

## **Chapter 42 UTILITIES\***

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**\*Cross reference(s)**--Administration, ch. 2; buildings and building regulations, ch. 10; businesses, ch. 12; community development, ch. 16; environment, ch. 22; planning, ch. 30; solid waste, ch. 32; streets, sidewalks and other public places, ch. 36; subdivisions, ch. 38.

**State law reference(s)**--Authority to own and operate utility systems, M.S.A. § 412.321; authority to build and maintain waterworks systems and sewage disposal plants, M.S.A. § 444.075.

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## **ARTICLE I. IN GENERAL**

**Secs. 42-1--42-30. Reserved.**

## **ARTICLE II. WATER AND SEWER SYSTEMS**

### **DIVISION 1. GENERALLY**

#### **Sec. 42-31. Water and sewer department.**

There is established a water and sewer department, which shall be under the supervision of the public works superintendent. The department shall be responsible for the management, maintenance, care and operation of the waterworks and sanitary sewer system of the city.

(Code 1987, § 401.01)

#### **Sec. 42-32. Use of water or sewer system restricted.**

No person shall make or use any water or sewer service installation connected to the city water or sewer system except pursuant to application and permit as provided in this article. No person shall make or use any such installation contrary to the regulatory provisions of this article.

(Code 1987, § 401.02)

#### **Sec. 42-33. Applications for service.**

- (a) *Procedure.* Application for a water or sewer service installation and for water service shall be made to the administrative clerk-treasurer on forms prescribed by the city council and furnished by the city. By his signature, the applicant shall agree to conform to this article and to rules and regulations that may be established by the city as conditions for the use of water.
- (b) *Fees or deposit.* Application for a service installation shall be made by the owner of the property to be served or by his agent. The applicant shall at the time of making application pay to the city the amount of the fees or deposit required for the installation of the service connection as provided in this article. When a water service connection has

been installed, application for water service may be made either by the owner or his agent or by the tenant or occupant of the premises.

- (c) *Special provisions.* The sanitary sewer system, storm sewer system and city water system shall not be connected with and shall not service any building or structure located outside of the boundaries of the city. This shall not apply to buildings or structures or usages, or the connection of or furnishing of sewer or water service to buildings and structures now established.

(Code 1987, § 401.03)

**Sec. 42-34. Charges for service connections.**

- (a) *Permit and fee.* No connection shall be made to the city water or sanitary sewer system without council approval.
- (b) *Connection fees.* When a connection requires installation of a service line from the main to the property line, the applicant for a permit shall pay to the city an amount not less than the cost of making the necessary connections, taps and installation of pipe and appurtenances to provide service to the property and the necessary street repairs.
- (c) *Certification.* No permit shall be issued to connect with any water or sanitary sewer main unless the owner and/or developer certifies to the truth of one of the following or the payment required under subsection (d) of this section is made:
  - (1) That the lot or tract to be served has been assessed for the cost of construction of the main with which the connection is made or that proceedings for levying such assessment have been or will be commenced in due course;
  - (2) That the cost of construction of the main has been paid by the developer or builder platting the lot or tract; or
  - (3) That, if neither of the foregoing is true, a sum equal to the portion of the cost of constructing the main which would be assessable against the lot or parcel has been paid to the city.
- (d) *Additional connection fee.* If no such certificate can be issued, the applicant shall pay an additional connection fee equal to the portion of the cost of construction of the main attributable to the property upon the same basis as any assessment previously levied against other property for the main. The determination shall be made by the city council. If no such assessment has been levied, the assessable cost shall be determined upon the basis of the uniform charge which may have been or will be charged for similar connection with the main. The amount shall be determined on the basis of the total assessable cost of the main allocated on the basis of frontage or whatever basis is established by the city council. In no event shall the connection charge made under this subsection exceed the increase in value of the property attributable to the main.
- (e) *Notice and hearing.* Before the administrative clerk-treasurer makes a final determination of the additional connection fee under subsection (d) of this section, he

shall submit a written notice to the applicant stating the amount of the proposed connection fee and the basis of its calculation. The notice shall also state that the applicant may, within ten days of receipt of the notice, demand a hearing on the matter. If the applicant requests a hearing within that time, a hearing shall be held on the matter by the city council at least one week after the date on which the request is made. If as a result of the hearing, the administrative clerk-treasurer finds that the proposed connection fee complies with the requirements of subsection (d) of this section, he shall so determine. If he determines that the proposed fee is in excess of the amount that would have been assessed had the property been assessed for the main or in excess of the increase in market value attributable to construction of the main, he shall make a determination of the proper amount of the fee within the limits specified in subsection (d) of this section. No connection shall be made without payment of the connection fee determined after the hearing or determined after the expiration of ten days from receipt of the notice when there has been no request within that time for a hearing.

(Code 1987, § 401.04)

**Sec. 42-35. Accounting, billing, collecting.**

- (a) *Accounts in name of owner.* All accounts shall be carried in the name of the owner. The owner shall be liable for water supplied to his property, whether he is occupying the property or not; and any charges unpaid shall be a lien upon the property.
- (b) *Bills for service.* Water and sewer service charges shall be billed together. Bills shall be mailed to the customers monthly and shall specify the water consumed and the sewer and water charges in accordance with the rates set out in this article.
- (c) *Delinquent accounts.* All charges for water and sewer service shall be due on the quarterly due date specified by the city for the respective account and shall be delinquent one day thereafter. The city shall endeavor to collect delinquent accounts promptly. In any case, where satisfactory arrangements for payment have not been made, the administrative clerk-treasurer may, after the procedural requirements of subsection (d) of this section have been complied with, discontinue service to the delinquent customer by shutting off the water at the stop box. When water service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent bills and the current turn-on fee. Delinquent accounts shall be certified to the administrative clerk-treasurer, who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment roll shall be delivered to the council for adoption on or before October 1 of each year for certification to the county auditor for collection along with taxes. Such action is optional and may be subsequent to taking legal action to collect delinquent accounts.
- (d) *Procedure for shutoff of service.* Water shall not be shut off under subsection (c) of this section or for a violation of rules and regulations affecting utility service until notice and an opportunity for a hearing have first been given the occupant of the premises involved. The notice shall be by certified mail or may be personally served and shall state that if payment is not made before a day stated in the notice, but not less than 14 days after the date on 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 on the matter, in which case the supply will not be cut off until after the hearing is held. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the city council at least one week after the date on which the request is made. If as a result of the hearing the administrative clerk-treasurer finds that the amount claimed to be 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 article, the city may shut off the supply.

(Code 1987, § 401.05)

**Sec. 42-36. Protection of public and city; apportionment of costs.**

The owner shall bear the costs and expenses incident to the installation and connection of the building sewer or extension of water service to private property, and he shall indemnify the city for any loss or damage directly or indirectly caused by its installation and connection.

(Code 1987, § 401.06)

**Secs. 42-37--42-60. Reserved.**

DIVISION 2. WATER\*

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\*State law reference(s)--Authority to build, construct, etc., waterworks systems, M.S.A. § 444.075.

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**Sec. 42-61. General water regulations.**

- (a) *Discontinuance of service.* The city may discontinue service to any water consumer without notice for necessary repairs or, upon notice as provided in section 42-35, for nonpayment of charges, or for violation of rules and regulations affecting utility service.
- (b) *Supply from one service.* No more than one house or building shall be supplied from one service connection except by special permission of the council. Whenever two or more parties are supplied from one pipe connecting with a service main, each building or part of building separately supplied shall have a separate stop box and a separate meter.
- (c) *Turning on water, tapping mains.* No person except an authorized city employee, shall turn on any water supply at the stop box or tap any distributing main or pipe of the water supply system or insert a stop cock or other appurtenance in the system without a city permit.
- (d) *Repair of leaks.* The consumer or owner shall be responsible for maintaining the service pipe from the curb box into the building served. If he fails to repair any leak in such service pipe within 24 hours after notice by the city, the city may turn the water off. The water shall not then be turned on again until the current turn-on fee has been paid to the city. When the waste of water is great or damage is likely to result from the leak, the city

shall turn the water off immediately upon the giving of notice if repair is not commenced immediately.

- (e) *Use of fire hydrants.* No person other than an authorized city employee or authorized firefighter in the course of duty shall operate a fire hydrant or interfere in any way with the city water system without first obtaining authority to do so from the public works superintendent.
- (f) *Private water supply.* No water pipe of the city water supply system shall be connected with any pump, well or tank that is connected with any other source of water supply. When any such connection is found, the administrative clerk-treasurer's office shall notify the owner to sever the connection; and if this is not done immediately, the city shall turn off the water supply forthwith. Before any new connection to the city system is permitted, the public works department shall ascertain that no cross connection will exist when the new connection is made.
- (g) *Restricted hours.* Whenever the 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, air conditioning or other specified uses. After publication of the resolution or two days after the mailing of the resolution 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 the current penalty for each day of violation, and the charge shall be added to his next water bill. If the emergency requires immediate compliance with terms of the resolution, the council may provide for the delivery of a copy of the resolution to the premises of each customer; and any customer who has received such notice and thereafter uses or permits water to be used in violation of the resolution shall be subject to the charge provided above. Continued violation shall be cause for discontinuance of water service.
- (h) *Permitting use by others.* No person shall permit city water to be used for any purpose except upon his own premises, except in an emergency and then only if written permission is first obtained from the administrative clerk-treasurer. Anyone wishing to obtain water from a hydrant for construction purposes shall make application to the administrative clerk-treasurer for such services.

(Code 1987, § 402.01)

**Sec. 42-62. Meters.**

- (a) *Required.* Except for the extinguishment of fires, no person other than an authorized city employee shall use water from the city water supply system or permit water to be drawn from the system unless the water passes 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 interfere with any such meter or its use.
- (b) *Maintenance.* The city shall maintain and repair at its expense any meter that has become unserviceable through ordinary wear and tear and shall replace it if necessary by act or neglect of the owner or occupant of the premises it serves, any city expense



caused thereby shall be a charge against and collected from the water consumer, and water service may be discontinued until the cause is corrected and the amount charged is paid.

- (c) *Complaints; meter testing.* When a consumer complains that the bill for any past service period is excessive, the city shall have the meter reread on request. If the consumer remains dissatisfied, he may, on written request and after making the current deposit, have the meter tested. If the test shows an error in the city's favor exceeding five percent of the water consumed, the deposit shall be refunded, an accurate meter shall be installed, and the bill shall be adjusted accordingly. Such adjustment shall not extend back more than one service period from the date of the written request.
- (d) *Property of city.* Water meters shall be the property of the city and may be removed or replaced as to size and type when deemed necessary.
- (e) *Reading and inspection.* Authorized meter readers shall have free access at reasonable hours of the day to all parts of every building and premises connected with the city water supply system in order to read meters and make inspections.
- (f) *Rental.* Each premises on the city water supply using a water meter shall pay a rental charge for such meter. This specific charge shall be set by the city council at their discretion.

(Code 1987, § 402.02)

#### **Sec. 42-63. Plumbing regulations.**

- (a) *Service pipes.* Every service pipe shall be laid with sufficient bend 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 not less than five feet below the surface and be so arranged as to prevent rupture by freezing. A shutoff or other stop cock with waste valve of the size and strength required shall be placed close to the inside wall of the building and shall be well protected from freezing. Copper tubing shall be used for all services of two inches or less. Joints on copper tubing shall be as few as possible, and not more than one joint shall be used for a service up to 70 feet in length. Each joint shall be left uncovered until inspected by the city. Every service over two inches shall be cast iron. Connections with the mains for domestic supply shall be at least three-fourths inch.
- (b) *Water meter setting.* Every water meter shall be installed in accordance with the following provisions:
  - (1) The service pipe from the water main to the meter shall be brought through the floor in a vertical position where the pipe enters the building. The stop and waste valve shall be 12 inches above the floor.
  - (2) The bottom of the meter shall be between six and 12 inches above the finished floor line. The meter shall be set not more than 12 inches horizontally from the inside line of the basement wall unless a different position is approved by the

public works superintendent. A suitable bracket shall be provided to support the meter in a proper vertical position and prevent noise from vibration.

- (3) Each meter installation shall have a stop and waste valve on the street side of the meter. In no case shall more than 12 inches of pipe be 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.
  - (4) The water pipe connecting with the main shall not exceed two feet under the basement floor from the inside of the basement wall to the water meter connection.
  - (5) Meter setting devices for five-eighths-inch, three-fourths-inch, and one-inch meters shall be of copper pipe or tubing from the terminus of the service pipe up to and including the stop and waste valve on the building side.
- (c) *Location of stop boxes.* Curb stop boxes shall be installed generally where desired by the owners of occupied properties, but they shall be placed as near as possible to the curb if on a street or within one foot of the alley line if the main is located in the alley. They shall be installed at an approximate depth of not less than five feet below the established grade and shall be left in an accurate vertical position when backfilling is completed.

(Code 1987, § 402.03)

#### **Sec. 42-64. Water rates.**

- (a) *Service charge.* Each water user shall pay a service charge each month during which water service is furnished as determined by the city council resolution. This shall also be known as the minimum water rate.
- (b) *Rate schedule.* In addition, each water user shall pay for water used each month at the rate established by the council.

(Code 1987, § 402.04)

#### **Secs. 42-65--42-85. Reserved.**

#### DIVISION 3. SANITARY SEWER SYSTEM\*

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\***State law reference(s)**--Authority to regulate the disposal of sewage, M.S.A. § 412.221, subd. 22(3).

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#### *Subdivision I. In General*

#### **Sec. 42-86. Definitions.**

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

*Act* means the Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, 33 USC 1251 et seq.

*BOD<sub>5</sub>* or *biochemical oxygen demand* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees Celsius and as expressed in terms of milligrams per liter (mg/l).

*Building drain* means that point of a building which conveys wastewater to the building sewer, beginning immediately outside the building wall.

*City* means the area within the corporate boundaries of the city, the city council or its authorized representative.

*Debt service charge* means a charge to users of the wastewater treatment facility for the purpose of repaying capital costs.

*Equivalent residential unit (ERU)* means a unit of wastewater volume of 100 gallons per day at a strength not greater than NDSW.

*Industrial user* means:

- (1) Any entity as defined in the Standard Industrial Classification Manual (latest edition) as categorized, that discharge wastewater to the public sewer.
  - a. Division A: Agriculture, forestry and fishing.
  - b. Division B: Mining.
  - c. Division D: Manufacturing.
  - d. Division E: Transportation, communications, electric, gas and sanitary sewers.
  - e. Division I: Services.
- (2) Any user whose discharges, singly or by interaction with other wastes:
  - a. Contaminate the sludge of the wastewater treatment system.
  - b. Injure or interfere with the treatment process.
  - c. Create a public nuisance or hazard.
  - d. Have an adverse effect on the waters receiving wastewater treatment plant discharges.

- e. Exceed NDSW limitations.
- f. Exceed normal residential unit volumes of wastewater.

*Infiltration/inflow (I/I)* means water other than wastewater that enters the sewer system from the ground or from surface runoff, as defined in Minnesota Rules.

*MPCA* means the Minnesota Pollution Control Agency.

*National Categorical Pretreatment Standards* means federal regulations establishing pretreatment standards for introduction of pollutants in publicly owned wastewater treatment facilities; section 307(b) of the act.

*National Pollutant Discharge Elimination System (NPDES) permit* means a permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge pursuant to sections 402 and 405 of the act.

*Natural outlet* means any outlet, including storm sewers and combined sewers, which flows into a body of surface water or groundwater.

*Nonresidential user* means a user of the treatment facility whose building is not used as a private residence, and discharges NDSW.

*Normal domestic strength waste (NDSW)* means wastewater that is primarily introduced by residential users with BOD<sub>5</sub> concentrations not greater than 200 mg/l and TSS concentrations not greater than 240 mg/l.

*Operation, maintenance and replacement (OM&R) costs* means expenditures necessary to provide for the dependable, economical and efficient functioning of the treatment facility throughout its design life, including operator training and permit fees. Replacement refers to equipment replacement costs, not the cost of future replacement of the entire facility.

*Residential user* means a user of the treatment facility whose building is used primarily as a private residence and discharges NDSW.

*Sewer* means a pipe or conduit that carries wastewater or drainage water.

- (1) *Building sewer* means the extension from the building drain to the public sewer or other place of disposal, also referred to as a service connection.
- (2) *Sanitary sewer* means a sewer designed to carry only liquid and water-carried wastes from residential, nonresidential and industrial sources together with minor quantities of I/I.
- (3) *Storm sewer* means a sewer intended to carry unpolluted surface and subsurface water from any source.

*Sewer service charge* means the total of the user charge and the debt service charge.

*Slug* means a discharge of water or wastewater which in concentration or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation.

*State disposal system (SDS) permit* means a permit issued by the MPCA pursuant to M.S.A. § 115.07 for a disposal system as defined by M.S.A. § 115.01, subd. 8.

*Total suspended solids (TSS)* means the total suspended matter that either floats on the surface of or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" (latest edition).

*Unpolluted water* means water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards. An example could be noncontact cooling water.

*User charge* means a charge to users of a treatment facility for the user's proportionate share of the cost of operation and maintenance, including replacement.

*Wastewater* means liquid and water-carried wastes from residential, nonresidential and industrial users, together with any groundwater, surface water and stormwater that may be present.

*Wastewater treatment facilities or treatment facilities* means the land, devices, facilities, structures, equipment and processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal wastewater, and the disposal of residues resulting from such treatment.

(Ord. of 3-8-1994, art. I, §§ 2--24)

**Cross reference(s)**--Definitions generally, § 1-2.

#### **Sec. 42-87. Control by the authorized representative.**

The council shall appoint an authorized representative who shall have control and general supervision of all public sewers and service connections in the city and shall be responsible for administering the provisions of this division to ensure that a proper and efficient public sewer is maintained. The authorized representative may delegate responsibilities to designated representatives.

(Ord. of 3-8-1994, art. II)

#### **Sec. 42-88. Powers and authority of inspectors.**

- (a) Duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter all properties for inspection, observations, measurement, sampling, testing, repair and maintenance in accordance with the provisions of this division.

- (b) Industrial users shall be required to provide information concerning industrial processes which have a direct bearing on the type and source of discharge to the collection system. An industry may withhold information considered confidential. However, the industry must establish that the information in question might result in an advantage to competitors and that the industrial process does not have deleterious results on the treatment process.

(Ord. of 3-8-1994, art. VIII)

**Sec. 42-89. Tampering with facilities prohibited.**

No person shall willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater treatment facilities. Any person violating this section shall be subject to immediate arrest under the charge of a misdemeanor.

(Ord. of 3-8-1994, art. VII)

**Sec. 42-90. Penalties.**

- (a) Upon determination that a user has violated or is violating applicable provisions of this division or related permits, the authorized representative may issue a notice of violation. Within 30 days of such notification, the violator shall submit to the authorized representative an adequate explanation for the violation and a plan for the correction and prevention of such occurrences, including specific actions required. Submission of such a plan in no way relieves the violator of liability of any violation occurring before or after the issuance of the notice of violation.
- (b) Any person found to be violating any provision of this division shall be guilty of a misdemeanor and shall be prosecuted accordingly. Each day in which any such violation occurs shall be deemed as a separate offense. Such fines may be added to the user's next sewer service charge, and will hence be subject to the same collection regulations as specified in section 42-188. Users desiring to dispute a fine must file a request for the authorized representative to reconsider within 30 days of the issuance of the fine. If the authorized representative believes that the request has merit, a hearing on the matter shall be convened within 30 days of the receipt of the request.
- (c) To collect delinquent sewer service charge accounts, the city may file a civil action suit or levy an assessment lien against the violator. Related attorney's fees fixed by court order shall also be collected. The violator shall be liable for interest on all balances at a rate of 18 percent annually.
- (d) Any person violating any of the provisions of this division shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation.

(Ord. of 3-8-1994, art. XI, §§ 1--4)

**Secs. 42-91--42-110. Reserved.**

*Subdivision II. Use of Public Sewers Required*

**Sec. 42-111. Connection.**

- (a) Within 30 days of receiving official notification, the owners of all properties within 300 feet of a sanitary sewer collection system shall install a suitable service connection at their own expense in accordance with the provisions of this division.
- (b) If an owner shall fail to connect to a public sewer in compliance with a notice given under this division, the city will have the connection made and shall assess the cost against the benefited property.
- (c) Except as otherwise provided in this division, it shall be unlawful to construct or maintain any private facility intended or used for the disposal of wastewater.

(Ord. of 3-8-1994, art. III)

**State law reference(s)**--Authority to require water and sewer connections, M.S.A. § 412.221, subd. 31.

**Sec. 42-112. Private wastewater disposal.**

- (a) Where a public sewer is not available under the provisions of section 42-111, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.
- (b) Before construction of a private wastewater disposal system, the owner shall obtain a written permit signed by the authorized representative. The permit shall not become effective until the installation is completed to the representative's satisfaction. A designated representative shall be allowed to inspect any stage of construction. The applicant for the permit shall give notification when ready for the system's final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of the notice.
- (c) The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of Minnesota Rules chapter 7080, and applicable local ordinances.
- (d) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the city.
- (e) When the public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 30 days in compliance with this division; and within 30 days, private wastewater disposal systems will be cleaned of all sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.
- (f) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the MPCA, the state department of health, or other responsible federal, state or local agencies.

(Ord. of 3-8-1994, art. IV, §§ 1--6)

**Secs. 42-113--42-130. Reserved.**

*Subdivision III. Building Sewers and Connections Design*

**Sec. 42-131. Permit required.**

- (a) No person shall make any alterations to the public sewer or any of its appurtenances without first obtaining a permit from the city. No private building drain shall extend beyond the limits of the building or property for which the permit has been given.
- (b) Any new connection to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including but not limited to capacity for flow, BOD<sub>5</sub> and TSS as determined by the authorized representative.

(Ord. of 3-8-1994, art. V, § 1)

**Sec. 42-132. Separate, independent sewer required.**

- (a) A separate and independent building sewer shall be provided for each building. Old building sewers may be used to service new buildings only when they are found to meet all requirements of this division.
- (b) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater shall be lifted by an approved means and discharged to the building sewer.

(Ord. of 3-8-1994, art. V, § 2)

**Sec. 42-133. Technical conformity required.**

The construction and connection of the building sewer to the public sewer shall conform to the requirements of the state building and plumbing code, applicable rules and regulations of the city, and the materials and procedural specifications set forth in the American Society of Testing Materials (ASTM) and the Water Pollution Control Federation (WPCF) Manual of Practice No. 9. All such connections shall be made gastight and watertight, and verified by proper testing to prevent I/I.

(Ord. of 3-8-1994, art. V, § 3)

**Sec. 42-134. Connection of unpolluted water sources prohibited.**

No unpolluted water sources shall be connected to the sanitary sewer.

(Ord. of 3-8-1994, art. V, § 4)



**Sec. 42-135. Supervision of connection.**

The applicant for the building sewer permit shall notify the city when the building sewer is ready for connection to the public sewer. The connection shall be made under the supervision of a designated representative.

(Ord. of 3-8-1994, art. V, § 5)

**Sec. 42-136. Construction permit required.**

An appropriate construction permit is required to install a service connection. Any person desiring a permit shall apply in writing to the city council, providing satisfactory evidence of the applicant's qualifications. If approved by the council, the permit shall be issued by a designated representative upon the filing of a bond.

(Ord. of 3-8-1994, art. V, § 6)

**Sec. 42-137. Indemnification of city by contractor; responsibility of property owner.**

A permit for sewer service connection installation is considered issued with a building permit. The contractor will indemnify the city from all suits, accidents and damage that may arise by reason of any opening in any street, alley or public ground made by the contractor or by those in the contractor's employment. A service connection is the responsibility of the property owner starting from the main line. All maintenance and repair to any such service line is the sole responsibility of the property owner.

(Ord. of 3-8-1994, art. V, § 7)

**Sec. 42-138. Grounds for suspension of permit.**

The council may suspend or revoke any permit issued under this subdivision for any of the following causes:

- (1) Giving false information in connection with the application for a permit.
- (2) Incompetence of the permittee.
- (3) Willful violation of any provisions of this subdivision or any rule or regulation pertaining to the making of service connections.
- (4) Failure to adequately protect and indemnify the city and the user.

(Ord. of 3-8-1994, art. V, § 8)

**Secs. 42-139--42-155. Reserved.**

*Subdivision IV. Use of Public Wastewater Treatment Facilities*

**Sec. 42-156. Discharge of unpolluted water or stormwater.**

No unpolluted water or stormwater shall be discharged to the sanitary sewer. Such water shall be discharged only to storm sewers or to natural outlets approved by the city and other regulatory agencies. The current monthly surcharge will be added to the city utility bill of any property discovered to be discharging stormwaters to the sanitary sewer by any method. Such charge will commence 30 days after the date of notice of discovery of the violation. Such charge will be eliminated upon providing proof of disconnection, either by calling for a reinspection or by affidavit from a licensed plumber that the disconnection has been completed.

(Ord. of 3-8-1994, art. VI, § 1)

**Sec. 42-157. Specific prohibited discharges.**

No person shall discharge any of the following substances to the public sewer.

- (1) Liquids, solids, gases or other substances which singly or by interaction with others may cause fire or explosion.
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer.
- (3) Wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive or caustic property capable of causing damage or hazard.
- (4) Wastewater containing toxic pollutants, as defined in section 307(a) of the Water Pollution Control Act and M.S.A. § 115.01, subd. 14.

(Ord. of 3-8-1994, art. VI, § 2)

**Sec. 42-158. Limited discharges.**

Discharges of the following substances shall be limited to concentrations or quantities which will not harm the wastewater facility, streams, soils, vegetation and groundwater, and will not otherwise create a hazard or nuisance. The authorized representative may set limitations lower than the prohibition limits outlined in this section. Consideration will be given to such factors as the quantity of waste in relation to flows and velocities, materials of construction, the city's NPDES and SDS permits, capacity of the treatment plant, degree of treatability of wastes and other pertinent factors.

- (1) Wastewater having a temperature greater than 150 degrees Fahrenheit (65.6 degrees Celsius), or causing, individually or in combination with other wastewater, the influent at the treatment facilities to have a temperature exceeding 104 degrees Fahrenheit (40 degrees Celsius), or having heat in amounts which will be detrimental to biological activity in the treatment facilities.
- (2) Wastewater containing fats, wax, grease or oils in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit (0 degrees Celsius and 65.6 degrees Celsius).

- (3) A discharge of water or wastewater which in concentration or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation.
- (4) Food wastes not properly shredded to such a degree that all particles will be carried freely under normal flow conditions with no particle greater than one-half inch in any dimension.
- (5) Noxious or malodorous liquids, gases or solids.
- (6) Wastewater with objectionable color not removed in the treatment process.
- (7) Wastewater containing inert suspended solids in such quantities that would cause disruption to the wastewater treatment facilities.
- (8) Radioactive wastes or isotopes in concentrations that exceed limits established by applicable state and federal regulations.
- (9) Wastewaters with BOD<sub>5</sub> or suspended solids levels that require additional treatment, except as may be permitted by specific written agreement with the city subject to section 42-166.
- (10) Wastewater containing substances which cannot be treated to produce effluent quality required by the permit or causes a violation of any applicable local, state or federal regulation.

(Ord. of 3-8-1994, art. VI, § 3)

**Sec. 42-159. Action by representative regarding prohibited or limited discharges.**

- (a) In the event of discharges to the public sewers which contain substances or possess characteristics prohibited in sections 42-157 and 42-158, or which in the judgment of the representative may have a deleterious effect to the treatment facility, receiving water, soils or vegetation, or which create a hazard or nuisance, the representative may:
  - (1) Refuse to accept the wastes.
  - (2) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to section 307(b) of the act and all addenda to the act.
  - (3) Require control over the quantities and rates of discharge.
  - (4) Require payment to cover all the added costs of handling, treating and disposing of wastes not covered by existing taxes or sewer charges.
- (b) If the representative permits the pretreatment or equalization of waste flows, the design, installation, maintenance and efficient operation of the facilities and equipment shall be at the owner's expense and shall be subject to review and approval by the city pursuant to the requirements of the MPCA.

(Ord. of 3-8-1994, art. VI, § 4)

**Sec. 42-160. Treatment substitutes prohibited.**

No user shall increase the use of process water or in any manner attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this subdivision, the National Categorical Pretreatment Standards, and any state or local requirement.

(Ord. of 3-8-1994, art. VI, § 5)

**Sec. 42-161. Interceptors required.**

- (a) Grease, oil and sand interceptors shall be provided at the owner's expense when, in the opinion of the representative, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, any flammable wastes, sand or other harmful ingredients. All interceptors shall be readily and easily accessible for cleaning and inspection. The owner shall be responsible for the maintenance of interceptors, including proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal, which are subject to review by the representative.
- (b) Any material removal and hauling must be performed by the owner's personnel or a currently licensed waste disposal firm and in compliance with all applicable laws and regulations.

(Ord. of 3-8-1994, art. VI, § 6)

**Sec. 42-162. Control manhole required.**

Where required by the representative, industrial users shall install and maintain at their own expense a suitable structure or control manhole with such necessary meters and other testing equipment needed to facilitate observation, sampling and measurement of wastewater. The manhole will be safe and accessible at all times. The council may require submission of laboratory analyses to illustrate compliance with this division and any special conditions for discharge established by the council or responsible regulatory agency. All measurements, tests and analyses to which reference is made in this division shall be determined in accordance with the latest edition of Standard Methods of the Examination of Water and Wastewater, published by the American Public Health Association, and kept for a period of one year.

(Ord. of 3-8-1994, art. VI, § 7)

**Sec. 42-163. Protection from accidental regulated discharges.**

- (a) Where required by the representative, users shall provide protection from an accidental discharge of substances regulated by this division. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans and operating procedures of such facilities shall

be submitted to the representative for review and approval prior to construction of the facility. Approval of such plans and operating procedures shall not relieve the user from the responsibility of modifying the facility as necessary to meet the requirements of this division.

- (b) Users shall notify the representative immediately if a slug or accidental discharge of wastewater occurs in violation of this division. Notification will allow measures to be taken to minimize damage to the treatment facilities. Notification will not relieve users of liability for any expense, loss or damage to the treatment facilities or for fines imposed on the city by any state or federal agency as a result of their actions.
- (c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of the emergency notification procedure in the event of a slug or accidental discharge.

(Ord. of 3-8-1994, art. VI, § 8)

**Sec. 42-164. Deposits in, obstruction of sewer prohibited.**

- (a) No person shall permit any substance or matter which may form a deposit or obstruction of flow to be discharged into the public sewer. Whenever any service connection becomes clogged, obstructed, detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall make repairs as directed by the representative.
- (b) Each day after 30 days that the owner neglects to make such repairs shall constitute a separate violation of this section. The representative may then cause the work to be done and recover related expenses from the owner or agent by an action in the name of the city.

(Ord. of 3-8-1994, art. VI, § 9)

**Sec. 42-165. Assessment by city of costs of repair.**

In addition to penalties that may be imposed for violation of any provision of this subdivision, the city may assess against the user/owner the cost of repairing or restoring sewers and associated facilities damaged as a result of the discharge of prohibited wastes and may collect the assessment as an additional charge for the use of the public sewer system.

(Ord. of 3-8-1994, art. VI, § 10)

**Sec. 42-166. Special agreements authorized.**

No statement contained in this subdivision shall prevent any special agreement or arrangement between the city and any industrial user. Industrial waste of unusual strength or character may be accepted by the facility for treatment, subject to adequate payment by the industrial user, providing that National Categorical Pretreatment Standards and the city's NPDES and SDS permit limitations are not violated.

(Ord. of 3-8-1994, art. VI, § 11)

**Secs. 42-167--42-185. Reserved.**

*Subdivision V. Service Charge System*

**Sec. 42-186. Continued.**

- (a) The city continues a sewer service charge system. All revenue collected from users of the wastewater treatment facilities will be used for annual operation, maintenance, replacement and capital costs. Each user shall pay a proportionate share of operation, maintenance and replacement costs based on the user's proportionate contribution to the total wastewater loading.
- (b) Charges to users of the wastewater treatment facility shall be determined and fixed in a sewer service charge system (SSCS) developed according to the provisions of this division. The SSCS adopted by resolution upon enactment of this division shall be published in the local newspaper and shall be effective upon publication. Subsequent changes in the sewer service rates and charges shall be adopted by council resolution and published in the local newspaper.
- (c) Revenues collected through the SSCS shall be deposited in a separate fund known as the sewer service fund (SSF).

(Ord. of 3-8-1994, art. IX, § 1)

**Sec. 42-187. Sewer service fund.**

- (a) The city continues a sewer service fund as an income fund to receive all revenues generated by the sewer service charge system and all other income dedicated to the wastewater treatment facility.
- (b) The sewer service fund administered by a designated representative shall be separate and apart from all other accounts. Revenues received by the sewer service fund shall be transferred to the following accounts established as income and expenditure accounts:
  - (1) Operation and maintenance.
  - (2) Equipment replacement.
  - (3) Debt retirement for the treatment facility.

(Ord. of 3-8-1994, art. IX, § 2)

**Sec. 42-188. Administration of the sewer service fund.**

- (a) A designated representative shall maintain a proper system of accounts and records suitable for determining the OM&R and debt retirement costs for the treatment facilities, and shall furnish the council with a report of such costs annually.

- (b) At that time, the council shall determine whether sufficient revenue is being generated for the effective management of the facilities and debt retirement. The council will also determine whether the user charges are distributed proportionately. If necessary, the sewer service charge system shall be revised to ensure proportionality of user charges and sufficient funds.
- (c) In accordance with state requirements, each user will be notified annually in conjunction with a regular billing of that portion of the sewer service charge attributable to OM&R.
- (d) Sewer service charges shall be billed on a monthly basis. Any bill not paid in full 30 days after the due date will be considered delinquent. At that time the user will be notified regarding the delinquent bill and subsequent penalty. The penalty shall be computed as one percent of the remaining balance and shall be increased by the same percentage for every month the bill is outstanding.

(Ord. of 3-8-1994, art. IX, § 3)

**Secs. 42-189--42-215. Reserved.**

*Subdivision VI. Service Charges*

**Sec. 42-216. Classes.**

- (a) Users of the wastewater treatment facilities shall be permitted into one of the following classes:
  - (1) Residential.
  - (2) Nonresidential.
  - (3) Industrial.
- (b) Charges to users who discharge NDSW will be calculated on the basis of metered water use.

(Ord. of 3-8-1994, art. X, § 1)

**Sec. 42-217. Method of calculation.**

- (a) Each user shall pay operation, maintenance and replacement costs in proportion to the user's contribution of wastewater flows and loadings to the treatment plant, with a minimum rate for loadings of BOD and TSS being the rate established for normal domestic strength waste (NDSW) concentrations.
- (b) Those industrial users discharging only segregated NDSW can be classified as nonresidential users for the purposes of rate determination.

(Ord. of 3-8-1994, art. X, § 2)

**Sec. 42-218. Determination of charges.**

- (a) *Generally.* Charges for residential and nonresidential users will be determined proportionately according to billable wastewater flow.
- (b) *Residential users.* Billable wastewater volume for residential users shall be calculated on the basis of metered water usage. The monthly billable wastewater volume will be equal to the monthly metered water usage. The city may require residential users to install water meters for the purpose of determining billable wastewater volume.
- (c) *Nonresidential users.* Billable wastewater volume of nonresidential users may be determined in the same manner as for residential users. The city may require nonresidential users to install such additional water meters or wastewater flow meters as may be necessary to determine billable wastewater volume.

(Ord. of 3-8-1994, art. X, § 3)

**Sec. 42-219. Additional charges for excessive discharges.**

The sewer service charges established in this subdivision will not prevent the assessment of additional charges to users who discharge wastes in concentrations greater than NDSW or of unusual character (industrial users). Special contractual agreements can be made with such users, subject to the following conditions:

- (1) The user pays OM&R costs in proportion to the user's contribution of wastewater flows and loadings to the treatment facility, and no user is charged at a rate inferior to the charge for normal domestic strength wastes.
- (2) Any sampling of wastewater shall be conducted in accordance with the techniques established in Standard Methods for the Examination of Water and Wastewater, latest edition.

(Ord. of 3-8-1994, art. X, § 4)

**Sec. 42-220. User charge formulas.**

- (a) Determination of user charges for producers of normal domestic strength wastes shall be as follows:

$$U_{omr} = OM\&R/T_{bww}$$



Where:	Uomr	=	Unit cost for operation, maintenance and equipment replacement in \$/100 cubic feet.
	OM&R	=	Total annual OM&R costs.
	Tbvw	=	Total annual billable wastewater flow in 100 cubic feet.

(b) Calculation of user charges shall be as follows:

$$Uc = Uomr \times Bwv + Base$$

Where:	Uc	=	User charge.
	Uomr	=	Unit cost for operation, maintenance and equipment replacement in \$/100 cubic feet.
	Bwv	=	Billable wastewater volume in 100 cubic feet.
	Base	=	Base charge per connection.

(Ord. of 3-8-1994, art. X, § 5)

**Sec. 42-221. Recovery of local construction costs.**

Local construction costs for the wastewater treatment facility will be recovered through a debt service charge calculated in a manner consistent with the user charge as follows:

(1) *Calculation of unit cost for debt service:*

$$Uads = (Ads - Base - Tax)/Tbwv$$

Where:	Uads	=	Unit cost for annual debt service (\$/100 cubic feet).
	Ads	=	Cost of annual debt service.
	Tbwv	=	Total annual billable wastewater volume (100 cubic feet).
	Base	=	Base charge per connection.
	Tax	=	Property taxes assigned for wastewater debt service.

(2) *Calculation of debt service charge:*

$$Dsc = Uds \times Bwv + Base$$

Where:	Dsc	=	Debt service charge to a particular connection.
	Uds	=	Unit charge for debt service (\$/100 cubic feet).
	Bwv	=	Billable wastewater volume for a particular user (100 cubic feet).
	Base	=	Base charge per connection.

(Ord. of 3-8-1994, art. X, § 6)

**Sec. 42-222. Determination of sewerage service charges.**

The sewerage service charge for a particular connection shall be determined as follows:

$$SSC = UC + DSC$$

Where:	SSC	=	Annual sewerage service charge.
	UC	=	Annual user charge.
	DSC	=	Annual debt service charge.

(Ord. of 3-8-1994, art. X, § 7)

**Secs. 42-223--42-255. Reserved.**

### **ARTICLE III. INDIVIDUAL SEWAGE DISPOSAL SYSTEMS**

#### **Sec. 42-256. Objectives.**

The objectives of this article are to provide adequate and safe methods of sewage disposal and to prevent the contamination of any existing or future water supply by any existing or future sewage disposal system. Any system of special, unusual or new design which will satisfy the stated objectives may be accepted as complying with this article; and any permit granted for the construction, installation, alteration or repair of any such special system shall be subject to such conditions and guarantees as may be stated in the permit.

(Code 1987, § 404.08)

#### **Sec. 42-257. 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:

*Building drain* means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of any building and conveys the discharges to the building sewer.

*Building sewer* means that part of the horizontal portion of the building drainage system extending from the building drain to its connection with the septic tank and carrying the sewage of but one building.

*Individual sewage disposal system or system* means an individual sewage disposal system, other than a public or community system, which receives sewage from an individual establishment.

*Sewage* means any water-carried domestic waste, exclusive of footing and roof drainage, of any residence, industry or commercial establishment, whether treated or untreated, and includes the liquid wastes produced by bathing, laundry and culinary operations, and from toilets and floor drains. Raw sewage is sewage which has not been subjected to any treatment process.

(Code 1987, § 404.01)

**Cross reference(s)**--Definitions generally, § 1-2.

#### **Sec. 42-258. Licensing.**

No person shall engage in the business of installing and constructing sewage disposal systems within the city without first obtaining approval by council resolution or be licensed by the state for construction of such systems.

(Code 1987, § 404.03)

**Sec. 42-259. Council approval.**

- (a) *Procedure required.* No person shall install, alter, repair or extend any individual sewage disposal system in the city without first obtaining approval from the council or its authorized representative for the specific installation, alteration, repair or extension.
- (b) *Applications.* Applications for permits shall be made in writing and shall be signed by the applicant.
- (c) *Contents.* Each application shall have the correct legal description of the property on which the proposed installation, alteration, repair or extension is to take place; and each application shall be accompanied by a plot plan of the land showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property and complete plans of the proposed system with substantiating data, if necessary, attesting to the compliance with the minimum standards of this article. A complete plan shall include the location, size and design of all parts of the system to be installed, altered, repaired or extended. The application shall also show the present or proposed location of water supply facilities and water supply piping, and the name of the person who is to install the system, and shall provide such further information as may be required by the council.

(Code 1987, § 404.04)

**Sec. 42-260. Construction requirements.**

Every individual sewage disposal system and every alteration, extension and repair to any system shall conform to the standards in 8 M.C.A.R. § 7080.0010 et seq. Any individual sewage disposal system or pertinent part of a system, irrespective of the date of original installation, which is not located, constructed or installed in accordance with 8 M.C.A.R. § 7080.0010 et seq. shall be so relocated, reconstructed or reinstalled as to comply with the standards of those items.

(Code 1987, § 404.05)

**Sec. 42-261. Administration.**

- (a) The building inspector shall make such inspection or inspections as are necessary to determine compliance with this article. No part of the system shall be covered until it has been inspected and accepted by the building inspector. It shall be the responsibility of the applicant to notify the building inspector that the job is ready for inspection or reinspection, and it shall be the duty of the building inspector to make the indicated inspection within 48 hours after notice has been given. It shall be the duty of the owner or occupant of the property to give the building inspector free access to the property at

reasonable times for the purpose of making such inspections. Upon satisfactory completion and final inspection of the system, the building inspector shall issue to the applicant a certificate of approval.

- (b) If upon inspection the building inspector discovers that any part of the system is not constructed in accordance with the minimum standards provided in this article, he shall give the applicant written notification describing the defects. The applicant shall pay an additional fee for each reinspection that is necessary. The applicant shall be responsible for the correction or elimination of all defects, and no system shall be placed or replaced in service until all defects have been corrected or eliminated.

(Code 1987, § 404.06)