Newport ready access to all parts of the premises for the purposes of inspection, sampling, examination, and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
3. **C.** The City of Newport shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the City of Newport to conduct monitoring and/or sampling of the facility's storm water discharge.
4. **D.** The City of Newport has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
5. **E.** Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City of Newport and shall not be replaced. The costs of clearing such access shall be borne by the operator.
6. **F.** Unreasonable delays in allowing the City of Newport access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with an NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the City of Newport reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

**Subd. 2 Search Warrants** If the City of Newport has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City of Newport may seek issuance of a search warrant from any court of competent jurisdiction.

**1025.12 Requirement to Prevent, Control, and Reduce Storm Water Pollutants By The Use of Best Management Practices** City of Newport has adopted Best Management Practices in Section 1371 of the City Code as well as the Public Works Design Manual for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the state as defined by the MPCA. 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 municipal storm drain system or watercourses through the use of these structural and non-structural BMPs.

Further, any person responsible for a property or premise 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 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.

**1025.13 Notification of Spills** Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the State of Minnesota, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City of Newport in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Newport within 5 business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 2 years.

Failure to provide notification of a release as provided above is a violation of this ordinance.

**1025.14 Violations, Enforcement, and Penalties** Refer to the City's "Illicit Discharge and Connection Violation Enforcement Policy".

**1025.15 Appeal of Notice of Violation** Refer to the City's "Illicit Discharge and Connection Violation Enforcement Policy".

**1025.16 Enforcement Measures After Appeal** Refer to the City's "Illicit Discharge and Connection Violation Enforcement Policy".

**1025.17 Cost of Abatement of the Violation** Refer to the City's "Illicit Discharge and Connection Violation Enforcement Policy".

**1025.18 Violations Deemed a Public Nuisance** In addition to the enforcement processes and penalties provided in the City's "Illicit Discharge and Connection Violation Enforcement Policy", any condition caused or permitted to exist in violation of any of the provisions of this ordinance and/or policy is a threat to public health, safety, and welfare, and is declared and deemed a 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.

**1025.19 Remedies Not Exclusive** The remedies listed in this ordinance 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 of Newport to seek cumulative remedies.

**The City of Newport** may recover all attorney's fees, including costs of expert witnesses called to testify on the City's behalf, court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

**1025.20 Adoption of Ordinance** This ordinance shall be in full force and effect 30 days after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

~~1371.11~~ **Section 1030 Regulating the Use of Coal Tar-Based Sealer Products**

~~1371~~ **1030.01 Statutory Authorization** This ordinance is adopted pursuant to Minnesota Statutes Section.

**Subd. 1 Purpose.** The City of Newport understands that rivers, streams and other bodies of water are natural assets which enhance the environmental, recreational, cultural and economic resources and contribute to the general health and welfare of the community. The use of sealers on asphalt driveways is a common practice. However, scientific studies on the use of driveway sealers have demonstrated a relationship between stormwater runoff and certain health and environmental concerns. The purpose of this ordinance is to regulate the use of sealer products within the City of Newport, in order to protect, restore, and preserve the quality of its waters.

**Subd. 2 Definitions**

- A. **Asphalt-Based Sealer.** A petroleum-based sealer material that is commonly used on driveways, parking lots, and other surfaces and which does not contain coal tar.
- B. **Coal Tar.** A byproduct of the process used to refine coal.
- C. **Coal Tar-Based Sealer.** A sealer material containing coal tar that has not been mixed with asphalt and which is commonly used on driveways, parking lots and other surfaces.
- D. **MPCA.** The Minnesota Pollution Control Agency.
- E. **PAHs.** Polycyclic Aromatic Hydrocarbons. A group of organic chemicals formed during the incomplete burning of coal, oil, gas, or other organic substances. Present in coal tar and believed harmful to humans, fish, and other aquatic life.

**Subd. 3 Prohibitions.**

- A. No person shall apply any coal tar-based sealer to any driveway, parking lot, or other surface within the City.
- B. No person shall contract with any commercial sealer product applicator, residential or commercial developer, or any other person for the application of any coal tar-based sealer to any driveway, parking lot, or other surface within the City.
- C. No commercial sealer product applicator, residential or commercial developer, or other similar individual or organization shall direct any employee, independent contractor, volunteer, or other person to apply any coal tar-based sealer to any driveway, parking lot, or other surface within the City.

**Subd. 4 Asphalt-Based Sealcoat Products.** The provisions of this ordinance shall only apply to use of coal tar-based sealer in the City and shall not affect the use of asphalt-based sealer products within the City.

~~Subd. 5 Penalty.~~ Any person violating any provision of this ordinance shall be guilty of a misdemeanor.

~~Subd. 6~~ **5 Severability.** If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

~~1374~~ **1030.02 Violation a Misdemeanor.**

Every person violates a section, subdivision, paragraph or provision of this chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

**Section 1035 Regulating Disposal of Grass clippings, etc.**

**1035.01 Disposal Prohibited.** No person shall apply or deposit grass clippings, leaves, or other vegetative materials on impervious surfaces or within stormwater drainage systems, natural drainageways, or wetland buffer areas.

**1035.02 Violation a Misdemeanor.**

Every person violates a section, subdivision, paragraph or provision of this chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

**Section 1040 – Regulating the Use of Phosphorous Fertilizer**

**1040.01 Statutory Authorization** This ordinance is adopted pursuant to Minnesota Statutes Section.

**Subd. 1 Purpose.** The City of Newport understands that rivers, streams and other bodies of water are natural assets which enhance the environmental, recreational, cultural and economic resources and contribute to the general health and welfare of the community. The use of fertilizer on lawns and turf is a common practice. However, scientific studies on the use of fertilizer high in phosphorous have demonstrated a relationship between stormwater runoff and environmental concerns. The purpose of this ordinance is to regulate the use of fertilizer products within the City of Newport, in order to protect, restore, and preserve the quality of its waters.

**Subd. 2 Restrictions.** All displays for retail sale to the general public of fertilizers containing phosphorous must be posted with a sign containing, at a minimum, the following information:

- A. The fertilizer in the display contains phosphorus.
- B. State law prohibits the application of phosphorous fertilizers on any turf except:
  - 1. Where a state approved test conducted within the previous three years demonstrates that the level of phosphorous in the soil is insufficient to support healthy turf growth.
  - 2. During the first growing season of a newly sodded or seeded turf.
  - 3. On a golf course under the direction of a person licensed, certified, or approved by an organization with an ongoing training program authorized by the State.

C. A person who applies phosphorous fertilizer except when authorized by this Section or State law is guilty of a petty misdemeanor and subject to a fine.

D. Additional consumer information on phosphorous fertilizer use restrictions and best turf management practices as produced by the State Commissioner of Agriculture must be posted or made available for distribution at all retail points of sale.

**1040.03 Violation a Misdemeanor.**

Every person violates a section, subdivision, paragraph or provision of this chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

**THESE ITEMS IN YELLOW WILL BE RELOCATED FROM THE EXISTING SEWER AND WATER REGULATIONS  
TO THE CITY OF NEWPORT PUBLIC WORKS DESIGN MANUAL**

**1000.10 Service Pipes.** Every service pipe shall be laid sufficiently waiving to allow not less than one foot of extra length and in such manner as to prevent rupture by settlement. The service pipe shall be placed no less than seven feet below the surface or the depth of water main and in all cases, so arranged as to prevent rupture by freezing. Service pipes shall extend from the curb box to the inside of the building; or, if not taken into a building then to the hydrant or other fixtures which it is intended to supply. Type K copper tubing shall be used up to and including two inch services. All underground joints shall be mechanical. Joints on copper tubing shall be kept to a minimum with not more than one joint used for service up to 70 feet in length. All joints and connections shall be left uncovered until inspected and tested at normal water line pressure. All services over two inches shall be cast iron. Connections with the mains for domestic supply shall be at least three-fourth inch. All piping connections from curb box to house supply piping shall be made by a licensed plumber.

**1010.16 Operation.Subd. 7 Time for Connections.** If, from any cause, the plumber or contractor laying the service pipe should fail to have the connection made at the time specified in his or her application, notice shall be given the Public Works Superintendent fixing another day on which he or she wishes to make connection. The notice shall be given at least two days previous to the excavation for laying of the service pipe, and the connection shall be made before 3:30 o'clock p.m., except in special cases, and then the work shall be done only upon a written order from the Public Works Superintendent.

**1000.19 Location of Stop Boxes.** Curb stop boxes shall be installed at a point most suitable to the property and shall be left in an accurate vertical position when backfilling is completed. One shall be installed on each lot, containing a building and at the discretion of the City Engineer, on vacant properties. Curb stop boxes shall be installed at an approximate depth of seven feet below the grade established by the City Engineer.

**Subd. 6 Water Meter Setting.** All water meters installed after the effective date of this Code shall be in accordance with the following rules:

- A. the service pipe from the water main to the meter, when the same enters the building, shall be brought through the floor or bottom course of concrete block of foundation.
- B. The meter shall be located so that the bottom is from twelve inches to twenty-four inches above the finished floor line. The meter shall be set not more than twelve inches measured horizontally from the inside line of the basement wall, unless an alternate method is approved by the Public Works Superintendent.
- C. All meter installations shall have a stop and waste full opening valve on the street side of the meter. In no case shall there be more than twelve inches of pipe exposed between the point of entrance through the basement floor and the stop and waste valve. A stop and waste valve shall also be installed on the house side of the meter. All fittings and valves shall be brass or bronze.

- D. The water pipe connecting with the main shall not be run under any basement floor for a distance of more than two feet, measured from the inside of the basement wall, before being connected to the water meter, unless otherwise approved by the utilities superintendent.

**1010.12 Construction Requirements.** The following materials and construction methods, and none other, shall be used in making sewer connection to the municipal sewer system.

**Subd. 1 Materials.** All pipe shall be cast iron soil pipe, conforming to the ASTM standard specification A-74-62. Vitrified glazed clay sewer pipe conforming to ASTM standard specification C-13-44 T, or asbestos cement building sewer pipe. All pipe used shall be at least four (4) inch diameter pipe, except that when vitrified glazed clay sewer pipe is used, it shall be at least six (6) inch diameter pipe. When the sewer pipe and the water pipe are laid in the same trench, vitrified glazed clay sewer pipe shall not be used.

**Subd. 2 Joints and Connections.**

- A. Cast Iron Soil Pipe. Joints for cast iron soil pipe shall be made by inserting a roll of hemp or jute and thoroughly caulking it into place and then following with pure molten lead well caulking not less than one (1) inch deep, or neoprene gasket.
- B. Vitrified Glazed Clay Sewer Pipe. In joining vitrified glazed clay sewer pipe, the spigot of one pipe shall be carefully centered in the bell of the nest pipe. Joints shall be firmly packed with oakum or jute in such a manner as to not disturb the alignment of the pipes, and in such a way to permit the compound to have the greatest unobstructed surface for good pouring and adhesion. Joints shall be formed by means of a hot poured compound, using a preparation of "JC-60" or equal, and applied according to the manufacturer's recommendations. Jointing compound shall be completely resistant to any acid or alkaline condition found in ordinary sewage and shall be immune to attack by any chemicals found in natural soils or to soil bacteria. Care shall be exercised in placing the runner or snake to assure non-leakage during pouring and it shall not be removed until the compound is sufficiently cooled to be permanently set. Joints may also be formed by means of a cold troweling material using a preparation of "Kalk-tight", "sewer-tight", or "atlastic-77", or equal. Pipes, before pouring shall be dry and clean. The jointing material shall be heated until it has become quite thin thus causing it to pour freely and smoothly. The compound shall be poured continuously until the joint is completely filled, leaving no air bubble in the solidified mass. Premolded plastic joints of type 1 or type 3 may also be used.
- C. Asbestos Cement Sewer Pipe. Joints for asbestos cement sewer pipe shall be made by use of the manufacturers joint, which shall include an asbestos cement sleeve, together with rubber rings which shall form a tight and flexible joint.

**Subd. 3 Grades.** Unless otherwise authorized, all house sewers shall have a grade of not less than one-eighth (1/8th) inch per foot. The grade on one-fourth (1/4th) inch per foot should be used wherever practical. The contractor shall check grades before construction proceeds, and he or she shall install the house sewer by exposing the connection at the sewer main or the property line connecting to that sewer main, or service, and shall lay the sewer pipe from the sewer main or

service to the house. Whenever possible, the connecting sewer shall join the building at an elevation which is below the basement floor of the building.

**Subd. 4 Alignment.** No connecting sewer shall contain bends or a combination of bends which at any point, shall be greater than forty-five (45) degrees, and no more than two bends regardless of angle, shall be permitted in any single house connection, except where manholes or clean outs are constructed at such point and in such manner as directed by the City engineer.

No connecting sewer shall be laid parallel to any bearing wall or footing, unless further distant than three (3) feet from any such bearing wall or footing. No connecting sewer shall be laid within twenty (20) feet of any existing well.

**Subd. 5 Trenching and Backfilling.** All excavation shall be open trench unless otherwise authorized by the public works Superintendent. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good and firm earth, the earth shall be pared or molded to give a full support of the lower third of each pipe. The hole shall be dug to provide ample space for pouring of joints. Care shall 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 two (2) feet above the pipe. Backfilling shall not be done until the section to be backfilled has been inspected and approved by the City engineer.

**Subd. 6 Use of Old House Sewers.** Old house sewers or portions thereof may be approved for use by the public works Superintendent. The public works Superintendent may request that the old sewer be excavated for the purpose of facilitating inspection. No cesspool or septic tank shall be connected to any portion of the house sewer. The existing cesspool or septic tank shall immediately be pumped, cleaned and filled with earth to the surrounding ground level. Where a connecting sewer is laid across or over any existing cesspool or septic tank, only cast iron soil pipe conforming to the ASTM standard specification A-74-42, shall be used for that portion of the connection sewer which is laid across or over the existing cesspool or septic tank.

**Subd. 7 Connections at "Wye" Only.** Every connecting sewer shall be connected to the municipal sewer system at the "Wye" designated for the property served by the connection. Except where otherwise expressly authorized by the public works Superintendent all connections made at points other than the designated "Wye" shall be made only under the direct supervision of the public works Superintendent and in such manner as he or she may direct.

**Subd. 8 Tunneling.** Tunneling for distances of not more than six (6) feet shall be permissible in yards, courts or driveways or any building site. When pipes are driven, the drive pipes shall be at least one (1) size larger than the pipe to be laid.

(Move to Public Works Design Manual)

#### **1010.16 Operation.**

**Subd. 1 Manholes.** When required by the public works Superintendent, the owner of any property serviced by building sewer carrying industrial wastes shall install a suitable control manhole together with the necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. The manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the public works

Superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

**Subd. 2 Testing.** All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of the A Standard Methods for the Examination of Water and Wastewater@, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works, and to determine the existence of hazards to life, limb, and property. (The particular analysis involved shall determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analysis are obtained from twenty-four (24) hour composites of all outfalls, whereas pHs are determined from periodic grab samples.)

## Menu



## Enforcement

# Criminal Provisions of the Safe Drinking Water Act (SDWA)

On this page are general descriptions of the criminal provisions under the Safe Drinking Water Act (SDWA).

Tampering with Public Water Systems  
Willful Violations of Underground Injection Control (UIC) Program



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## Tampering with Public Water Systems

### Elements:

- A Person
  - Tamper (with an intention to harm), attempts to tamper, or threatens to tamper with a public drinking water system

**Statute:** 42 U.S.C. 300i-1

### Penalty:

- 20 years (10 if attempt or threat) and/or fines pursuant to 18 U.S.C. 3571

**Relevant Regulations:** 40 C.F.R. 141 - 143



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## Willful Violations of Underground Injection Control (UIC) Program

### Elements:

- A person
  - Willfully violates any requirement of an applicable underground injection control program, or an administrative order issued pursuant to this section [42 U.S.C. 300h-2]

# City of Newport

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## 2005 Public Works Design Manual

May, 2005



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**SECTION ONE**

**PRELIMINARY PLATS**

**A. BLOCKS**

1. **LENGTH.** Block lengths shall not exceed 1,200 feet and shall not be less than 400 feet.
2. **PEDESTRIAN WAYS.** In blocks longer than 600 feet, a pedestrian crossway easement or right of way with a minimum width of 20 feet may be required near the center of the block. The use of additional access ways to schools, parks and other destinations may be required.

**B. LOTS**

1. **LAYOUT.** Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots with frontage on two parallel local streets shall be prohibited.
2. **SIZE AND DIMENSION.** Minimum lot area and lateral dimensions shall be as set forth in Chapter 10 of the City Codes. The following table is an excerpt from Chapter 10;

**SECTION 10.26. DISTRICT LOT REGULATIONS.**

It is unlawful to erect or alter any building within the City unless the following minimum lot and yard areas are provided and maintained in connection with such building.

| DISTRICT                               | A         | R-1             | R-2                            | R-3       | R-4            | R-5               | R-6       | Other |
|--|-----------|-----------------|--------------------------------|-----------|----------------|-------------------|-----------|-------|
| <b>AREA</b>                            | 10 acres  | 9000 SF, other* | 7000-one<br>9700-two<br>other* | 5000 SF   | 2500 SF        | 500 SF            | 2500 SF   | *     |
| <b>WIDTH AT SETBACK</b>                | 150 FT    | 75 FT           | 50 -one<br>66-two              |           |                |                   |           | *     |
| <b>FRONT SETBACK</b>                   | 20 FT     | 20 FT           | 20 FT                          | 20 FT     | 20 FT          | 5 FT              | 15 FT     | *     |
| <b>INTERIOR SIDE SETBACK (b)</b>       | 10 FT     | 10 FT           | 7 FT                           | 7 FT      | 1/2bldg height | 1/4bldg. height-g | 5 FT      | *     |
| <b>CORNER SIDE SETBACK (c &amp; d)</b> | 10 FT     | 10 FT           | 10 FT                          | 10 FT     | 10 FT          | 5 FT              | 10 FT     | *     |
| <b>REAR SIDE SETBACK (b &amp; d)</b>   | 20 FT     | 20 FT           | 20 FT                          | 20 FT     | 20 FT          | 1/2bld height-g   | 5 FT      | *     |
| <b>HEIGHT</b>                          | 25 FT (e) | 25 FT (e)       | 25 FT (e)                      | 25 FT (e) | 25 FT (e)      | 40 FT (f)         | 25 FT (e) | *     |

\* Minimum lot area requirements for other uses and all other districts not listed above shall be determined by the City during site plan review. The City may, at her/his discretion, determine setbacks for accessory structures.

**FOOTNOTES:**

- (a) Where adjacent structures have front yard setbacks different from those required, the minimum front yard setback shall be the average setback of such structures, but in no case shall the front yard setback be less than 10 feet.

- (b) In the R-1 District, an accessory structure (garage, shed, open deck, etc.) shall be no closer than five feet to the rear or adjacent interior side lot line.
  - (c) In the R-2 District, an accessory structure (garage, shed, open deck, etc.) shall be no closer than five feet to the rear or adjacent interior side lot line.
  - (d) Garages facing the street/alley R.O.W. shall be setback at least 20 feet.
  - (e) Buildings over 25 feet in height shall require one-half (1/2) foot additional setback for each additional one foot of building height on the required minimum side yard.
  - (f) Except as allowed by **Section 10.15, Subd. 3.**
  - (g) The maximum setback required shall be 15 feet but in no case less than five feet.
3. **CORNER LOTS.** Corner lots shall be platted at least 10 percent wider than the minimum lot width required.
  4. **NATURAL FEATURES.** When subdividing land, due regard shall be shown for all natural features which if preserved will add attractiveness and stability to the proposed development and which may alter normal lot platting.
  5. **LOTS ALONG THOROUGHFARES.** There shall be no direct vehicular access from residential lots to an arterial street, and residential lots shall be separated from arterial streets and railroad right-of-ways by a 25 foot buffer strip, which may be in the form of added depth or width of lots backing on or siding on the thoroughfares or railroad right-of-way.
  6. **LOT REMNANTS.** Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans for the future use of such remnant.

## C. STREET LAYOUT

### 1. GENERAL COMMENTS.

- a. The design of all streets shall be considered in their relation to the following: existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water and to the proposed uses of the area to be served.
  - b. Where new streets extend existing adjoining streets, their projections shall be at the same or greater width, but in no case less than the minimum required width.
  - c. Where adjoining areas are not subdivided the arrangement of streets in new subdivisions shall make provisions for the proper projection of streets. When a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of such unsubdivided land.
  - d. The street arrangements shall be such as to cause no hardship to owners of adjoining property in platting their own land and providing convenient access to it.
2. **CUL-DE-SACS.** Cul-de-sacs shall not be permitted unless there are specific reasons to require them based on existing property condition, topography, or natural features. Maximum length of permanent cul-de-sac streets shall be **500 feet** measured along the center

line from the intersection or origin to end of right-of-way. Each Cul-de-sac shall be designed according to City Standards

3. **STREET JOGS.** Street jogs with centerline offsets of less than 125 feet shall be avoided.
4. **STREET INTERSECTIONS.** Insofar as practical, streets shall intersect at right angles. No intersection shall contain more than four (4) corners. Unless approved by the City, street intersections and commercial driveway intersections shall match at the centerlines. If the streets or driveways cannot be aligned to match, then the intersections shall be offset as approved by the City .
5. **RESERVE CURVES.** Tangents of at least 100 feet in length shall be introduced between reverse curves.
6. **CORNERS.** Curb lines at street intersections shall be rounded at a radius of not less than 15 feet.
7. **ACCESS TO ARTERIAL AND COLLECTOR ROADWAYS.** Where a proposed plat is adjacent to an arterial or collector roadways as designated by the Newport Comprehensive Plan, spacing between access points to such thoroughfares of less than 660 feet for collectors and 1,320 feet for arterials shall be avoided except where impractical or impossible due to existing property divisions or topography.
8. **LOCAL SERVICE DRIVES.** Where a proposed plat is adjacent to a major thoroughfare, the Council may require the developer to provide local service drives along the right-of-way of such facilities or they may require that lots should back on thoroughfares, in which case, vehicular and pedestrian access between the lots and thoroughfares shall be prohibited.
9. **ARTERIAL AND COLLECTOR ROAD DRIVEWAYS.** Driveway access to arterial streets is strongly discouraged. Residential driveway access to collector streets should be avoided. If residential driveway access to arterial or collector streets is approved due to specific ing reasons, topography or natural features, a 35 ft. setback from the property line shall be required, and the driveways must be constructed with a turnaround.
10. **PRIVATE STREETS.** Public improvements shall not be approved for any private street. Private drives and utilities shall be constructed according to approved City standards and shall be privately maintained. Drainage and utility easements shall be dedicated over the width and length of private streets.
11. **ALLEYS.** Alleys may be permitted as part of planned residential developments (PRD).

**D. EASEMENTS.**

1. **LOTS.** Easements at least 10 feet wide along front and side-corner lot lines as well as centered on rear and side lot lines shall be provided for drainage and utilities across all lots.

2. **UTILITIES.**

- a. Easements for water main, storm or sanitary sewers shall be at least 20 feet wide.
  - b. Utility mains with inverts greater than 8 feet below finished grade elevation shall require easements in excess of 20 feet wide, as determined by the Public Works Superintendent. In general, required easement widths for utility mains greater than 8 feet in depth shall be equal to three times the invert depth rounded up to the nearest five-foot increment.
  - c. Where utility mains are constructed within easement areas that are not parallel to and abutting improved road right of ways, the Public Works Superintendent may require construction of 10 feet wide bituminous paved utility access trails to provide access for maintenance vehicles to service the utility mains.
  - d. Easements for drainage inlets shall cover all area that will be inundated by at least a 100-year storm event.
3. **Trail Easements.** Trail easements shall be at least 20 ft. wide unless abutting public right of way. The required width of trail easements abutting public right of way shall be determined by the City and Superintendent of Public Works.

**SECTION TWO**  
**IMPROVEMENT PLAN & CIVIL SITE PLAN FORMAT**

- A. **SIGNED PLANS.** Submitted grading, street and utility improvement plans must be signed by a professional licensed in the State of Minnesota.
- B. **SIZE.** All plans sheets must be 22 inches by 34 inches in size.
- C. **SCALE.** Grading plans scale may be as small as 1 inch equals 100 feet. Street and utility improvement plans scale may be no smaller than 1 inch equals 50 feet.
- D. **ELECTRONIC FORMAT.** Approved grading, street and utility improvement plans shall be provided to the Newport ing Department in an electronic format meeting the following City standards:
1. AutoCad drawing file – AutoCad 2000 version preferred and based on the Washington County Coordinate system.
  2. Layers as per Newport ing Department standards – see Appendix A
  3. Pen standards using Newport ing Department standards – AutoCad pen standards file available from **TITLE BLOCKS.** To simplify the city's the Newport ing Department.
  4. data retrieval process, a title block shall be included on bottom right hand corner of each plan sheet showing
    1. Sheet subject (Grading, Sewer, Water, Storm Sewer, Streets, Details/Sewer, etc.)
    2. Subdivision or development name.
    3. A list all streets shown on the plan sheet (Names with Termini).
- F. **REVISIONS.** All plan sheets shall include a revisions note box to display revision dates and a brief description of each plan revision. Revisions shall also be highlighted on the plan sheet.
- G. **BENCHMARKS.** All plan sheets shall include at least two benchmarks to be used to establish elevations during construction, and both benchmarks must be within two hundred feet of the site.
- H. **TITLE SHEET.** All plan sets shall include a title sheet containing the following information:
1. Location map siting the proposed project.
  2. Legend for the symbols on the drawings.
  3. Sheet index.
  4. Note referencing Gopher State One Call and listing their 1-800 number.
  5. Reference to specifications, which apply to the project, including their effective date. Specification references shall at a minimum include the current versions of the following specifications:
    - a. City of Newport Standard Specifications
    - b. Minnesota Department of Transportation Standard Specifications
    - c. City s Association of Minnesota Standard Utility Specifications
    - d. Minnesota Manual on Uniform Traffic Devices standard specifications for construction signing.

**I. PLAN SET SUBMITTALS.** Three sets of plan copies and one electronic data file shall be submitted for review. One reproducible copy of approved plans and one electronic file which includes staking information shall be submitted prior to start of construction.

**J. APPROVED PLANS.** No changes are to be made to the City approved plan set without City review and written concurrence. The Plans shall contain a note to this effect.

**K. INSURANCE REQUIREMENTS.** Specifications for private construction of public street and utility improvements shall include provisions requiring the City of Newport and their designated representative to included as named insured on all Contractor insurance policies. The specified insurance requirements shall match the minimum limits set for local government contracting as per Minnesota Statutes as detailed below:

- |  |              |
|--|--------------|
| 1. General Aggregate   | \$ 1,000,000 |
| 2. Products- Completed Operations Aggregate  | \$ 1,000,000 |
| 3. Personal and Advertising Injury   | \$ 1,000,000 |
| 4. Each Occurrence (Bodily Injury and Proper Damage)   | \$ 1,000,000 |
| 5. Property Damage liability insurance will provide Explosion, Collapse, and Underground coverages where applicable. |              |
| 6. Excess or Umbrella Liability  |              |
| a. General Aggregate   | \$ 1,000,000 |
| b. Each Occurrence   | \$ 1,000,000 |
| 7. Automobile Liability:   |              |
| a. Bodily Injury:  |              |
| Each person  | \$ 1,000,000 |
| Each Accident  | \$ 1,000,000 |
| b. Property Damage: Each Accident  | \$ 1,000,000 |
| c. Combined Single Limit of  | \$ 1,000,000 |

**L. WARRANTY BOND.** A warranty bond in the amount of 20% of the cost of the installed street and utility improvements shall be provided to the City to cover repairs for the constructed improvements for a period of one year after written acceptance of the improvements by the City.

## SECTION THREE GRADING AND EROSION CONTROL DESIGN STANDARDS

### A. PLAN SUBMITTAL REQUIREMENTS.

1. **Grading Plan.** The following information shall be included in all grading plans:
  - a. Finish grades and surface drainage of all parcels including overall final contours at 2-foot intervals, with existing contours shown as dashed and proposed contours shown as solid.
  - b. Extend existing 2' contour lines a minimum of 200' beyond the property boundary or more as needed to accurately depict the existing drainage patterns.
  - c. Show limits of clearing and grading.
  - d. Show adjacent plats, parcels, property lines, section lines, streets, existing storm drains and appurtenances, etc.
  - e. Detail of housing types proposed with basement, first floor, lowest opening and garage floor elevations.
  - f. Proposed lot corner elevations.
  - g. All drainage swales and critical drainage areas shall be clearly identified with grade and spot elevations.
  - h. Preliminary street grades and drainage plan with elevations.
  - i. Existing benchmarks used for surveying grading plan.
  - j. Lot layout including lot lines, lot numbers and block numbers.
  - k. Other right-of-way or easement locations, width and purpose.
  - l. Show the Normal Water Level (NWL), High Water Level (HWL) and overflow elevation for all storm water ponds.
  
2. **Erosion Control Plan.** The erosion control features may be illustrated on the submitted grading plan or on a separate plan sheet. Erosion control features such as silt fence, rock access driveways, inlet protection, concrete truck wash out areas, rock check dams, dirt stockpiles, and temporary sedimentation basins shall be clearly identified on the erosion control plan.

### B. GRADING STANDARDS

1. **NPDES Permit.** Prior to start of construction, the Developer shall obtain all regulatory agency permits and approvals including those from the Minnesota Pollution Control Agency for "General Storm Water Permit for Construction Activity", and the signature of the company responsible for erosion and sediment control plan preparation, implementation and maintenance.
  
2. **Minimum Grades.** Minimum grade for drainage swales and lot grading shall be 2% or greater.
  
3. **Maximum Grades.** Maximum 4:1 slopes are allowed in "maintained" areas except approved by the City . Maximum slopes in ponding basins are 5:1. Approved slopes greater than 4:1 shall have erosion control blanket installed immediately after finished grading.
  
4. **Drainage Swales.** Maximum length for drainage swales shall be 300 feet or a total of eight lots draining to a point, or as approved by the Public Works Superintendent. All

drainage plans shall contain a detail of a typical drainage "Swale", with a minimum depth of 18", a minimum 18-inch wide bottom; 5:1 side slopes, and minimum 2% grade. All swales must be contained within easements of sufficient size and width. All cross lot drainage must be contained in such swales, which shall be located in defined easements.

5. **Emergency Overflow Swales.** Show emergency overflow routes from all low points and show elevation of high point along emergency overflow route. Submit design calculations verifying the adequacy of the overland drainage route capacity. The following emergency overflow construction and design requirements shall apply:
  - a. Emergency over flows, which drain over vegetated areas, shall be lined with Geotextile Erosion Control Matting such as: Enkamat, Tensar, LAN lock or approved equal.
  - b. After the overflow area is fine graded the area it shall be sodded to match the specified overflow elevation and is to be protected with a temporary fence, which shall delineate the easement limits and protect the finished overflow swale from disturbance by adjacent home construction and lot grading.
  - c. Emergency over flows will have a minimum 3' flat bottom with 4 to 1 slopes (please refer to your drainage calculations for flow path widths in excess of 3-feet). Please check that all necessary flow paths are included within easements of sufficient size and widths.
  - d. Abutting structure openings shall be at least 24-inches above the 100-year overflow profile (HWL) of the emergency swale.
  - e. There shall be at least a 15-foot horizontal separation from the overflow swale drainage easement to any livable structure.
  
6. **Ponding and Sedimentation Basins.** If suitable soil conditions are available for use, infiltration of runoff on-site shall be required for site development storm water management. Water quality treatment measures to promote sedimentation of suspended particles in storm water runoff are required for all developments. Dual-purpose ponds that provide both water quality treatment and storm water detention without a creating a permanent pool are encouraged. If a permanent pool is to be construed as part of the sedimentation basin (rather than a dual purpose pond), the following minimum design criteria shall govern:
  - a. An average permanent pool depth of four to ten feet;
  - b. A permanent pool length-to-width ratio shall be 3:1 or greater;
  - c. Pool side slopes shall not exceed 5:1;
  - d. A protective buffer strip of vegetation surrounding the permanent pool shall be constructed at a minimum width of 16.5 feet and a maximum slope of 10:1.
  
7. **Storm Water Design Review.** Provide detailed hydrologic/hydraulic design calculations that include:
  - a. Drawings showing the existing and proposed drainage boundaries.
  - b. 2-year design, 10-year design, and 100-year design drainage boundaries.
  - c. Existing and proposed hydrologic/hydraulic calculations for 2, 10, and 100-year storms.
  
8. **Retaining Walls.** Retaining walls will not be allowed within the City's right of way or easements, unless approved with the overall subdivision-grading plan. Approved subdivision retaining walls within the right of way or easement areas shall meet current

MnDOT standards and specifications. Detailed plans and specifications for retaining walls shall be submitted for review. Drainage overtopping the walls shall not be allowed.

9. **Maintenance Access Routes.** Show or define access routes for maintenance purposes to all inlets or outlets at ponding areas (must be maximum of 8% grade, 2% cross slope and 10' wide) and side yard or back yard utility manholes and drainage structures. Ten foot wide bituminous trails may be required to be constructed to provide access for maintenance vehicles. Bituminous maintenance shall have a minimum cross section of 1.5 inches of wearing course, 1.5 inches of base course, and 6 inches of aggregate base.
10. **Buffer Strip Requirement:** A buffer strip shall be maintained around the perimeter of all wetlands. The buffer strips shall meet the following requirements:
  - a. Buffer strips shall be a minimum of twenty (20) feet wide with an average width of thirty (30) feet, measured from the ordinary high water level of the wetland.
  - b. Buffer strips shall be required whether or not the wetland is on the same parcel as the proposed development or on an adjacent parcel.
  - c. Where acceptable natural vegetation exists in buffer strip areas, the retention of such vegetation in an undisturbed state is required, unless the applicant receives approval to replace such vegetation.
  - d. Buffer strips shall be identified within each parcel by permanent monumentation. A monument shall be required at each parcel line where it crosses a buffer strip and shall have a maximum spacing of 200 feet along the edge of the buffer strip. Additional monuments shall be placed as necessary to accurately define the edge of the buffer strip. A monument shall consist of a post and a buffer strip sign. The signs shall be 11 inch x 17 inch vertical, have brown field with white lettering, and shall be securely mounted on a post to a minimum height of 4 feet above grade. The signs shall include warnings about disturbing or developing the buffer strip. The signs shall be installed prior to the issuance of a building permit.
11. **Asbuilt Grading Plan.** Upon completion of site grading, the Developer shall submit to the City for review, an as-built grading plan in a type and format specified by the City showing the newly graded elevations at all lot corners, critical elevations in drainage ways, one foot contours at ponding and sedimentation basins, and at ponding level control points for ponding basin emergency overflow swales. The submitted as-built grading plan will be spot checked by a representative of the City.
12. **Topsoil.** Provide a detail or note on the grading plan showing that a minimum of 4-inches of topsoil will be provided across the development, excluding roadbeds. If graded roadbeds are not scheduled to be constructed in the same year they are graded, topsoil and seed must be placed within the roadbed to stabilize the surface soils and prevent erosion.

### C. EROSION CONTROL STANDARDS

1. **Silt Fence.** Silt shall be placed along all side slopes and down slope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. Plans shall include a note requiring all silt fences to be installed by the contractor and inspected by

the City prior to any site work. Silt fence shall be installed in accordance with the Newport Standard Specifications standard plate for "Preassembled Silt Fence". Some conditions may require the installation of heavy-duty silt fence, as determined by the City .

2. **Rock Access Driveway.** Each site shall have rock access drives and parking areas of sufficient width and a length providing a minimum of 75 feet of maintained rock surface both from the edge of the public or private roadway to prevent sediment from being tracked onto public or private roadways. Rock Access Driveways shall be installed in accordance with the Newport Standard Specifications standard plate for "Rock Construction Entrance". Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday. Failure to keep the public or private roadway clean may result in the City ordering construction halted until such time as the roadways are properly clean.
3. **Inlet Protection.** All storm drain inlets shall be protected during construction with filter material and washed rock in accordance with the Newport Standard Specifications standard plate for "Inlet Protection at Catch Basins".
4. **Rock Check Dams.** Rock check dams shall be required for drainage swales with slopes exceeding 4% grade and in drainage channel areas experiencing erosion.
5. **Sedimentation Basins.** Discharge of development storm sewer to overland swales or drainage ways shall require the construction of sedimentation basins for water quality treatment. If the development storm sewer is proposed to be extended for future phases of the development, a temporary sedimentation basin may be permitted. Each sedimentation basin shall have a surface area of at least one percent of the area draining to the basin and at least three feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
6. **Concrete Truck Wash Areas.** All developments shall designate a concrete truck wash area for concrete trucks to wash out their vehicles after delivering ready mix concrete loads. The developed concrete truck wash area must remain in place until all street and utility construction and all building/structure construction for the development is completed. Concrete trucks are not allowed to wash out vehicles into the storm sewer or onto areas that drain to the street or ponding basins. The wash area shall include an excavated sedimentation basin that is at least 15 ft. by 15 ft. in area and 3 ft. deep. The access to the concrete truck wash area must have a rock access driveway installed and maintained. Signs shall be posted directing concrete trucks to the approved wash area. Silt fence shall be installed at the overflow point of the wash area sedimentation basin. Restoration of the development shall include removal of waste concrete material and filling and vegetation of the wash area sedimentation basin.
7. **Re-vegetation.** All disturbed ground left inactive for fourteen or more days shall be stabilized by mulching and seeding, or sodding (only available prior to September 15) and/or by mulching or covering or other equivalent control measure. Straw, hay or other

vegetative mulch shall be disc anchored. Geotextile or other approved covering shall be anchored in accordance with the manufacturer's specifications.

8. **Material Storage piles.** Any soil or dirt storage piles containing more than ten cubic yards of material shall not to the exact possible, be located with a downslope drainage length of less than 25 feet from the toe of the pile to a roadway or drainage channel. If remaining for more than seven days, storage piles shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than seven days shall be controlled by placing silt fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than 25 feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than seven days, and the storm drain inlets must be protected appropriate filtering barriers.

**SECTION FOUR  
STREET DESIGN STANDARDS**

**A. Street Width and Grades.** The following standard of street design shall be followed:

| <u>Street Category</u> | <u>Minimum Right of Way</u> | <u>Minimum Pavement Width</u> | <u>Maximum Grade **</u> | <u>Minimum Grade</u> | <u>Minimum Curve Radius</u> |
|------------------------|-----------------------------|-------------------------------|-------------------------|----------------------|-----------------------------|
| Arterial               | 80 feet                     | 44 feet                       | 4%                      | 0.5%                 | 600 feet                    |
| Collector              | 66 feet                     | 40 feet *                     | 6%                      | 0.5%                 | 600 feet                    |
| Local                  | 60 feet *                   | 28-36 feet*                   | 8%                      | 0.5%                 | 150 feet                    |

\* To be based on traffic and parking needs determined with approval of the City Council based on recommendation from the Public Works Department.

\*\* For safety considerations a lesser maximum grade may be required at or approaching intersections.

**B. Intersection Approach Grades.** At intersections, the street grade shall not exceed 2.00% for the first 100' approaching said intersection. The 100' is measured from the curb line of the intersected street.

**C. Curb Radius.** The minimum curb return radius shall be 25'.

**D. Crown.** A 2% cross-slope grade is required of all street cross-sections.

**E. Design Speed.** Street alignment for local streets, both vertical and horizontal, shall meet MnDOT State Aid standards for 30 MPH design speed. Street alignment for collector and arterial may be required to meet 40 MPH or higher design speed standards.

**F. Intersection Sight Distance** – A minimum 400 ft. intersection sight distance is required. The sight distance shall be measured from a starting point of 10 feet behind the curb line of the intersected street, as measured from a vehicle stopped at the intersection.

**G. Pavement Design.** Flexible pavement design shall be based on design procedures set forth in the “Road Design Manual II” 7-5.0 prepared by the Minnesota Department of Transportation. Local streets shall meet a seven ton design. Collector and arterial streets shall be designed to a ten ton pavement design. Minimum pavement cross sections shall be as follows:

|                         | <u>Local</u> | <u>Collector</u> | <u>Arterial</u> |
|-------------------------|--------------|------------------|-----------------|
| <b>Bit. Wear Course</b> | 1.5 inches   | 2 inches         | 2.5 inches      |
| <b>Bit. Base Course</b> | 2 inches     | 2.5 inches       | 2.5 inches      |
| <b>Aggregate Base</b>   | 5 inches     | 10 inches        | 14 inches       |
| <b>Subcut</b>           | 12 inches    | 12 inches        | 18 inches       |

**H. Soil Borings, Geotechnical Analysis.** Pavement designs must be submitted along with a geotechnical analysis of existing soil conditions establishing an “R value” used in the pavement design. A minimum one foot subcut with granular borrow is required, unless the subbase material meets granular borrow requirements.

**I. Temporary Dead-End Streets.** Cul-de-sacs are required on all “temporary dead-end” public streets contain driveway accesses. Temporary dead-end streets that will be extended as part of a

future phase of a development shown on an approved preliminary plat do not require concrete curb and gutter along the radius of the cul-de-sac. Temporary “dead-end” public streets associated with providing access for future extension to and through adjacent undeveloped property require concrete curb and gutter installation. Temporary dead-end public streets without driveway access may be terminated without a cul-de-sac.

- J. **Barricades.** Type III barricades in accordance with the Minnesota Manual on Uniform Traffic Control Devices shall be installed at the terminus of all temporary dead-end streets. Additional signage noting that the street is planned to be extended in the future shall also be installed.
- K. **Valley Gutters.** Valley gutters installations across intersections are permitted only if approved by the City .
- L. **Sidewalks.** Sidewalks are required on one side of all arterial streets, and are generally required along through streets within a development, along streets in commercial areas, and connecting neighborhoods to parks, trails, and playgrounds. Sidewalks shall be constructed of concrete, a minimum of 4 inches thick, 5 feet wide, and offset one foot from the right of way line. Sidewalks extended through driveways shall be constructed of concrete, a minimum of 6 inches thick.
- M. **Bituminous Trails.** Bituminous trails are required as shown by the City’s Comprehensive plan and along one side of all arterial streets, and generally required along collector streets and through neighborhoods connecting to the existing trail system, parks or schools. Bituminous trails along arterial streets or alongside streets with an 80 ft. wide right of way; off street trails; and maintenance trails; shall be 10 ft. wide. Bituminous trails along streets with 66 ft. wide right of way shall be 8 ft. wide. All bituminous trails shall have a minimum cross section of 1.5 inches of wearing course, 1.5 inches of base course, and 4 inches of aggregate base. Bituminous trails within street right of way shall be offset two feet from the right of way line.
- N. **Boulevard Sod.** The developer shall install a 3 ft strip of sod directly behind the curb as part of the street construction process. This boulevard sod strip shall be planted prior to the development being approved for building permits. If weather or sod supply does not allow the sod to be installed before building permits are requested, then the developer shall provide the City a letter of credit for the sod installation and shall install the sod as soon as feasible. Along streets with sidewalk or trails constructed in the boulevard area, the entire boulevard between the sidewalk or trail and the curb must be sodded. In addition, a 3 ft. strip of sod must be installed directly behind the trail or sidewalk.
- O. **Multiple Mailbox Units.** All new residential developments are required to be service by Unites States Postal Service multiple mailbox units. Mailbox unit foundations and concrete pads shall be constructed with the development's street improvements, and in accordance with the latest recommended plans and specifications prepared by the City and on file at City Hall. The location and number of mailbox units will be determined by the Public Works Superintendent in consultation with the U.S. Post Office. Where possible, multiple mailbox units shall be installed in cul-de-sac islands.
- P. **Subbase Review.** Note, either in the plan set or specifications, to reflect the requirement that prior to the placement of any base material, a City of Newport inspector be present to review the condition of the sub base with the contractor to insure that it has been constructed to the proper

alignment and grade. Deflection testing will also be required and will be conducted by means of test rolling. The Contractor will furnish a tandem truck with a minimum of 14 ton load to check the completed subgrade. The truck will be driven in any locations the inspector may direct to determine if any soft spots exist. Any soft spots encountered shall be removed as directed by the inspector.

## SECTION FIVE STORM SEWER DESIGN STANDARDS

- A. **Guide Plans.** Storm water plans for the development shall comply with the City's Watershed Management Plan and Storm Water Management Ordinance.
- B. **Level of Service/Protection.** Storm water facilities shall be designed for a 10-year frequency storm for local pipe design and a 100-year frequency storm for ponding detention basin design.
- C. **Review.** Drainage calculations shall be submitted to show the sizing of pipe, ponds, emergency overflow spillways, and catch basin interception analysis. The City contracted with the City will review storm sewer design, check design calculations, and will update the City's storm water model with the approved design. The storm water review fees and storm water model update fees will be charged to the developer and deducted from their escrow account.
- D. **Permits.** The developer shall obtain all regulatory agency permits and approvals necessary for the proposed construction; i.e. DNR, Army Corp. of s, MPCA, etc.
- E. **Alignment.** The storm sewer alignment shall follow the sanitary sewer and watermain alignment where practical with a minimum of 10' of separation. Storm sewer placed along the curb alignment shall be along the curb opposite the watermain to maintain the 10' separation.
- F. **Catch Basins.** Catch basins shall be located on the tangent section of the curb at a point 3' from the point of curve. Mid-radius catch basins will not be allowed. Also, catch basins shall be designed to collect drainage on the upstream side of the intersection. All catch basin leads must cross streets perpendicular to the centerline of the street. Minimum depth from top of casting to invert is 4.0 feet.
- G. **Manhole Spacing.** The maximum spacing between manholes is 400'.

**Manhole Locations.** To the greatest extent possible, sanitary sewer manholes shall be placed in paved surfaces in the street centerline, outside of wheel paths, or other readily accessible areas including islands or medians. If other options are impractical and if approved by the Public Works Division sanitary sewer manholes may be located (3' and 9' off centerline). Storm sewer manholes shall be located as to provide at least 10' separation to sanitary sewers and watermain, a 20 LF separation between other significant in ground structures (e.g. barrel sections of sanitary manholes). The use of CBMH's on the storm sewer system, which are located in the curblin e or MH back of curb is encouraged.

- H. **Manhole and Catch Basin Seals.** Infil-Shield (or equal) MH ring protection system are required on all manholes and catch basins.
- I. **Signage.** City standard U-channel post mounted aluminum signs identifying a manhole or catch basin location shall be installed adjacent to all manholes and catch basins installed outside of the surfaced street area.
- J. **Pipe Size.** Minimum pipe size shall be 12" diameter, which are approved for catch basin leads only. Otherwise, all storm sewer pipe shall be 15" in diameter or greater.

- K. Pipe Crossings.** All storm sewer piping shall cross streets and rights of way perpendicular to the centerline, unless the City approves otherwise.
- L. Pipe Material.** Unless authorized by the Superintendent of Public Works and the City, all storm sewer pipe within the street right-of-way shall be Reinforced Concrete Pipe (RCP). Refer to the City of Newport Standard Specifications for other material types permitted outside of the street right-of-way.
- M. Pipe Depth.** Minimum cover over storm sewer pipe shall be 3.0 feet.
- N. Pond Inlets/Outlets.** The invert elevations of the pond inlet flared end sections shall match the NWL of the pond. Submerged outlets will only be allowed at the discretion of the Public Works Superintendent.
- O. Trash Guards.** All flared end sections, 15 inches in diameter and above, shall include City standard trash guards.
- P. Manhole Hydraulic Design.** Junction manholes should be designed to limit the hydraulic head increase by matching hydraulic flow lines and by providing smooth transition angles.
- Q. Sump Manholes.** Environmental manholes with 3 feet deep sumps, shall be constructed as the last structure which is road accessible prior to discharge to any water body.

## SECTION SIX WATERMAIN DESIGN STANDARDS

- A. Permits.** The developer is responsible for obtaining all necessary regulatory agency permits and approvals including that of the Minnesota Department of Health.
- B. Water System Operation.** When connecting to existing watermain, only representatives of the City Water Department are permitted to operate valves on the existing water system.
- C. Pipe Size.** Minimum watermain size shall be 6", except for hydrant leads and short cul-de-sacs.
- D. Alignment.** Watermain shall be installed north and east sides of the street centerline with 10' of horizontal separation from other parallel utility alignments. All watermain should be located at least 3-feet off the curb face. Refer to the Newport Standard Specifications standard plate for "Typical Water Layout". Water mains, laterals, and/or services shall not be located within any defined or designated ponding easement.
- E. Dead-end Mains.** Dead-end water mains shall be minimized by looping of all mains wherever practical. Where dead-end mains occur a hydrant shall be installed at or near the end of the main for flushing purposes. The hydrant shall be located behind the curb on stub streets to allow the City's snow plow crews to pile snow on the end of the stub street. All temporary and permanent dead-ends shall be secured with a gate valve at least 40' from the plugged end.
- F. Depth.** For all water mains the depth of cover shall be a minimum of 7.5' to top of pipe and maximum of 10' of cover.
- G. Pipe Materials.** Materials shall be ductile iron pipe Class 52 for 5" to 12" diameter watermain. Materials for fittings shall be ductile iron. The materials for watermain over 12" shall be ductile iron Class 51, or as determined by the Public Works Superintendent.
- H. Hydrants.** Hydrants shall be located so as to provide coverage to all structures based on a 250-LF service radius. Submitted plan sheets should show a 250 ft. radius drawn around all hydrants. Final hydrant locations shall be approved by the Newport Fire Department. Hydrants shall be installed on the northwest corners of intersections. Mid-block hydrants shall be located at a property line. Hydrants at the end of cul-de-sacs shall be installed in the landscaped island.
- I. Gate Valves.** All valves shall be gate resilient seal valves. Locate gate valves within street surface where possible and at right-of-way line extended. When intersection spacing exceeds 1000', then a mid block gate valve will be required. Gate valve operating nut extenders shall be installed when the depth exceeds 9 feet.
- J. Utility Crossings.** Show on plans the existing and proposed watermain in plan and profile view along with other existing and proposed utilities in the construction zone. Provide a minimum of 18" vertical separation for all water main crossings with sanitary and storm sewer. Also, other utilities that cross the water main shall cross at a 90 degree angle, if possible.
- K. Easement Installations.** Watermain installed in side lot easements adjacent to building pads shall be encased in carrier pipe from 15 feet in front of the building pad to 15 feet behind the building pad. Watermain installed within the carrier pipe must be tied together.

- L. Lawn Irrigation Services.** All lawn irrigation services must be shown on the submitted watermain construction plan.
- M. Watermain Stubs.** All watermains stubbed out for future watermain extensions must be stubbed out to the plat boundary. A gate valve shall be installed a minimum of 30 ft. back from the end of the watermain stub.
- R. Signage.** With the exception of hydrant gate valves, City standard U-channel post mounted aluminum signs identifying a gate valve location shall be installed adjacent to all gate valves installed outside of the surfaced street area.

**SECTION SEVEN  
SANITARY SEWER DESIGN STANDARDS**

**A. Permits.** The Developer shall obtain all regulatory agency permits and approvals including those from the Minnesota Pollution Control Agency and Metropolitan Council prior to beginning of construction.

**B. MPCA Permit Calculations.** The City of Newport Comprehensive Sanitary Sewer Plan estimates residential wastewater flow at 80 gallons per capita per day with 2.7 persons per household. Industrial wastewater flow is estimated at 750 gallons per acre per day. BOD<sub>5</sub> loading is estimated at 17# per capita per day.

**C. Manholes.**

1. **Location.** To the greatest extent possible, sanitary sewer manholes shall be placed in paved surfaces in the street centerline, outside of wheel paths, or other readily accessible areas including islands or medians. If other options are impractical and if approved by the Public Works Division sanitary sewer manholes may be located (3' and 9' off centerline). Storm sewer manholes shall be located as to provide at least 10' separation to sanitary sewers and watermain, a 20 LF separation between other significant in ground structures (e.g. barrel sections of sanitary manholes), The use of CBMH's on the storm sewer system, which are located in the curblines or MH back of curb is encouraged.
2. **Spacing.** The maximum spacing between manholes is 400'.
3. **Stub Lines.** Manholes are required on the terminus end of all stubs if the line will be active.
4. **Ring Seals.** Infil-Shield (or equal) MH ring protection system are required on all manholes.

**D. Minimum Slopes.** The minimum slopes for sanitary sewer shall be as follows:

| Size of Pipe | Minimum Slope |
|--------------|---------------|
| 8 inch       | 0.40%         |
| 10 inch      | 0.28%         |
| 12 inch      | 0.22%         |
| 15 inch      | 0.15%         |

**E. Minimum Depth.** The minimum cover over the top of sanitary sewer pipe shall be 5.0 feet.

**F. Pipe Material.** The following pipe types and class are identified in general with respect to depths with soil type verification and design criteria required to substantiate size and type of pipe used.

| Size      | Depth      | Type & Class  |
|-----------|------------|---------------|
| 8" to 10" | 8' to 20'  | PVC, SDR 35   |
| 8" to 10" | 20' to 30' | PVC, SDR 26   |
| 8" to 10" | Over 30'   | DIP, CLASS 52 |

**G. Parallel Utilities.** Maintain a minimum of 10' of horizontal separation between sanitary sewer and watermain.

- H. **Utility Crossings.** Show on plans the existing and proposed sanitary sewer in plan and profile view along with other existing and proposed utilities in the construction zone. Water mains crossing sanitary sewers shall be provided a vertical separation of at least 18 inches between the bottom of the watermain and the top of the sewer main. Where local conditions prevent the minimum separation the following construction shall be used:
1. Sewers passing over or under water mains shall be constructed of materials equal to watermain standards of construction for a distance of at least 9 feet on either side of the watermain.
  2. Sewers passing over water mains shall be adequate structural support for the sewers to prevent settlement, or deflection of the joints, or settling on and breaking of water mains.
- I. **Drop Manholes.** Drop manholes are required when the pipe inverts are greater than 2 feet apart. Only outside drops are allowed. The sanitary sewer main connecting to the drop section shall be ductile iron pipe (DIP) and shall extend beyond the drop manhole to undisturbed soil or a minimum distance of 20-feet, whichever is greater.
- J. **Connection to existing structures.** Extensions of sanitary sewer from an existing manhole structure shall, wherever possible utilize existing stubs, in the event that appropriate stubs do not exist the extension shall include reforming the base to include a flow channel from the extension. Any intrusions through the manhole wall shall be drilled and a waterproof seal and boot shall be grouted into the hole.
- K. **Ponding/Drainage Conflicts.** No manhole shall be located within a designated ponding/flowage easement without City approval. If such location is unavoidable, then the structure may be required to be built to a higher elevation to avoid flooding, constructed to tolerate frost action, and shall be made of water-tight materials.
- N. **Sanitary Sewer Stubs.** All sanitary sewer mains stubbed out for future extensions must be stubbed out to the plat boundary.
- S. **Signage.** City standard U-channel post mounted aluminum signs identifying a manhole location shall be installed adjacent to all manholes installed outside of the surfaced street area.

**SECTION EIGHT**  
**SANITARY SEWER & WATER MAIN SERVICES**  
**DESIGN STANDARDS**

- A. Size.** Minimum size for water services shall be one inch nominal inside diameter. Minimum size for sanitary sewer services shall be 4 inches in diameter.
- B. Pipe Material.** Water main services shall be copper or D.I.P.. Sanitary sewer services shall be SDR 26, Schedule 40 PVC or extra heavy cast iron soil pipe.
- C. Right-of-Way Stubs.** All sewer and water services are to be stubbed 10-feet past the Right-of-Way to the edge of the drainage and utility easement. The curb box should be placed on the inside edge of drainage and utility easement. Elevations for the invert of the sewer service line at the easement line shall be shown on the plans. The curb box shall include an extension rod to within 18-inches of the ground surface.
- D. Location.** Sewer and water service line stubs should avoid future driveway locations. If a curb stop ends up in a driveway location, the curb box shall be covered with a gate valve box for protection.
- E. Depth.** The maximum depth of the sanitary sewer service at the ROW line shall be 12' unless documented by a proposed house or building elevation that justifies a deeper service.
- F. Testing.** The sewer and water service shall be included in the pressure and leakage testing requirements for the main lines.
- G. Grade.** Minimum grade for sanitary service stubs shall be 1/4" per foot (2%).
- H. Cleanouts.** Cleanouts are required at 100' intervals including the riser on sanitary sewer services. All sanitary sewer cleanouts constructed in paved areas require the installation of a gate valve box and cover for ease of access to the clean out.
- I. Service Connections.** Sewer services shall be connected to a wye on the main and shall not be constructed into manholes unless approved by the City.
- J. Available Pressure.** The plans shall show the results of water flow and pressure test conducted on the existing hydrant closest to the proposed connection point. In the event the Division of Public Works does not have a record of such a test the in responsible charge shall coordinate such a test with the City's the Public Works Department.

**SECTION NINE  
STREET LIGHTING DESIGN STANDARDS**

- A. **Street Light Policy.** Residential street lighting shall conform to the City of Newport' Street Light Policy adopted **January 2, 1990** and on file in the Public Works Department.
- B. **Installation.** In all new developments, streetlights shall be installed at the same time electrical service to the development is installed. Street lighting plans require the approval of the Public Works Department which shall be granted as part of the right-of-way permit for utility installation.
- C. **Requirements.** In new subdivisions developers shall:
1. Pay the full capital cost of every light to be installed.
  2. Pay operation and maintenance for the project's street lighting system until the City accepts the project.
  3. Place street lights at intersections, midblock when intersections are more than 500 feet apart, and at the ends of cul-de-sacs in the cul-de-sac island.
  4. On local streets, 100 watt post top decorative fixtures shall be installed. On collector or arterial streets, 150 watt HPS lamps with cobra-head fixtures (as approved by the City and the utility) shall be installed.

# **APPENDIX**

## **CAD PLAN & DRAWING STANDARDS**



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# MEMO

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**To:** Honorable Mayor and City Council Members  
Ms. Deb Hill, City Administrator

**From:** Jon Herdegen, P.E. – City Engineer

**Subject:** Inflow-Infiltration Discussion

**Date:** March 2, 2015 – For the March 5<sup>th</sup> City Workshop

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We requested to have the topic of Inflow and Infiltration included in the March 5<sup>th</sup> workshop to gain a better perspective of the Council's position and discuss the necessary objectives staff should pursue. It has been well-documented that the City received an \$838,300 preliminary surcharge from MCES for an exceedance recorded in the summer of 2014. Due the I&I related work the City performed in conjunction with the 2014 Street Improvements project, the surcharge has been reduced to roughly \$500,000. We have received indications from MCES that the surcharge may be reduced further by attributing a portion of the SCADA improvement cost to I&I reduction. The City submitted a preliminary work plan to line approximately 100 private sewer connection to fulfil the surcharge.

During a recent sewer televising project, the Public Works staff reviewed over 26,000-feet of sanitary sewer mains including approximately 530 sewer connections. The amount of roots and other sources of potential I&I within these lines is concerning and will not be addressed with the proposed work plan presented to MCES. This will leave the City at risk for future surcharges from MCES if not addressed. We would like to use this workshop as an opportunity to layout our concerns to the Council and receive feedback as to how this City-wide issue should be addressed.

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