

Ordinance no. _____ - ____

**City of St. Louis Park
Hennepin County, Minnesota**

Ordinance amending chapters 6 and 8 of the city code to establish a backflow prevention program and a grease producer license

The City of St. Louis Park does ordain:

Section 1. City staff determined that annual registration of backflow preventers would satisfy the city's responsibility of the state plumbing code for all backflow assembly devices being tested annually for proper operation to protect the city water system. City staff also determined that annual licensing for FOG would allow staff to inspect grease traps for proper sizing, installation, and maintenance that would help prevent grease from entering the city sanitary sewer system and help prevent sewer backups of the city sewer system.

Section 2. Chapter 6 of the St. Louis Park City Code is hereby amended to create Article X, to read as follows:

Article X. Backflow Prevention

Sec. 6-312. Purpose; program.

A program is hereby established to monitor the installation, removal, replacement, relocation, and maintenance of regulated backflow prevention assemblies. The intent of the program is to protect the public health and sanitation from potential contamination of the public water supply system.

Sec. 6-313. Registration required.

All new and existing properties using a regulated backflow prevention assembly connected to the municipal water supply must obtain a registration for each assembly with the city. Regulated backflow prevention assemblies subject to this program shall be those identified in the Minn. State Plumbing Code, Minn. Rule 4714 which are of a design intended to be tested for operation. Regulated backflow prevention assemblies may not be removed from any location where they are required except for during repair or replacement.

Sec. 6-314. Fees.

The city's registration fee for a regulated backflow prevention assembly shall be established by the City Council in Appendix A.

Sec. 6-315. Maintenance and testing.

The owner of a regulated backflow prevention assembly shall ensure the assembly is maintained in proper working order and shall cause the assembly to be inspected and tested

periodically to ensure the assembly is functioning as intended. Testing intervals shall not exceed one (1) year. Testing shall also occur each time a regulated backflow assembly is installed or rebuilt. If unusual circumstances exist for any regulated backflow assembly, the city may require more frequent testing. All testing and work on regulated backflow assemblies must be performed by individuals with the appropriate state license or certification to conduct backflow assembly testing or maintenance.

Sec. 6-316. Submit testing report and fee.

All information requested on the city provided test report shall be completed by the tester and a copy shall be submitted to the city, along with the registration fee, within thirty (30) days of the test date.

Sec. 6-317. Enforcement and penalties.

Failure to comply with maintenance and testing requirements outlined in Sec. 6-315 and 6-316 will result in noncompliant status with the city's backflow prevention program. The city will notify in writing each property owner that is delinquent in submitting annual backflow prevention assembly tests. The first written notice shall give the property owner a maximum of 30 calendar days to have the backflow prevention assembly tested and submitted. Each property owner that fails to comply after receiving the first written notice shall be issued a second notice along with a noncompliance service fee that will be added to the monthly utility bill for the meter service associated with the regulated backflow prevention device. The service fee for the city to obtain compliance with the backflow prevention program shall be established by the city council in Appendix A and shall be charged for each month that the device remains noncompliant. Charges made for service rendered shall be as nearly as possible proportionate to the cost of furnishing the service. Unpaid service charges may be certified to the county auditor in accordance with Minn. Stat. § 444.075, subd. 3e. Untested or nonfunctioning backflow prevention devices may result in disconnecting the water service for conditions threatening the public water supply.

Section 3. Chapter 8, Division 3, Subdivision IV of the City Code is hereby amended to read as follows:

Subdivision IV. Grease producer license

Sec. 8-238. License required.

Any commercial or manufacturing businesses generating animal or vegetable fats, oils, and greases ("FOG"), through food preparation, service, manufacturing, or other products are not permitted to discharge such substances into the city sanitary sewer system without first obtaining a Grease Producer License or Provisional Grease Producer License from the city.

Sec. 8-239. Licensing process.

(a) *Application.* Applicants for a Grease Producer License or Provisional Grease Producer License shall submit a completed application to the City's Licensing Department on a

form provided by the city for such purpose. The application shall include relevant business information, contact details, and any other required documentation as determined by the city.

(b) *Review.* The city will review the submitted applications to determine compliance with the licensing requirements. Applications for a Grease Producer License shall be evaluated based on the installation and maintenance of grease interceptors or approved FOG control devices. The city may request additional information or conduct site inspections, if necessary, to assess compliance.

(c) *Issuance.* Upon successful review and evaluation, the City's Licensing Department shall approve the application and issue the appropriate license:

1. A Grease Producer License shall be granted to FSE and commercial/industrial businesses that have installed and maintained compliant grease interceptors or FOG control devices.
2. A Provisional Grease Producer License shall be granted to buildings that are required to be licensed but do not currently have a proper grease interceptor. The holder of a provisional license shall be subject to an incremental fee increase for each year that the licensee fails to install a complaint interceptor.

(d) *Fees.* Licensees shall pay the appropriate fees as established by the city council in Appendix A. The fee for a Provisional Grease Producer License shall be subject to annual incremental increases and shall be established to recover the licensing and added city cost for cleaning the public sewer main receiving the discharge twice annually.

(e) *Term and Renewal.* All licenses issued under this Subdivision are issued for the calendar year and are effective from the date of issuance through December 31 of the year in which the license is issued. For license applications received within the last 30 days of a calendar year, the license issued will be effective from the date of issuance until December 31 of the following year. Licensees may submit renewal applications accompanied by updated information. A Grease Producer License renewal application should also be submitted with evidence of ongoing compliance with the FOG control requirements.

Sec. 8-240. Regulations.

(a) *Interceptor Required.* All businesses generating FOG which may be discharged into the city sanitary sewer system must have a functioning grease interceptor, unless such business holds a Provisional Grease Producer License.

(b) *Building Code Compliance.* All grease interceptors must be sized and installed in accordance with the Minnesota Plumbing Code. They shall be located before fats, oils, and greases enter into the building sewer, or may be located outside before discharging into the sanitary sewer service.

(c) *Operation and Cleaning.* All businesses with a Grease Producer License generating FOG must comply with the following requirements for operation and cleaning of its grease interceptor:

1. Regular cleaning of the grease interceptor is required. Depending on the interceptor size and the amount of FOG being treated, removal of trapped sludge from the interceptor may need to be done as frequently as weekly or annually. At minimum, all exterior interceptor tanks must be emptied annually.
2. The license holder or their designee must perform regular inspection of the interceptor to determine when cleaning of trapped sludge and scum is necessary.
3. Cleaning can be completed by the owner, an employee, or hired service company.
4. Cleaning must be done before the interceptor becomes full and ceases to trap FOG.
5. All removed FOG must be disposed of properly. Proper disposal shall require placing FOG in a tight-fitting container for a sanitary landfill or recycling.
6. Commercial pumpers cleaning exterior underground tanks must transport the pumped liquid and FOG to a Metropolitan Waste Control Commission approved disposal station.
7. Each time that the interceptor is cleaned or maintained, an interceptor maintenance log sheet must be completed with date, type of service performed, and who did the work.
8. Maintenance logs and receipts from hired cleaners must be retained by the licensee for at least a year. Log sheets shall be available when requested during the inspection and submitted with the next year annual license application.

(d) For businesses that hold a Provisional Grease Producer License, the city will regularly clean the sewer main in front of the property and downstream pipe to remove accommodated FOG being discharged from the building sewer and entering the city mains.

Sec. 8-241. Inspections and compliance.

(a) The city shall conduct periodic inspections of grease interceptors at least annually to ensure compliance with the licensing requirements and FOG control measures. More frequent, monthly inspections may be required by the city based on the interceptor capacity and quantity being discharged through the interceptor.

(b) Licensees shall cooperate with inspectors, provide access to premises, and provide necessary documentation relating to grease interceptor maintenance and FOG control. Log sheets must be available for review by the city inspector during interceptor inspection.

(c) Licensees operating with a Grease Producer License that fail to adequately control FOG discharge or properly maintain grease interceptor equipment shall be issued a Provisional Grease Producer License, upon notice, and shall be required to submit the corresponding fee. The Provisional license will remain in effect for a minimum of one year and until the next annual license cycle.

(d) Failure to comply with the licensing requirements or demonstrate adequate FOG control may also result in penalties, fines, or suspension of the license until compliance is achieved.

Sec. 8-242. Enforcement.

(a) Any commercial or manufacturing businesses generating FOG into the city sanitary sewer system that has failed to pay the fee for a Provisional Grease Producer License shall be billed a sewer cleaning fee, as established in Appendix A, to recover the added city cost for cleaning the public sewer main receiving the discharge without a Provisional Grease Producer License being in place. Such fee shall be added to the monthly utility bill for the service associated with the property.

(b) The owner of the real property from which FOG is being discharged into the city sanitary sewer system will be notified when thirty (30) days have elapsed since a grease producer located on their property has failed to pay any applicable fees required under this Subdivision.

(c) Any remaining unpaid service charges under this Subdivision may be certified to the county auditor in accordance with Minn. Stat. § 444.075, subd. 3e.

(d) The city may enforce the provisions of this Subdivision through misdemeanor prosecution, administrative penalties, a civil enforcement action, a license suspension or revocation, or any combination thereof. Any suspension or revocation will be conducted in accordance with Sec. 8-36.

Sec. 8-243—Sec. 8-275. Reserved.

Now, therefore be it resolved that the following ordinances will be added to St. Louis Park City Code.

Section 4. This ordinance shall take effect fifteen days after its publication.

First reading	September 18, 2023
Second reading	October 2, 2023
Date of publication	October 12, 2023
Date ordinance takes effect	January 1, 2024

Reviewed for administration:

Adopted by the city council _____, 2023

Kim Keller, city manager

Jake Spano, mayor

Attest:

Approved as to form and execution:

Melissa Kennedy, city clerk

Soren Mattick, city attorney