

## *CHAPTER 5*

### *Utilities*

#### *Section - General Provisions*

- 5.1 *Authority of Inspectors.* Duly authorized agents or employees of the City shall be permitted to enter upon any property for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance.
- 5.2 *Penalty.* Any person found to be violating any provisions of this Chapter shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the time period stated in such notice permanently cease all violations. The City may impose a penalty fee for nonconformance with this Chapter.
- 5.3 *Continued Violation.* Any person who shall continue any violation beyond the time limit provided for in the written notice shall be guilty of a misdemeanor and on conviction thereof shall be fined according to Minnesota Statutes for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- Subd. 1.* In the event the property owner fails to correct the situation, the City may correct it and collect such costs together with reasonable attorney fees and expenses incurred in enforcing the terms of this Chapter. Such fees and expenses may be recovered by civil action or imposed as an assessment against the property in a manner consistent with this Code and law.
- 5.4 *Costs.* All costs and expenses incident to installation, connection, and maintenance of all new and existing sewer or water lines, up to the main, are the responsibility of the property owner.
- 5.5 *Liability to City.* The owner of the property shall indemnify and hold the City harmless against any loss or damage occasioned by installation, connection or maintenance of any sewer or water line, up to the main. Such indemnification shall include payment of all reasonable attorney fees and expenses incurred in defending a matter or enforcing this indemnification.

- 5.6 *Utility Supervisor.* The City shall employ a Utility Supervisor for the purpose of administering, implementing and enforcing this Chapter. The Utility Supervisor shall maintain records of any installations of service pipes and connections to the sewer system, water system and wastewater treatment works. The Utility Supervisor shall report to the Council as requested.

#### *Section - Water System*

- 5.10 *City Water System.* The City shall construct, operate, and maintain a water system for the benefit of the residents of the city.
- 5.11 *Connection Required.* Any improved property shall have a separate service connection to the mains of the water system. Any improved property not presently connected to the water system must be connected upon sale or transfer of any legal interest in the property. The connection must be made prior to the sale or transfer, unless weather or soil conditions do not permit, and in such case must be made within 180 days of the date of sale or transfer. All new structures must be connected to the water system at the time of construction.
- Subd. 1.* If property is not connected as required, the City may make the connection and assess the costs of connection back to the benefitted property in a manner consistent with the Code and applicable law.
- Subd. 2.* Each separate service shall include a water meter for purposes of measuring water usage. The water meter shall either be provided by the City, or the City shall approve the type of water meter, and manner of installation.
- 5.12 *Permit.* No person may make any connection to the water system without first obtaining a permit from the Administrator.
- 5.13 *Condition of Permit.* Any person issued a permit to make a connection to the water system shall be bound by the following conditions:
- (A) No one except City employees, licensed plumbers or contractors, shall do any plumbing work on any pipes connected to the city water system.
  - (B) No service line or pipe connected therewith shall be covered until after it has been inspected by the City's authorized inspector or other designated individual.
  - (C) There shall be a curb cock in every service line attached to the mains, the same to be placed as near as possible to the curb if on a street.
- 5.14 *Damaging of Water System.* No person shall willfully or carelessly break, injure, mar or deface, interfere with or disturb any building, machinery, apparatus, fixture,

attachment or appurtenances of the water system, hydrants, mains, curb cocks, meter, water supply or service pipes, or any part thereof.

- 5.15 *Discontinuation of Service.* Owners or consumers desiring to discontinue the use of water shall give notice thereof to the Administrator. The regular rates shall be charged until such notice is given. The owners of premises connected with the water system shall notify the Administrator in writing of any change in tenants. Any owner intending to discontinue the water service shall be responsible for disconnection at the main. Said disconnection shall be completed subject to inspection and approval by the City's authorized inspector or other designated individual.
- 5.16 *Declaration of "Water Emergency".* If, in the judgment of the City, restrictions on the use of city water is necessary, the Administrator shall declare a water emergency and give notice to the public that the use of city water for the purpose of watering lawns, trees, or shrubs, shall be prohibited at the times specified in the public notice.
- 5.17 *Fees.* The City may by resolution adopt a schedule of fees for connection to the water system and use of water. The owner of the property shall be liable for payment of any such fee. If a fee is not paid in a timely fashion, the City may assess the amount due against the property consistent with the provisions of the Code and law.

#### *Section - Public Sewer System*

- 5.20 *Definitions.* The following words and terms shall have the meaning set out below, unless the context specifically indicates otherwise:
- (A) "Building Drain" means that part of the lower horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five (5) feet outside the inner face of the building wall.
  - (B) "Building Sewer" means the extension from the building drain to the public sewer or other place of disposal, also called house connection.
  - (C) "Combined Sewer" means a sewer designated to receive both surface water runoff and sewage.
  - (D) "Garbage" means solid waste resulting from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage or sale of meat, fish, fowl, fruit, vegetable or condemned food.
  - (E) "Industrial Wastes" means the solid, liquid, or gaseous wastes resulting from an industrial or manufacturing processes, trade or business, or from the development, recovery, or processing of natural resources.

- (F) "Natural Outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface groundwater.
- (G) "Other Wastes" shall mean garbage, municipal refuse, decayed wood, sawdust shavings, bark, lime, sand, ashes, oil tar, chemicals, offal, and other substances except sewage and other wastes.
- (H) "Public Sewer" means any type of sewer owned or operated by a unit or agency of government.
- (I) "Sanitary Sewer" means a sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.
- (J) "Sanitary Waste" means the liquid and water carrying wastes discharged from sanitary plumbing facilities.
- (K) "Sewage" or "Wastewater" means the water carrying waste products from residences, public buildings, institutions, industrial establishments or other buildings including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground, surface and storm waters as may be present.
- (L) "Sewer" means a pipe or conduit carrying sewage, industrial wastes or other waste liquids.
- (M) "Sewer System" means pipelines or conduits, pumping stations, forcemains and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage, ground or rain water, industrial wastes or other wastes to a point of ultimate disposal.
- (N) "Storm Sewer" (sometimes termed Storm Drain) means a sewer which carries storm or surface water and drainage, but excludes sewage and industrial waste, other than unpolluted cooling or process water.

- (O) "Unpolluted Water" means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean or noxious or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare to domestic, commercial, industrial or recreational used; or to livestock, wild animals, birds, fish, or other aquatic life.
- (P) "Wastewater Facilities" means the structures, equipment, or processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- (Q) "Wastewater Treatment Works" or "Treatment Works" means an arrangement of devices and structures for treatment of wastewater, industrial waste and sludge. Sometimes used as synonymous for "wastewater treatment plant" or "waste treatment plant" or "water pollution control plant" or "sewage treatment plant".

5.21 *Use Required.* Except as provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage. The owner of any building or improved property which is located within the City shall be required to connect to a public sewer at the property owner's expense within 90 days of the date the public sewer is operational, provided the property abuts any street, alley or utility easement along which sewer mains have been constructed. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer.

*Subd. 1.* In the event an owner fails to connect to a public sewer in compliance with a notice given under this Ordinance, the City may undertake to have a connection made and shall assess the cost thereof against the benefitted property in a manner prescribed by ordinance or law.

*Subd. 2.* Where a public sanitary sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the rules and regulations of the State of Minnesota or other government agency.

*Subd. 3.* No person shall install an individual treatment system, connect to the public sewer system, or make a repair or alteration to the public sewer system without obtaining a permit from the City. The applicant shall provide the Administrator with a correct legal description of the property, the plans for the proposed system or connection, and the name of the person or firm doing the work.

5.22 *Prohibited Discharges.* No person shall discharge or cause to be discharged, directly or indirectly, to any public sewer any of the following:

- (A) any flammable or explosive substance;

- (B) any water or waste containing a toxic or poisonous substance in sufficient quantities to constitute a hazard to animals or humans;
- (C) any liquid or vapor having a temperature in excess of 180 degrees Fahrenheit;
- (D) any water or waste having a five day biological oxygen demand exceeding 1,000 parts per million by weight as averaged during any 12 month period;
- (E) any garbage that has not been properly shredded;
- (F) any substance capable of causing obstruction to the flow in the sewer, interference with the proper operation and maintenance of the sewer, or is likely to create a danger to personnel working upon it or damage any portion of it; and
- (G) any water or waste having a pH lower than five and one-half or higher than nine or having other corrosive properties capable of damaging the system.

*Subd. 1. Sanitary Sewer:* No person shall discharge or cause to be discharged, directly or indirectly any storm water, groundwater, subsurface drainage, sump pump or footing drain water, or unpolluted cooling or processing water, to any sanitary sewer except as permitted by the City.

*Subd. 2. Natural Outlet:* No person shall discharge or cause to be discharged, directly or indirectly, to any natural outlet any sewage or other polluted waters.

5.23 *Restricted Discharges.* No person shall discharge or cause to be discharged, directly or indirectly, any substance to any public sewer which, in the opinion of the City, such discharge may damage the wastewater facilities, cause obstruction to the flow in sewers, endanger person or property, pose a health risk, or potentially violate any state or federal law or regulation, until approved by the City. In forming its opinions as to the acceptability of the wastes, the City may give consideration to such factors as the quantities of the subject wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, the City's NPDES permit, and other pertinent factors. The City may make such determinations or restrictions either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur.

*Subd. 1.* If any type of water or wastes are discharged, or proposed to be discharged, directly or indirectly, to any public sewer, which does not

comply with the requirements of this Chapter, the City may take any of the following steps:

- (1) Refuse to accept the discharges,
- (2) Require control over the quantities and rates of discharge,
- (3) Require pretreatment to an acceptable condition for the discharge to the public sewers; and/or
- (4) Require payment to cover the added cost of handling or treating the wastes.

The design and installation of the plant and equipment for pretreatment or equalization of flows shall be subject to the review and approval of the City and the Minnesota Pollution Control Agency.

5.24 *Interceptors.* Grease, oil and mud interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection. All interceptors shall be operated and maintained continuously in efficient operation by the owner at his expense.

5.25 *Wastes/Water Analysis.* The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the City, be required to provide laboratory measurements, tests and analyses of waters or wastes to illustrate compliance with this Chapter. The owner shall bear the expense of all measurements, analysis and reporting required by the City. The City reserves the right to take measurements and samples for analysis by an outside laboratory.

5.26 *Installations/Connections.* No private sewer systems or sewer system construction or extension, connection to a public sewer, nor any work upon a sewer system, shall be done without compliance with all the provisions of this Chapter.

*Subd. 1. Persons Authorized.* It is unlawful for any person to engage in the work or business of installing any sewer service lines and appurtenances within the City unless licensed to do so by the State of Minnesota. Each person performing sewer work shall submit a certificate of insurance in a company acceptable to the City showing public liability insurance coverage with limits of at least \$100,000 per person; \$250,000 per occurrence and \$10,000 for property damage.

*Subd. 2. Permit.* Unless authorized by a written permit from the City, no person shall make, install, repair, alter, disturb, uncover, open or break any sewer connection to any sewer system within the City. Permits for connection of a new sewer service or repairs to an existing service

shall be issued by the City after consideration of the application for such permit with regard to compliance with this Chapter. Upon approval, permits shall be issued upon payment of any fee or posting of performance bond as may be established by the City pursuant to resolution.

- Subd. 3. Costs.* All costs and expenses incidental to the installation and connection of the building sewer or repairs to an existing connection shall be borne by the owner. The owner shall indemnify and hold harmless the City from any loss or damage, direct or indirect, to the public sewer.
- Subd. 4. Separate Sewers.* A separate and independent building sewer shall be provided for every building unless a variance is approved by the City.
- Subd. 5. Use of Existing Sewers.* Old building sewers may be used in connection with new buildings only when they are found to meet all the requirements of this Chapter.
- Subd. 6. Old Tanks, etc.* Unused septic tanks, cesspools, leaching pits and similar devices and structures shall be made safe and unusable in a manner acceptable to the City.
- Subd. 7. Regulations for Construction.* The construction of the building sewer and its connection into the public sewer, including size, slope, alignment and materials of construction of a building sewer and the method used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall conform to the requirements of the State of Minnesota Plumbing Code, the sewer specifications included herein, and other applicable rules and regulations and procedures adopted by the City. All such construction shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City prior to installation.
- Subd. 8. Elevations.* 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, such building drain shall be provided with a lifting device by an approved means and discharged to the building sewer.
- Subd. 9. Inspection.* The City shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the City when the work is ready for final inspection and no underground portions shall be covered before the final inspection is complete. The connection shall be made under the supervision of the City.



*Subd. 10. Excavations.* All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed during the course of the work shall be restored in a manner satisfactory to the City.

*Subd. 11. Control Manhole.* The owner of any property served by a building sewer carrying industrial waste shall install a suitable control manhole to facilitate observation and sampling of waste. The manhole shall be constructed in accordance with plans approved by the City. The owner shall maintain the manhole at all times and allow access to it.

5.27 *Establishment of Charge System.* The City may establish by resolution a Sewer Service Charge System whereby all revenue collected from users of the wastewater treatment facilities will be used to effect all expenditures incurred for annual operation, maintenance and replacement and for debt service on capital expenditure incurred in constructing the wastewater treatment works.

*Subd. 1.* The owner of the property shall be liable for payment of any such fee. If a fee is not paid in a timely fashion, the City may assess the amount due against the property consistent with the provisions of this Code and law.

### *Section - Storm Sewer System*

- 5.30 *City Storm Sewer System.* The City shall construct, operate and maintain a storm sewer system for the drainage of excessive accumulations of surface water and for the drainage of excessive subsurface water.

### *Section - Garbage*

- 5.40 *Definitions.* For purposes of this Section, the following terms shall mean:

- (A) "Garbage" means any organic wastes resulting from the handling, processing, storage, preparation, serving and consumption of food.
- (B) "Rubbish" means all inorganic refuse matter such as tin cans, glass, paper, ashes, sweepings, and similar wastes.

- 5.41 *Collectors.* It shall be unlawful for any person, firm or corporation to collect garbage, rubbish, recyclable materials or solid waste, in the City without first obtaining a license from the City to do so. No person other than the City or its licensed collector shall collect or dispose of any garbage or rubbish accumulated from any premise in the City other than his own. No person shall permit refuse to be picked up from his premises by an unlicensed collector.

- 5.42 *Franchise.* The Council may grant a franchise by resolution, not to exceed five years, giving the right to pick up garbage and rubbish in the City. Any person desiring to collect garbage, rubbish, recyclable materials, or solid waste in the City shall make application to the Administrator. The application shall contain the following:

- (A) The name and address of the applicants.
- (B) A list of equipment for use in collection.
- (C) A schedule of proposed pick-up days.
- (D) Rates to be charged.

- Subd. 1.* Applications shall be submitted to the Council for investigation and approval. If the application is approved, the collector shall:

- (1) Enter into an agreement with the City consistent with the terms of this Ordinance, together with any additional terms which are relevant to performing this service;
- (2) Provide proof of insurance with a minimum for damage to property of \$50,000.00; injury to any one person of \$100,000.00; and \$300,000.00 cumulative for any one

occurrence. The collector shall also carry Worker's Compensation on all employees. If so requested, the City shall be furnished with copies of the policies. The policies shall contain a clause that the City will be notified in the event of cancellation or lapse for any reason. In the event of cancellation or lapse of insurance, the City may, at its discretion, terminate the agreement.

*Subd. 2.* A license is subject to revocation for violation of any provision of this ordinance, state law, or any rule, regulation, or provision of any state or federal agency.

*Subd. 3.* A collector shall be an independent contractor and any agent or employee thereof shall not be deemed to be an agent or employee of the City.

5.43 *Collection Required.* Every residential household, single or multiple occupancy, and commercial establishment is required to make arrangements for the collection of garbage from the City approved collector. Upon approval by the Council, a residential household or commercial establishment may be exempt from this requirement.

*Subd. 1.* All refuse and solid waste must be presented for collection in properly closed bags, covered re-usable containers or container(s) provided by the collector. All containers must be water tight. All containers shall be reasonably accessible to the collector.

*Subd. 2.* A collector need not collect and take into possession any refuse that is not separated or set out for collection in accordance with the terms of this Ordinance. The weekly charge for collection will still be billed as provided for herein.

5.44 *Fees.* The fees for garbage collection shall be established by agreement between the City and collector. The fee for garbage collection shall be paid to the City. The City shall pay to the collector the total amount billed for each quarter period.

*Subd. 1.* The Administrator shall compute the amount due for refuse collection and render a statement thereof quarterly to the owner, occupant or agent of any premises served. All amounts due shall be billed on the 15<sup>th</sup> of the month following the period covered by such statement. All amounts due shall be payable to the office of Administrator or may be deposited at the Official Depository in the City's account and shall be due on or before the 10<sup>th</sup> day of the month following the date of billing for such period.

*Subd. 2.* Although the occupier of the residence or business is considered to be the party primarily responsible for payment of any collection fees charged by the City, the service is considered to benefit the real property. In the event of non-payment, unpaid charges shall be assessed against the property served in a manner permitted by the Code or law. All delinquent accounts may be certified by the Administrator who shall prepare an assessment roll each year providing for assessment of the delinquent accounts against the respective property served. This assessment roll shall be collected by the Council for adoption on or before October 10 of each year and upon approval thereof, the Administrator shall certify to the County Auditor the amount due, plus certification fee as established by resolution of the Council, and the County Auditor shall thereupon enter such amount as part of the tax levy on such premises to be collected during the ensuing year. Such action may be optional or subsequent to taking legal action to collect delinquent accounts.

5.45 *Unlawful.* The following acts or omissions are prohibited:

- (A) No person shall bring garbage, rubbish, recyclable materials or solid waste into the City for disposal or otherwise.
- (B) It shall be unlawful for anyone to fail to dispose of garbage or rubbish in accordance with this ordinance. Further, it shall be unlawful for anyone to permit the accumulation of garbage or rubbish upon property owned or occupied by them.

Any person violating the provisions of this ordinance shall be guilty of a misdemeanor. Each day on which such violation continues shall constitute a separate offense.

#### *Section - Electrical System*

5.70 *Granting of Franchise.* The City may grant a franchise to a utility company for the construction and maintenance of an electric distribution system. Copies of the franchise agreement are kept on file in the office of the Administrator.

### *Section - Gas System*

- 5.80 *Granting of Franchise.* The City may grant a franchise to a utility company for the construction and maintenance of a gas distribution system. Copies of the franchise agreement are kept on file in the office of the Administrator.

### *Section - Cable/Television/Internet*

- 5.90 *Granting of Franchise.* The City may grant a franchise to a communications company for the construction and maintenance of a cable television, television, and/or internet system. Copies of the franchise agreement are kept on file in the office of the Administrator.