

REGULATION OF THE USE OF WATER AND SEWER

AN ORDINANCE RELATING TO AND REGULATING THE USE OF WATER AND SEWER IN THE CITY OF OAK PARK HEIGHTS ESTABLISHING RULES AND REGULATIONS FOR THE ADMINISTRATION OF THE WATER AND SEWER SYSTEMS IN THE CITY AND MATTERS RELATING THERETO, INCLUDING ALL PROPERTIES, MAINS, RATES AND CHARGES IN CONNECTION THEREWITH AND ESTABLISHING AN INDUSTRIAL USER STRENGTH CHARGE IN ADDITION TO THE CHARGE BASED UPON THE VOLUME OF DISCHARGE BY AN INDUSTRIAL USER AND ESTABLISHING TAX LIEN AGAINST PROPERTY SERVED IN CONNECTION WITH SUCH STRENGTH CHARGE AND SEWER AND WATER RULES AND REGULATIONS AND REPEALING ORDINANCES IN CONFLICT THEREWITH.

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

1001.01 Establishment of Department.

There is hereby established a Public Utilities Division of the Department of Public Works of the City of Oak Park Heights which shall be under the supervision of the Director of Public Works. 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 ordinance subject to the authority of the City Council at any time to amend, alter, change or repeal the same. The City Council shall have responsibility for the management, maintenance, care, and operation of the sewer and water systems of the City subject to the delegation of such authority to City employees, individual Council members, or the City Clerk as the Council shall make from time to time.

1001.085 Water Conservation.

To secure the conservation of municipal water as a resource for the benefit of the people of the City of Oak Park Heights, all water sprinkling and irrigation systems and practices shall be regulated to allow water sprinkling and irrigation systems to operate in the following manner: as to all properties which property address ends in an even number, those properties will be allowed to sprinkle or irrigate on even numbered calendar days. As to all properties whose property address ends in an odd number, their right to use sprinkling and irrigation systems shall be limited to calendar number days ending in odd numbers.

1001.02

Applications, Permits and Fees.

No person, firm, or corporation shall make any type of connection or perform any service to the water system, sanitary sewer system or storm sewer system except upon making an application therefore on a form provided by the City and receiving a permit issued by the City and for such purposes. The application shall include the legal description of the property to be served, the uses for which the connection is requested, and the size of the service line to be used. At the time of making such application there shall be paid to the City Clerk fees which shall be set by the City Council from time to time by resolution for the following purposes:

- A. No connection shall be made with respect to any sanitary sewer, water system or storm sewer system serving the property of any person or occupants of the land, parcel or premises affected that have not paid or provided for the payment of the full and proportionate share of the said utilities which share shall be payable as follows:
  - 1. No connection shall be made to the City water or sewer system until the applicant or owner pays a connection charge as established by Council resolution from time to time. The connection fee shall be in addition to any fees or charges required under Subsections 2, 3, & 4.
  - 2. For services to property to which service lines have not been previously run from the street laterals to the property line, the owner, occupant, or user shall pay into the City Treasury a service line charge, the amount of which shall not be less than the City's cost of making the necessary connections, taps, and installation of pipe and appurtenances to provide service to the property and the necessary street repairs, provided, however, with the approval of the City, the owner or applicant shall have the right to contract directly with a registered installer for the installation and connection of the service line.
  - 3. Prior to any connections the owner, occupant or user shall pay in cash or agree to pay charges in the form of Special Assessments to be levied against the property to be spread over a number of years coincident with the maturity requirements of any Special Improvement Bonds sold for the purpose of financing the construction of sanitary sewer, municipal water or storm sewer system serving the property. Said cash payment of assessment charge shall be in the principal amount of not less than the payments made

by or charges placed against comparable properties for like services for such sanitary sewer, water or storm sewer system in an amount as may be established by the City Council. Payment to the City Treasury in the form of a Special Assessment charge shall be in the form of equal annual installments together with interest on the unpaid balance, which shall be established by Council resolution.

4. The City Council may establish water, sanitary sewer and storm sewer districts and establish area charges, connection charges and lateral charges for each said district by Council resolution.

B. Before proceeding with the construction, enlargement, alteration, repair of any water or sewer lines connecting the water system, sanitary sewer system or storm sewer system to any house or building, the owner or his agent shall first obtain a permit for such purposes from the municipality through its City Clerk.

C. The applicant shall pay to the City Clerk a permit fee the amount of which shall be established from time to time by Council resolution.

D. The Plumbing Inspector shall examine all applications before construction is begun, and after the construction, enlargement, alteration, or repair is complete, the Plumbing Inspector shall be notified. It shall be unlawful to cover any connecting line until an inspection has been made and such connection and the work incident thereto has been approved by the City as a proper and suitable connection.

1001.215 Storm Water, Sump Pumps, Etc.

It shall be unlawful for any owner, occupant, or user of any residential or commercial premises to direct into or allow any storm water, surface water, ground water, well water, or water from residential, industrial, or commercial air conditioning systems to drain into the sanitary sewer systems of the City. No rain spout or other form of surface drainage and no foundation drainage or sump pump shall be directly connected or discharged into any sanitary sewer system. Further, no owner, occupant, or user of any residential or commercial premises shall directly pipe or install any conduit for sump pump, pool, foundation drainage, or any other surface water drainage system through the City's curbing along any City street to facilitate its entry into the City storm water drainage system.

1001.03 Water Meter Regulations.

A. Before any water conveyed through the municipal water system shall be used or utilized on the land or premises of any person, firm, or corporation, there

shall first be installed a water meter that will accurately measure the water consumed on the premises, except and unless such installation shall be exempted by the City.

- B. All applications for the installation, maintenance, and repair of water meters shall be made to the City Clerk, who shall proceed to comply with such application within a reasonable time thereafter. All meters installed shall be furnished by the City and shall remain the property of the City of Oak Park Heights. Regulations for the cost of furnishing and use of water meters shall be established by Council resolution.
- C. No person, firm, or corporation, other than the City of Oak Park Heights or its designee, shall install and repair any water meter within the City limits. Every water meter connected to the water system shall be sealed by or under the direction of the City Clerk or City Department of Public Works and no person, firm, or corporation shall break or remove such seal. Whenever any seal attached to a water meter by or under the direction of the City Clerk or City Department of Public Works is found broken, the broken condition of such seal was broken contrary to the terms and provisions in violation of this Ordinance.
- D. All water meters connected to the water system shall be accessible to the City Clerk or City Department of Public Works or designee at any reasonable hour of any business day and the refusal of admission by any owner or occupant of any premises wherein a water meter is installed after such owner or occupant has been notified that admission is desired for the purpose of inspecting a water meter installed in said premises shall constitute a violation of this Ordinance.
- E. Water meters shall be repaired or replaced from time to time as is necessary to insure accurate measuring of the flow of water. The cost of said repair or replacement shall be borne by the City except that whenever a meter has been damaged due to negligence on the part of persons other than the employees of the City, the owner, occupant, or user of the premises or such other person desiring the use of the water shall reimburse the City for the expense of repairing or replacing any such meter. Upon failure to reimburse the City within a reasonable time and upon demand therefor, the water service and supply to said premises may be shut off or discontinued as determined to be in the best interest of the City.

- F. It shall be unlawful for any person to tamper with, alter, by-pass, or in any manner whatsoever interfere with the proper use and functioning of any water meter within the City.
- G. If a meter fails to register or accurately measure the water, the charge for water consumed shall be paid for at the established rate based upon past average billings as determined by the City Clerk.
- H. Whenever a water user questions the accuracy of the meter, and desires that his meter be tested, he shall pay a fee, the amount of which shall be established from time to time by Council resolution, to have the meter tested. If the meter is accurate within a range of minus three percent (3%) to plus one and one-half percent (1 ½%), no charge will be made for testing and an adjustment on the water bill will be made for the period of time that the meter is assumed to be inaccurate, not to exceed two (2) billing periods.
- I. Whenever a water use questions their computed consumption levels, the user must make such request for review within two billing periods otherwise the reading shall be deemed final.

1001.04

Meter Readings.

- A. The City Council may provide a system of water meter reading by postcard, meter person, or any other method deemed suitable to the purpose by Council. The Council may also establish billing areas or districts and provide for the reading of meters and billing charges by calendar quarters or monthly or such periodic intervals as the City Council shall determine suitable and necessary from time to time by resolution; provided, however, where meter reading is done by postcard the City Council may establish a penalty for failure to return water meter reading card within the time designated on said card by Council resolution.
- B. The City reserves the right to discontinue service to any customer of the water and sanitary sewer system without notice when necessary for repairs, additional connection, or reconnection.
- C. The City reserves the right to discontinue service to any customer of water and sanitary sewer system with notice as hereinafter provided for non-payment of charges or bills or for disregard of any rules or regulations in connection with the use or operation of said system. The service of water or sanitary sewer shall not be shut off until notice and an opportunity for a hearing have first been given to the occupant and owner of the premises involved. The notice shall be personally served and shall state that, if

payment is not made before the date stated in the notice, but not less than ten (10) days after the date upon which the notice is given, the water supply to the premises will be shut off. The notice shall also state that the occupant may, before such date, demand a hearing before the City Council, in which case the supply will not be shut off until after the hearing is held. If, as a result of the hearing, the City Council finds that the amount claimed owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this Ordinance, the City may then shut off the supply.

- D. Whenever any service has been discontinued for non-payment of charges or bills or for disregard of any rules or regulations in accordance with the procedures set forth above, it shall not be resumed except upon payment of the charges or bills accrued together with interest thereon, at a rate to be determined by Council resolution from time to time or compliance with the rules and regulations previously violated and payment to the City of restoration fee, the amount of which shall be set by the City Council from time to time by resolution.
- E. In the event a water or sewer bill, whether incurred prior or subsequent to the passage of this Ordinance, is unpaid after the due date as established by Council resolution from time to time, the bill shall be considered delinquent and the service may be discontinued as provided in (B) above 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 said delinquent bill in accordance with the Statutes of the State of Minnesota. Such action is optional and may be subsequent to taking legal action to collect delinquent accounts.

1001.05 Liability for Repairs.

After the initial connection has been made to the curb stop or the sewer lead the applicant, owner, or the occupant or user of such premises shall be liable for all repairs required to any water line or any sanitary or storm sewer lines necessary for connection of the premises to the street main, including any repairs necessary to the curb stop box and any necessary street repairs; it shall be the responsibility of the applicant, owner, occupant or user to maintain the stop box at such height as will insure that it remains at the finished grade of the land or property

- A. In the event a water main becomes frozen, the City of Oak Park Heights will be responsible for thawing the same. The property owner shall have the sole responsibility of thawing frozen water service line from its connection to the street main into the premises. All contractors engaged in thawing water lines

must comply with the provisions of Ordinance 302, Contractors Permits. No water customer shall be given a credit on a water bill for allowing water to run to prevent freezing without specific prior authorization from the Council annually.

1001.06 Implied Consent to Rules, Regulations, and Rates.

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

1001.07 Billing Regulations.

- A. The City Council shall have the authority to prescribe by resolution the rates to be charged for water and sewer service to the customer from time to time and may prescribe the date of billing, a discount for payment within a prescribed period, and/or penalty for failure to pay within such period and such further rules and regulations relative to the use and operation of such systems as it may deem necessary from time to time.
- B. The owner shall be liable for water supplies to his property whether he is occupying the property or not and any unpaid charges shall be a lien upon the property.
- C. Where a water user has multiple connections to the City's water systems at one location, the City shall total the consumption, exempting independently metered irrigation connections, and apply the appropriate utility rates on said total ("location" being defined as one parcel, or grouping of contiguous parcels, serving a common purpose and owned or controlled by a single entity or taxpayer).

1001.08 Emergency Regulations.

- A. The City Council may impose emergency regulations pertaining to the conservation of water by resolution of the City Council and by giving notice by publication or by posting in the City Hall and at such public places as the Council may direct.
- B. Whenever the City Council determines that a shortage of water supply threatens the City, it may, by resolution, limit the times and hours during

which City water may be used for sprinkling, irrigation, car washing, and other external purposes. After publication of a Notice setting forth the restrictions for use of water for said purposes or two (2) days after mailing a copy of such Notice to each customer, no person shall use or permit water to be used in violation of the resolution and any customer who does so shall be charged such sum as established by resolution for each day of violation and the charge shall be added to the customer's next water bill. Continued violation shall be cause for discontinuance of water service.

1001.09 Leak in Service Line.

Any owner, occupant, or user of a premises who shall discover a leak in a service line to the premises shall notify the City Office within twenty-four (24) hours. Any water wasted due to failure of such person to comply with this regulation shall be estimated by the City Clerk and be charged for against the owner of such premises at the established rate.

1001.10 Installation of Connections.

All connections to the water system and sanitary sewer system shall be performed by a registered installer licensed to do plumbing in the City of Oak Park Heights; except that nothing in this Ordinance shall be construed as to prohibit an individual owner from obtaining a permit to connect to an existing service line located totally within the owner's property and installing such connection by his own labor provided, however, that said construction is conducted under the regulations of this Ordinance and all other City Ordinances and applicable Statues of the State of Minnesota and requirements of the City Engineer and City Plumbing Inspector.

1001.11 City Not Liable.

The City shall not be held liable at any time for any deficiency or failure in the supply of water to the customer whether the same be occasioned by shutting off the water for repairs or connections or for any cause whatever.

1001.12 Right to Enter Land.

The City of Oak Park Heights, by any authorized employee or agent, shall have the right to enter and be admitted to any lands and property in the City at any reasonable hour for the purpose of inspection of materials, plumbing work, and fixtures of all kinds used by or in connection with the water and sewer systems.

1001.13 Private Water not Permitted in City System.

Whenever any premises are connected to the City water system, there shall be maintained 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.

1001.14 Storm Water not Permitted in Sanitary Sewer System.

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 air conditioning systems to drain into the sanitary sewer system of the City of Oak Park Heights. 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.

1001.15 Delayed Connection Charge.

Any owner of a residence or commercial building to which water and sewer service is or becomes available shall be sublet to an additional charge as established by Council resolution from time to time upon connection to such service if such connection is not made within the period of time which shall be established by Council resolution after such services become available.

1001.16 Prohibited Wastes into Sanitary Sewer System.

A. Waste Discharge Regulations:

No person, firm, or corporation shall discharge any waste, or cause or allow any waste to be discharged into the sanitary sewer system unless in accordance with the following regulations:

1. Treatment of Prohibited Waste.

Where it is determined that any waste discharged or to be discharged has certain characteristics or elements which are or may be harmful to the structures, processes, or operation of the sanitary sewer system or persons operating it, such discharge shall be discontinued or the waste shall be treated prior to its discharge into the system in a manner which will eliminate such characteristics or elements.

2. Limitations on Discharge.

No person, firm, or corporation shall discharge, or cause or allow to be discharged into the sanitary sewer system any waste containing concentrations in excess of the following:

|                       | <u>Concentration</u> |
|-----------------------|----------------------|
| Chromium (total)      | 25.0 mg/l            |
| Chromium (hexavalent) | 10.0 mg/l            |
| Copper                | 5.0 mg/l             |
| Cyanide (total)       | 10.0 mg/l            |

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| Cyanide (readily released at 150 degrees F and pH = 4.5)           | 2.0 mg/1   |
| Iron   | 50.0 mg/1  |
| Lead   | 0.5 mg/1   |
| Mercury  | None at levels acutely toxic to humans or other plant or animal life |
| Nickel   | 10.0 mg/1  |
| Zinc   | 15.0 mg/1  |
| Temperature (except where higher temperatures are required by law) | not over 150 Deg. F  |
| pH   | 5.5 - 9.5  |

3. Exclusion of Wastes.

No person, firm, or corporation shall discharge or cause or allow to be discharged into the sanitary sewer system any waste which contains any of the following:

- a. More than one hundred (100) mg/1 of fats, wax, grease, or oils (hexane soluble), whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees F (0 degree and 65 degrees C) at the point of discharge into the sewer system.
- b. Liquids, solids, or gases which by reason of their nature or quantity are or may be sufficient to cause fire or explosion or be injurious in any other way to the sanitary sewer system or to the operation of the system. At no time shall two (2) successive readings on an explosimeter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (L.E.L.).
- c. Any noxious or malodorous solids, liquids, or gases, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.
- d. Any toxic substance, chemical elements, or compounds in quantities sufficient to interfere with the biological processes of efficiency of treatment works, or that will pass through a

treatment works and cause the effluent therefrom or the water into which it is discharged to fail to meet applicable State or Federal Standards.

- e. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") in any dimension.
- f. Radioactive wastes or isotopes of such half-life or concentrations that they are in noncompliance with present or future regulations issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the system or personnel operating it.
- g. Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or other interference with the proper operation of any disposal system, such as grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, gas tar, asphalt, residues from refining or processing of fuel or lubricating oil, gasoline, naphtha, and similar substances.
- h. Any waste from septic tanks or similar facilities.
- I. Any mineral acids, waste acid pickling, or plating liquors from the pickling or plating of iron, steel, brass, copper, or chromium, or any other dissolved or solid substances which will or may endanger health or safety, or attach or corrode any part of the sanitary sewer system.
- j. Liquids or vapors having a temperature higher than 150 degrees F immediately prior to discharge into the sewer system.
- k. Phenols or other taste- or odor-producing substances in concentrations which will or may cause the effluent from the

treatment works or the water into which it is discharged to fail to meet applicable State or Federal standards.

- l. Materials which exert or cause:
  - 1) Unusually high concentrations of inert suspended solids or of dissolved solids.
  - 2) Excessive discoloration.
  - 3) Unusually high volume of flow or concentration of waste exceeding five (5) times the average daily concentration of flow during normal operation.
  
- m. Unusually high concentrations of suspended solids, BOD, COD, or chlorine requirements in such quantities as to constitute a significant load on the treatment works.
  
- n. Any substance which is not amenable to treatment or reduction by the type of sewage treatment processes employed to a degree sufficient to permit the effluent from the treatment works and the water into which it is discharged to meet applicable State and Federal standards.

1001.17 Recitals for Establishing Industrial User Strength Charge.

The Metropolitan Waste Control Commission, a metropolitan commission organized and existing under the laws of the State of Minnesota, hereinafter referred to as the "Commission," in order to receive and retain grants in compliance with the Federal Water Pollution Control Act Amendments of 1972 and regulations thereunder, hereinafter referred to as the "Act," has determined to impose an industrial user sewer strength charge upon users of the Metropolitan Disposal System as defined in Minnesota Statutes, § 473.121, Subdivision 24, to recover operation and maintenance costs of treatment works attributable to the strength of the discharge of industrial waste, such sewer strength charge being in addition to the charge based upon the volume of discharge. In order for the City to pay such costs based upon strength of industrial discharge and allocated to it each year by the Commission, it is hereby found, determined, and declared to be necessary to establish sewer strength charges and a formula for the computation thereof for all industrial users receiving waste treatment services within or served by the City. Furthermore, Minnesota Statutes, §444.075, Subdivision 3, empowers the City to make such sewer charge a charge against the owner, lessee, occupant, or all of them and certify unpaid charges to the County Auditor as a tax lien against the property served.

1001.18 Establishment of Strength Charges.

For the purpose of paying the costs allocated to the City each year by the Commission that are based upon the strength of discharge of all industrial users receiving waste treatment services within or served by the City, there is hereby approved, adopted, and established, in addition to the sewer charge based upon the volume of discharge, a sewer charge upon each person, company, or corporation receiving waste treatment services within or served by the City based upon strength of industrial waste discharged into the sewer system of the City, hereinafter referred to as the "Strength Charge."

1001.19 Establishment of Strength Charge Formula.

For the purpose of computation of the Strength Charge established by Section 1001.18 hereof, there is hereby established, approved, and adopted, in compliance with the act, the same Strength Charge formula designated in Resolution No. 76-172, adopted by the governing body of the Commission on June 15, 1976, such formula being based upon pollution qualities and difficulty of disposal of the sewage produced through an evaluation of pollution qualities and quantities in excess of an annual average base and the proportionate costs of operation and maintenance of waste treatment services provided by the Commission. Said Metropolitan Waste Control Commission Resolution 76-172, adopted June 15, 1976, is hereby made an attachment "A" to this Ordinance.

1001.20 Strength Charge Payment.

It is hereby approved, adopted, and established that the Strength Charge established by Section 1001.18 hereof, shall be paid by each industrial user receiving waste treatment services and subject thereto before the twentieth (20th) day next succeeding the date of billing thereof to such user by or on behalf of the City, and such payment thereof shall be deemed to be delinquent if not so paid to the billing entity before such date. Furthermore, it is hereby established, approved, and adopted that if such payment is not paid before such date an industrial user shall pay interest, compounded monthly, at the rate of two-thirds of one percent (2/3%) per month on the unpaid balance due.

1001.21 Establishment of Tax Lien.

As provided by Minnesota Statutes, § 444.975, Subdivision 3, it is hereby approved, adopted, and established that if payment of the Strength Charge established by Section 1001.18 hereof is not paid before the sixtieth (60th) day next succeeding the date of billing thereof to the industrial user by or on behalf of the City, said delinquent sewer strength charge, plus accrued interest established pursuant to Section 1001.20 hereof, shall be deemed to be a charge against the owner, lessee, and occupant of the property served, and the City or its agent shall certify such unpaid delinquent balance to the County Auditor with taxes against the property served for collection as other taxes are collected; provided, however, that such certification

shall not preclude the City or its agent from recovery of such delinquent sewer strength charge and interest thereon under any other available remedy.

1001.215 Storm Water, Sump Pumps, Etc.

It shall be unlawful for any owner, occupant, or user of any residential or commercial premises to direct into or allow any storm water, surface water, ground water, well water, or water from residential, industrial, or commercial air conditioning systems to drain into the sanitary sewer systems of the City. No rain spout or other form of surface drainage and no foundation drainage or sump pump shall be directly connected or discharged into any sanitary sewer system. Further, no owner, occupant, or user of any residential or commercial premises shall directly pipe or install any conduit for sump pump, pool, foundation drainage or other surface water drainage system through the City's curbing along any City street to facilitate its entry into the City storm water drainage system.

1001.22 Separability of Sections.

In the event any provision of this Ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

1001.23 Penalty Provision.

Any person who shall do or commit any act that is forbidden by the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Seven Hundred Dollars (\$700.00) or to be imprisoned in the County Jail for a period not to exceed ninety (90) days, or both.

Amended: Section 1001.02. Passed and adopted December 22, 2009  
Added: Section 1001.03 I. Passed and adopted December 22, 2009  
Section 1001.07 C. Passed and adopted December 22, 2009