

CHAPTER 8 WATER AND SEWER

SECTION 800 - GENERAL PROVISIONS

800.01 USE OF WATER OR SEWER SYSTEM RESTRICTED. No person shall make or use any water or sewer service installation connected to the City water or sewer system except pursuant to application and permit as provided in this Chapter. No person shall make or use any such installation contrary to the regulatory provisions of this Chapter.

800.02 APPLICATIONS FOR SERVICE.

Subd. 1 Procedure. Application for a water or sewer service installation and for water service shall be made to the Water Superintendent on forms prescribed by the Council and furnished by the City. By his or her signature, the applicant shall agree to conform to this Chapter and to rules and regulations that may be established by the City as conditions for the use of water and sewer services.

Subd. 2 Fees or Deposit. Application for a service installation shall be made by the owner of the property to be served, or by his or her agent. The applicant shall, at the time of making application, pay to the City the amount of the fees or deposit required for the installation of

the service connection as provided in this Chapter. When a water service connection has been installed, application for water service may be made either by the owner or his or her agent or by the tenant or occupant of the premises.

800.03 CHARGES FOR SERVICE CONNECTIONS. Sewer and water connection charges and rates shall be established by Resolution of the Council and may be changed from time to time.

800.04 ACCOUNTING, BILLING, AND COLLECTING.

Subd. 1 Accounts in Name of Owner. All accounts shall be carried in the name of the owner. The owner shall be liable for water and sewer services supplied to his or her property, whether he or she is occupying the property or not, and any charges unpaid shall be a lien upon the property.

Subd. 2 Bills for Service. Water and sewer service charges shall be billed together. Bills shall be mailed to the customers and shall specify the water consumed and the sewer and water charges in accordance with the rates established from time to time by action of the Council.

Subd. 3 Delinquent Accounts. All charges for water and sewer service shall be due on the due date specified by the City for the respective account and shall be delinquent thereafter. The City shall endeavor to collect delinquent accounts promptly. A penalty in an amount established from time to time by action of the Council shall be assessed to all delinquent accounts. In any case, where satisfactory arrangements for payment have not been made, the Water Department may, after the procedural requirements of Subd. 4 have been complied with, discontinue service to the delinquent customer by shutting off the water at the stop box. When water service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent bills and a fee of \$20. Delinquent accounts shall be certified to the City Clerk-Treasurer who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment roll shall be delivered to the Council for adoption on or before October 1 of each year for certification to the County Auditor for collection along with taxes. Such action is optional and may be subsequent to taking legal action to collect delinquent accounts. 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.

Subd. 4 Procedure for Shutoff of Service. Water shall not be shut off under Subd. 3 or for a violation of rules and regulations affecting utility service until notice and an opportunity

for a hearing have first been given the occupant of the premises involved. The notice shall be personally served or mailed to the address to which the bill is sent, and shall state that if payment is not made before a day stated in the notice but not less than seven days after the date on which the notice is given, the water supply to the premises will be shut off. The notice shall also state that the occupant may, before such date demand a hearing on the matter, in which case the supply will not be cut off until after the hearing is held. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the Council at least one week after the date on which the request is made. If as a result of the hearing, the Council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this section, the City may shut off the supply. No water shall be shut off between October 15 and April 15 except in compliance with the Minnesota Cold Weather Rule, Minn. Stat. 216B.097 as amended, if the water is used as part of the premises primary heating system.

Subd. 5 Rate Schedule. A quarterly water and sewer service charge shall be set annually by resolution of the Council. This quarterly service charge shall be due and payable by the owner of each lot or parcel of land which has municipal water and sewer service available; provided, this charge shall not be due if there is no habitable building on such lot or parcel, or if the lot contains a vacant home. A vacant home shall be defined as any habitable building which has

been unoccupied for a period of at least one year, and shall not include seasonal homes which are occupied for any length of time during the year.

Premises failing to hook up to the municipal water and sewer systems as required under this section shall be billed a minimum quarterly service charge for sewer and water service. The minimum billing shall in no way restrict or prevent other civil and criminal sanctions applicable for failure to comply with ordinance provisions.

SECTION 810 - WATER SYSTEMS

810.01 AUTHORIZATION. It is the express intention of the City to govern and regulate its waterworks system to the full extent permitted under State law; specifically, but not exclusively, Minnesota Statutes, Chapter 412 Sections 211 and 221 and Chapter 444, Section 075.

810.02 WATER MAINS, COCKS, STOP BOXES.

Subd. 1 Ownership. The City shall own all the mains, pipes, cocks and stop boxes from the distributing mains in the street to the property line. Additionally, the City shall own all meters, re-setters, couplings unique to meters, remotes, and wiring.

Subd. 2 Laying, Tapping. The City shall lay all water mains. No work or alteration shall be performed except by City employees. Tapping of the main shall be done only by City employees, a licensed plumber or licensed and bonded contractor, unless the express written consent of the Water Superintendent shall have been previously obtained.

Subd. 3 Financing. The Council shall levy a special assessment upon all property benefitted by the laying of such water mains. The assessment shall be divided into no more than 28 annual installments and shall be a lien upon such land from the time that the assessment is levied by the Council. Prepayment shall in all cases be allowed.

810.03 WATER CONNECTION REQUIRED. Every building with installed plumbing fixtures and intended for human habitation, occupancy, or use, when located on premises where a public water supply system is available within a reasonable distance, shall be connected to the City water service within a period of one year from the date of installation of such fixtures or water supply system, whichever period is longer; provided, however, that the Council may approve an alternative system on application of the owners of such

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810.05 PERMITS REQUIRED.

Subd. 1 Required. No person shall perform or cause to be performed any work or alteration on any water service pipe without first having procured a permit therefor.

Subd. 2 Application. Application for such permit shall be to the City Clerk-Treasurer by the person employed to perform the operation. The application shall contain a description of the work to be done and the location thereof. The City Clerk-Treasurer shall notify the Water Superintendent who shall approve or disapprove the application. Upon approval, the City Clerk-Treasurer shall issue a permit to such applicant covering such approved work.

Subd. 3 Persons Ineligible. No person shall be issued a permit under this section unless such person qualifies to engage in the business of plumbing pursuant to the laws of the State of Minnesota. No person shall be denied a permit under this section where such person proposes to undertake plumbing work on his or her own actual residence. However, such work shall be subject to inspection by the Water Superintendent or his or her authorized agent. Specifically, an inspection shall be conducted regarding the interior plumbing to ensure that sump pumps are not connected to the sanitary sewer system.

Subd. 4 Plans Ineligible. No permit shall be issued covering plans not in full compliance with the provisions of State law and other provisions of this Chapter.

Subd. 5 Liability. No permit shall be granted unless the permittee agrees to defend, indemnify and hold harmless the City from all claims or liability arising from any work performed by permittee on the water line.

810.06 CORPORATION COCK, CURB COCK. The service line shall be connected to the main with a corporation cock. There shall be a curb cock in every service line attached to the water main; such curb cock shall be placed as near as possible to the street side of the sidewalk, or within one foot of the alley line of the main is located in the alley. To the curb cocks there shall be attached a substantial iron curb box to permit the opening or closing of the curb cock from the surface. The pattern of the curb box shall be subject to the approval of the Water Superintendent. Accessible shut-offs shall be provided on the main supply line just inside the foundation wall on both sides of the meter. It shall be unlawful for any person not authorized by the City to shut off or turn on any water service at the curb cock or box.

810.07 INSPECTION. Within 24 hours after completing the operation for which a permit was issued, the plumber shall make a full report of any and all work done. Such report shall be made to the Water Superintendent conforming to a form supplied by said Superintendent. In all cases, the Water Department shall be given reasonable opportunity to inspect the work before such work is covered.

810.08 COST OF INSTALLATION. The cost of installing the service from the main to the premises, as well as repairs to same, shall be borne entirely by the owner. If, in the opinion of the Water Superintendent and the Council, it has been determined that a service line should be replaced or repaired, the Council may order such replacement or repair and the Water Superintendent shall cause the same to be done and the cost thereof shall be charged to the customer or owner of the premises and shall be collected in the same manner as other bills for water consumption.

810.09 USE RESTRICTIONS.

Subd. 1 Private Lines. No person, other than a City employee, shall, except with the written consent of the Council, furnish water to other persons or premises by means of temporary service lines, hose, and the like.

Subd. 2 Fire. No person shall draw water from the municipal water system during the sounding of a fire alarm, except for the purpose of extinguishing such fire.

Subd. 3 Water Shortages. The Council may determine, from time to time, that the supply of water is inadequate for unrestricted use. At such times and upon published notice, no person shall draw water from the public water system for any purpose or in any quantity other than may at that time be permitted under the restrictions so imposed.

810.10 HYDRANTS. No person shall open any hydrant or draw or attempt to draw any water therefrom, nor shall any persons at any time recover any hydrant, or remove or attempt to remove therefrom any matter or thing designed or intended for the protection thereof, or in any manner meddle with any such hydrant without the express permission from the Chief of the Fire Department, the Water Superintendent, or the Council.

810.11 TEMPORARY SHUT-OFF. The Council reserves the right to temporarily shut off the City supplied water service at any time for the purpose of extending, replacing, repairing, or cleaning mains and appurtenances, or for any purpose which the Council deems necessary. In the event of such a shut-off, neither the City, nor its employees, nor the Council shall be held liable for any damage arising from the temporary shut-off.

810.12 CITY NON-LIABLE. It is expressly stipulated by the City that no claims shall be made against it by reason of breaking or freezing of any main service pipe or service cock, or if from any cause the supply of water shall fail, or from damage arising from shutting off water.

810.13 DEFECTIVE SERVICE; REFUNDS. Claims for defective service shall be made in writing and filed with the Water Superintendent on or before the tenth day of the month next succeeding such defective service. Upon the filing of a claim, the Water Superintendent shall investigate the basis of the claim and determine the amount, if any, of damage suffered by the claimant by reason of the defective service. The Water Superintendent shall submit a report of his or her findings to the Council which shall approve or disapprove of the findings. Approved damages shall be allowed as a credit on the following bill or refunded as other claims; provided, however, that no claim shall be allowed against the City for any injuries to person or property.

810.14 METERS.

Subd. 1 Required. No water shall be furnished to any customer from the City water system unless the water use is measured by a meter. Each apartment, home, trailer, house/manufactured home, or any separated living quarters must be metered separately unless prior written approval is given by the Council.

Subd. 2 Installation; Repairs. The City shall own, install, and assume the costs of installation and repairs of water meters.

Subd. 3 Customer Duties. Every customer shall provide a suitable place where a meter can be installed and any person authorized by the Council shall be allowed free access at all reasonable hours to all necessary parts of every building for the purposes of inspecting, removing, or replacing meters and observing the manner in which the water is used.

Subd. 4 Testing. If a customer desires to have the meter tested for accuracy, the testing shall be done by the City. If the test reveals the meter less than 98% accurate, the meter shall be replaced and the customer's bill shall be adjusted to reflect the true services received. If the test reveals the meter at least 98% accurate, the customer shall pay a fee of \$4; provided, however, the cost of replacing or repairing a meter damaged by lack of care by the customer shall be charged to the customer.

810.15 WATER USER RATES. Water user rates shall be established by resolution of the Council, may include the costs of improvements, and may be changed from time to time.

810.16 BILLING; PAYMENT.

Subd. 1 Quarterly. A water bill shall be sent to each customer by the City Clerk-Treasurer within five days after the fifteenth day of each quarter. Quarters begin March 15, June 15, September 15 and December 15 of each year. The water bill shall state the amount due the City for water service received during the preceding quarter, together with any amounts due for improvements repairs and other related indebtedness. Payment therefor shall be made within 30 days from the date of the bill.

Subd. 2 Non-Payment. Bills not paid within the period prescribed under Subd. 1, shall be deemed delinquent and the City Clerk-Treasurer shall submit a list of such delinquent bills to the Council who may thereafter direct the Water Superintendent to deprive the premises against which delinquent bills are outstanding of water service, following the procedure set out in section 800.04.

Subd. 3 Additional Remedies. In addition to shutting off the water supply of a delinquent customer, any amount due hereunder may be collected in an action brought in the name of the City against the customer, or the City may certify to the County Auditor the amounts due, together with the legal description of the premises served and the County Auditor shall

thereupon enter such assessments on the tax rolls in the same manner as special assessments on real estate for street improvements, and it shall be collected in the same manner as taxes against the real estate.

SECTION 820 - PUBLIC SEWER SYSTEMS

820.01 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this section shall have the following meanings:

Subd. 1 Act. “Act” shall mean the Federal Water Pollution Control Act also referred to as the Clean Water Act, as amended, 33. U.S.C. 1251, *et seq.*

Subd. 2 Administration. “Administration” shall mean those fixed costs attributable to administration of the wastewater treatment works.

Subd. 3 ASTM. “ASTM” shall mean the American Society for Testing Materials.

Subd. 4 Authority. “Authority” shall mean the City of Backus, Minnesota or its representative thereof.

Subd. 5 BOD₅ or Biochemical Oxygen Demand. “BOD₅ or Biochemical Oxygen Demand” shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° Centigrade in terms of milligrams per liter (mg/l).

Subd. 6 Building Drain. “Building Drain” shall mean that 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.

Subd. 7 Building Sewer. “Building Sewer” shall mean 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.

Subd. 8 City. “City” shall mean the area within the corporate boundaries of the City of Backus as presently established or as amended by ordinance or other legal actions at a future time. The term “City” when used herein may also be used to refer to the Council and its authorized representative.

Subd. 9 Chemical Oxygen Demand (COD). “Chemical Oxygen Demand (COD)” shall mean 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).

Subd. 10 Commercial User. “Commercial User” shall mean any place of business which discharges sanitary waste as distinct from industrial wastewater.

Subd. 11 Commercial Wastewaters. “Commercial Wastewaters” shall mean domestic wastewater emanating from a place of business as distinct from industrial wastewater.

Subd. 12 Compatible Pollutant. “Compatible Pollutant” shall mean 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 such pollutants to a degree which complies with effluent concentration limits imposed by the permit.

Subd. 13 Control Manhole. “Control Manhole” shall mean a structure specially constructed for the purpose of measuring flow and sampling of wastes.

Subd. 14 Debt Service Charge. “Debt Service Charge” shall mean a charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct the facilities.

Subd. 15 Easement. “Easement” shall mean an acquired legal right for the specific use of land owned by others.

Subd. 16 Equivalent Residential Unit. “Equivalent Residential Unit” (ERU) shall mean a unit of wastewater volume of 85 gallons per day at a hypothetical strength of 250 mg/l of BOD₅ and 250 mg/l of Total Suspended Solids.

Subd. 17 Extra Strength Waste. “Extra Strength Waste” shall mean wastewater having a BOD₅, and/or TSS greater than domestic waste as defined in this section, and not otherwise classified as an incompatible waste.

Subd. 18 Fecal Coliform. “Fecal Coliform” shall mean any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

Subd. 19 Floatable Oil. “Floatable Oil” shall mean oil, fat, or grease in a physical state, such that it will separate by gravity from wastewater.

Subd. 20 Garbage. “Garbage” shall mean animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.

Subd. 21 Governmental User. “Governmental User” shall mean users which are agencies or instrumentalities of Federal, State, or local government discharging normal domestic strength wastewater.

Subd. 22 Incompatible Pollutant. “Incompatible Pollutant” shall mean any pollutant that is not defined as a compatible pollutant (Sec. 12) including non-biodegradable dissolved solids.

Subd. 23 Incompatible Waste. “Incompatible Waste” shall mean 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.

Subd. 24 Industry. “Industry” shall mean any nongovernmental 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.

Subd. 25 Industrial Waste. “Industrial Waste” shall mean 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.

Subd. 26 Infiltration. “Infiltration” shall mean 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.

Subd. 27 Infiltration/Inflow (I/I). “Infiltration/Inflow (I/I)” shall mean the total quantity of water from both infiltration and inflow.

Subd. 28 Inflow. “Inflow” shall mean 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.

Subd. 29 Institutional User. “Institutional User” shall mean users other than commercial, governmental, industrial, or residential users, discharging primarily normal domestic strength wastewater (such as nonprofit organizations).

Subd. 30 Interference. “Interference” shall mean 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 Section 405 of the Act or any regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria applicable to the method of disposal or use employed by the City.

Subd. 31 MPCA. “MPCA” shall mean the Minnesota Pollution Control Agency.

Subd. 32 National Categorical Pretreatment Standards. “National Categorical Pretreatment Standards” shall mean 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 such treatment facilities, pursuant to Section 307(b) of the Act.

Subd. 33 National Pollutant Discharge Elimination System (NPDES) Permit. “National Pollutant Discharge Elimination System (NPDES) Permit” shall mean 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 Sections 402 and 405 of the Act.

Subd. 34 Natural Outlet. “Natural Outlet” shall mean 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.

Subd. 35 Non-contact Cooling Water. “Non-contact Cooling Water” shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added is heat.

Subd. 36 Normal Domestic Strength Waste. “Normal Domestic Strength Waste” shall mean wastewater that is primarily introduced by residential users with a BOD₅ concentration not greater than 250 mg/l and a suspended solids (TSS) concentration not greater than 250 mg/l.

Subd. 37 Operation and Maintenance. “Operation and Maintenance” shall mean activities required to provide for the dependable and economical functioning of the treatment works, throughout the useful life of the treatment works, and at the level of performance for which the treatment works were constructed. Operation and maintenance includes replacement.

Subd. 38 Operation and Maintenance Costs. “Operation and Maintenance Costs” shall mean expenditures for operation and maintenance, including replacement.

Subd. 39 Person. “Person” shall mean any individual, firm, company, association, society, corporation, or group.

Subd. 40 pH. “pH” shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.

Subd. 41 Pretreatment. “Pretreatment” shall mean the treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works.

Subd. 42 Properly Shredded Garbage. “Properly Shredded Garbage” shall mean 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.

Subd. 43 Public Wastewater Collection System. “Public Wastewater Collection System” shall mean a system of sanitary sewers owned, maintained, operated, and controlled by the City.

Subd. 44 Replacement. “Replacement” shall mean 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 such works were designed and constructed.

Subd. 45 Replacement Costs. “Replacement Costs” shall mean expenditures for replacement.

Subd. 46 Residential User. “Residential User” shall mean 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.

Subd. 47 Sanitary Sewer. “Sanitary Sewer” shall mean 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.

Subd. 48 Sewage. “Sewage” shall mean the spent water of a community. The preferred term is wastewater.

Subd. 49 Sewer. “Sewer” shall mean a pipe or conduit that carries wastewater or drainage water. Sewers may be classified as follows:

- (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.

Subd. 50 Sewer Service Rates. "Sewer Service Rates" shall mean the total of the charges for operation, maintenance, replacement, improvement as established according to the provisions of section 830 by resolution of the Council and may be changed from time to time.

Subd. 51 Sewer Service Fund. "Sewer Service Fund" shall mean a fund into which income from sewer service charges is deposited along with other income. Expenditure of the sewer service fund will be for operation, maintenance, and replacement costs.

Subd. 52 Shall, May. "Shall" is mandatory; "May" is permissive.

Subd. 53 Significant Industrial User. “Significant Industrial User” shall mean any industrial user of the wastewater treatment facility which has a discharge flow (1) in excess of 25,000 gallons per average work day, or (2) has exceeded 5% of the total flow received at the treatment facility, or (3) whose waste contains a toxic pollutant in toxic amounts pursuant to Section 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.

Subd. 54 Slug. “Slug” shall mean 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 15minutes, 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.

Subd. 55 *Standard Industrial Classification Manual.* *Standard Industrial Classification Manual* shall mean the *Standard Industrial Classification Manual* of the Office of Management and Budget, most current edition.

Subd. 56 State Disposal System (SDS) Permit. “State Disposal System (SDS) Permit” shall mean any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to Minnesota Statutes 115.07 for a disposal system as defined by Minnesota Statutes 115.01, Subdivision 8.

Subd. 57 Superintendent. “Superintendent” shall mean the utilities superintendent or a deputy, agent or representative thereof.

Subd. 58 Suspended Solids (SS) or Total Suspended Solids (TSS). “Suspended Solids (SS) or Total Suspended Solids (TSS)” shall mean 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.

Subd. 59 Toxic Pollutant. “Toxic Pollutant” shall mean 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 Section 307(a) of the Act.

Subd. 60 Unpolluted Water. “Unpolluted Water” shall mean 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.

Subd. 61 User. “User” shall mean any person who discharges or causes or permits the discharge of wastewater into the City's wastewater disposal system.

Subd. 62 User Charge. “User Charge” shall mean a charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement and improvements.

Subd. 63 Wastewater. “Wastewater” shall mean the spent water of a community 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.

Subd. 64 Wastewater Treatment Works or Treatment Works. “Wastewater Treatment Works or Treatment Works” shall mean 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 such treatment.

Subd. 65 Watercourse. “Watercourse” shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.

Subd. 66 WPCF. “WPCF” shall mean the Water Pollution Control Federation.

820.02 CONTROL BY THE UTILITIES SUPERINTENDENT. The Council shall have control and general supervision of all public sewers and service connections in the City, and shall be responsible for administering the provisions of this section to the end that a proper and efficient public sewer is maintained.

820.03 UNLAWFUL DEPOSITS.

Subd. 1 On Land. It shall be 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.

Subd. 2 Natural Outlets. It shall be unlawful 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 Section and the City's NPDES/SDS Permit.

820.04 PRIVIES AND SEPTIC SYSTEMS. Except as provided hereinafter, 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 wastewater.

820.05 SEWER CONNECTIONS.

Subd. 1 Required. The owner(s) 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 of the

City, shall be required at the owner(s) expense to install a suitable service connection to the public sewer in accordance with provisions of this Code, within one to two years of the date the public sewer is operational. 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 ten-day notice shall be served instructing the affected property owner to make said connection.

Subd. 2 Enforcement. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Subd. 1, 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 County Auditor and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City shall be in addition to any remedial or enforcement provisions of this section.

820.06 PERMIT REQUIRED. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance without first obtaining a permit from the Water Department and otherwise complying with the provisions of this Chapter.

820.07 PERMIT AND BOND. No person shall construct an extension between a building drain and the sewer main stub, herein called the building sewer, or connect it to the sewer main stub without having first procured a permit therefor. Permits shall be issued only to a licensed plumber or a person licenced under section 820.08.

Subd. 1 Application. Applications for permits shall be made by the owner or the owner's authorized agent, and the party employed to do the work. The application 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.

Subd. 2 Classifications. There shall be two classes of building sewer permits: (a) for residential and commercial service, and (b) 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 judgement of the City. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

Subd. 3 Licensed Connector. No permit shall be granted to any person except such licensed plumbers or contractors who are bonded.

820.08 SERVICE CONNECTION LICENSE.

Subd. 1 Application. 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 Superintendent for recommendations to the Council. If approved by the Council, such license shall be issued by the City Clerk-Treasurer upon the filing of a bond as hereinafter provided.

Subd. 2 Bond. No license shall be issued to any person until a bond to the City, approved by the Council, is filed with the City Clerk-Treasurer conditioned that the licensee will defend, indemnify and hold harmless the City from all claims, suits, accidents, damages, or other cause or action 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 such opening to the condition existing prior to installation, adequately guard all openings made by licensee with barricades and lights and will keep and maintain the opening and the barricades to the satisfaction of the 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.

Subd. 3 Suspension and Revocation. The Council may suspend or revoke any license issued under this article for any of the following causes:

- (1) Giving false information in connection with the application for a license.
- (2) Incompetence of the licensee.
- (3) Willful violation of any provisions of this section or any rule or regulation pertaining to the making of service connections.

820.09 EXPENSES AND INDEMNIFICATION BY OWNER. The owner shall bear the costs and expenses incident to the installation and connection of the building sewer. He or she shall defend, indemnify and hold harmless the City for any loss or damage directly or indirectly caused by its installation.

820.10 REQUIREMENTS FOR BUILDING SEWER CONSTRUCTION. Building sewer construction shall meet all requirements imposed by Minnesota Statutes especially the State Plumbing Code, this Chapter, or by regulations promulgated by the City Water Superintendent and adopted by the Council or set forth by the ASTM in the WPCF Manual of Practice No. 9.

820.11 SEWER SYSTEM GENERAL REGULATIONS.

Subd. 1 Separate Sewers. 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. Each apartment, home, trailer, house/manufactured home, or any separated living quarters must be metered separately unless prior written approval is given by the Council.

Subd. 2 Old Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent or his or her representative, to meet all requirements of this section.

Subd. 3 Size, Slope, Alignment, etc. 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 of Minnesota Building and Plumbing 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.

Subd. 4 Elevation. 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 such building drain shall be lifted by an approved means and discharged to the building sewer.

Subd. 5 Infiltration and Inflow. All such connections shall be made gastight and watertight, and verified by proper testing to prevent the inclusion of infiltration/inflow.

Subd. 6. 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.

Subd. 7 Deviations. Any deviation from the prescribed procedures and materials must be approved by the City prior to installation.

820.12 INSPECTION AND APPROVAL. The applicant for the building sewer permit shall notify the City Clerk-Treasurer when the building sewer and connection is ready for inspection. The connection shall be made under the supervision of the Water Superintendent or his or her representative. No backfill shall be placed until the work has been inspected and approved.

820.13 SUFFICIENT CAPACITY. Any new connection(s) 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 Superintendent.

820.14 DISCHARGE OF SURFACE AND NON-POLLUTED WATER. No person shall discharge or cause to be discharged into any sanitary sewer any storm water, surface water, ground water, cooling water, or unpolluted industrial process waters. No rain spout or other form of surface drainage, and no foundation drainage, shall be connected to any sanitary sewer.

Stormwater 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.

820.15 PROHIBITED DISCHARGE. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (A) 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.

- (B) 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.

- (C) 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.
- (D) 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 Section 307(a) of the Act.

820.16 LIMITED DISCHARGES. The following described substances, materials, water, or wastes shall be limited in discharges to municipal systems 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. The Superintendent may set limitations lower than limitations established in the regulations below if, in his or her opinion, such limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability of wastes, the Superintendent shall 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. 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 therefore 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. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Superintendent 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 in this Chapter.
- (D) Any garbage not properly shredded below inch diameter. 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, Fullers 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 Superintendent in compliance with applicable State or Federal regulations.

- (I) All wastes to be discharged to septic systems shall be no stronger than normal domestic strength.

- (K) Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule, regulation, or ordinance of any regulatory agency, or State or Federal regulatory body.

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

820.17 PROPER HANDLING OF PROHIBITED OR LIMITED DISCHARGES. 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 in sections 820.15 and 820.16, and/or which in the judgement of the Superintendent, 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 Section 307(b) of the Act and all addendum 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.

820.18 PRETREATMENT. 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 owners' expense, and shall be subject to the review and approval of the City pursuant to the requirements of the MPCA. 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(s).

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

820.20 INTERCEPTORS. Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in this section, any flammable wastes as specified in this section, 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 the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) 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 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.

820.21 ACCESS TO SEWER. 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 such 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.

820.22 TESTING OF CERTAIN WASTES.

Subd. 1 Required. 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 section and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with 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.

Subd. 2 Measurement. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section 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 Superintendent.

820.23 ACCIDENTAL DISCHARGES. 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 Section. 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 Superintendent for review and approval prior to construction of the facility. Review and approval of such 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 section. Users shall notify the Superintendent immediately upon having a slug or accidental discharge of substances of wastewater in violation of this section to enable countermeasures to be taken by the Superintendent to minimize damage to the wastewater treatment works. Such 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 insure that all employees who may cause or discover such a discharge, are advised of the emergency notification procedure.

820.24 CATCH BASIN SAND TRAPS. No person, having charge of any building or other premises which drains into the public sewer, shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within 30 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 such other work as the 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 30 days, the Superintendent may cause such work to be completed at the expense of the owner or representative thereof. 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.

820.25 REPAIRS. 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 such work to be done as the Superintendent may direct. Each day

after 30 days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Superintendent may then cause the work to be done, and recover from such owner or agent the expense thereof by an action in the name of the City.

820.26 INTENTIONAL DAMAGE, TAMPERING. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

820.27 PRIVATE WASTEWATER DISPOSAL.

Subd. 1 When Allowed. Where a public sewer is not available under the provisions of this section, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Chapter. Prior to commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the City. The application for such 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.

Subd. 2 Inspection. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the City or its authorized representative. The City or its representative or a private licensed inspector hired by the applicant and who subsequently submits a report of his or her findings to 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, not to include weekends.

Subd. 3 Requirements. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of Minnesota Rules chapter 7080, entitled, "Individual Sewage Treatment System Program". No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Subd. 4 Conversion to Public Sewer. 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 one to two years in compliance with this section, and within one to two years any septic tanks, cesspools, and similar private wastewater disposal systems shall be cleaned of sludge. Connection to the public sewer shall also be made upon the failure of a private septic system, or upon transfer of the property by gift, sale (including contracts for

deed), inheritance, or other means. Upon connection to the public sewer, 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.

Subd. 5 Cost to City. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the City.

Subd. 6 Relation to other Laws. No statement contained in this subsection shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the State of Minnesota.

820.28 POWERS AND AUTHORITY OF INSPECTORS.

Subd. 1 Entrance on to Private Property. The Superintendent 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, observations, measurement, sampling, and testing pertinent to the discharges to the City's sewer system in accordance with the provisions of this section.

Subd. 2 Information Collection. The Superintendent or other duly authorized employees shall be 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.

Subd. 3 Safety Procedures. While performing necessary work on private properties, the 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 in this Chapter.

Subd. 4 Easements. The superintendent 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 said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

SECTION 830 - SEWER SERVICE CHARGE SYSTEM

830.01 ESTABLISHMENT. 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 expenditure incurred in constructing the Wastewater Treatment Works, is hereby continued.

830.02 PROPORTIONATE SHARE. Each user shall pay his, her, or 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.

830.03 DEBT SERVICE CHARGE. Each user shall pay debt service charges to retire local capital costs as determined by the Council.

830.04 RATES. 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. Changes in sewer service rates and charges shall be adopted by Council resolution and may be amended from time to time.

830.05 DETERMINATION OF SEWER SERVICE CHARGES.

Subd. 1 User Classification. Users of the City wastewater treatment works shall be identified as belonging to one of the following user classes:

- (1) Residential
- (2) Commercial
- (3) Industrial
- (4) Institutional
- (5) 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-Treasurer. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.

Subd. 2 Normal Domestic Strength Rate Determination. The rates assessed residential users and those users of other classes who discharge “Normal Domestic Strength Wastewater” shall be determined on the basis of wastewater volume only. Those “Industrial Users” who discharge “Normal Domestic Strength Wastewater” only, may be classified as “Commercial Users” for the purpose of rate determination.

Subd. 3 Equivalent Residential Units. For those users who discharge “Normal Domestic Strength Wastewater” as described in Subd. 2 above, wastewater volume shall be calculated on the basis of: “Equivalent Residential Unit's” (ERU). “Equivalent Residential Units,” at a volume of 85 gallons per day, will be assigned to connections according to Tables I and II, Exhibit A of this section.

Determination of the number of ERUs assigned to a particular connection, in accordance with Tables 1 and 2, shall be the responsibility of the Council or its authorized representative.

Subd. 4 Formula. The Sewer Service Charge shall consist of a user charge for operation, maintenance, improvement and replacement and a charge for debt service. These charges shall be determined by the Council and adopted by resolution.

Subd. 5 Appeals. Users may appeal the number of ERUs assigned to a particular connection by installing and maintaining, at their own expense, water meters of a type approved by the City. Such meters shall be equipped with remote registering recorders located at an accessible site on the owner's property.

Subd. 6 Meters. The City may, at its discretion, require nonresidential users to install water meters for the purpose of determining wastewater volume. The City may require residential connections to install water meters as part of a comprehensive program to install meters throughout the City's water system. When so required, such meters shall be of a type approved by the City, equipped with remote registering recorders, and located at an accessible site on the owner's property.

Subd. 7 Additional Charges. The Sewer Service Charges established in this section shall not prevent the assessment of additional charges to users who discharge wastes with concentrations greater than Normal Domestic Strength or wastes of unusual character, or contractual agreements with such users, as long as the following conditions are met:

- (1) The user pays operation, maintenance, and replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, and no user is charged at a rate less than that of "Normal Domestic Strength Wastewater";
- (2) The measurements of such wastes are conducted according to the latest edition of *Standard Methods for the Examination of Water and Wastewater* in a manner acceptable to the City as provided for in this Chapter;
- (3) The City's NPDES permit and sewer use regulations are not violated.

A study of unit costs of collection and treatment processes attributable to Flow, BOD, TSS, and other significant loadings shall be developed for determining the proportionate allocation of costs to users discharging wastes of greater than Normal Domestic Strength or wastes of unusual character.

830.06 SEWER SERVICE FUND.

Subd. 1 Establishment. A "Sewer Service Fund," 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, is hereby continued.

Subd. 2 Designated Accounts. The following accounts are hereby continued as income and expenditure accounts within the Sewer Service Fund:

- (1) Operation and Maintenance Account;
- (2) Equipment Replacement Account;
- (3) Debt Retirement Account.

Subd. 3 Accounts Administration.

- (1) All revenue generated by the Sewer Service Charge System, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be held by the City Clerk-Treasurer 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.

- (2) Revenue generated by the Sewer Service Charge System sufficient to insure adequate replacement throughout the service life 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."
- (3) 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."

Subd. 4 General Fund Administration. The Sewer Service Charge System and Sewer Service Fund shall be administrated according to the following provisions:

- (1) The City Clerk-Treasurer shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement, and debt retirement costs of the Treatment Works, and shall furnish the Council with a report of such costs annually.

- (2) The Council 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 Council shall also determine whether the user charges are distributed proportionately to each user in accordance with this Section and Section 204(b)(2)(A) of the Federal Water Pollution Control Act, as amended.
- (3) The City shall thereafter, but not later than the end of the year, reassess, and as necessary revise the Sewer Service Charge System then in use to insure the proportionality of the user 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.
- (4) In accordance with Federal and State requirements, each user shall be notified annually in conjunction with a regular billing of that portion of the Sewer Service Charge attributable to operation, maintenance, and replacement.
- (5) In accordance with Federal and State requirements, the City Clerk-Treasurer shall be responsible for maintaining all records necessary to document compliance with the Sewer Service Charge System adopted.

- (6) Bills for sewer service charges shall be rendered on a quarterly basis succeeding the period for which the service was rendered and shall be due 30 days from the date of rendering. Any bill not paid in full within 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 a percentage as set from time to time by the Council of the original bill and shall be increased the same 2.5% for every quarter the bill is outstanding.
- (7) The owner of the premises shall be liable to pay for the service to such 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.
- (8) 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(s) of said wastes, at no expense to the City.

Subd. 5 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 Section 204(b)(1)(A) of the Act and Federal Regulation 40 CFR (Code of Federal Regulations) 35.2140 of the Environmental Protection Agency's regulations.

EXHIBIT A

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

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

TABLE II

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

<u>Facility Description</u>	<u>Parameter</u>	<u>Units</u>
Automobile Service	2 Service Bays	1.0 Unit
Banquet Room	1000 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 Units
Car Wash - Service Station	Each	4.0 Units
Churches	250 Seats	1.0 Unit
Fast Service Restaurant	600 Square Feet	1.0 Unit
General Office Building	4000 Square Feet	1.0 Unit
Hospitals	1 Bed	1.0 Unit
Laundromats	4 Washing Machines	1.0 Unit
Meat Cutting and/or Locker Plants	Each	2.0 Units
Motels and Hotels	2 Rooms	1.0 Unit
Nursing Home	3 Beds	1.0 Unit
Restaurant, Drive-In	10 Parking Spaces	1.0 Unit

<u>Facility Description</u>	<u>Parameter</u>	<u>Units</u>
Restaurant	600 Square Feet	1.0 Unit
Retail Store	3000 Square Feet	1.0 Unit
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 Units
Service Station with Service Center and Car Wash	Each	8.0 Units
Swimming Pool	Each	1.0 Unit
Theater	50 Seats	1.0 Unit
Theater, Drive-in	50 Parking Spaces	1.0 Unit
Warehouses	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.

SECTION 840 - VIOLATIONS AND PENALTIES

840.01 NOTICE. Any person found to be violating any provision 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 period of time stated in such notice, permanently cease all violations.

840.02 MISDEMEANOR. Any person who shall continue any violation beyond the time limit provided for in Subsection 840.01, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not to exceed \$1,000, and/or imprisonment not to exceed 90 days for each offense, and shall pay the cost of prosecution to the extent authorized by State law, the Rules or Court, and the Rules of Criminal Procedure. Each day in which any such violation occurs shall be deemed a separate offense.

840.03 LIABILITY. Any person violating any of the provision of this section shall become liable to the City for any expense, loss, or damage occasioned by the City by reason of such violation. In addition to any penalties that may be imposed for violation of any provision of this Chapter, 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 such person, and may collect such assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the City.