

CITY OF FALCON HEIGHTS  
RAMSEY COUNTY, MINNESOTA

ORDINANCE NO. 09-05

**AN ORDINANCE AMENDING CHAPTER 50  
OF THE FALCON HEIGHTS CITY CODE  
CONCERNING ILLICIT DISCHARGE AND DISPOSAL**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

**SECTION 1.** Chapter 50 of the Falcon Heights City Code is amended by adding Article IV to provide as follows:

**ARTICLE IV. ILLICIT DISCHARGE AND DISPOSAL PROHIBITED**

**Sec. 50-70. Purpose and findings.**

(a) *Purpose.* The purpose of this Article is to promote, preserve and enhance the natural resources within the City and protect them from adverse effects occasioned by non-storm water discharges by regulating discharges that would have an adverse and potentially irreversible impact on water quality and environmentally sensitive land.

(b) *Findings.* The City Council hereby finds that non-storm water discharges to the City's municipal separated storm sewer system are subject to higher levels of pollutants that enter into receiving water bodies adversely affecting the public health, safety and general welfare by impacting water quality, creating nuisances, and impairing other beneficial uses of the environment.

**Sec. 50-71. Definitions.**

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

*Best management practice (BMP)* means erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.

*Discharge* means adding, introducing, releasing, leaking, spilling, casting, throwing, or emitting any pollutant, or placing any pollutant in a location where it is likely to pollute waters of the state.

*Erosion* means the group of natural processes, including weathering, dissolution, abrasion, corrosion, and transportation, by which material is worn away from the earth's surface or the erosive process of washing away soil by water.

*Groundwater* is water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under coned, unconfined, or perched conditions, in near surface unconsolidated sediment or regolith, or in rock formations deeper underground.

*Illicit connection* is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system (including any non-storm water discharge) including sewage, process wastewater, and wash water 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,

Any drain or conveyance connected from a residential, commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

*Illicit discharge* means any direct or indirect non-storm water discharge to the storm sewer system, except as exempted in this chapter.

*MPCA* means the Minnesota Pollution Control Agency.

*Municipal separate storm sewer system (MS4)* means the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying storm water, and which is not used for collecting or conveying sewage.

*National Pollutant Discharge Elimination System (NPDES)* means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements under sections 307, 318, 402, and 405 of the Clean Water Act, United States Code, title 33, sections 1317, 1328, 1342, and 1345.

*Person* means any individual, firm, corporation, partnership, franchise, association or governmental entity.

*Pollutant* means any substance which, when discharged has potential to or does any of the following:

Interferes with state designated water uses;

Obstructs or causes damage to waters of the state;

Changes water color, odor, or usability as a drinking water source through causes not attributable to natural stream processes affecting surface water or subsurface processes affecting groundwater;

Adds an unnatural surface film on the water;

Adversely changes other chemical, biological, thermal, or physical condition, in any surface water or stream channel;

Degrades the quality of ground water; or

Harms human life, aquatic life, or terrestrial plant and wildlife.

Pollutant includes but is not limited to dredged soil, solid waste, incinerator residue, garbage, wastewater sludge, chemical waste, biological materials, radioactive materials, rock, sand, dust, industrial waste, sediment, nutrients, toxic substance, pesticide, herbicide, trace metal, automotive fluid, petroleum-based substance, and oxygen-demanding material.

*Pollute* means to discharge pollutants into waters of the state.

*Pollution* means the direct or indirect distribution of pollutants into waters of the state.

*State designated water uses* means uses specified in state water quality standards.

*Storm sewer system* is a conveyance or system of conveyances that is owned and operated by the City or other entity and designed or used for collecting or conveying storm water.

*Storm water* means precipitation runoff, storm water runoff, snow melt off, and any other surface runoff and drainage.

*Surface waters* means all waters of the state other than ground waters, which include ponds, lakes, rivers, streams, tidal and nontidal wetlands, public ditches, tax ditches, and public drainage systems except those designed and used to collect, convey, or dispose of sanitary sewage.

#### **Sec. 50-72. Administration.**

The City and its authorized representatives are authorized to administer, implement and enforce the provisions of this Article.

#### **Sec. 50-73. Illegal disposal and dumping.**

(a) No person shall throw, deposit, place, leave, maintain, or keep any substance upon any street, alley, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, business place, or upon any public or private land, so that the same might be or become a pollutant, unless the substance is in containers, recycling bags, or any other lawfully established waste disposal device.

(b) No person shall intentionally dispose of grass, leaves, dirt, or landscape material into a water resource, buffer, street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.

**Sec. 50-74. Illicit discharges and connections.**

(a) No person shall cause any illicit discharge to enter the storm sewer system or any surface water unless such discharge:

- (1) Consists of non-storm water that is authorized by an NPDES point source permit obtained from the MPCA;
- (2) Is associated with fire fighting activities or other activities necessary to protect public health and safety;
- (3) Is one of the following exempt discharges: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, dechlorinated swimming pools and any other water source not containing pollutants;
- (4) Consists of dye testing as long as the City is provided a verbal notification prior to the time of the test.

(b) No person shall use any illicit connection to intentionally convey non-storm water to the City's storm sewer system.

(c) The construction, use, maintenance or continued existence of illicit connections to the storm sewer system is prohibited. 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.

(d) A person is considered to be in violation of this Article if the person connects a line conveying sewage to the storm sewer system, or allows such a connection to continue.

**Sec. 50-75. General provisions.**

All owners or occupants of property shall comply with the following general requirements:

- (1) No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste in an area where discharge to streets or storm sewer system may occur. This section shall apply to both actual and potential discharges.
  - a. Individual septic systems must be maintained to prevent failure, which has the potential to pollute surface water.
  - b. Recreational vehicle sewage shall be disposed to a proper sanitary waste facility. Waste shall not be discharged in an area where drainage to streets or storm sewer systems may occur.
  - c. For pools, water must be allowed to sit two (2) days without the addition of chlorine to allow for chlorine to evaporate before discharging in an area where drainage to streets or storm sewer systems may occur.
- (2) Runoff of water into the storm sewer system shall be minimized to the maximum extent practicable. Runoff of water into the storm sewer system from the washing down of paved areas is prohibited unless necessary for health or safety purposes.
- (3) Mobile washing companies (carpet cleaning, mobile vehicle washing, etc) shall dispose of wastewater to the sanitary sewer. Wastewater must not be discharged where drainage to streets or storm sewer system may occur.
- (4) Storage of materials, machinery and equipment must comply with the following requirements:
  - a. Objects, such as motor vehicle parts containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials shall not be stored in areas susceptible to runoff.
  - b. Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills, or discharges.
- (5) Debris and residue shall be removed as follows:
  - a. All motor vehicle parking lots and private streets shall be swept at least once a year in the spring to remove debris. Such debris shall be collected and properly disposed.
  - b. Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries shall be removed as soon as possible and disposed of properly. Household hazardous waste shall be disposed of through the county collection program or at any other appropriate disposal site and shall not be placed in a trash container.

**Sec. 50-76. Industrial activity discharges.**

Any person subject to an industrial activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City prior to the allowing of discharges to the storm sewer system. All facilities that have storm water discharges associated with industrial activity must adhere to the following provision:

(a) Any person responsible for a property or premise, who 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 storm sewer system. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

**Sec. 50-77. 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 the storm sewer system, or water of the state 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 no later than the next business day.

**Sec. 50-78. Enforcement.**


(a) *Notice of Violation.* A violation of this Article is a Public Nuisance punishable in accordance with section 1-7 of the City Code. When the City finds that a person has violated a prohibition or failed to meet a requirement of this section, the person is deemed to have created a Public Nuisance subject to abatement and assessment. In addition, the City may require the following:

- (1) The performance of monitoring, analysis, and reporting;
- (2) The implementation of source control or treatment BMPs; and
- (3) Any other requirement deemed necessary to abate the public nuisance.

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

ADOPTED this 24<sup>th</sup> day of June, 2009, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY:   
Peter Lindstrom, Mayor

ATTEST:   
Justin Miller, City Administrator/Clerk