

SAMPLE PUBLIC WORKS ORDINANCE

WATER AND SEWER

CHAPTER 50: WATER AND SEWER

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WATER

§ 50.01 APPLICATION FOR SERVICE CONNECTION.

Any party desiring water service connection with the water system of this city for premises not heretofore connected shall make application or cause application to be made therefore on a form provided by the city and file the same with the City Clerk, accompanied by a fee. The fee for every connection shall be established by the Council and listed in the Fee Schedule, Chapter 36 of this code. (Prior Code, § 62-26) (Ord. 219, passed 8-10-1981)

§ 50.02 WATER METERS.

(A) *Placing and testing.* Every customer shall provide a suitable place where a meter can be installed, and a licensed plumber shall install and maintain the same, and if at any time the customer desires to have the meter tested for accuracy, the same shall be done by the city and the fee as determined by the Council charged therefore to the customer if the meter registers 90% or more accurate. If the meter and/or remote reader shall be damaged by lack of care by the consumer, the cost of replacing the same shall be charged to and paid by the consumer.

(B) *Breakage.* In case of breakage, stoppage or other irregularity in the meter, the owner or consumer, is to notify the utility billing clerk immediately, and any necessary repairs will be made by the city as hereinafter provided.

(C) *Adjustment.* If the testing of a meter, as hereinafter provided, shows that it fails to register correctly, the charge to the consumer shall be on the basis for the corresponding period of the previous year, or for any other reason, the charge for the corresponding period of the previous year cannot be justly applied, the charge will be equitably adjusted by the utility billing clerk.

(D) *Re-reads.* First re-read is free all others will be charged as set forth by Council. (Prior Code, § 62-27) (Ord. 341, passed 2001) Penalty, see § 50.99

§ 50.03 SEPARATE CONNECTIONS, BRANCH SYSTEMS.

Unless special permission is granted by the Water Superintendent, each premises shall have a separate and distinct service connection, and where permission is granted for branch systems, each branch system shall have its own separate meter and separate curb cock. The supply of water through each separate service must be recorded by 1 meter only, for which only 1 account will be rendered by the city. If additional or auxiliary meters are desired for recording the subdivision of supply, they must be furnished and set by the owner or consumer at his or her expense and he or she must assume all responsibility for reading and maintaining the same. (Prior Code, § 62-28)

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§ 50.04 INSTALLATION.

(A) *Street services.* No person, except a plumber having a state license, a plumber with a plumber's permit issued by the city, or a backhoe operator licensed by the city, will be permitted to do any work on service pipes from the main proper to the point of connection to the meter.

(B) *Standards.* All plumbing connected with the city water system shall conform to the Minnesota Plumbing Code and ordinances of the city. For violation of this regulation, the plumber will be liable for each offense or the revocation of his or her permit.

(C) *Supervision.* The stop cocks at the main and sidewalk, together with the box and cover, are under the supervision of the city, and all persons are forbidden to interfere with them.

(D) *Cost of installation.* The cost of installing the service from the main to the premises, as well as repairs to same shall be borne entirely by the consumer.

(Prior Code, § 62-29) Penalty, see § 50.99

§ 50.05 INSTALLATION, WATER SERVICES.

(A) *Connections.* In installing water service, all taps shall be driven, street excavations made, curb cocks inserted, pipes installed from main to curb, and the curb cock installed in an iron box to which the service is to be connected, by the city's employees only, or by a plumber duly licensed under the laws of the State of Minnesota or the ordinances of the City of _____.

(B) *Service pipes.* All service pipes connected with the water system shall be type k copper or plastic approved by the City Engineer and shall be laid 8 feet below the established grades, or as low as the top of the street mains. (Plastics must have a tracer line.) All service lines will be insulated from main to curb stop.

(C) *Corporation cock, curb stop and waste cock.* The copper service line shall be connected to the main with a stainless steel saddle and a corporation cock. There shall be a curb cock in every service line attached to the water main, the same to be placed as near as possible to the street side of the sidewalk if on a street, or within 1 foot of the alley line if the main is located in the alley. To the curb cocks there shall be attached a substantial iron curb box to permit opening or closing the curb cock from the surface. The curb box shall be covered with a tight fitting iron lid, with the letter "W" cast upon it. Accessible shutoffs shall be provided on the main supply line just inside the foundation wall on both sides of the meter.

(D) *Check valves.* Check valves are required on all connections to steam boilers, hot water systems, or any other connection deemed by the City Plumbing Inspector to require one. Safety and relief valves shall be placed on all boilers or other steam apparatus connection with the water system where the pressure may be raised in excess of 60 pounds per square inch.

(E) *Air chamber.* For all 2 inch and smaller connections, an air chamber shall be placed on the house side of the valve following the meter. The chamber must have ample capacity and shall be at least 2 inches in diameter and at least 4 four feet long, with a reduced connection to the service pipe. (Prior Code, § 62-30) (Ord. 341, passed 2001) Penalty, see § 50.99

§ 50.06 CONNECTION MANDATORY.

Each lot, piece or parcel of property in the City of _____, abutting on any street, avenue or alley in which a municipal water main is laid, and having a dwelling house or business building thereon, is required to be connected with the municipal water system of the city within 3 years after the mains are constructed provided the dwelling unit served is within 200 feet of the edge of the street closest to the dwelling unit.

(Prior Code, § 62-31) (Ord. 223, passed 9-12-1983) Penalty, see § 50.99

§ 50.07 FAILURE TO CONNECT; COUNCIL ACTION.

(A) Should the owner of any premises having access to the municipal water system as provided in § 50.06 hereof fail to connect the premises with the municipal water system, the Council may cause the connection to the premises by an authorized representative of the city upon 30 days notice to the owner thereof and may cause the cost of the connection charges to be assessed against the owner of the premises and if not paid within 30 days may be certified to the County Auditor to be collected in the same time and manner as real estate taxes against the property.

(B) The connection charge/assessment shall be a lien against the property. The assessment when levied shall bear interest and term at the legal rate for local improvements will be set by Council action, and shall be collected and remitted to the city in the same manner as an assessment for local improvements.

(Prior Code, § 62-32) (Ord. 223, passed 9-12-1983; Am. Ord. 517, passed 8-25-2009)

§ 50.08 WATER RATES.

The rates and charges for water and water service supplied by the city shall be established by the Council and listed in the Fee Schedule, Chapter 36 of this code.

(Prior Code, § 62-33) (Ord. 219, passed 8-10-1981)

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§ 50.09 BILLING AND PAYMENT.

(A) *When payment due.* Bills for water service charges shall be rendered on a quarterly basis succeeding the period for which the service was rendered and shall be due 20 days from the date of rendering. Any bill not paid in full 20 days after the due date will be considered delinquent. At that time the city shall notify the delinquent owner/occupant in writing regarding the delinquent bill and subsequent penalty. The penalty shall be computed as 10% of the unpaid balance and shall be increased the same 10% for every billing that is outstanding.

(B) *Fractional months.* In all cases where water is furnished for a period of a fraction of a month, the minimum monthly charge shall be payable.

(C) *Unread meters.* Should the meters not be accessible or for any other reason not be read during the period designated, a bill shall nevertheless be rendered for the proper fixed or service charge, for the period, and subsequent readings shall be equitably adjusted.

(D) *Shut off.* The fixed service rate will be charged as long as the meter remains in service. In response to a written request by the owner or authorized agent asking that the water be shut off and the meter removed, the city will proceed to comply with the request and the service charge will cease on the date when the meter is removed.

(Prior Code, § 62-34) (Ord. 341, passed 2001)

§ 50.10 DISCONNECTION FOR LATE PAYMENT.

(A) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill; and

(2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within 10 days of the mailing of the second bill, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in an amount set by City Council.

(D) The city reserves the right to discontinue service to any or all customers of the water system, for non-payment of bills. When service has been discontinued for non-payment of bills, it shall not be resumed except upon payment of the bills, together with interest thereon at the rate, set by the Council and the payment to the utility billing clerk of a fee determined by the Council for shutting off and re-establishing service.

(E) Any amounts due hereunder for water charges may be collected in action brought for that purpose in the name of the city against the water user or the owner of the premises or the utility billing clerk shall certify to the County Auditor the amounts due for water charges, including penalty, together with the legal description of the premises served and the County Auditor shall thereupon enter the amount in the tax levy on the premises collectible with the taxes for the next ensuing year; provided that nothing herein shall prevent the Water Superintendent from ordering discontinuance of service to any premises until any bill shall have been paid.

(F) The owner of the premises shall be liable to pay for the water service charges to the premises, and the service is furnished to the premises by the city upon the condition that the owner of the premises is liable to the city. Premises upon which a shut-off has occurred will not be reconnected until all delinquent charges, together with fees, penalties and interest charges where applicable, are paid in full by the owner of the premises.

(Prior Code, § 62-35) (Ord. 236, passed 1989; Am. Ord. 341, passed 2001)

§ 50.11 GENERAL REGULATIONS.

(A) *Consent to regulations.* Every person applying for water service from the city system, and every owner of property for which the application is made, shall be deemed by the application to consent to all rules, regulations, and rates contained in the ordinances of the city and to all modification thereof and to all new rules, regulations, or rates duly adopted.

(B) *Use of water without authority.* It shall be unlawful for any person to use water from any premises without the consent of the owner, or to use water from the city system, except to be drawn through a meter installed by the city. No person, except an authorized representative of the Water Superintendent, shall turn on or off or tamper with any curb cocks.

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(C) *Furnishing water to others restricted.* No consumer, except with the written consent of the City Council previously obtained, will be allowed to furnish water to other persons or premises by means of temporary service lines, hose, and the like. Violation of this regulation may cause the supply to be shut off.

(D) *Re-establishment of service.* After supply to metered premises has been shut off for any reason, except for repairs, the service will not be re-established unless written order is given the Clerk by the owner or authorized agent, nor until all arrears are paid.

(E) *Fire hydrants.* No person shall, without authority, use or interfere with any fire hydrant.

(F) *Lawn sprinkling.* The use of water for lawn sprinkling purposes shall at all times be subject to the express condition that the Council may at any time, when in its opinion the condition of the water supply demands it, limit the time during each day during which hoses may be used for sprinkling purposes, or the Council may forbid the use of water for any given period.

(G) *Maintenance shut-offs.*

(1) It is expressly agreed and understood that the Council reserves the right at any time to shut off the water for the purpose of extending, replacing, repairing or cleaning mains and appurtenances, and the Council shall not be held liable for any damages arising therefrom.

(2) No claim shall be made against the city by reason of the breaking of any service pipe or connection.

(H) *Special winter use, freezing pipes.* Any person using water supplied by the city may apply to the Clerk for authorization to permit water to run at a stated location to prevent water pipes from freezing during the months of January, February, and March of each year.

(I) *Fires, use of water during.* It is hereby declared to be unlawful for any person in this city, or any person owning or occupying premises connected to the municipal water system, to use or allow to be used during a fire from the system, except for the purposes of extinguishing a fire, and upon the sounding of a fire alarm it shall be the duty of every person to see that all water services are tightly closed and that no water is used except for necessary household purposes during the fire.
(Prior Code, § 62-36) Penalty, see § 50.99

§ 50.12 DEFECTIVE SERVICE.

All claims for defective service shall be made in writing and filed with the Water Superintendent on or before the tenth day of the month next succeeding the defective service, or be deemed waived by the claimant; and if claims are so filed, it shall be the duty of the Water Superintendent to investigate the facts alleged in the claim and determine the amount, if any, which would be refunded to the claimant by

reason of the defective service, and report the determination to the Council, and if approved by that body, the amount shall be allowed as a credit on the following bill or paid as other claims; but no claim, shall be made against the city for any fire or any injuries to the person or property of any consumer of water under the provision hereof.

(Prior Code, § 62-37)

§ 50.13 INSPECTION AND REPAIRS.

(A) The Water Superintendent or his or her representative shall have the right to enter upon any premises in the municipality, at all the reasonable hours, to inspect the service pipes and fixtures connected therewith.

(B) If it shall be found from the inspection or otherwise that any part of the water service line including corporation and curb stop is in need of repairs, the Water Superintendent or his or her representative, shall serve notice upon the owner, and upon the occupant, and upon the person in charge of the premises specifying the time as is reasonable considering the amount of work to be done, and the nature of the emergency, within which the repairs must be made. It shall thereupon become the duty of every person served with a notice to comply therewith; and if it is not complied with, the municipality may cause the work to be done at the expense of any person so served. Any amounts due hereunder may be collected in the manner provided herein.

(C) The Water Superintendent or employees of the Water Department shall be furnished with an official department badge with the words "_____ Water Department," and his or her number thereon. This badge shall be used for identification purposes when entering premises.

(Prior Code, § 62-38)

§ 50.14 WATER SUPERINTENDENT.

Unless some other agent or employee of the city shall be designated by the Council as Water Superintendent, the Clerk shall act as the Superintendent and in the event any reference herein to the Water Superintendent shall be deemed to refer to the Clerk.

(Prior Code, § 62-39)

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SEWER USE

§ 50.25 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOD (BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C expressed in milligrams per liter. Laboratory procedures shall be in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

BUILDING DRAIN. The part of the lower horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning 5 feet outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal, also called house connection.

CITY. The area within the corporate boundaries of the City of _____, as presently established or as amended by ordinance or other legal actions at a future time. The term ***CITY*** when used herein may also be used to refer to the City Council and its authorized representatives.

COD (CHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedures as set out in the latest edition of Standard Methods for the Examination of Water and Wastewater.

COMBINED SEWER. A sewer originally designated to receive both surface water runoff and sewage.

GARBAGE. Solid waste resulting from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage or sale of meat, fish, fowl, fruit, vegetable or condemned food.

INDUSTRIAL WASTES. The solid, liquid, or gaseous wastes resulting from an industrial or manufacturing process, trade or business, or from the development, recovery, or processing of natural resources.

INFILTRATION. Water entering the sewage system (including building drain and pipes) from the ground through means such as defective pipes, pipe joints, connections, and manhole walls.

INFILTRATION/INFLOW (I/I). The total quantity of water from both infiltration and inflow.

INFLOW. Water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters, or drainage.

NPDES PERMIT (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM). The system for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone, and the oceans by the Environmental Protection Agency pursuant to the Federal Water Pollution Control Act of 1972, §§ 402 and 405, being 33 U.S.C. §§ 1342 and 1345.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface groundwater.

NORMAL DOMESTIC STRENGTH WASTES. Wastes which are characterized by a composite average strength of 250 mg per liter BOD, and 285 mg per liter suspended solids.

OTHER WASTES. Garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil, tar, chemicals, offal, and other substances except sewage and other wastes.

PERSON. Any individual, firm, company, association, society, corporation, municipal corporation, governmental unit, or group.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROCESS WATER. Any water used in the manufacturing, preparation or production of goods, materials or food. **PROCESS WATER** is an industrial waste.

PUBLIC SEWER. Any sewer owned or operated by a unit or agency of government.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.

SANITARY WASTE. The liquid and water carried wastes discharged from sanitary plumbing facilities.

SEWAGE or WASTEWATER. The water carried waste products from residence, public buildings, institutions, industrial establishments, or other buildings including the excrementitious or other discharge from the bodies of human beings or animals, together with the ground, surface, and stormwaters as may be present.

SEWER. A pipe or conduit for carrying sewage, industrial wastes, or other waste liquids.

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SEWER SYSTEM. Pipelines or conduits, pumping stations, forcemains and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes, or other wastes to a point of ultimate disposal.

SHALL or **MAY.** **SHALL** is mandatory. **MAY** is permissive.

SLUG. Any discharge of water, wastewater or industrial waste which in concentration of any given constituent, or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hour concentration of flows during the normal operation.

STORM SEWER or **STORM DRAIN.** A sewer which carries storm or surface water and drainage, but excludes sewage and industrial waste, other than unpolluted cooling or process water.

SUSPENDED SOLIDS. Solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

UNPOLLUTED WATER. Clean water uncontaminated by industrial wastes, or any substance which renders the water unclean or noxious or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare to domestic, commercial, industrial or recreational uses; or to livestock, wild animals, birds, fish, or other aquatic life.

WASTEWATER FACILITIES. The structures, equipment, or processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS or **TREATMENT WORKS.** An arrangement of devices and structures for treatment of wastewater, industrial waste and sludge. Sometimes used as synonymous for wastewater treatment plant or waste treatment plant or water pollution control plant or sewage treatment plant.

(Prior Code, § 62-51) (Ord. 234, passed 1987)

§ 50.26 USE OF PUBLIC SEWERS.

(A) It shall be unlawful to discharge to any natural outlet within the city or any area under the jurisdiction of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this section.

(B) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage if adequate and feasible city facilities are available.

(C) The owner of any building or property which is located within the city and from which wastewater is discharged shall be required to connect to a public sewer at his or her expense within 3 years of the date the public sewer is operational, provided that the public sewer is within 200 feet of the property generating the wastewater and the public sewer is located in a public right-of-way or easement for sewer purposes adjacent to the property. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not being made pursuant to this division, an official 90 day notice shall be served instructing the affected property owner to make the connection.

(D) In the event an owner shall fail to connect to a public sewer in compliance with a notice given under division (C) above, the city may undertake to have the connection made and shall assess the cost thereof against the benefited property. The assessment shall be a lien against the property. The assessment, when levied, shall bear interest at the legal rate for local improvements and shall be certified to the auditor of the County of Hubbard, Minnesota, and shall be collected and remitted to the city in the same manner as assessments for local improvements. The rights of the city shall be in addition to any remedial or enforcement provisions of this section.

(E) No person shall discharge or cause to be discharged directly or indirectly any stormwater, groundwater, roof runoff, subsurface drainage, waste from on-site disposal systems, unpolluted cooling or processing water to any sanitary sewer except as permitted by the city or other local unit of government. No person may discharge sump pump or footing drain water into the public sanitary sewer.

(F) Stormwater and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or processing water shall only be so discharged upon approval by the city and upon approval and issuance of a discharge permit by the Minnesota Pollution Control Agency.

(G) No person shall discharge or cause to be discharged directly or indirectly, any of the following described substances to any public sewer:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;

(2) (a) Any water or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the wastewater treatment works; and

(b) A toxic pollutant shall include but not be limited to any pollutant identified pursuant to § 307A of the Clean Water Act, being 33 U.S.C § 1317(a).

(3) Any water or waste having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment works;

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(4) Solid or viscous substances, either whole or ground, in quantities or of the size capable of causing obstruction to the flow in the sewers, or other interference with the proper continuation of the wastewater facilities, but not limited to ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cuttings or polishing wastes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, sanitary napkins, paper dishes, cups, milk containers and other paper products; and

(5) Noxious or malodorous liquids, gases or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repairs.

(H) (1) No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewer unless in the opinion of the city that discharge will not harm the wastewater facilities, nor cause obstruction to the flow in sewers, nor otherwise endanger life, limb, or public property, nor constitute a nuisance. In forming its opinion as to the acceptability of the wastes the city may give consideration to factors such as the quantities of the subject wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, the city's NPDES permit, and other pertinent factors. The city may make these determinations either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur.

(2) The substances prohibited are:

(a) Any liquid or vapor having a temperature in excess of 150°F (65°C);

(b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65°C);

(c) Any garbage that has not been ground or comminuted to a degree that all particles will be carried freely in suspension under flows normally prevailing in the public sewers, with no particles greater than ½ inch in any dimension;

(d) Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not;

(e) Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment, or personnel of the wastewater works, or which interfere with the treatment required to meet the requirements of the state or federal government, or any other public agency with proper authority to regulate the discharge from the wastewater treatment plant;

(f) Any radioactive wastes or isotopes of a half-life or concentration that they are not in compliance with regulations issued by the appropriate authority having control over their use or may cause damage or hazards to the treatment works or personnel operating it;

(g) Any water or wastes having a pH in excess of 9.5; and

(h) Materials which exert or cause:

1. Unusual concentrations of suspended solids, (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate);

2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

3. Unusual BOD, chemical oxygen demand, or chlorine requirements in quantities as to constitute a significant load on the wastewater treatment works. The BOD discharged to the public sewer shall not exceed 400 mg/l;

4. Unusual volume of flow or concentration of wastes constituting a slug; and

5. Water or water containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to a degree that the wastewater treatment plant effluent cannot meet the requirements of the NPDES permit, or requirements of other governmental agencies having jurisdiction over discharge from the wastewater treatment plant.

(I) (1) If any water or wastes are discharged, or are proposed to be discharged directly or indirectly to the public sewers, which water or wastes do not meet the standards set out in or promulgated under this section, or which in the jurisdiction of the city may have a deleterious effect upon the treatment works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, or constitute a public nuisance, the city may take all or any of the following steps:

(a) Refuse to accept the discharges;

(b) Require control over the quantities and rates of discharge;

(c) Require pretreatment to an acceptable condition for the discharge to the public sewers; and

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(d) Require payment to cover the added costs of handling or treating the wastes.

(2) The design and installation of the plant and equipment for pretreatment or equalization of flows shall be subject to the review and approval of the city, and subject to the requirements of 40 C.F.R. 403, entitled Pretreatment Standards, and the Minnesota Pollution Control Agency.

(J) Grease, oil and mud interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in division (H)(2) of this section, or any flammable wastes, sand, or other harmful ingredients; except that the interceptors shall not be required for private living quarters or dwelling units; except, all interceptors shall be a type and capacity approved by the city and shall be located as to be readily and easily accessible for cleaning and inspection. All apartment complexes shall have interceptors.

(K) Where preliminary treatment flow equalization, or interceptors are required for any water or waste, they shall be effectively operated and maintained continuously in satisfactory and effective condition by the owner at his or her expense and shall be available for inspection by the city at all reasonable times.

(L) When required by the city, the owner of any property serviced by a building sewer carrying wastes shall install a suitable control structure together with necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. The structure and equipment, when required, shall be constructed at the owner's expense in accordance with plans approved by the city and shall be maintained by the owner so as to be safe and accessible at all times.

(M) All measurements, tests and analyses of the characteristics of water and waste to which reference is made in this division shall be determined in accordance with 40 C.F.R. 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants; the latest edition of Standard Methods For the Examination of Water and Wastewater and shall be determined at the control structure provided, or upon suitable samples taken at the control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effluent constituents and their effect upon the treatment works and to determine the existence of hazards to life, health and property. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the city.

(N) The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the city, be required to provide laboratory measurements, tests and analyses of waters or wastes to illustrate compliance with this section and any special condition for discharge established by the city or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the city. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the federal, state and local standards are being met. The owner shall report the results

of measurements and laboratory analyses to the city at the times and in the manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses and reporting required by the city. At times as deemed necessary the city reserves the right to take measurements and samples for analysis by an outside laboratory.

(O) New connections 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, and suspended solids.

(P) 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 section, or contained in the National Categorical Pretreatment Standards or any state requirements.

(Q) No statement contained in this section shall be constructed as preventing any special agreement or arrangements between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern, in accordance with applicable ordinance and any supplemental agreements with the city.

(Prior Code, § 62-52) (Ord. 234, passed 1987) Penalty, see § 50.99

§ 50.27 PRIVATE SEWAGE DISPOSAL.

(A) Where a public sanitary sewer is not available under the provisions of § 50.26, the building sewer shall be connected to a private wastewater disposal system complying with the rules and regulations in MCAR Chapter 7080 entitled Individual Sewage Treatment System Standards or the requirements of the city or other regulatory agencies, whichever is more restrictive.

(B) No new private sewer systems or sewer system extensions shall be constructed within the city without first obtaining written approval of the system plan and the materials to be used in the construction of the system.

(Prior Code, § 62-53) (Ord. 234, passed 1987) Penalty, see § 50.99

§ 50.28 BUILDING SEWERS AND CONNECTIONS.

(A) The following provisions apply to persons wishing to engage in the work of installing private sewer service lines and appurtenances for others.

(1) It is unlawful for any person to engage in the work or business of installing private sewer service lines and appurtenances for others without a license therefor from the city.

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(2) Any person desiring to engage in this work shall make application to the city on forms to be supplied by the city together with a fee. The fee for every license shall be established by the Council and listed in the fee schedule located in the Fee Schedule, Chapter 36 of this code and shall be for 1 calendar year only. Each renewal shall be made by application together with the annual fee. A plumber licensed by the State Board of Health shall pay no fee to the city, but shall show evidence of the state license before the city issues a license.

(3) Each applicant for license shall sign an agreement on form as may be delivered by the city agreeing to pay the city the actual cost of repair for any damage caused to the city sewer system by the applicant, or by any of his or her employees or agents. This agreement shall accompany the license application.

(4) Each applicant shall accompany his or her application with a certificate of insurance in a company acceptable to the city showing public liability insurance coverage with limits as may be specified by the City Council as part of the Council's annual review of fees. This certificate shall specifically state that insurance covers underground construction operations and shall contain a provision that the coverage afforded under the policies will not be canceled or materially changed until at least 15 days prior written notice has been given to the city.

(B) No person, unless authorized by a written permit from the city shall make, install, repair, alter, disturb, uncover, open or break any sewer connection to the sanitary sewer system of the city. Permits for connection of a new sewer service or repairs to an existing service shall be issued by the city after consideration of the application for the permit with regard to compliance with other provisions of this section. Permits shall be issued in the following manner.

(1) Application for a permit to perform work on a sewer service connection within the city shall be made on a form supplied by the city by the person or firm who will be performing the work to the city along with a fee as determined by the Council for the installation of a new connection. The person or firm performing the work shall be licensed to perform the work by the city.

(2) After approval of the permit application by the city, the applicant shall furnish to the city a performance bond in an amount as determined by the Council. The performance bond shall be for the good and faithful performance of all work on public and private property relative to the work being performed. The bond shall be payable to the city and the owner of the property on which the work is being performed. The bond shall warrant the work for a period of 1 year from the date of completion.

(3) The City Clerk shall issue a permit for the work after the application is approved and the bond is received.

(C) All costs and expenses incidental to the installation and connection of the building sewer or repairs to an existing connection shall be borne by the owner. The owner shall indemnify and hold harmless the city from any loss or damage to the public sewer that may directly or indirectly be occasioned by the installation of the building sewer.

(D) A separate and independent building sewer shall be provided for every building, except where 2 or more buildings are situated on 1 parcel so that the parcel may not be subdivided. The joint use private sewer may be extended to the rear building or buildings and the whole considered as 1 joint use private sewer provided the buildings are the property of a single owner. Special variances will be considered by the city.

(E) Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the city, to meet all the requirements of this section.

(F) Unused septic tanks, cesspools, leaching pits, and similar devices and structures shall be backfilled or made safe and unusable in a manner acceptable to the city.

(G) The size, slope, alignment and materials of construction of a building sewer and the method used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building code and plumbing code; or other applicable rules and regulations. In the absence of code provisions, or in amplifications thereof, the materials and procedures set forth in appropriate specifications of the "Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9" and the American Society for Testing Materials (A.S.T.M.) Standards shall apply.

(H) 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, the building drain shall be provided with a lifting device by an approved means and discharged to the building sewer.

(I) No person shall make connection of roof downspouts, roof drains, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

(J) The construction of the building sewer and its connection into the public sewer shall conform to the requirements of the State of Minnesota Plumbing Code, the sewer specifications included herein, and other applicable rules and regulations and procedures adopted by the city. All construction shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the city prior to installation.

(K) Employees of the city shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the city when the work is ready for final inspection and no underground portions shall be covered before the final inspection is complete. The connection shall be made under the supervision of the city or its representative.

(L) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed during the course of the work shall be restored in a manner satisfactory to the city. (Prior Code, § 62-54) (Ord. 234, passed 1987; Am. Ord. 341, passed 2001) Penalty, see § 50.99

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§ 50.29 MAIN AND LATERAL SEWER CONSTRUCTION.

(A) No person, unless authorized, shall uncover, make any connection with or opening into, use, alter, or disturb any sanitary or storm sewer within the city or any part of the city wastewater facilities.

(B) No sanitary or storm sewers shall be constructed in the city (except house or building service sewers) except by the city or by others in accordance with plans and specifications approved by a professional engineer. No sewers shall be constructed or considered to be part of the public sewer system unless accepted by the city.

(C) The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling and other work connected with the construction of sewers shall conform to the requirements of the city.

(Prior Code, § 62-55) (Ord. 234, passed 1987) Penalty, see § 50.99

§ 50.30 PROTECTION FROM DAMAGE.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities.

(Prior Code, § 62-56) (Ord. 234, passed 1987) Penalty, see § 50.99

§ 50.31 AUTHORITY OF INSPECTORS.

(A) Duly authorized employees of the city shall be permitted to enter all premises for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this subchapter. Those employees shall have no authority to inquire into processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries except as is necessary to determine the kind and source of the discharge to the public sewer.

(B) While performing the necessary work on private property as referred to in division (A) above of this section, the authorized employees of the city shall observe all safety rules applicable to the premises.

(C) Duly authorized employees of the city shall be permitted to enter all private properties through which the city holds easements for the purpose of, but not limited to, inspection, observation, maintenance, and construction of public sewers.

(Prior Code, § 62-57) (Ord. 234, passed 1987) Penalty, see § 50.99

§ 50.32 VALIDITY.

The validity of any section, subdivision, paragraph, clause, sentence, or provision of this subchapter shall not affect the validity of any other part of this subchapter which can be given effect without the invalid part or parts.

(Prior Code, § 62-59) (Ord. 234, passed 1987)

SEWER SERVICE CHARGE

§ 50.45 SEWER SERVICE FUND.

(A) (1) The City of _____ hereby 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 operation, maintenance, replacement and construction of the wastewater treatment works, including taxes, special charges, fees, and assessments intended to retire construction debt.

(2) The city also continues the following accounts as income and expenditure accounts within the sewer service fund:

- (a) Operation and maintenance account;
- (b) Equipment replacement account; and
- (c) Debt retirement account.

(B) All revenue generated by the sewer service charge system, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be held by the City Clerk separate and apart from all other funds of the city. Funds received by the sewer service fund shall be transferred to the operation and maintenance account, the equipment replacement account, and the debt retirement account in accordance with state and federal regulations and the provisions of this section.

(C) Revenue generated by the sewer service charge system sufficient to insure adequate replacement throughout the design of useful life, whichever is longer, of the wastewater facility shall be held separate and apart in the equipment replacement account and dedicated to affecting replacement costs. Interest income generated by the equipment replacement account shall remain in the equipment replacement account.

(D) Revenue generated by the sewer service charge system sufficient for operation and maintenance shall be held separate and apart in the operation and maintenance account.

(Prior Code, § 62-85) (Ord. 235, passed 1987)

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§ 50.46 ADMINISTRATION.

The sewer service charge and sewer service fund shall be administrated according to the following provisions:

(A) (1) The City Treasurer shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works, and shall furnish the City Council with a report of the costs annually in the city's financial report.

(2) The City Council shall annually determine whether or not sufficient revenue is generated for the effective operation, maintenance, replacement and management of the treatment works, and whether sufficient revenue is being generated for debt retirement. The Council will also determine whether the user charges are distributed proportionately to each user in accordance with § 204(b)(2)(A) of the Federal Water Pollution Control Act, as amended, being 33 U.S.C. § 1284.

(3) The city shall thereafter, but not later than the end of the year, reassess, and as necessary revise the sewer service charge system then in use to insure the proportionality of the user charge and to insure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.

(B) In accordance with federal and state requirements each user will be notified annually in conjunction with a regular billing of that portion of the sewer service charge attributable to operation, maintenance and replacement.

(C) In accordance with federal and state requirements, the City Clerk shall be responsible for maintaining all records necessary to document compliance with the sewer service charge system adopted.

(D) Bills for sewer service charges shall be rendered on a quarterly basis succeeding the period for which the service was rendered and shall be due 20 days from the date of rendering. Any bill not paid in full 20 days after the due date will be considered delinquent. At that time the city shall notify the delinquent owner/occupant in writing regarding the delinquent bill and subsequent penalty. The penalty shall be computed as 10% of the original bill and shall be increased the same 10% for every quarter the bill is outstanding.

(E) The owner of the premises, shall be liable to pay for the service to the premises, and the service if furnished to the premises by the city only upon the condition that the owner of the premises is liable therefore to the city.

(F) Any additional costs caused by discharges to the treatment works of toxics or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs, and sludge disposal, shall be borne by the discharger(s) of the wastes, at no expense to the city.

(Prior Code, § 62-86) (Ord. 235, passed 1987; Am. Ord. 341, passed 2001)

§ 50.47 VALIDITY.

(A) If any section or paragraph of this subchapter shall be held invalid, the invalidity thereof shall not affect the validity of the other provisions of this subchapter, which shall continue in full force and effect.

(B) The sewer service charge system shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of § 204(b)(1)(A) of the Act, being 33 U.S.C. § 1284 and federal regulation 40 C.F.R. 35.2140 of the Environmental Protection Agency's grant regulations.
(Prior Code, § 62-87) (Ord. 235, passed 1987)

§ 50.48 SEWER SERVICE RATES.

The sewer service rates and charges supplied by the city shall be established by the Council and listed in the Fee Schedule, Chapter 36 of this code.
(Prior Code, § 62-33) (Ord. 219, passed 8-10-1981)

§ 50.99 PENALTY.

(A) *Water.*

(1) Any person violating any regulation of §§ 50.01 *et seq.* shall be guilty of a petty misdemeanor.

(2) Any prosecution hereunder shall not prevent the enforcement of any civil right or remedy hereunder or under any other applicable law.
(Prior Code, § 62-40)

(B) *Sewer use.*

(1) Any person found to be violating any provisions of §§ 50.25 *et seq.* shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the time period stated in the notice permanently cease all violations.

(2) (a) Any person who shall continue any violation beyond the time limit provided for in the written notice shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not exceeding \$500 for each violation.

(b) Each day in which any violation shall continue shall be deemed a separate offense.

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(3) Any person violating any of the provisions of §§ 50.25 *et seq.* shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violations. (Prior Code, § 62-58) (Ord. 234, passed 1987)

(C) *Sewer service charge.*

(1) Each and every sewer service charge levied by and pursuant to §§ 50.45 *et seq.* is hereby made a lien upon the lot or premises served, and all charges which are on October 31 of each year past due and delinquent, shall be certified to the County Auditor as taxes or assessments on the real estate. Nothing in this division shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affecting any delinquent or past due service charges.

(2) As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect the amounts as are delinquent and due against the occupant, owner, or user of the real estate, and shall collect as well all attorney's fees incurred by the city in filing the civil action. The attorney's fees shall be fixed by an order of the court.

(3) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate of 10% per annum. (Prior Code, § 62-87) (Ord. 235, passed 1987; Am. Ord. 429, passed 4-26-2005)