

TITLE V: PUBLIC WORKS

Chapter

- 50. UTILITIES; RULES**
- 51. ELECTRIC SERVICE**
- 52. RECYCLABLES AND REFUSE**
- 53. WATER SERVICE**
- 54. SEWER SERVICE; CHARGES**

CHAPTER 50: UTILITIES; RULES

Section

- 50.01 Definitions
- 50.02 Fixing rates and charges for municipal utilities
- 50.03 Fixing rates and charges for public utilities
- 50.04 Contractual contents
- 50.05 Rules and regulations relating to municipal utilities
- 50.06 Rules and regulations relating to rights-of-way

§ 50.01 DEFINITIONS.

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

COMPANY, GRANTEE and FRANCHISEE. Any public utility system to which a franchise has been granted by the city.

CONSUMER and CUSTOMER. Any user of a utility.

CITY COST. The actual costs incurred by the city for public rights-of-way management; including, but not limited to, costs associated with registering applicants; issuing, processing and verifying right-of-way permit applications; creating and maintaining information on a Geographical Information System (“GIS”) mapping system; inspecting job sites and restoration projects; maintaining, supporting, protecting or moving user equipment during public right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed; and revoking right-of-way permits and performing all of the other tasks required hereunder, including other costs the city may incur in managing the provisions of this title.

DEGRADATION COST. Money paid to the city to cover the cost associated with a decrease in the useful life of a public right-of-way caused by excavation.

DISRUPTIVE COST. The penalty imposed as the result of the adverse impact on city citizens and others who are required to alter travel routes and times resulting from right-of-way obstructions.

EMERGENCY. A condition that poses a clear and immediate danger to life or health, or of a significant loss of property, or requires immediate repair or replacement in order to restore service to a customer.

EQUIPMENT. Any tangible thing located in any right-of-way; but shall not include boulevard plantings or gardens planted or maintained in the right-of-way between a person's property and the street curb.

EXCAVATE. To dig into or in any way remove or physically disturb or penetrate a part of a right-of-way.

EXCAVATION PERMIT. The permit which, pursuant to Chapter 110, must be obtained before a person may excavate a right-of-way. An **EXCAVATION PERMIT** allows the holder to excavate that part of the right-of-way described in the permit.

IN. When used in conjunction with right-of-way, means over, above, in, within on or under a right-of-way.

MUNICIPAL UTILITY. Any city-owned utility system, including, but not byway of limitation, water, sewerage, electric and refuse service.

OBSTRUCT. To place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

OBSTRUCTION PERMIT. The permit which must be obtained before a person may obstruct a right-of-way, allowing the holder to hinder free, open passage over the specified portion of that right-of-way by placing equipment described therein on the right-of-way for the duration specified therein.

PERMITTEE. Any person to whom a permit to excavate or obstruct a right-of-way has been granted by the city under this title.

PERSON. Any natural or corporate person, business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assignee of any of the foregoing, or any other legal entity which has or seeks to have equipment located in any right-of-way.

REGISTRANT. Any person who has or seeks to have its equipment located in any right-of-way, or in any way occupies or uses, or seeks to occupy or use, the right-of-way or any equipment located in the right-of-way.

REMOVAL BOND. A bond posted to ensure the availability of sufficient funds to remove a registrant's equipment upon its possible abandonment or disuse, or to discontinue a registrant's use or occupation of the right-of-way.

REPAIR. The temporary construction work necessary to make the right-of-way usable for travel.

RESTORATION BOND. A performance bond, letter of credit or cash deposit posted to ensure the availability of sufficient funds to assure that right-of-way excavation and obstruction work is completed in both a timely and quality manner.

RESTORATION COST. An amount of money paid to the city by a permittee to cover the cost of restoration.

RESTORE or RESTORATION. The process by which an excavated right-of-way and surrounding area, including pavement and foundation, is returned to the same condition that existed before the commencement of the work.

RIGHT-OF-WAY. The surface and space above and below a public roadway, highway, street, cartway, bicycle lane and public sidewalk in which the city has an interest including other dedicated rights-of-way for travel purposes and utility easements.

RIGHT-OF-WAY PERMIT. Either the excavation permit or the obstruction permit, or both, depending on the context, required by this title.

SERVICE. Providing a particular utility to a customer or consumer.

UTILITY. All utility services, whether the same be public city-owned facilities or furnished by public utility companies.

(Prior Code, § 3.01) (Ord. 44, passed 6-4-1999)

§ 50.02 FIXING RATES AND CHARGES FOR MUNICIPAL UTILITIES.

All rates and charges for municipal utilities, including, but not by way of limitation, rates for service, permit fees, deposit, connection and meter testing fees, disconnection fees, reconnection fees including penalties for non-payment if any, shall be fixed, determined and amended by the Council and adopted by resolution. the resolution, containing the effective date thereof, shall be kept on file and open to inspection in the office of the City Clerk and shall be uniformly enforced. For the purpose of fixing the rates and charges, the Council may categorize and classify under the various types of service; provided, that the categorization and classification shall be included in the resolution authorized by this section.

(Prior Code, § 3.02)

§ 50.03 FIXING RATES AND CHARGES FOR PUBLIC UTILITIES.

(A) All rates and charges for public utility franchisees, not regulated by an agency of the state, shall be fixed and determined by the Council and adopted by ordinance. The ordinances shall be listed and referred to in the Table of Special Ordinances.

(B) Public utility company rates and charges may be fixed and determined by the respective franchisees in compliance with this section, as follows.

(1) No rate or charge involving an increase thereof shall become effective until approved by the Council. To request the increase, the franchisee shall prepare its written petition, setting forth the then current and proposed rates and charges, the effective date of the proposed increases (which may not be within 90 days of filing the petition), and the reason or reasons necessitating the proposed increase or increases. the petition shall be filed with the Council by serving the same on the City Clerk in person or by certified mail, return receipt requested.

(2) Within 30 days of the filing, the Council shall adopt a resolution and serve the same upon the resident superintendent of the franchisee in like manner as the petition may be served either approving the proposed increases or ordering a hearing thereon to be held within 60 days thereof. If no such action is taken by the Council, the increase or increases shall take effect on the date stated in the franchisee's petition as though approved by the Council.

(3) Prior to the hearing date, the franchisee shall, without delay, comply with the city's reasonable requests for examination and copying of all books, records, documents and other information, relating to the subject matter of the petition. Should the franchisee unreasonably delay, fail or refuse the requests, the same shall be grounds for a continuance of the hearing date.

(4) Notice of hearing shall be in the form and manner stated in the resolution. At the hearing, all persons wishing to be heard thereon shall be afforded a reasonable opportunity. Findings and a decision shall be made by the Council within 15 days after the hearing and served upon the franchisee. (Prior Code, § 3.03)

§ 50.04 CONTRACTUAL CONTENTS.

Provisions of this title relating to municipal utilities shall constitute portions of the contract between the city and all consumers of municipal utility services, and every such consumer shall be deemed to assent to the same.

(Prior Code, § 3.04)

§ 50.05 RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITIES.

(A) *Billing, payment and delinquency.* All municipal utilities shall be billed monthly and a utilities statement or statements shall be mailed to each consumer each month. All utilities charges shall be delinquent if they are unpaid at the close of business on the twenty-fifth day following the billing, provided, that if the tenth day shall fall on a Saturday, Sunday or legal holiday, the time shall be extended to the close of business on the next succeeding day on which business is normally transacted. A penalty thereof shall be added to, and become part of, all delinquent utility bills. If service is suspended due to delinquency, it shall not be restored at that location until a reconnection charge has been paid for each utility reconnected in addition to amounts owed for service and penalties.

(B) *Application, connection and sale of service.* Application for municipal utility services shall be made upon forms supplied by the city, and strictly in accordance therewith. No connection shall be made until consent has been received from the city to make the same. All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of the utilities taken as metered or ascertained in connection with the rates.

(C) *Discontinuance of service.* All municipal utilities may be shut off or discontinued whenever it is found that:

(1) The owner or occupant of the premises served, or any person working on any connection with the municipal utility systems, has violated any requirement of the city code relative thereto, or any connection therewith;

(2) Any charge for a municipal utility service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid after due notice thereof; or

(3) There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefor.

(D) *Ownership of municipal utilities.* Ownership of all municipal utilities, plants, lines, mains, extensions and appurtenances thereto, shall be and remain in the city and no person shall own any part or portion thereof; provided, however, that private facilities and appurtenances constructed on private property are not intended to be included in municipal ownership.

(E) *Right of entry.* By applying for, or receiving, a municipal utility service, a customer irrevocably consents and agrees that any city employee acting within the course and scope of his or her employment may enter into and upon the private property of the customer, including dwellings and other buildings, at all reasonable times under the circumstances, in or upon which private property a municipal utility, or connection therewith, is installed, for the purpose of inspecting, repairing, reading meters, connecting or disconnecting the municipal utility service.

(F) *Meter test.* Whenever a consumer shall request the city to test any utility meter in use by him or her, such a request shall be accompanied by a cash deposit for each meter to be tested. If any such meter is found to be inaccurate, the same shall be replaced with an accurate meter and the deposit thereon refunded. If the meter shall be found to be accurate in its recordings or calculations, it shall be reinstalled and the deposit shall be retained by the city to defray the cost of the test.

(G) *Unlawful acts.*

(1) It is unlawful for any person to willfully or carelessly break, injure, mar, deface, disturb or in any way interfere with any buildings, attachments, machinery, apparatus, equipment, fixture or appurtenance of any municipal utility or municipal utility system, or commit any act tending to obstruct or impair the use of any municipal utility.

(2) It is unlawful for any person to make any connection with, opening into, use or alter in any way any municipal utility system without first having applied for and received written permission to do so from the city.

(3) It is unlawful for any person to turn on or connect a utility when the same has been turned off or disconnected by the city for non-payment of a bill, or for any other reason. The city shall do all connecting and disconnecting and charge a rate therefor as fixed by the Council.

(4) It is unlawful for any person to “jumper” or by any means or device fully or partially circumvent a municipal utility meter, or to knowingly use or consume unmetered utilities or use the services of any utility system, the use of which the proper billing authorities have no knowledge.

(H) *Municipal utility services and charges a lien.*

(1) Payment for all municipal utility (as that term is defined in § 50.01) service and charges shall be the primary responsibility of the fee owner of the premises served, and shall be billed to the owner unless otherwise contracted for and authorized in writing by the fee owner and any other person (such as a tenant, contract purchaser, manager and the like), as agent for the fee owner, and consented to by the city. If the utility service and charges are for a single metered multi-unit rental residential building, the owner of the building shall be the customer of record and this responsibility shall not be waived by contract or otherwise. The city may collect the same in a civil action or, in the alternative and at the option of the city, as otherwise provided in this division (H).

(2) Each such account is hereby made a lien upon the premises served. All the accounts which are more than 15 days past due may, when authorized by resolution of the Council, be certified by the City Clerk, to the County Auditor, and the City Clerk in so certifying shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against the premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the city along with other taxes.

(Prior Code, § 3.05) (Ord. 30, passed 8-2-1996) Penalty, see § 10.99

§ 50.06 RULES AND REGULATIONS RELATING TO RIGHTS-OF-WAY.

(A) *Administration.* The City Engineer shall be the principal city official responsible for the administration of the rights-of-way, right-of-way permits and ordinances related thereto. The City Engineer may delegate any or all of the duties hereunder.

(B) *Utility Coordination Committee.* There is hereby created an Utility Coordination Committee. This Committee shall be voluntary and advisory to the City Engineer. It shall be composed of any registrants that wish to assist the city in obtaining information and by making recommendations regarding ways to take greater responsibility for the right-of-way, and to improve the process of performing construction work therein. The City Engineer may determine the size of the Committee.

(C) *Unlawful acts.* It is unlawful for any person to construct, install, repair, remove, relocate or perform any other work on, or use any equipment located in any right-of-way without first being registered with the City Engineer and obtaining a right-of-way permit.

(D) *Registration and right-of-way occupancy.* Each person who occupies, uses or seeks to occupy or use, the right-of-way or any equipment located in the right-of-way, or who has, or seeks to have, equipment located in any right-of-way shall provide application information to and as required by the City Engineer and posting a removal bond.

(E) *Bond required.* A removal bond shall be in an amount sufficient to pay the cost of removing the registrant's equipment and restoring the right-of-way thereafter, including provision for abandoned or unusable equipment.

(F) *Plantings permitted.* Nothing herein shall be construed to repeal or amend the provisions of the city code permitting persons to plant or maintain boulevard plantings or gardens or in the area of right-of-way between their property and the street curb.

(G) *Grant of right.* Any person registered hereunder who furnishes utility services or occupies, uses or places equipment in the right-of-way, is hereby granted a right to do so conditioned upon compliance with all other requirements of law.

(H) *Exception.* This section does not apply to persons who use and occupy the right-of-way for the purpose of operating a business when there is a franchise agreement with the city, and the franchise fees paid thereunder are not limited by operation of state statute. The granting of the right is expressly conditioned on, and is subject to, continuing compliance with all provisions of law.

(I) *Registration information.* The information provided to the City Engineer at the time of registration shall include, but not be limited to:

(1) Each registrant's name, Gopher State One-Call registration certificate number, address and e-mail address if applicable, and telephone and facsimile numbers;

(2) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration;

(3) A certificate of insurance or self-insurance:

(a) Verifying that an insurance policy has been issued to the registrant by a company licensed to do business in the state, or is covered by self-insurance which provides the city with protections equivalent to that of a state licensed insurance company, legally independent from registrant;

(b) Verifying that the registrant is insured against claims for personal injury, death and property damage arising out of the acts of the registrant, its officers, agents, employees and permittees in the: use and occupancy of the right-of-way; and placement and use of equipment in the right-of-way, including, but not limited to, protection against liability arising from completed operations, damage of underground equipment and collapse of property;

(c) Naming the city as an additional insured as to coverage required herein and for whom defense will be provided as to all the coverage;

(d) Requiring that the City Engineer be notified 30 days in advance of policy cancellation;
and

(e) Indicating comprehensive liability coverage, automobile liability coverage and umbrella coverage in amounts established by the Director of the Office of Risk Management in amounts sufficient to protect the city and carry out the purposes and policies of this title.

(4) If the person is a corporation, a copy of the certificate required to be filed under M.S. § 302A.155, as it may be amended from time to time, certified by the Secretary of State;

(5) A copy of the person's certificate of authority from the State Public Utilities Commission, or other applicable state or federal agency;

(6) Mapping data shall be submitted by all registrants for all equipment which is to be installed or constructed after the effective date of this section at the time any permits are sought. Beginning six months after the effective date of this section, an existing registrant shall submit complete and accurate mapping data for all its equipment in place on the effective date of this section. Information on existing facilities and equipment of telecommunications right-of-way users need only be supplied in the form maintained by the telecommunications right-of-way user satisfactory to the controlling state or federal agency granting registrant's authority; and

(7) At the request of any registrant, any information requested by the City Engineer which qualifies as a "trade-secret" under M.S. § 13.37(b), as it may be amended from time to time, shall be treated as trade secret information as detailed therein.

(J) *Nuisance.* One year after the effective date of this section, any equipment found in a right-of-way that has not been registered shall be deemed to be a nuisance. The city may exercise any remedies or rights it has at law or in equity, including, but not limited to, abating the nuisance by taking possession of and selling the equipment, and restoring the right-of-way to a usable condition.

(K) *Limitation of space.* The City Engineer shall have the power to prohibit or limit the placement of new or additional equipment within the right-of-way, or order the relocation of existing equipment, if there is insufficient space to accommodate all of the requests of registrants or persons to occupy and use the right-of-way. In making the decisions, the City Engineer shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing equipment in the right-of-way and future city plans for public improvements and development projects which have been determined to be in the public interest.

(L) *Relocation of equipment.*

(1) Upon notice, the permittee must promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate its equipment and facilities in the right-of-way whenever the City Engineer requests, and shall restore the right-of-way to the condition it was in prior to the removal or relocation.

(2) The City Engineer may make the request in order to prevent interference by the permittee's equipment or facilities with:

(a) A present or future city use of the right-of-way;

(b) A public improvement undertaken by the city; or

(c) An economic development project in which the city has an interest or investment; when the public health, safety and welfare requires it; or when necessary to prevent interference with the safety and convenience of ordinary travel over the right-of-way.

(3) Notwithstanding the foregoing, no person shall be required to remove or relocate equipment from any right-of-way which has been vacated in favor of a non-governmental entity unless and until the reasonable costs thereof are first paid.

(M) *Pre-excavation equipment identification.* In addition to complying with the requirements of M.S. §§ 216D.01 through 216D.09, as they may be amended from time to time, ("One-call excavation notice system") before the start date of any right-of-way excavation, each registrant who has equipment located in the area to be excavated shall be responsible to mark the horizontal and approximate vertical placement of all the equipment. Any registrant whose equipment is less than 20 inches below a concrete or asphalt surface shall notify and work closely with the excavation contractor to establish the exact location of its equipment and the best procedure for excavation.

(N) *Damage to other equipment.*

(1) When the City Engineer performs work in the right-of-way and finds it necessary to maintain, support or move a registrant's equipment in order to protect it, the costs associated therewith will be billed to that registrant and must be paid within 30 days from the date of billing.

(2) Each registrant shall pay the cost of repairing equipment of another registrant in the right-of-way which is damaged by the installation, maintenance or operation of registrant's equipment, including the cost of repairing any damage to the equipment of another registrant caused during the city's response to an emergency occasioned by that registrant's equipment.

(O) *Right-of-way vacation.* If the city vacates a right-of-way which contains the equipment of a registrant, the city shall reserve to and for itself and all registrants having equipment in the vacated right-of-way, the right to install, maintain and operate any equipment in the vacated right-of-way and to enter upon the right-of-way at any time for the purpose of reconstructing, inspecting, maintaining or repairing the same:

(1) If the vacation requires the relocation of registrant or permittee equipment;

(2) If the vacation proceedings are initiated by the registrant or permittee, the registrant or permittee must pay the relocation costs; or

(3) If the vacation proceedings are initiated by the city or other person or persons, the registrant or permittee must pay the relocation costs unless otherwise agreed to by the city, the registrant or permittee, and other person or persons.

(P) *Indemnification and liability.*

(1) By reason of the acceptance of a registration or the grant of a right-of-way permit, the city does not assume any liability:

(a) For injuries to persons, damage to property, or loss of service claims by parties other than the registrant or the city; or

(b) For claims or penalties of any sort resulting from the installation, presence, maintenance or operation of equipment by registrants or activities of registrants.

(2) By registering with the City Engineer or accepting a permit, a permittee is required to defend, indemnify and hold the city harmless from all costs, liabilities and claims for damages of any kind arising out of the construction, presence, installation, maintenance, repair or operation of

permittee's equipment, or out of any activity undertaken in or near a right-of-way, whether or not any act or omission is authorized, allowed or prohibited by a right-of-way permit.

(a) It further agrees that it will not bring, nor cause to be brought, any action, suit or other proceeding claiming damages, or seeking any other relief against the city for any claim nor for any award arising out of the presence, installation, maintenance or operation of equipment, or any activity undertaken in or near a right-of-way, whether or not the act or omission complained of is authorized, allowed or prohibited by a right-of-way permit. The foregoing does not indemnify the city for its own negligence.

(b) This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the registrant or to the city; and the registrant, in defending any action on behalf of the city, shall be entitled to assert every defense or immunity that the city could assert in its own behalf.

(Q) *Franchise holder exemption.* In the instance of a person holding a franchise agreement with the city, and a conflict in language occurs between the franchise and the city code, the conflict shall be resolved by honoring the terms of the franchise. In the instance of a person holding a franchise agreement with the city which provides for the payment of franchise fees to the city, the person shall be exempt from paying any other fees or costs except the disruptive cost as required herein. (Prior Code, § 3.06) (Ord. 44, passed 6-4-1999) Penalty, see § 10.99

CHAPTER 51: ELECTRIC SERVICE

Section

- 51.01 Code requirement
- 51.02 Services
- 51.03 Electrical installations
- 51.04 Replacing or converting to underground

§ 51.01 CODE REQUIREMENT.

All wiring, connections and appurtenances shall be installed and performed strictly in accordance with the National Electrical Code. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the city, be an additional ground for termination of electrical service to any consumer.

(Prior Code, § 3.50-1)

§ 51.02 SERVICES.

New or changed service installations shall be made at the expense of the consumer, placed underground where designated by the city, and the meter location shall also be designated by the city. Prior to the sale of real estate served by city electric service where the meter is installed in the interior of the building, the meter shall be removed and, at the expense of the owner, re-installed on the exterior. Within ten years after the effective date of this section, all electrical services shall be on an exterior wall of the building served. Services that are requested to be changed or service that has been disconnected will have a \$100 charge to service.

(Prior Code, § 3.50-2) (Ord. 4, passed 7-14-1989)

§ 51.03 ELECTRICAL INSTALLATIONS.

All electrical installations shall comply with the following, where applicable.

(A) Motors of 20 HP or more must have line compensators on same; provided, however, that the city may, at its option, make an exception if the total connected motor load required is smaller than the consumer connected load, and the motor starting current is less than the current corresponding to the consumer's total connected load.

(B) Any establishment having a total motor load of 125 HP or more is required to have 440 volts for its motor load.

(C) All motor installations of less than 5 HP shall be supplied with 240 volt single phase energy except:

(1) Motors of 1/2 HP or smaller may be 120 volt; or

(2) Three phase motors of 3 HP or more may be served from existing secondary power circuits where only service wires and meters are required.

(D) The city shall make an installation charge for extraordinary expenses required by a consumer. (Prior Code, § 3.50-3)

§ 51.04 REPLACING OR CONVERTING TO UNDERGROUND.

(A) *Converting to underground.* The city may, at its option and at its expense, convert any present service where no change is otherwise required by the consumer, from overhead to underground. Where this is done, the city shall only cover and refill the trench and other ditching maintenance or repair, and all subsequent changing and repairing of the service shall be the obligation of the consumer.

(B) *Replacing.* Nothing herein shall prevent the city from replacing an overhead service with the same type.

(C) *Meters and placement service.* Placement of services and meters shall be determined by the city. (Prior Code, § 3.50-4)

CHAPTER 52: RECYCLABLES AND REFUSE

Section

- 52.01 Definitions
- 52.02 Storage and transporting refuse
- 52.03 Collection of refuse
- 52.04 Deposit of recyclables
- 52.05 Kind and placement of containers
- 52.06 Disposal of refuse
- 52.07 Yard waste
- 52.08 Prohibition

§ 52.01 DEFINITIONS.

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

COMMERCIAL ESTABLISHMENT. Any store, restaurant, gas station or business either retail or wholesale, operated for profit, any club, church, school, hospital or buildings owned by the city used for municipal purposes.

DEMOLITION WASTE. Not limited to, trees, tree branches, concrete and asphaltic rubble, building materials, construction rubble and furniture (excluding white goods).

MULTI-FAMILY DWELLING. Any building used for residential purposes consisting of more than three dwelling units with individual kitchen facilities for each.

NONRESIDENT. Any person whose domicile is not within the corporate limits of the city.

RECYCLABLES. Includes paper, plastic, tin cans, aluminum, motor oil, glass and other metal goods, each separated or otherwise prepared so as to be acceptable to the recycling center where they are to be deposited.

REFUSE. Includes all drained organic material resulting from the preparation of food and spoiled or decayed food from any source, bottles, cans, glassware, paper or paper products, crockery, ashes, rags, and discarded clothing, but does not include auto hulks, street sweepings, ash, construction debris,

mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, used oil and other materials collected, processed and disposed of as separate waste streams.

RESIDENTIAL DWELLING. Any structure used as a residence and consisting of one, two or three dwelling units with individual kitchen facilities for each.

WHITE GOODS. Discarded major appliances including, but not limited to, clothes washers, dryers, dishwashers, hot water heaters, residential furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators and freezers.

YARD WASTE. Garden wastes, leaves, lawn cuttings, weeds and prunings.
(Prior Code, § 3.20-1) (Ord. 20, passed 11-26-1993)

§ 52.02 STORAGE AND TRANSPORTING REFUSE.

(A) It is unlawful for any person to store refuse except as herein provided.

(B) It is unlawful for any person to transport refuse over any street, for hire, except by special permit from the Council, or acting within the course and scope of a written contract with the city, or his or her employment with the city.

(C) It is unlawful for any person to transport refuse on any street, unless it is carried in a vehicle equipped with a leak-proof body or container and completely covered with a heavy-canvas or top to prevent loss of contents.

(Prior Code, § 3.20-2) (Ord. 20, passed 11-26-1993) Penalty, see § 10.99

§ 52.03 COLLECTION OF REFUSE.

The city shall provide for collection of all refuse in a sanitary manner to ensure the health, safety and general welfare of its residents, under terms and conditions as the city may, from time to time, deem appropriate. Tags which are available for purchase from the city shall be attached to each refuse container, and only containers bearing the tag will be serviced by the hauler. There shall be a minimum monthly fee adopted, by resolution of the Council, for refuse pick-up whether or not the service is used.
(Prior Code, § 3.20-3) (Ord. 20, passed 11-26-1993)

§ 52.04 DEPOSIT OF RECYCLABLES.

Recyclables are picked up twice monthly for residential sites and weekly for business sites.
(Prior Code, § 3.20-4) (Ord. 20, passed 11-26-1993)

§ 52.05 KIND AND PLACEMENT OF CONTAINERS.

(A) *Kind of container.* All residents will use a city-issued container. Residents may purchase tags to place on bags that do not fit in the container. Residents may pay for up to two city-issued containers. Any more will be issued a dumpster.

(B) *Placement of containers.* Containers shall be placed near a street, alley or driveway or at such other appropriate place as shall be convenient for the collection and removal of the contents and they shall be thoroughly disinfected every two weeks.

(Prior Code, § 3.20-5) (Ord. 20, passed 11-26-1993)

§ 52.06 DISPOSAL OF REFUSE.

The owner or occupant of premises shall place, deposit or keep all refuse on the premises in the manner herein provided, and shall cause to have garbage removed and hauled away, as follows:

(A) Residential dwellings: not to exceed two weeks;

(B) Multi-family dwellings: not to exceed one week; and

(C) Commercial establishments: not to exceed one week.

(Prior Code, § 3.20-6) (Ord. 20, passed 11-26-1993) Penalty, see § 10.99

§ 52.07 YARD WASTE.

Yard waste may not be mixed with or disposed of as refuse, but may be burned where a burning permit has been issued by the local Fire Warden, or may be composted on the premises of the owner or occupant.

(Prior Code, § 3.20-7) (Ord. 20, passed 11-26-1993)

§ 52.08 PROHIBITION.

Notwithstanding other provisions of this chapter, it is unlawful for any person to utilize the services of the city collection service for the benefit of a commercial establishment, or deposit refuse, garbage, recyclables or other rubbish in the city collection service which was generated by or has as its source a commercial establishment. It is unlawful for any nonresident to utilize the services of the city collection service or deposit refuse, garbage, recyclables or other rubbish in the city collection service.

(Prior Code, § 3.20-9) (Ord. 20, passed 11-26-1993) Penalty, see § 10.99

CHAPTER 53: WATER SERVICE

Section

- 53.01 Deficiency of water and shutting off water
- 53.02 Repair of leaks
- 53.03 Abandoned services penalties
- 53.04 Connections
- 53.05 Private water supplies
- 53.06 Prohibited uses or restricted hours
- 53.07 Private fire hose connections
- 53.08 Opening hydrants
- 53.09 Construction service
- 53.10 Code requirement

§ 53.01 DEFICIENCY OF WATER AND SHUTTING OFF WATER.

The city is not liable for any deficiency or failure in the supply of water to customers, whether occasioned by shutting the water off for the purpose of making repairs or connections, or by any other cause whatever. In case of fire, or alarm of fire, water may be shut off to ensure a supply for fire fighting. In making repairs or construction of new works, water may be shut off at any time and kept off so long as may be necessary.

(Prior Code, § 3.30-1)

§ 53.02 REPAIR OF LEAKS.

It is the responsibility of the consumer or owner to maintain the service pipe from the curb stop into the house or other building. In case of failure upon the part of any consumer or owner to repair any leak occurring in his or her service pipe within 24 hours after oral or written notice has been given the owner or occupant of the premises, the water may be shut off and will not be turned on until a reconnection charge has been paid and the water service has been repaired. When the waste of water is great or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately.

(Prior Code, § 3.30-2)

§ 53.03 ABANDONED SERVICES PENALTIES.

(A) All service installations connected to the water system that have been abandoned or, for any reason, have become useless for further service shall be disconnected at the main. The owner of the premises, served by this service, shall pay the cost of the excavation. The city shall perform the actual disconnection and all pipe and appurtenances removed from the street right-of-way shall become the property of the city. When new buildings are erected on the site of old ones, and it is desired to increase the old water service, the regular tapping charge shall be made as if this were a new service.

(B) It is unlawful for any person to cause or allow any service pipe to be hammered or squeezed together at the ends to stop the flow of water, or to save expense in improperly removing the pipe from the main. Also, the improper disposition thereof shall be corrected by the city and the cost incurred shall be borne by the person causing or allowing the work to be performed.

(Prior Code, § 3.30-3) Penalty, see § 10.99

§ 53.04 CONNECTIONS.

(A) *Service pipes.* Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than seven feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing. Frozen service pipes between the curb stop and the building shall be the responsibility of the owner. Service pipes must extend from the curb stops to the inside of the building, or if not taken into a building then to the hydrant or other fixtures which they are intended to supply. A valve, the same size as the service pipe, shall be placed close to the inside wall of the building, ahead of the meter and well protected from freezing. Joints on copper tubing shall be flared or compression-fitted, and kept to a minimum. Not more than one joint shall be used for a service up to 70 feet in length. All joints shall be left uncovered until inspected. Minimum size connection with the water mains shall be three-quarter inch in diameter.

(B) *Independent waterline connections.* There does exist in the city, homes which have a single line running from the main city waterline, which then splits to two independent homes, thus having one supply line from the main supplying both homes. If a home is sold in the city which does not have an independent line from its home directly to the main waterline, the new owner of that building has the sole responsibility for disconnecting its waterline, which ties into another home, and must establish an independent waterline from the home directly to the city main line of water. In addition, it will be the responsibility of that homeowner to cap the waterline that exists so that it will not affect the adjacent landowner's water flowage.

(C) *Seasonal connections.* It is in the public's interest to have city officials be able to, upon request of public owners, turn water service mains off and on depending upon the user's needs and seasonal use of the water connections. Numerous members of the public do ask that the water is turned off in the Fall and turned on in the spring due to seasonal use of homes. Since it takes additional city service and fees to supply this service to its public, the city ordains that, beginning October 1 of all calendar years

through April 30 of all calendar years a \$100 turn on or turn off will be charged during this period. The city will also charge an on/off fee of \$100 for a 30-day period. Over 30 days is a \$100 per request. (Prior Code, § 3.30-4) (Ord. 60, passed 8-8-2003; Ord. 62, passed 3-4-2004)

§ 53.05 PRIVATE WATER SUPPLIES.

No water pipe of the city water system shall be connected with any pump, well, pipe, tank or any device that is connected with any other source of water supply and when such are found, the city shall notify the owner or occupant to disconnect the same and, if not immediately done, the city water shall be turned off. Before any new connections to the city system are permitted, the city shall ascertain that no cross-connections will exist when the new connection is made. When a building is connected to city water, the private water supply may be used only for such purposes as the city may allow. (Prior Code, § 3.30-5) Penalty, see § 10.99

§ 53.06 PROHIBITED USES OR RESTRICTED HOURS.

Whenever the city shall determine that a shortage of water threatens the city, it may entirely prohibit water use or limit the times and hours during which water may be used from the city water system for lawn and garden sprinkling, irrigation, car washing, air conditioning and other uses, or either or any of them. It is unlawful for any water consumer to cause or permit water to be used in violation of the determination after public announcement thereof has been made through the news media specifically indicating the restrictions thereof. (Prior Code, § 3.30-6) Penalty, see § 10.99

§ 53.07 PRIVATE FIRE HOSE CONNECTIONS.

Owners of structures with self-contained fire protection systems may apply for and obtain permission to connect the street mains with hydrants, large pipes and hose couplings, for use in case of fire only, at their own installation expense and at such rates, as the Council may adopt by resolution as herein provided. (Prior Code, § 3.30-7)

§ 53.08 OPENING HYDRANTS.

It is unlawful for any person, other than members of the Fire Department or other person duly authorized by the city, in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the same or in any manner interfere therewith. It is also unlawful for any person so authorized to deliver or suffer to be delivered to any other person any hydrant key or wrench, except for the purposes strictly pertaining to their lawful use. (Prior Code, § 3.30-8) Penalty, see § 10.99

§ 53.09 CONSTRUCTION SERVICE.

Service may be provided for construction, flooding skating rinks and any other purpose. the service shall be at an estimated rate. In so estimating, the city shall consider the use to which the water is put and the length of time of unmetered service.

(Prior Code, § 3.30-9)

§ 53.10 CODE REQUIREMENT.

All piping, connections and appurtenances shall be installed and performed strictly in accordance with the State Plumbing Code. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the city, be an additional ground for termination of water service to any consumer.

(Prior Code, § 3.30-10)

CHAPTER 54: SEWER SERVICE; CHARGES

Section

Rules and Regulations for Sewerage Service

- 54.01 Definitions
- 54.02 Control by the Utilities Superintendent
- 54.03 Unlawful acts; deposits, discharges, privies
- 54.04 Toilet installation required
- 54.05 Private wastewater disposal
- 54.06 Building sewers and connections
- 54.07 Use of public sewers
- 54.08 Unlawful act; destruction of property
- 54.09 User rate schedule for charges
- 54.10 Powers and authority of inspectors
- 54.11 Other unlawful acts

Sewer Service Charge System

- 54.25 Definitions
 - 54.26 Establishment of a sewer service charge system
 - 54.27 Determination of sewer service charges
 - 54.28 Sewer Service Fund
 - 54.29 Administration
 - 54.30 Delinquent charges
 - 54.31 Sewer service charge system precedence
- Appendix A: User Classes

RULES AND REGULATIONS FOR SEWERAGE SERVICE**§ 54.01 DEFINITIONS.**

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

ACT. The Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, 33 U.S.C. §§ 1251 et seq.

ASTM. American Society for Testing Materials.

BOD₅ or BIOCHEMICAL OXYGEN DEMAND. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C in terms of milligrams per liter (mg/l).

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

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal, also referred to as a **HOUSE CONNECTION** or **SERVICE CONNECTION**.

CHEMICAL OXYGEN DEMAND (COD). The quantity of oxygen utilized in the chemical oxidation of organic matter as determined by standard laboratory procedures, and as expressed in terms of milligrams per liter (mg/l).

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS permit if the treatment facilities are designed to treat the pollutants to a degree which complies with effluent concentration limits imposed by the permit.

CONTROL MANHOLE. A structure specially constructed for the purpose of measuring flow and sampling of wastes.

EASEMENT. An acquired legal right for the specific use of land owned by others.

FECAL COLIFORM. Any number of organisms common to the intestinal tract of human and animals whose presence in sanitary sewage is an indicator of pollution.

FLOATABLE OIL. Oil, fat or grease in a physical state, such that it will separate by gravity from wastewater.

GARBAGE. Animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

INCOMPATIBLE POLLUTANT. Any pollutant that is not defined as a compatible pollutant including non-biodegradable dissolved solids.

INDUSTRIAL WASTE. Gaseous, liquid and solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development, recovery and processing of natural resources, as distinct from residential or domestic strength wastes.

INDUSTRY. Any non-governmental or nonresidential user of a publicly owned treatment works which is identified in the *Standard Industrial Classification Manual*, latest edition, which is categorized in Divisions A, B, D, E and I.

INFILTRATION. Water entering the sewage system (including building drains and pipes) from the ground through such means 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.

INTERFERENCE. The inhibition or disruption of the city's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the city's NPDES and/or SDS permit. The term includes sewage sludge use or disposal by the city in accordance with published regulations providing guidelines under § 405 of the Act or any regulations developed pursuant to the Solid Waste Disposal Act, being 42 U.S.C. §§ 6901 et seq., the Clean Air Act, being 42 U.S.C. §§ 7401 et seq., the Toxic Substances Control Act, being 15 U.S.C. §§ 2601 et seq., or more stringent state criteria applicable to the method of disposal or use employed by the city.

MPCA. Minnesota Pollution Control Agency.

NATIONAL CATEGORICAL PRETREATMENT STANDARDS. Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to be not susceptible to treatment by such treatment facilities or would interfere with the operation of the treatment facilities, pursuant to § 307(b) of the Act.

NATURAL OUTLET. Any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to §§ 402 and 405 of the Act.

NON-CONTACT COOLING WATER. The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added, is heat.

NORMAL DOMESTIC STRENGTH WASTE. Wastewater that is primarily introduced by residential users with a BOD₅ concentration not greater than 186 mg/l and a suspended solids (TSS) concentration not greater than 170 mg/l.

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

PRETREATMENT. The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half-inch (1.27 cm) in any dimension.

SEWAGE. The spent water of the city. The preferred term is ***WASTEWATER.***

SEWER. A pipe or conduit that carries wastewater or drainage water.

(1) ***COLLECTION SEWER.*** A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.

(2) ***COMBINED SEWER.*** A sewer intended to serve as a sanitary sewer and a storm sewer.

(3) ***FORCE MAIN.*** A pipe in which wastewater is carried under pressure.

(4) ***INTERCEPTOR SEWER.*** A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

(5) ***PRIVATE SEWER.*** A sewer which is not owned and maintained by a public authority.

(6) ***PUBLIC SEWER.*** A sewer owned, maintained and controlled by a public authority.

(7) ***SANITARY SEWER.*** A sewer intended to carry only liquid- and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters which are not admitted intentionally.

(8) **STORM SEWER OR STORM DRAIN.** A drain or sewer intended to carry storm waters, surface runoff, ground water, sub-surface water, street wash water, drainage and unpolluted water from any source.

SIGNIFICANT INDUSTRIAL USER. Any industrial user of the wastewater treatment facility which has a discharge flow:

- (1) In excess of 25,000 gallons per average work day;
- (2) Has exceeded 5% of the total flow received at the treatment facility;
- (3) Whose waste contains a toxic pollutant in toxic amounts pursuant to § 307(a) of the Act;

or

(4) Whose discharge has a significant effect, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality or emissions generated by the treatment system.

SLUG. Any discharge of water or wastewater which in concentration of any given constituent, 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, and shall adversely affect the collection and/or performance of the wastewater treatment works.

STATE DISPOSAL SYSTEM (SDS) PERMIT. Any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to M.S. § 115.07, as it may be amended from time to time, for a disposal system as defined by M.S. § 115.01, Subd. 8, as it may be amended from time to time.

SUSPENDED SOLIDS (SS) or TOTAL SUSPENDED SOLIDS (TSS). 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, and referred to as non-filterable residue.

TOXIC POLLUTANT. The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects as defined in standards issued pursuant to § 307(a) of the Act.

UNPOLLUTED WATER. 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, and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities.

USER. Any person who discharges or causes or permits the discharge of wastewater into the city's wastewater disposal system.

WASTEWATER. The spent water of the city and referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with any ground water, surface water and storm water that may be present.

WASTEWATER TREATMENT WORKS or **TREATMENT WORKS.** An arrangement of any devices, facilities, structures, equipment or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from the treatment.

WATERCOURSE. A natural or artificial channel for the passage of water, either continuously or intermittently.

WPCF. The Water Pollution Control Federation.
(Prior Code, § 3.40-1)

§ 54.02 CONTROL BY THE UTILITIES SUPERINTENDENT.

The Utilities Superintendent shall have control and general supervision of all public sewers and service connections, and shall be responsible for administering the provisions of this subchapter to the end that a proper and efficient public sewer is maintained.
(Prior Code, § 3.40-2)

§ 54.03 UNLAWFUL ACTS; DEPOSITS, DISCHARGES, PRIVIES.

(A) It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under jurisdiction, any human or animal excrement, garbage or objectionable waste.

(B) It is unlawful for any person to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter and the city's NPDES/SDS permit.

(C) Except as provided hereinafter, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.
(Prior Code, § 3.40-3) Penalty, see § 10.99

§ 54.04 TOILET INSTALLATION REQUIRED.

(A) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated within the city and adjacent to any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer, shall be required at the owner's expense to install a suitable service connection to the public sewer in accordance with provisions of this subchapter, within 365 days of the date the public sewer is operational, provided the public sewer is within 150 feet of the structure generating the wastewater. 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 made pursuant to this section, an official 60-day notice shall be served instructing the affected property owner to make the connection.

(B) In the event an owner shall fail to connect to a public sewer in compliance with a notice given under this subchapter, the city shall undertake to have the connection made and shall assess the cost thereof against the benefitted property. The assessment, when levied, shall bear interest at the rate determined by the Council and shall be certified to the Auditor of the county, 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 subchapter.
(Prior Code, § 3.40-4)

§ 54.05 PRIVATE WASTEWATER DISPOSAL.

(A) Where a public sewer is not available under the provisions of § 54.04, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(B) Prior to commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the city. The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary to the city.

(C) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city. 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 work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice.

(D) The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of Minn. Rules Ch. 7080, entitled "Individual Subsurface Sewage Treatment Systems". No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) At such time as a 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 180 days in compliance with this subchapter, and within ten days any septic tanks, cesspools and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.

(F) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the city.

(G) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the state.
(Prior Code, § 3.40-5)

§ 54.06 BUILDING SEWERS AND CONNECTIONS.

(A) 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, BOD₅ and suspended solids, as determined by the Utilities Superintendent.

(B) It is unlawful for any person to uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(C) Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of the building to be connected, and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.

(D) There shall be two classes of building sewer permits: for residential and commercial service; and for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications or any other information considered pertinent in the judgment of the city. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.

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

(F) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. The building sewer

from the front building may be extended to the rear building and the whole considered one building sewer. The city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.

(G) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Utilities Superintendent, to meet all requirements of this section.

(H) The size, slopes, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling of the trench, shall all conform to the requirements of the State Building Code or other applicable rules and regulations of the city. In the absence of code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(I) 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, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

(J) It is unlawful for any person to discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(K) The connection of the building sewer into the public sewer shall conform to the requirements of the State Building Code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All the connections shall be made gas-tight and water-tight, and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the city prior to installation.

(L) The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the Utilities Superintendent.

(M) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(N) It is unlawful for any person to make a service connection with any public sewer unless regularly licensed under the city code to perform the work, and no permit shall be granted to any person except the regularly licensed person.

(O) Any person desiring a license to make a service connection with public sewers, shall apply in writing to the Council with satisfactory evidence that the applicant or employer is trained or skilled in

the business and qualified to receive a license. All applications shall be referred to the Utilities Superintendent for recommendations to the Council. If approved by the Council, the license shall be issued by the City Clerk upon the filing of a bond as hereinafter provided.

(P) No license shall be issued to any person until a \$2,000 bond to the city, approved by the Council, is filed with the City Clerk conditioned that the licensee will indemnify and save harmless 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 licensee or by those in the licensee's employment for any purpose whatever, and that the licensee will replace and restore the street and alley over the opening to the condition existing prior to installation, adequately guard with barricades and lights and will keep and maintain the same to the satisfaction of the Utilities Superintendent, and shall conform in all respects to the rules and regulations of the Council relative thereto, and pay all fines that may be imposed on the licensee by law.

(Q) The license fee for making service connections is \$100. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked by the Council for cause. Upon failure to apply for a license renewal prior to the expiration date thereof, the license fee for the ensuing year shall be \$150.

(R) The Council may suspend or revoke any license issued under this section for any of the following causes:

- (1) Giving false information in connection with the application for a license;
- (2) Incompetence of the licensee; or

(3) Willful violation of any provisions of this section or any rule or regulation pertaining to the making of service connections.

(Prior Code, § 3.40-6) (Ord. 009-1987, passed 2-19-1988; Ord. 52, passed 8-16-2001) Penalty, see § 10.99

§ 54.07 USE OF PUBLIC SEWERS.

(A) It is unlawful for any person to discharge or cause to be discharged any unpolluted water, such as stormwater, ground water, roof runoff, surface drainage or non-contact cooling water to any sanitary sewer.

(B) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the city and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the city and upon approval and the issuance of a discharge permit by the MPCA.

(C) It is unlawful for any person to discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides;

(2) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;

(3) Any wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater disposal system; or

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to § 307(a) of the Act.

(D) The following described substances, materials, water or wastes shall be limited in discharges to the city system to concentrations or quantities which will not harm either sewers, the wastewater treatment works treatment process or equipment, will not have an adverse effect on the receiving stream and/or soil, vegetation and ground water, or will not otherwise endanger lives, limb, public property or constitute a nuisance.

(1) The Council may set limitations lower than limitations established in the regulations below if, in its opinion, such more severe limitations are necessary to meet the above objectives. In forming its opinion as to the acceptability of wastes, the city will give consideration to such factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the city's NPDES and/or SDS permit, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

(2) The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the city are as follows:

(a) Any wastewater having a temperature greater than 150°F (65.6°C), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104°F (40°C), or having heat in amounts which will inhibit biological activity in the wastewater treatment works resulting in interference therein;

(b) Any wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65.6°C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not;

(c) Any quantities of flow, concentrations or both which constitute a “slug” as defined herein;

(d) Any garbage not properly shredded, as defined herein. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food on the premises or when served by caterers;

(e) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair;

(f) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;

(g) Non-contact cooling water or unpolluted storm, drainage or ground water;

(h) Wastewater containing inert 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 and sodium sulfate) in such quantities that would cause disruption with the wastewater disposal system;

(i) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Council in compliance with applicable state or federal regulations;

(j) Any waters or wastes containing the following substances to such degree that any such material received in the composite wastewater at the wastewater treatment works in excess of the limits set by the Council for the materials:

1. 75 mg/l arsenic;
2. 85 mg/kg cadmium;

3. 4300 mg/l copper;
4. mg/l cyanide - n/a;
5. 840 mg/l lead;
6. 57 mg/l mercury;
7. 420 mg/l nickel;
8. mg/l silver;
9. mg/l total chromium - n/a;
10. 7500 mg/l zinc;
11. mg/l phenolic compounds which cannot be removed by city's wastewater treatment system; and
12. 75 mg/kg molybdenum.

(k) Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule, regulations or ordinance of any regulatory agency, or state or federal regulatory body; and

(l) Any waters or wastes containing BOD₅ or suspended solids of such character and quantity that unusual attention or expense is required to handle the materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of this subchapter.

(E) (1) If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated herein, and/or which in the judgment of the Council, may have a deleterious effect upon the wastewater treatment facilities, processes or equipment; receiving waters and/or soil, vegetation and ground water; or which otherwise create a hazard to life or constitute a public nuisance, the city may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to § 307(b) of the Act and all addendums thereof;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added costs of handling, treating and disposing of wastes not covered by existing taxes or sewer service charges.

(2) If the city permits the pretreatment or equalization of waste flows, the design, installation, and maintenance of the facilities and equipment shall be made at the owner's expense, and shall be subject to the review and approval of the city pursuant to the requirements of the MPCA.

(F) 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 herein, or contained in the *National Categorical Pretreatment Standards* or any state requirements.

(G) Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner.

(H) Grease, oil and sand interceptors shall be provided when, in the opinion of the Utilities Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified herein, any flammable wastes as specified herein, sand or other harmful ingredients; except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the 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 Utilities Superintendent. Any removal and hauling of the collecting materials not performed by the owner's personnel, must be performed by a currently licensed waste disposal firm.

(I) Where required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, or control manhole, with the necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of wastes. The structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the city. The structure shall be installed by the owner at his or her expense and shall be maintained by the owner to be safe and accessible at all times.

(J) 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 or analyses of waters or wastes to illustrate compliance with this subchapter 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 federal, state and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the city at such times and in such manner as

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

(K) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this subchapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Utilities Superintendent, with the concurrence of the Council.

(L) Where required by the city, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this subchapter. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Utilities Superintendent for review and approval prior to construction of the facility. Review and approval of the plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this subchapter. Users shall notify the city immediately upon having a slug or accidental discharge of substances of wastewater in violation of this subchapter to enable countermeasures to be taken by the city to minimize damage to the wastewater treatment works. The notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the city on account thereof under any state and federal law. Employers shall ensure that all employees who may cause or discover such a discharge are advised of the emergency notification procedure.

(M) It is unlawful for any person, having charge of any building or other premises which drains into the public sewer, to permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within ten days after receipt of written notice from the city, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same, and perform other work as the Utilities Superintendent may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair or alter the same after the period of ten days, the Utilities Superintendent may cause the work to be completed at the expense of the owner.

(N) Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause the work to be done as the Utilities Superintendent may direct. Each day after ten days that a person neglects or fails to so act shall constitute a separate violation of this division (N), and the Utilities Superintendent may then cause the work to be done, and recover from the owner or agent the expense thereof by an action in the name of the city.

(O) The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times, a catch basin or waste trap in the building drain system to prevent grease, oil, dirt or any mineral deposit from entering the public sewer system.

(P) In addition to any penalties that may be imposed for violation of any provision of this title, the city may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge of prohibited wastes by the person, and may collect the assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the city.

(Q) No statement contained in this section shall be construed as preventing any special agreement or arrangement 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, providing that *National Categorical Pretreatment Standards* and the city's NPDES and/or state disposal system permit limitations are not violated.

(Prior Code, § 3.40-7) Penalty, see § 10.99

§ 54.08 UNLAWFUL ACT; DESTRUCTION OF PROPERTY.

It is unlawful for any person to 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, § 3.40-8) Penalty, see § 10.99

§ 54.09 USER RATE SCHEDULE FOR CHARGES.

Each user of sewer service shall pay the charges applicable to the type of service, and in accordance with the provisions set forth in this title.

(Prior Code, § 3.40-9)

§ 54.10 POWERS AND AUTHORITY OF INSPECTORS.

(A) The Utilities Superintendent and/or the Council, or other duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to the discharges to the city's sewer system in accordance with the provisions of this subchapter.

(B) The Utilities Superintendent and/or the Council or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential; however, the industry must establish that the revelation to the public of the information in question, might result in an advantage to competitors.

(C) While performing necessary work on private properties, the Utilities Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required herein.

(D) The Utilities Superintendent or the Council or other duly authorized employees of the city bearing proper credentials and identification, shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Prior Code, § 3.40-10)

§ 54.11 OTHER UNLAWFUL ACTS.

(A) It is unlawful for any person to violate any provision of this subchapter, and any person found to be in violation shall be served 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 period of time stated in the notice, permanently cease all violations.

(B) Any person violating any of the provisions of this section shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation. (Prior Code, § 3.40-11) (Ord. 009-1987, passed 2-19-1988) Penalty, see § 10.99

SEWER SERVICE CHARGE SYSTEM

§ 54.25 DEFINITIONS.

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

ADMINISTRATION. Those fixed costs attributable to administration of the wastewater treatment works (i.e., billing and associated bookkeeping and accounting costs).

BIOCHEMICAL OXYGEN DEMAND or ***BOD₅***. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

COMMERCIAL USER. Any place of business which discharges sanitary waste as distinct from industrial wastewater.

COMMERCIAL WASTEWATERS. Domestic wastewater emanating from a place of business as distinct from industrial wastewater.

DEBT SERVICE CHARGE. A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct the facilities.

EQUIVALENT RESIDENTIAL UNIT (ERU). A unit of wastewater volume of 241 gallons per day at a strength not greater than 240 mg/l BOD₅ and 230 mg/l of total suspended solids.

EXTRA STRENGTH WASTE. Wastewater having a BOD₅ and/or TSS greater than domestic waste as defined herein and not otherwise classified as an incompatible waste.

GOVERNMENTAL USER. Users which are units, agencies or instrumentalities of federal, state or local government discharging normal domestic strength wastewater.

INCOMPATIBLE WASTE. Waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works.

INDUSTRIAL USERS or INDUSTRIES.

(1) Entities that discharge into a publicly-owned wastewater treatment works, liquid wastes resulting from the processes employed in industrial or manufacturing processes, or from the development of any natural resources.

(a) These are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemental under one of the following divisions:

1. Division A - Agriculture, Forestry and Fishing;
 2. Division B - Mining;
 3. Division D - Manufacturing;
 4. Division E - Transportation, Communications, Electric, Gas and Sanitary Sewers;
- and
5. Division I - Services.

(b) For the purpose of this definition, domestic waste shall be considered to have the following characteristics: BOD₅ less than 240 mg/l; and suspended solids: less than 230 mg/l.

(2) Any non-governmental user of a publicly-owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

INDUSTRIAL WASTEWATER. The liquid processing wastes from an industrial manufacturing process, trade or business including, but not limited to, all Standard Industrial Classification Manual Divisions A, B, D, E and I manufacturers as distinct from domestic wastewater.

INSTITUTIONAL USER. Users other than commercial, governmental, industrial or residential users, discharging primarily normal domestic strength wastewater (e.g., non-profit organizations).

NORMAL DOMESTIC STRENGTH WASTEWATER. Wastewater that is primarily produced by residential users, with BOD₅ concentrations not greater than 240 mg/l and suspended solids concentrations not greater than 230 mg/l.

OPERATION AND MAINTENANCE. Activities required to provide for the dependable and economical functioning of the treatment works, throughout the design or useful life, whichever is longer of the treatment works, and at the level of performance for which the treatment works were constructed. **OPERATION AND MAINTENANCE** includes replacement.

OPERATION AND MAINTENANCE COSTS. Expenditures for operation and maintenance, including replacement.

PUBLIC WASTEWATER AND COLLECTION SYSTEM. A system of sanitary sewers owned, maintained, operated and controlled by the city.

REPLACEMENT. Obtaining and installing of equipment, accessories or appurtenances which are necessary during the design life or useful life, whichever is longer, of the treatment works to maintain the capacity and performance for which the works were designed and constructed.

REPLACEMENT COSTS. Expenditures for replacement.

RESIDENTIAL USER. A user of the treatment facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached and semi-detached housing, apartments and mobile homes; and which discharges primarily normal domestic strength sanitary wastes.

SANITARY SEWER. A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters which are not admitted intentionally.

SEWER SERVICE CHARGE. The aggregate of all charges, including charges for operation, maintenance, replacement, debt service and other sewer related charges that are billed periodically to users to the city's wastewater treatment facilities.

SEWER SERVICE FUND. A fund into which income from sewer service charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditure of the **SEWER SERVICE FUND** will be for operation, maintenance and replacement costs; and to retire debt incurred through capital expenditure for wastewater treatment.

SLUG. Any discharge of water or wastewater which in concentration of any given constituent 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 and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STANDARD INDUSTRIAL CLASSIFICATION MANUAL. Office of Management and Budget, 1972.

SUSPENDED SOLIDS (SS) or TOTAL SUSPENDED SOLIDS (TSS). 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 and referred to as non-filterable residue.

TOXIC POLLUTANT. The concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to § 307(a) of the Act, which upon exposure to or assimilation into any organism will cause adverse effects.

USER CHARGE. A charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement.

USERS. Those residential, commercial, governmental, institutional and industrial establishments which are connected to the public sewer collection system.

WASTEWATER. The spent water of the city, also referred to as sewage. From the standpoint of source, it may be a combination of the liquid- and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with any ground water, surface water and storm water that may be present.

WASTEWATER TREATMENT WORKS or TREATMENT WORKS. An arrangement of any devices, facilities, structures, equipment or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide

a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from the treatment.

(Prior Code, § 3.41-1)

§ 54.26 ESTABLISHMENT OF A SEWER SERVICE CHARGE SYSTEM.

(A) The city hereby establishes a sewer service charge system whereby all revenue collected from users of the wastewater treatment facilities will be used to affect all expenditures incurred for annual operation, maintenance and replacement and for debt service on capital expenditures incurred in constructing the wastewater treatment works.

(B) Each user shall pay its proportionate share of operation, maintenance and replacement costs of the treatment works, based on the user's proportionate contribution to the total wastewater loading from all users.

(C) No user shall be charged for OM&R at a rate less than that established for normal domestic strength wastewater.

(D) Each user shall pay debt service charges to retire local capital costs as determined by the Council.

(E) Sewer service rates and charges to users of the wastewater treatment facility shall be determined and fixed in a "sewer service charge system" developed according to the provisions of this section. The sewer service charge system developed with the assistance of John Baker Engineering, Inc., shall be adopted by resolution upon enactment of this subchapter, shall be published in the local newspaper, and shall be effective upon publication. Subsequent changes in sewer service rates and charges shall be adopted by Council resolution and shall be published in the local newspaper.

(F) Revenues collected for sewer service shall be deposited in a separate fund known as "The Sewer Service Fund". Income from revenues collected will be expended to offset the cost of operation, maintenance and equipment replacement for the facility and to retire the debt for capital expenditure.

(G) Sewer service charges and the Sewer Service Fund will be administered in accordance with the provisions of this subchapter.

(Prior Code, § 3.41-2)

§ 54.27 DETERMINATION OF SEWER SERVICE CHARGES.

(A) *User classes.* Users of the city wastewater treatment works shall be identified as belonging to one of the following user classes: residential; commercial; industrial; institutional; and governmental. The allocation of users to these categories for the purpose of assessing user charges and debt service

charges shall be the responsibility of the City Clerk. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.

(B) *Contribution of wastewater.* Each user shall pay operation, maintenance and replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, with the minimum rate for loadings of BOD and TSS being the rate established for concentrations of 186 mg/l BOD and 170 mg/l TSS (i.e., normal domestic strength wastewater). Those industrial users discharging segregated normal domestic strength wastewater only, can be classified as commercial users for the purpose of rate determination.

(C) *Determination of user charges for metered users.*

(1) *Calculating billable flows and loadings for normal domestic strength dischargers.*

(a) *Measurement of wastewater volume.* The charges assessed residential users and those users of other classes discharging normal domestic strength wastewater shall be established proportionately according to billable wastewater volume. Billable wastewater volume shall be calculated as follows.

1. *Residential users.* Billable wastewater volume for residential users shall be calculated on the basis of metered water usage. The per quarter billable wastewater volume shall be equal to quarterly metered water usage as averaged between the first and last quarters of the calendar year. The city may require residential users to install water meters for the purpose of determining billable wastewater volume.

2. *Nonresidential users.* The billable wastewater volume of nonresidential users may be determined in the same manner as for residential users. Except that if the city determines that there are significant seasonal variations in the metered water usage of nonresidential users resulting in a proportionate increase or decrease in wastewater volume; then billable wastewater volume shall be: calculated on the basis of quarterly metered water usage as recorded throughout the year; or calculated on the basis of wastewater flow meters. The city may, at its discretion, require nonresidential users to install the additional water meters or wastewater flow meters as may be necessary to determine billable wastewater volume.

(b) *Determination of loadings from metered water usage.* The billable amounts of BOD and TSS will be calculated from the volume of metered water usage, as determined above; where the billable quantities will be those attributable to wastewater at a concentration of 186 mg/l BOD and 170 mg/l TSS (i.e., normal domestic strength wastewater).

(2) *Determination of user charges for normal domestic strength users.* User charges for normal domestic strength users shall be determined as follows:

(a) *Calculation of unit costs for treatment of normal domestic strength wastewater.*

$$Un = \frac{Comr}{Tbwv}$$

Where: $Un =$ Unit cost for operation, maintenance and replacement to treat normal domestic strength, in \$/kgal.

$Comr =$ (Total annual OM&R costs attributable to metered users); charges collected to treat concentrations greater than normal domestic strength, in accordance with this subchapter.

$Tbwv =$ Total annual billable wastewater volume in kgal.

(b) *Calculation of user charge for normal domestic strength wastewater.*

$$Uc = Un \times bwv$$

Where: $Uc =$ User charge

$Un =$ Unit cost for operation, maintenance and replacement to treat normal domestic strength, in \$/kgal

$bwv =$ Billable wastewater volume of a particular user in kgal

(3) *Calculating billable flow and loadings for users discharging wastes with concentrations greater than normal domestic strength.* Billable flow and loadings shall be determined as follows.

(a) *Calculation of billable flows.* The billable amount of flow will be calculated from the volume of metered water usage, or at the discretion of the city, from the measurement of effluent flow at user's point of discharge. Measurements shall be according to a regular program prescribed by the city.

(b) *Calculation of billable loadings.* The billable amounts of BOD and TSS will be calculated by the measurement of these wastes according to a program prescribed by the city in keeping with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, and in accordance with §§ 54.01 through 54.11. To ensure compliance with this subchapter, the following procedures shall be followed in determining average loadings per billing period for industrial user.

1. When a particular reading indicates concentrations greater than or equal to normal domestic strength, the actual reading shall be entered into the average for billing purposes.

2. When a particular reading indicates concentrations less than normal domestic strength, normal domestic strength concentrations shall be entered into the average for billing purposes.

(4) *Determination of user charges for greater than normal domestic strength waste discharges.*

(a) *Calculation of unit costs for treatment of FLOW, BOD, TSS.* For purposes of determining proportionate surcharges, unit costs for treatment of FLOW, BOD and TSS shall be determined and fixed annually in the sewer service charge system (SSCS) according to the following procedure:

1. Determine the annual OM&R budget;
2. Allocate total annual OM&R costs to FLOW, BOD and TSS proportionately; according to the costs of collection and treatment of FLOW, BOD and TSS; and
3. Divide the OM&R costs attributable to FLOW, BOD and TSS respectively, by the total annual billable volume and loadings of FLOW, BOD and TSS (including flow and loadings attributable to non-metered users) to arrive at unit costs. Unit costs for 1987 are provided in Table 7 of the sewer service charge system developed with the assistance of John Baker Engineering, Inc. Subsequent calculations of unit costs shall be according to the substantive intent of the SSCS.

(b) *Calculation of user charges for greater than normal domestic strength dischargers.*

$$Uc = [Un \times bwv] + [Ubod \times K \times bwv(Cbod - Nbod)] + [Utss \times K \times bwv(Ctss - Ntss)]$$

Where: Uc = User charge

Un = Unit cost for the treatment of normal domestic strength wastewater

bwv = Billable wastewater volume of a particular user in kgal

Ubod = Unit cost for treatment of BOD in \$/lb

K = .00834

Cbod = User's concentration of BOD, in mg/l

Nbod = 186 mg/l [concentration of BOD in normal domestic strength wastes]

Utss = Unit cost for treatment of TSS in \$/lb

Ctss = Users concentration of TSS, in mg/l

Ntss = 170 mg/l [concentration of TSS in normal domestic strength wastes]

(D) *Determination of user charges for non-metered users.*

(1) *Calculation of wastewater volume for non-metered normal domestic strength dischargers.*

For non-metered users who discharge normal domestic strength wastewater, wastewater volume will be calculated on the basis of Equivalent Residential Units (ERUs). Equivalent Residential Units, at a volume of 240 gallons per day will be assigned to connections according to Tables I and II of Appendix A. Determination of the number of ERUs assigned to a particular connection in accordance with Tables I and II shall be the responsibility of the Council.

(2) *Calculation of user charges for non-metered users.*

(a) *User charge rate per equivalent residential unit:*

$$\text{UC PER ERU} = \frac{\text{COMR}}{\text{Total ERUs}}$$

Where:

UC = Annual user charge

ERU = Equivalent residential unit

COMR = Total annual OM&R costs attributable to non-metered users

Total ERUs = The total number of ERUs assigned for non-metered users

(b) *Determination of user charges to a particular connection.* The annual user charge to a connection will be determined as follows.

$$\text{UC} = \text{UC PER ERU} \times \text{\#ERUs}$$

Where:

UC = User charge

ERU = Equivalent residential unit

\#ERUs = Number of ERUs assigned that particular connection

(E) *Recovery of local construction costs.* Local construction costs of the wastewater treatment facilities will be recovered through a per-connection debt service charge determined as follows:

$$\text{DC} = \frac{\text{CDS}}{\text{TC}}$$

Where:

DC = Debt service charge per connection

CDS = Cost of annual debt service

TC = Total number of connections to the wastewater treatment facilities

(F) *Determination of sewer service charges.* The sewer service charge for a particular connection shall be determined as follows:

$$SSC = UC + DC$$

Where:

SSC = Sewer service charge

UC = User charge

DC = Debt service charge

(Prior Code, § 3.41-3)

§ 54.28 SEWER SERVICE FUND.

(A) (1) The city hereby agrees that the city will establish 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 agrees that the city will establish 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 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, § 3.41-4)

§ 54.29 ADMINISTRATION.

The sewer service charge system and Sewer Service Fund shall be administered according to the following provisions.

(A) The City Clerk 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 Council with a report of the costs annually.

(1) The city shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works, and whether sufficient revenue is being generated for debt retirement. The city will also determine whether the user charges are distributed proportionately to each user in accordance with § 54.27 and § 204(b)(2)(A) of the Federal Water Pollution Control Act, as amended.

(2) 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 ensure the proportionality of the user charges 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 monthly basis, succeeding the period for which the service was rendered and shall be due 30 days from the date of rendering. Any bill not paid in full 30 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 5% of the original bill and shall be increased the same 5% 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 is furnished to the premises by the city only upon the condition that the owner of the premises is liable therefor to the city.

(F) Any additional costs caused by discharges to the treatment works of toxins 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 of the wastes, at no expense to the city.

(Prior Code, § 3.41-5)

§ 54.30 DELINQUENT CHARGES.

(A) Each and every sewer service charge levied by and pursuant to this section is hereby made a lien upon the lot or premises served, and all the charges which are on January 1 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 subchapter 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 affected any delinquent or past due sewer service charges.

(B) 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 order of the court.

(C) 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 8% per annum.

(Prior Code, § 3.41-6)

§ 54.31 SEWER SERVICE CHARGE SYSTEM PRECEDENCE.

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 and 40 C.F.R. § 35.2140 of the Environmental Protection Agency's grant regulations.

(Prior Code, § 3.41-7)

APPENDIX A: USER CLASSES

The following tables shall be used as a guide for determining the number of ERUs for various user classes.

TABLE I: Equivalent Residential Units (ERUs) for Various Residential Dwellings

Condominiums and apartment units	0.8 Unit
Mobile homes	1.0 Unit
Single-family homes, townhouses and duplex units	1.0 Unit

TABLE II: Equivalent Residential Units (ERUs) for Various Commercial, Public and Institutional Facilities

<i>Facility Description</i>	<i>Parameter</i>	<i>Units</i>
Automobile service	2 service bays	1.0 unit
Banquet room	1,000 square feet	1.0 unit
Barber shop	Each	1.0 unit
Bowling alley	3 alleys	1.0 unit
Car wash - self service	1 stall	3.0 unit
Car wash - service station	Each	4.0 unit
Churches	250 seats	1.0 unit
Fast service restaurant	1,000 square feet	1.0 unit
General office building	4,000 square feet	1.0 unit
Hospitals	1 bed	1.0 unit
Laundromats	4 washing machines	1.0 unit
Motels and hotels	2 rooms	1.0 unit
Nursing home	3 beds	1.0 unit
Restaurant, drive-in	10 parking spaces	1.0 unit
Restaurant	1,000 square feet	1.0 unit
Retail store	3,000 square feet	1.0 unit

Keewatin - Public Works

<i>Facility Description</i>	<i>Parameter</i>	<i>Units</i>
Rooming house	7 beds	1.0 unit
Schools (elementary)	20 students	1.0 unit
Schools (secondary)	15 students	1.0 unit
Service station (gas pumping only)	Each	1.0 unit
Service station with service center	Each	2.0 unit
Service station with service center and car wash	Each	8.0 unit
Swimming pool	Each	1.0 unit
Theater	50 seats	1.0 unit
Theater, drive-in	50 parking spaces	1.0 unit
Warehouse	15 employees	1.0 unit
The areas listed in the parameters include all interior areas utilized by the public and the employees for the conduct of the facility		

(Prior Code, § 3.41-AppA) (Ord. 008-1987, passed 2-5-1988)