

## Ordinance No. 42

[Municipal Sewer Ordinance]

### **MUNICIPAL SANITARY SEWER** **An Ordinance regulating Sewage Disposal, Connections, Permits, Licenses, etc.** **related to Municipal Sanitary Sewer System.**

The Council of the Village of Medicine Lake do ordain as follows:

#### Section 42.01: **General**

The entire municipal sanitary sewer system shall be operated as a public utility and convenience from which revenues will be derived, subject to the provisions of this ordinance. The Village, through its designated representative, shall supervise all sewer connections made to the municipal Sanitary Sewer System and all excavations for the purpose of installing or repairing same.

#### Section 42.02: **Definitions**

Unless the context specifically indicates otherwise, the meaning of terms used in this section shall be as follows:

- (a) "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- (b) "Inspector" shall mean the person or persons duly authorized by the Village, including the Building Inspector, to inspect and approve the installation of building sewers and their connection to the public sewer system.
- (c) "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
- (d) "Sewer" shall mean a pipe or conduit for carrying sewage.
- (e) "Public Sewer" shall mean a sewer receiving both surface and runoff and sewage.
- (f) "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- (g) "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.
- (h) "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipe inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

- (i) "Building Sewer" shall mean the extension from the building drain to the public sewage or other place of disposal.
- (j) "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- (k) "Plumbing Fixture" shall mean any fixture through which water flows and is altered chemically or adulterated through usage. Further definition as found in the Minnesota Plumbing Code.
- (l) "Cleanout" shall mean an opening through which lines may be cleaned. The cleanout must not be used except to clean lines. In no instance will any surface or storm water be permitted into cleanout.

**Section 42.03: Certain Deposits Unlawful**

It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Village of Medicine Lake, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.

**Section 42.04: Certain Discharges Unlawful**

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

**Section 42.05: Certain Sewage Facilities**

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facilities intended or used for the disposal of sewage.

**Section 42.06: Certain Facilities Required—Owner's Duties**

- (a) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Village and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein.
- (b) The owner of all houses, buildings or properties where cesspools and septic tanks have been in existence prior to the construction of the sanitary sewer, shall connect with the public sewer when such septic tanks and cesspools are in need of repairs, or reconstruction, or, in any event, not later than December 31, 1968.
- (c) Where a public sanitary or combined sewer is not available under the provisions of subsection 42.06, the building sewer shall be connected on a private sewage disposal system complying with all requirements of Ordinance No. 42.

- (d) At such time as a public sewer becomes available to a property served by a sewage disposal system and a direct connection is made to the public sewer in compliance with this section, any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Section 42.07: **Regulation of the Operation of Private Facilities—Owner's Duties**

- (a) Contents of septic tanks or cesspools may be pumped into the building sewer pipe at the property line, provided that a screen is placed at the inlet to said pipe to prevent obstructions from entering the system. Backfilling above the cover level of any cesspool, septic tank or similar tanks, or any building sewer, shall not commence until permission has been granted by the Inspector.
- (b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.
- (c) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

Section 42.08: **Permit Required for Building Sewers**

No unauthorized person shall uncover, make any connections with or openings into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Village of Plymouth Plumbing Inspector.

Section 42.09: **Bond Required—Amount—Conditions**

Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the Village and deposited with the Village Clerk a corporate surety in the sum of \$2,000.00 conditioned that he will perform faithfully all work with due care and skill, and in the authority of any laws of the Village pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the Village and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing, or excavating for plumbing as prescribed in this section. Such bond shall remain in force and must be executed for a period of one (1) year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

Section 42.10: **Insurance Required—Amount—Filing**

In addition to the corporate surety required in subsection 42.09 above, the person applying for such permit shall have deposited with the Village Clerk insurance policies insuring the Village of Medicine Lake and all persons who may be concerned against property damage in the sum of at least \$25,000.00 and shall also deposit with said Village Clerk a policy of public liability insurance with a coverage of not less than \$100,000.00 for each person and \$300,000.00 for each accident.

Section 42.11: **Classes of Building Sewer Permits—Applications—Forms**

There shall be two (2) classes of building sewer permits, (1) for residential and commercial service, and (2) for service to establishments producing industrial waste. In either case, the owner or his agent shall make application on a special form furnished by the said Village.

**Section 42.12: Supplemental Information to Permit Applications**

The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Inspector.

**Section 42.13: Fees**

A permit and inspection fee of Ten Dollars (\$10) for a residential building sewer permit and Twenty Dollars (\$20) for a commercial and industrial building sewer permit shall be paid to the Plymouth Village Clerk at the time the application is filed. Additional inspections for a residential building sewer shall require the payment of a Seven Dollar and Fifty Cent (\$7.50) fee, and such additional inspections for commercial and industrial building sewers shall require an additional Ten Dollars (\$10) fee.

**Section 42.14: Installation Costs—Indemnification of Village**

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify said Village from any loss or damage that may directly or indirectly be occasioned by said installation.

**Section 42.15: Separate and Independent Sewers Required—Exceptions**

A separate and independent building sewer shall be provided for every building. Exceptions will be allowed only by special permission granted by the Village Council.

**Section 42.16: Use of Old Building Sewers**

Old building sewers or portions thereof may be used in connection with new buildings only when they are found on examination and test by the Plymouth Plumbing Inspector to meet all requirements of this Ordinance.

**Section 42.17: Artificial Lifting Required in Certain Buildings—Certain Equipment Prohibited**

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. No water operated sewage ejector shall be used.

**Section 42.18: Inspection and Connection of Building Sewers—Notice—Supervision**

The applicant for the building sewer shall notify the Plymouth Village Inspector when the building sewer is ready for inspection and connection to the public sewer.

**Section 42.19: Regulation of Excavation**

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 said Village.

Section 42.20: **Approved Connections—Types—When Used**

(1) Approved types of commercial and industrial service connections shall be one of the following:

- (a) Type 1. Wye branches installed in the main sewer at the time of construction. Connections to existing wye branches shall be made with an approved type of joint material either with PVC pipe or proper cast iron adaptor. The connection shall be completely watertight. No connection shall be allowed to any damaged wye branch. If damage occurs during the making of the connection, the wye branch shall be taken out of the main sewer by the plumber and replaced by another undamaged wye.
- (b) Type 2. Connections of the saddle type installed in the main sewer. Connection of this type shall be made in a smooth, round hole, saw cut into the main sewer pipe. The fittings used in the connection shall be the standard PVC wye of proper size which shall be connected to the main sewer with PVC solvent and clamped in place until firmly set. The joint shall be watertight and there shall be no protrusion of the fitting or service pipe inside the main sewer.
- (c) Type 1 connections may be used in existing sanitary sewers when wye branches previously installed are readily and conveniently available. If existing wye branches cannot be found readily or are not located properly for providing the needed service, Type 2 connections shall be made. When new sanitary sewers are constructed Type 1 connections may be made in cases where the connection to the house is made during construction and before backfilling of the sanitary main sewer trench. No wye branches shall be installed and covered up for future use. Type 2 connections shall be made in all cases where house services are installed subsequent to construction and backfilling operations.

(2) House service connections shall be made with either heavy duty cast iron pipe with neoprene gasket connections or PVC (Polyvinyl Chloride) plastic pipe conforming to commercial standards CS272-65 and bearing the seal of approval of the National Sanitation Foundations, (NSF-DWV). Such pipe must be connected to the building drain at its point of exit from the building unless heavy duty cast iron pipe is already in use from the building to the septic tank or cesspool, in which case the connection may be made at the septic tank or cesspool.

(3) When any service connection is placed across peat or other unstable soil having a depth in excess of four feet, bridging using four foot lengths of 2" x 6" planks shall be placed three feet on center under the service pipe. In the event that the peat or other unstable soil is four feet or less in depth, then such peat or other unstable soil must be removed and a stabilized base be placed to the pipe invert.

(4) Alignment. No building sewer shall contain bends or a combination of bends which at any point shall be greater than 45 degrees, and no more than four bends, regardless of angle,

shall be permitted in any single building sewer, except where manholes are constructed at such points and in manner as directed by the Village Inspector. No building sewer shall be laid parallel to any bearing wall or footing unless further distant than three feet from any such bearing wall or footing. No connecting sewer shall be laid within twenty feet of any well. If no cleanout is provided then one with a minimum 4" opening must be provided outside of the house within 3 feet of the foundation or before the first bend. On long runs a cleanout must be provided each 75 feet. Changes can be made with the approval of the Council.

(5) Cover. The minimum cover over building sewer connections shall be five (5) feet in order to prevent freezing. Where five feet is not practical at the building then five feet shall be attained as soon as possible. All such connections must be approved by the Village Inspector before work commences. Wherever possible the cover shall be maintained at seven (7) feet.

**Section 42.21: Certain Uses of Sewers Prohibited**

- (a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, sub-surface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.
- (b) No person shall discharge or cause to be discharged to any public sewer, any harmful waters of wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in the sewers, damage or hazard to structures, equipment and personnel of the sewerage works, or other interferences with the proper operation of the sewage works.

**Section 42.22: Approval Required for Admission in Sewers of Harmful or Objectionable Materials**

The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the Inspector who may prescribe limits on the strength and character of these waters and wastes. Where necessary, in the opinion of the Inspector the owner shall provide at his expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the said Inspector and of the State Board of Health and no construction of such facilities shall be commenced until said approval is obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

**Section 42.23: Control manholes—When Required—Use**

When required by the Inspector, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his expense a suitable control manhole in the building sewer to facilitate observation sampling and measurement of the wastes. All measurements, tests, and analysis of the characteristics of waters and wastes shall be determined in accordance with "Standard methods for the Examination of Water and Sewage", and shall be determined at the control manhole or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

**Section 42.24: Grease, Oil and Sand Interceptors—When Required—Use**

Grease, oil and sand interceptors shall be provided when, in the opinion of the said Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand and other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

**Section 42.25: Tampering with Municipal Sewage Works as Disorderly Conduct**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

**Section 42.26: Power and Authority of Inspectors**

The Inspector and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspections, observation, measurement, sampling, and testing, in accordance with the provisions of this section.

**Section 42.27: Name of Violation—Time to Cease Violations**

Any person found to be violating any provision of this section except subsection 42.21, shall be served by the Village with written notice, stating the nature of the violation and providing a reasonable time limit for the satisfactory corrections thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

**Section 42.28: Rates and Charges**

A. (1) For sewer service and the availability thereof, any person connecting premises to the public sewer shall pay the rates and charges established therefore from time to time, by Council resolution. In addition to all other charges, each permit to connect shall be accompanied by a special connection fee equal to the frontage assessment for the sewers in the abutting street or right-of-way plus \$400.00 for each equivalent residential unit, or equivalent, to be connected before December 13, 1973. After this date the unit charge will be \$460.00. Said special connection fee shall be reduced by the amount of any special assessments against the premises at the time of construction of sewers in abutting streets and right-of-way. All such special connection fees shall be paid into the bond redemption fund for payment of principal and interest on bonds issued for sanitary sewer purposes or, if there are no bonds outstanding, into the general fund of the Village to reimburse advances made to the sanitary sewer system by the Village.

(2) In respect to property which shall be connected with the Village sewer system for the discharge and disposal of any waste unusual in either character or amount, then, in addition to all applicable charges hereunder, the Village Council reserves the right to impose such supplemental sewage rate charge as said Village Council shall determine is reasonable and warranted on the basis of all relevant factors.

(3) The Village Council may, by its Resolution, provide that any charge for sewer connection, as provided by Section A (1) above, be transmitted to the County Auditor to be extended on the proper tax lists of the County to be payable in not more than Twenty (20) annual installments of principal plus 6% annual interest on the unpaid balance from year to year, and to provide further that all connection charges and interest collected by the County Treasurer therefrom shall be paid over to the Village Treasurer in the same manner as other municipal taxes.

(4) Certification as to Assessments. No permit shall be issued to tap or connect with any sewer of the Village either directly or indirectly from any lot or tract of land unless the Village Clerk shall have certified:

- (a) That such lot or tract of land to be served by such connection or tap has been assessed for the cost of construction of the sewer with which the connection is made, or
- (b) If no assessment has been levied for such construction cost, that proceedings for levying such assessments have been or will be commenced in due course, or
- (c) If no assessment has been levied and no assessment proceedings will be completed in due course, but a sum equal to the portion of the cost of constructing said sewer which would be assessable against said lot or tract has been paid to the Village.

(5) The charges established pursuant to this Ordinance shall be a lien on the real estate benefited thereby and against which same is established, and shall be of equal rank with the liens or taxes levied under the general laws of the State, and shall become due and payable as fixed by the Resolution establishing such charges. Such charges may also at the option of the Village be enforced against the owner, lessee, or occupant of the property benefited by the connection service, or availability of service, or against all of them in a civil action without the waiver of other remedies.

B. Statements for sewer rental charges for the preceding quarterly period shall be mailed to each customer at such dates as prescribed by the Village Council. Said statements shall be due and payable to the Village Treasurer on or before the 15<sup>th</sup> of the month following date of bill.

C. Any amounts due hereunder for sewage charges may be collected in an action brought for that purpose in the name of the Village; or the Village Clerk may certify to the County Auditor the amounts due for sewer charges, including penalty together with the legal description of the premises served and the County Auditor shall thereupon enter such amount with the tax levy on said premises collectible with the taxes for the next ensuing year.

**Section 42.29: Liability for Damages Caused by Violation**

Any person violating any of the provisions of this section shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation. In addition to liabilities incurred, any person violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$100.00 or by imprisonment in the workhouse not to exceed 30 days.



Section 42.30: **Adoption of the Minnesota Plumbing Code by Reference**

(1) The Minnesota Plumbing Code adopted by the Minnesota State Board of Health on July 20, 1937 and as amended on May 9, 1939, January 14, 1947 and October 16, 1951, is hereby adopted by the Village by reference and is made a part hereof as though fully set forth herein. Three (3) copies of said Minnesota Plumbing Code shall be marked as "official copies" and filed for reference and inspection in the office of the Village Clerk.

(2) Amendment of Article I of Code. Article I of said Minnesota Plumbing Code is hereby amended by adding the following sections thereto:

Sec. 24 - The term "Municipality" means the Village of Medicine Lake.

Sec. 25 - The word "Council" means the Council of the Village of Medicine Lake.

Sec. 26 - The word "Clerk" means the Clerk of the Village of Medicine Lake.

Sec. 27 - The word "Inspector" means the person or persons employed or engaged by the Council and assigned responsibility for administration of this Ordinance.

(3) Amendment of Article X of Code. Article X of said Minnesota Plumbing Code is hereby amended by adding the following thereto:

Sec. 128 - The building sewer or building drain shall be so located or shall be provided with a branch line that will facilitate a connection, at a later date, to a municipal sewer system. This building sewer or branch shall be at a sufficiently low elevation to drain the lowest plumbing fixture or floor drain in the building.

(4) Licensing.

(a) No person, firm or corporation shall engage in the business of installing and constructing plumbing or plumbing systems within the municipality without first obtaining a license from the State of Minnesota to carry on such occupation and furnish evidence to the Village Clerk that the surety bond required by the State of Minnesota has been posted.

(5) Permits.

(a) No person, firm or corporation shall install, alter or extend any individual plumbing or plumbing system in the municipality without first obtaining a permit therefor from the Council for the specific installation, alteration or extension. At the time of applying for said permit, the applicant shall pay a fee therefore of \$15.00. Each plumbing fixture in excess of ten (10) shall be subject to an additional \$1.25 fee. Such permits shall be valid for a period of six (6) months from date of issue. Failure to obtain a permit prior to such installation, alteration or extension shall cause the permit fee to be doubled.

(b) Application for permits shall be made in writing upon printed blanks or forms furnished by the Council and shall be signed by the applicant.

(6) Construction Requirements. All individual plumbing and plumbing systems installed subsequent to the adoption of this Ordinance and all alterations, extensions and repairs to individual plumbing systems irrespective of the date of original installation shall be regulated in accordance with all of the requirements of this Ordinance. Existing systems which do not meet the requirements of this Ordinance may be repaired or extended if the repair or extension is made in accordance with the construction requirements of this code.

(7) Administration and Inspection.

- (a) The Council shall assign responsibility for administration of this Ordinance to a qualified Inspector.
- (b) The Inspector shall make such inspection or inspections as are necessary to determine compliance with this Ordinance. No part of the system shall be covered until it has been inspected and accepted by the Inspector. It shall be the responsibility of the applicant for the permit to notify the Inspector in accordance with Article XIV, Sec. 157 of the Minnesota Plumbing Code.
- (c) The renotification fee under Article XIV, Sec. 157C shall be \$5.00 for each renotification.

(8) Objectives and Variances.

- (a) The objectives of this Ordinance are to provide adequate and safe plumbing systems and to prevent the contamination of water supply. Any system of special, unusual, or new design which will satisfy the stated objectives may be accepted as complying with the Ordinance, and any permit granted for the construction, installation, alteration, or repair of any such special system shall be subject to such condition and guarantees as may be stated in the permit. If approved by the Council.
- (b) The Council may, in its discretion, grant variances from the strict provisions of this Ordinance consistent with the provisions of Section (a) above and upon recommendation of the Building Inspector.

Section 40.31: Effective Date

This Ordinance shall take effect upon the passage by the Village Council and its publication.

**Passed by the council this 4<sup>th</sup> day of December, 1967.**

Eugene D. Smith, Mayor

Attest: Oscar T. Velline, Clerk