

## **TITLE V: PUBLIC WORKS**

Chapter

**50. GENERAL PROVISIONS**

**51. REFUSE**

**52. WATER**

**53. SEWERS**



**CHAPTER 50: GENERAL PROVISIONS**

## Section

## 50.01 Liability of landlord for payment of utility services

**' 50.01 LIABILITY OF LANDLORD FOR PAYMENT OF UTILITY SERVICES.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**LEASE.** Any arrangement whereby the owner of a building receives consideration, whether in cash, services, or other form, from the user or occupant of the premises.

**LESSOR.** Any person or entity who leases space to another in any building owned by the lessor.

**OWNER.** Any person or entity which has the title to the leased premises, whether the title is subject to mortgage, contract for deed, lien, or other encumbrance.

(B) *Owner liability.* Owners of all rental property located within the city shall be liable for all sums due for sewage, water, refuse, and electrical services provided to the property by the city. All accounts for the services shall be payable on or before the due date of each month.

(C) *Accounts in lessee's name.*

(1) Accounts for services opened in the name or names of lessees of such rental property shall be for the convenience of the lessor only, and no express or implied agreement shall be created thereby which waives the lessor's primary obligation for same or the city's right to take such action as may be necessary to collect same from lessor.

(2) No account for services shall be opened in the name of any lessee unless request to do so is made in writing by the lessor, and the lessor executes an agreement to assume liability, provided, however, that failure by the city to obtain a request or agreement shall not be construed as a waiver of the city's right to commence action against the lessor as the primary obligor for services.

(D) *Scope.* This section shall apply to all rental property located within the city, whether commercial, industrial, or residential in nature.

(E) *City Administrator's Authority.* The City Administrator shall have authority to execute the Services Agreement on behalf of the city.

**CHAPTER 51: REFUSE**

## Section

51.01 The City of Fertile shall maintain the current contract in place for refuse collection within the City limits. In the event this contract shall terminate or no longer be available, the City will institute the following governing refuse:

- 51.02 Collection system established
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## CHAPTER 52: WATER

## Section

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***Cross-reference:***

*Liability of landlord for payment of utility services, see ' 50.01*

***SERVICE AND CONNECTION*****' 52.01 APPLICATION FOR SERVICE.**

Any person desiring service from the city water system shall apply in writing to the City Administrator, on a form furnished by the city for that purpose, for a permit to make the connection. The application shall contain an exact description of the property to be served, the estimated maximum amount of water to be used per month, and uses to be made of the water, both general and special.

Penalty, see ' 10.99

**' 52.02 PERMIT FOR CONNECTION; FEES.**

The Administrator shall, upon receiving an application as provided above, if the same is in proper form, issue to the applicant a permit to connect to the city water system. Prior to issuance of the permit the applicant shall pay a fee to be established from time to time by the City Council, which fee shall be paid to the Water and Sewer Fund.

**' 52.03 COSTS OF INSTALLATION, REPAIR, AND EXTENSION.**

(A) The cost of original installation of all plumbing between the curb stop and any service devices maintained by the consumer, and all extensions thereafter made to the service pipes, as well as all repairs to the same, shall be borne entirely by the consumer. All the service pipes and devices shall at The time of installation and subsequent times afterward be subject to inspection by duly authorized officials of the Water Department. Any necessary repairs shall be made promptly. If repairs are not made within a reasonable time after notice by the City, water service may be terminated. The only exception would be large projects funded by bonds and grants.

(B) Should subsequent upgrades require a meter change, the owner shall be responsible for all installation costs incurred except for the cost of the actual meter.

**' 52.04 SEPARATE CONNECTION REQUIREMENT.**

Each premises shall have a separate and distinct service connection. All multi-family units and shared commercial/industrial connections shall contact the City for connection and billing arrangements.

Penalty, see ' 10.99

**' 52.05 LICENSED PLUMBERS REQUIRED.**

No one except regular employees of the Water Department of the city or plumbers holding licenses issued by this state shall do any plumbing work on any pipes connected or to be connected to the city water system.

Penalty, see ' 10.99

**' 52.06 CONDITIONS OF SERVICE.**

(A) Water service will not be returned to any premises until the applicant shall have paid for all charges due and shall exhibit his or her receipt therefor.

(B) Plumbers or homeowners are prohibited from turning the water on to any service pipe, except under the order or permission of the Director of Public Works. Water may be turned on, however, for the purpose of testing pipes, and for that purpose only, without a permit. No owner or occupant of any premises to which water is supplied shall be allowed to supply water to other premises. Any person violating this rule shall be charged double the rate for each person or family so furnished with water, and if the extra charge is not paid upon demand, the water service shall terminate.

(C) Parties desiring water for cisterns, tanks, or other intermittent supply shall be charged regular rates as per schedule, or they may furnish at their own expense water meters of any approved pattern and pay the regular meter rates.

Penalty, see ' 10.99

**' 52.07 SUPERVISION OF SERVICE LINES; DUTIES OF WATER USERS.**

(A) The Director of Public Works, or any other person as may be directed by the Director, shall be authorized to enter and have free access to premises at all reasonable hours, to ascertain the location and condition of all hydrants, pipes, or other fixtures attached to the location, and the condition of all hydrants, pipes, or other fixtures attached to the city water system. If that person finds that water is wasted because of negligence or for want of repairs, he or she shall leave notice thereof and demand that the condition be remedied. If the waste is not remedied within 24 hours thereafter, the water service shall be terminated and shall not be returned until the sum of \$50 has been paid to the Water and Sewer Fund and the repairs made or negligence stopped. That amount shall be placed in the Water Works Fund.

(B) It shall be the duty of persons using city water to keep their service pipes and fixtures in good repair and protect same from frost at their own expense, and to prevent all waste of water.

Penalty, see ' 10.99

***CONSTRUCTION AND EQUIPMENT*****' 52.20 EXCAVATIONS AND BACKFILLING.**

No excavations made by plumbers in public grounds shall be kept open longer than is absolutely necessary to make the connections required, and while open shall be protected as provided in the code. Backfilling shall be thoroughly compacted in a manner satisfactory to the City. Where excavations are unsatisfactorily filled, the City shall place them in a satisfactory condition at the cost to the plumber and/or homeowner performing the work. If the cost is not paid within ten days after notice thereof, the license of the plumber to perform plumbing in the city shall be suspended.

Penalty, see ' 10.99

**' 52.21 PIPES.**

All service pipes shall be of copper and/or PVC and shall not be laid above the street mains.

Penalty, see ' 10.99

**' 52.22 CURB, STOP, AND WASTE COCKS.**

There shall be a curb cock in every service line attached to the mains, the same to be placed as near as possible to the property line if on a street, or within one foot of the alley line if the main is located in the alley. All curb cocks shall be installed after consultation with the Water Department.

Penalty, see ' 10.99

**' 52.23 CHECK VALVES.**

Check valves are hereby required on all connections to steam boilers or on any other connection deemed by the Director of Public Works of the water plant to require one. Safety and relief valves shall be placed on all boilers or other system apparatus connected with the water system where the steam pressure may be raised in excess of 40 pounds per square inch.

Penalty, see ' 10.99

***METERS*****' 52.35 METER REQUIRED.**

All water furnished by the city water plant shall be measured by meters furnished by the city for that purpose. The cost of installation of meters shall be borne by the owner of the property on which the meter is installed.

Penalty, see ' 10.99

**' 52.36 METER INSTALLATION AND TESTING.**

Every consumer shall provide a suitable and accessible place where a meter can be installed, and the city shall install and maintain same. If the consumer desires to have the meter tested for accuracy, the same shall be done by the city, and a fee of \$1 charged to the customer if the meter registers 98% or more accurate. If the meter registers less than 98% accurate, it shall be replaced, and repaired before installation on another service.

**' 52.37 METER READING.**

For the purpose of reading meters, duly authorized employees of the Water Department of this municipality may legally enter upon any premises at a reasonable hour.

***RATES AND BILLING*****' 52.50 RATES AND BILLING.**

(A) The City Council shall fix water rates and make changes in same as may be necessary. The rates shall be graduated, shall be based upon consumption as shown by meter readings, and shall at all times be reasonable as determined by the actual costs of producing and delivering water. All water charges shall be due and payable monthly at the City office. If the charges are not paid within 20 days of the bill, the water service shall be terminated.

(B) No service of a residential customer shall be disconnected if the disconnection affects the primary heat source for the residential unit when the disconnection would occur during the period between October 15 and April 15, the customer has declared inability to pay on forms provided by the city, the household income of the customer is less than 185 percent of the federal poverty level as documented by the customer to the city, and the customer's account is current for the billing period immediately prior to October 15 or the customer has entered into a payment schedule and is reasonably current with payments under the schedule. The city shall, between August 15 and October 15, of each year, notify all residential customers of these provisions.

***Cross-reference:***

*Liability of landlord for payment of utility services, see ' 50.01*

(C) It is the responsibility of the customer to read their meter and submit the reading to the City office on or before the due date of the bill. If no reading is received, that customer's water use will be estimated based on their average usage. The customer will be charged a rate established by the City Council for calculating this estimate.

(D) In the event that a customer's water usage has been estimated for two consecutive months, at the end of the third month, City personnel will read the meter and the customer will be charged a rate established by the City Council.

#### **' 52.51 DEPOSITS AND GUARANTEES.**

Hereafter the Council reserves the right to demand that any consumer deposit with the City at the time water service is provided to any property owned by the consumer such sum as the Council determines reasonable to protect the city from loss which may result from the consumer's failure or refusal to timely pay water service charges.

### ***REGULATIONS***

#### **' 52.65 USE OF WATER DURING FIRE.**

It is hereby declared unlawful for any person in the city owning or occupying premises connected to the city water system to use, or allow to be used, during a fire any water from the water system, except for the purpose of extinguishing the fire; and upon the sounding of a fire alarm it shall be the duty of every person to tightly close all water service and use no water except in cases of emergency during the fire. Penalty, see ' 10.99

#### **' 52.66 TAKING WATER WITHOUT AUTHORITY.**

It is hereby declared unlawful for any person to take any water from the city water plant except as may be drawn through a meter installed by the city or from any premises not owned by him or her without the permission of the owner thereof. Penalty, see ' 10.99

#### **' 52.67 TAMPERING WITH CUT-OFF VALVES.**

(A) It shall be unlawful for any person except a duly authorized employee of the Water Department to turn any curb cock on or off. Penalty, see ' 10.99

**§ 52.68 CONNECTION TO SYSTEM REQUIRED; USE OF PRIVATE WELLS.**

(A) It shall be unlawful to construct, reconstruct, or repair any private water system or well within the city limits without a permit. Any private water system or well must be isolated and not connected to any pump, well, pipe, tank or other device that is connected with another source of water. A permit for a private water system or well may be granted by the City only if:

- (1) city water is not available; and
- (2) the City Council determines that providing city water is not reasonably practicable under the circumstances.

The application for the permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information deemed necessary by the City.

(B) All new homes and buildings shall connect to the city water system if water is reasonably available to the property. When city water becomes reasonably available to existing homes or buildings, a direct connection shall be made to the public system within a reasonable period of time as determined by the City Council. If the connection is not made pursuant to this chapter, a charge shall be made in an amount established by § 52.50.

(C) All existing abandoned private wells within city limits that are on property already connected to the city water system will be sealed at the property owners expense and in accordance with Minnesota Department of Health requirements on or before August 1, 2010.

(D) Owners of existing abandoned wells must present the city with documentation of completion of sealing the private well by August 1, 2010.

(E) *Abatement.* The Director of Public Works shall be charged with the enforcement of verifying sealing of any non-permitted private well that exists on premises in the city. The officer shall notify in writing the owner or occupant of the premises of such fact and order that such well be sealed. The notice shall be served in person, or by certified or registered mail. If the notice is not complied with within the time specified (60 days), the enforcing officer shall report that fact forthwith to the City Council. Thereafter the City Council shall cause the well to be sealed by the city.

(F) *Recovery of costs; personal liability.* The owner of premises on which the city has sealed a well shall be personally liable for the cost to the city of the sealing, including administrative costs. As soon as the work has been completed and the costs determined, the City Administrator shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Administrator.

(G) *Assessment.* Once the well is sealed and payment is not received, the City Administrator shall, on or before September 1 of the next year following the abatement of the well, list the total unpaid charges along with all other charges, as well as other charges for current services to be assessed under M.S. § 429.01 against each separate lot or parcel to which the charges are attributable. The City Council may then

spread the charges against such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with the current taxes the following year or in annual installments, not exceeding 10 years as the City Council may determine in each case.

Penalty, see § 10.99

## CHAPTER 53: SEWERS

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#### ***Cross-reference:***

*Liability of landlord for payment of utility services, see ' 50.01*

*Public nuisances affecting health; pollution of wells, lakes, and the like, see ' 92.02*

**GENERAL PROVISIONS****' 53.001 DEFINITIONS.**

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

**ACT.** The Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, 33 USC 1251 et seq.

**ASTM.** American Society for Testing Materials.

**AUTHORITY.** The City of Fertile, Minnesota, or its representative thereof.

**BIOCHEMICAL OXYGEN DEMAND (BOD<sub>5</sub>).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C in terms of milligrams per liter (mg/l).

**BUILDING DRAIN.** 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.

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

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

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

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

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

***DIRECTOR OF PUBLIC WORKS.*** The Director of Public Works or a deputy, agent, or representative thereof.

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

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

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

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

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

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

***INDUSTRY.*** Any 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.

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

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

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

***INTERFERENCE.*** The inhibition or disruption of the city's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the city's NPDES and/or SDS Permit. The term includes sewage sludge use or disposal by the city in accordance with published regulations providing guidelines under Section 405 of the Act (33 USC 1345) or any regulations developed pursuant to the Solid Waste Disposal Act (42 USC 6901 et seq.), the Clean Air Act (42 USC 7401 et seq.), the Toxic Substances Control Act (15 USC 2601 et seq.), or more stringent state criteria applicable to the method of disposal or use employed by the city.

***MAY.*** A permissive term.

***MPCA.*** The Minnesota Pollution Control Agency.

**NATIONAL CATEGORICAL PRETREATMENT STANDARDS.** Federal regulations establishing pretreatment standards for introduction of pollutants in publicly owned wastewater treatment facilities which are determined to be not susceptible to treatment by the treatment facilities or would interfere with the operation of the treatment facilities, pursuant to Section 307(b) of the Act (33 USC 1317(b)).

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT.** A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act (33 USC 1342 and 1345).

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

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

**NORMAL DOMESTIC STRENGTH WASTE.** Wastewater that is primarily introduced by residential users with a BOD<sub>5</sub> concentration not greater than 325 mg/l and a suspended solids (TSS) concentration not greater than 325 mg/l.

**PERSON.** Any individual, firm, company, association, society, corporations, or group.

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

**PRETREATMENT.** The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly owned treatment works. (See “National Categorical Pretreatment Standards”)

**PROPERLY SHREDDED GARBAGE.** The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 2 inch (1.27 cm) in any dimension.

**SEWAGE.** The spent water of a community. The preferred term is **WASTEWATER**.

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

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

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

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

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

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

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

**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.

**STORM SEWER** or **STORM DRAIN.** A drain or sewer intended to carry storm waters, surface runoff, ground water, subsurface water, street wash water, drainage, and unpolluted water from any source.

**SHALL.** A mandatory term.

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

- (1) In excess of 25,000 gallons per average work day;
- (2) Has exceeded 5% of the total flow received at the treatment facility;
- (3) Whose waste contains a toxic pollutant in toxic amounts pursuant to Section 307(a) of the Act (33 USC 1317(a)); or
- (4) Whose discharge has a significant effect, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or emissions generated by the treatment system.

**SLUG.** Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment works.

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

**SUSPENDED SOLIDS** or **TOTAL SUSPENDED SOLIDS (TSS).** The total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater," latest edition, and referred to as non-filterable residue.

**TOXIC POLLUTANT.** The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects as defined in standards issued pursuant to Section 307(a) of the Act (33 USC 1317(a)).

**UNPOLLUTED WATER.** Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities. (See “Non-Contact Cooling Water”)

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

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

**WASTEWATER TREATMENT WORKS** or **TREATMENT WORKS.** An arrangement of any devices, facilities, structures, equipment, or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power, and other equipment, and the 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 treatment.

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

**WPCF.** The Water Pollution Control Federation.

#### ' 53.002 LICENSES.

(A) It shall be unlawful for any person to engage in the work or business of installing or repairing private sewer service lines and appurtenances for others without authorization from the City and evidence of a State plumber's license.

(B) Any person desiring to engage in such work shall make application to the city on forms supplied by the city. All licenses issued shall be for one calendar year only, and each renewal shall be made by application together with a \$10 annual fee.

(C) Each plumber doing business in the City shall sign an agreement on a form, supplied by the City, agreeing to pay the city the actual cost of repair for any damage caused to the city sewer system or streets by the applicant or by any of the applicant's employees or agents. This agreement shall accompany the license application. If necessary, the plumber will provide evidence of insurance.

(D) Each applicant shall accompany the application with a certificate of insurance issued by a company acceptable to the city showing public liability insurance coverage with limits of at least \$100,000 per person, \$250,000 per occurrence, and \$10,000 for property damage. Such certificate shall specifically state that it covers underground construction operations and shall contain a provision that the coverage afforded under policies will not be cancelled or materially changed until at least 15 days prior written notice has been given to the City.

Penalty, see " 53.998 and 53.999

### ***DISPOSAL GENERALLY***

#### **' 53.010 EXCREMENT, GARBAGE, AND THE LIKE.**

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 its jurisdiction, any human or animal excrement, garbage, or objectionable waste.

Penalty, see " 53.998 and 53.999

#### **' 53.011 POLLUTED WATER.**

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 chapter and the city's NPDES/SDS permit.

Penalty, see " 53.998 and 53.999

#### ***Cross-reference:***

*Nuisances affecting public health; pollution of wells, lakes, and the like, see ' 92.02*

#### **' 53.012 PRIVIES, SEPTIC TANKS, AND THE LIKE.**

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.

Penalty, see " 53.998 and 53.999

#### **' 53.013 CONNECTION TO PUBLIC SEWER REQUIRED.**

(A) The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes from which wastewater is discharged, and which are 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 90 days of the date the public sewer is operational, provided that the public sewer is within 300 feet of the structure generating

the wastewater. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this section, an official 10-day notice shall be served instructing the affected property owner to make the connection.

(B) In the event an owner shall fail to connect to a public sewer in compliance with a notice given under subdivision (A), the city must undertake to have the connection made and shall assess the cost thereof against the benefited property. The assessment, when levied, shall bear interest at a rate determined by the City Council and shall be certified to the Auditor of Polk County and shall be collected and remitted to the city in the same manner as assessments for local improvements. The rights of the city shall be in addition to any remedial or enforcement provisions of this chapter.

Penalty, see " 53.998 and 53.999

### ***PRIVATE DISPOSAL SYSTEMS***

#### **' 53.025 GENERAL REQUIREMENTS.**

Where a public sewer is not available under the provisions of ' 53.013(A), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this subchapter.

Penalty, see " 53.998 and 53.999

#### **' 53.026 INTERPRETATION.**

No statement contained in this subchapter 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.

#### **' 53.027 PERMIT REQUIRED.**

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

(B) 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 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.

Penalty, see " 53.998 and 53.999

**' 53.028 CONSTRUCTION SPECIFICATIONS.**

The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of Minnesota Rule Chapter 7080, as it may be amended from time to time, entitled "Individual Sewage Treatment System Standards." No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Penalty, see " 53.998 and 53.999

**' 53.029 OPERATION REQUIREMENTS.**

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

Penalty, see " 53.998 and 53.999

**' 53.030 DISCONNECTION UPON AVAILABILITY OF PUBLIC SEWER.**

At the 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 90 days in compliance with this chapter, and within 90 days any septic tanks, cesspools, and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.

Penalty, see " 53.998 and 53.999

***BUILDING SEWERS AND CONNECTIONS*****' 53.040 CONNECTION AUTHORIZATION.**

Any new connection to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to, capacity for flow, BOD<sub>5</sub>, and suspended solids, as determined by the Director of Public Works.

**' 53.041 PERMITS.**

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(B) Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, the name of the owner, the street number of the building to be connected, and how occupied.

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

Penalty, see " 53.998 and 53.999

#### **' 53.042 LICENSES.**

(A) No person shall make a service connection with any public sewer unless regularly licensed under this chapter to perform such work, and no permit shall be granted to any person except a regularly licensed person.

(B) Any person desiring a license to make a service connection with public sewers shall apply in writing to the City 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 Director of Public Works for recommendations to the Council. If approved by the Council, the license shall be issued by the City Administrator upon the filing of a bond as hereinafter provided.

(C) No authorization shall be issued to any person until a form approved by the City Council, is filed with the City Administrator conditioned that the authorized person will defend, indemnify, and hold harmless the city from all suits, accidents, and damage that may arise by reason of any opening in any street, alley, or public ground made by the licensee or by those in the licensee's employment for any purpose whatever, and that the licensee will replace and restore the street and alley over the opening to the condition existing prior to installation, will adequately guard it with barricades and lights, and will keep and maintain the same to the satisfaction of the Director of Public Works, 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.

(D) All authorizations shall expire on January 1 of the license year unless the license is suspended or revoked by the Council for cause.

(E) The Council may suspend or revoke any authorization issued under this subchapter 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 subchapter or any rule or regulation pertaining to the making of service connections.

Penalty, see " 53.998 and 53.999

**' 53.043 INSTALLATION AND CONNECTION COSTS; LIABILITY FOR DAMAGE.**

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

**' 53.044 SEPARATE BUILDING SEWER REQUIREMENT.**

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.

Penalty, see " 53.998 and 53.999

**' 53.045 OLD BUILDING SEWERS.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director of Public Works or his or her representative, to meet all requirements of this chapter.

Penalty, see " 53.998 and 53.999

**' 53.046 CONSTRUCTION SPECIFICATIONS.**

(A) 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.

(B) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

(C) No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or indirectly to the wastewater disposal system.

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

#### **' 53.047 INSPECTION AND CONNECTION.**

The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the Director of Public Works or authorized representative thereof.  
Penalty, see " 53.998 and 53.999

#### **' 53.048 EXCAVATION AND RESTORATION.**

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.  
Penalty, see " 53.998 and 53.999

### ***USE OF PUBLIC SEWERS***

#### **' 53.060 UNPOLLUTED WATER AND THE LIKE.**

(A) No person shall discharge or cause to be discharged any unpolluted water such as storm water, ground water, roof runoff, surface drainage, or non-contact cooling water to any sanitary sewer.

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

Penalty, see " 53.998 and 53.999

**' 53.061 PROHIBITED DISCHARGES.**

No person 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 2 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 (33 USC 1317(a)).

Penalty, see " 53.998 and 53.999

***Cross-reference:***

*Additional prohibited discharges into sanitary sewer, see ' 53.106*

**' 53.062 RESTRICTED DISCHARGES.**

(A) 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 life, limb, public property, or constitute a nuisance. The Director of Public Works may set limitations lower than limitations established in the regulations below if, in his or her opinion, the more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability of wastes, the Director of Public Works will give consideration to such factors as the quantity of subject waste in reaction to flows and velocities in the sewers, the materials of construction of the sewers, the nature of the sewage treatment process, the city's NPDES and/or SDS permit, the capacity of the sewage treatment plant, the degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. 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 Director of Public Works are as follows:

(1) 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.

(2) 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.

(3) Any quantities of flow, concentrations, or both which constitute a “slug” as defined herein. (See ' 51.001)

(4) Any garbage not properly shredded, as defined in ' 51.001. 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.

(5) 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.

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

(7) Non-contact cooling water or unpolluted storm, drainage, or ground water.

(8) Wastewater containing inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in quantities that would cause disruption with the wastewater disposal system.

(9) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director of Public Works in compliance with applicable state or federal regulations.

(10) Any waters or wastes containing the following substances to a degree that the material received in the composite wastewater at the wastewater treatment works is detrimental to treatment processes, adversely impacts land application, adversely affects the receiving waters, or is in violation of standards pursuant to Section 307(b) of the Act: arsenic, cadmium, copper, cyanide, lead, mercury, nickel, silver, total chromium, zinc, and phenolic compounds which cannot be removed by the city's wastewater treatment system.

(11) Any wastewater which creates conditions at or near the wastewater disposal system which violate any statute, rule, regulation, code provision, or ordinance of any regulatory agency or state or federal regulatory body.

(12) Any waters or wastes containing BOD<sub>5</sub> or suspended solids of such character and quantity that unusual attention or expense is required to handle the materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of ' 53.073.

(B) (1) If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in subdivision (A), and/or which in the judgment of the Director of Public Works 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 (33 USC 1317(b)) and all addenda thereof.

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

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

(2) If the city permits the pretreatment or equalization of waste flows, the design, installation, and maintenance of the facilities and equipment shall be made at the owner's expense and shall be subject to the review and approval of the city pursuant to the requirement of the MPCA. Penalty, see " 53.998 and 53.999

**' 53.063 DILUTION OF DISCHARGE.**

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 " 53.061 and 53.062(A), or contained in the National Categorical Pretreatment Standards or any state requirements.

Penalty, see " 53.998 and 53.999

**' 53.064 PRETREATMENT AND FLOW-EQUALIZING FACILITY MAINTENANCE.**

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.

Penalty, see " 53.998 and 53.999

**' 53.065 GREASE, OIL, AND SAND INTERCEPTORS.**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director of Public Works, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in ' 53.062(A)(2), any flammable wastes as specified in ' 53.061(A), sand, or other harmful ingredients; except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Director of Public Works. 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.

Penalty, see " 53.998 and 53.999

**' 53.066 CONTROL MANHOLES.**

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.

Penalty, see " 53.998 and 53.999

**' 53.067 MEASUREMENTS, TESTS, AND ANALYSES.**

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

(B) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter 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 Director of Public Works.  
Penalty, see " 53.998 and 53.999

**' 53.068 SLUGS AND 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 chapter. 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 Director of Public Works for review and approval prior to construction of the facility. Review and approval of the plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. Users shall notify the Director of Public Works immediately upon having a slug or accidental discharge of substances of wastewater in violation of this chapter to enable countermeasures to be taken by the Director of Public Works to minimize damage to the wastewater treatment works. The notification will not relieve any user of any liability for any expense, loss, or damage to the wastewater treatment system or treatment process, or for any fines imposed on the city on account thereof under any state and federal law. Employees shall insure that all employees who may cause or discover such a discharge are advised of the emergency notification procedure.  
Penalty, see " 53.998 and 53.999

**' 53.069 OBSTRUCTIONS; CATCH BASINS AND WASTE 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 any other work as the Director of Public Works 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 Director of Public Works may cause the work to be completed at the expense of the owner or representative thereof.

Penalty, see " 53.998 and 53.999

**' 53.070 CONNECTION REPAIR.**

Whenever any service connection becomes clogged, obstructed, broken, or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause the work to be done as the Director of Public Works 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 Director of Public Works may then cause the work to be done and recover from the owner or agent the expense thereof by an action in the name of the city.

**' 53.071 MOTOR VEHICLE WASHING OR SERVICING FACILITIES.**

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.

Penalty, see " 53.998 and 53.999

**' 53.072 ASSESSMENT FOR REPAIRS.**

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 the person, and may collect the assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the city.

Penalty, see " 53.998 and 53.999

**' 53.073 SPECIAL AGREEMENTS.**

No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern, providing that National Categorical Pretreatment Standards and the city's NPDES and/or State Disposal System Permit limitations are not violated.

***SEWER SERVICE CHARGE SYSTEM*****' 53.085 GENERALLY.**

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

**' 53.086 DEFINITIONS.**

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

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

***BIOCHEMICAL OXYGEN DEMAND (BOD<sub>5</sub>).*** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

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

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

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

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

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

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

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

***INDUSTRIAL USERS or INDUSTRIES.***

(1) (a) Entities that discharge into a publicly owned wastewater treatment works liquid wastes resulting from the processes employed in industrial or manufacturing processes, or from the development of any natural resources. These are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemental under one of the following divisions:

- Division A. Agriculture, Forestry, and Fishing
- Division B. Mining
- Division D. Manufacturing
- Division E. Transportation, Communications, Electric, Gas, and Sanitary Sewers
- Division I. Services

(b) For the purpose of this definition, domestic waste shall be considered to have the following characteristics:

BOD <sub>5</sub>	less than 325 mg/l
Suspended Solids	less than 325 mg/l

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

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

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

***MAY.*** A permissive term.

***NORMAL DOMESTIC STRENGTH WASTEWATER.*** Wastewater that is primarily produced by residential users, with BOD<sub>5</sub> concentrations not greater than 325 mg/l and suspended solids concentrations not greater than 325 mg/l.

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

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

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

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

**REPLACEMENT COSTS.** Expenditures for replacement.

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

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

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

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

**SHALL.** A mandatory term.

**SLUG.** Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

**STANDARD INDUSTRIAL CLASSIFICATION MANUAL.** The manual as produced by the Office of Management and Budget, 1972.

**SUSPENDED SOLIDS (SS) or TOTAL SUSPENDED SOLIDS (TSS).** The total suspended matter that either floats on the surface or is in suspension in water, wastewater, or other liquids, and is removable by laboratory filtering as prescribed in *Standard Methods for the Examination of Water and Wastewater*, latest edition, and referred to as non-filterable residue.

**TOXIC POLLUTANT.** The concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to Section 307(a) of the Act (33 USC 1317(a)), which upon exposure to or assimilation into any organism will cause adverse effects.

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

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

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

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

#### **' 53.087 CONFLICTING PROVISIONS.**

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 (33 USC 1284(b)(2)(A)) and federal regulation 40 CFR 35.2140 of the Environmental Protection Agency's grant regulations.

#### **' 53.088 ESTABLISHMENT OF SEWER SERVICE CHARGE SYSTEM.**

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

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

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

(D) 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 subchapter. Subsequent changes in sewer service rates and charges shall be adopted by Council resolution and shall be published in the local newspaper.

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

(F) Sewer service charges and the Sewer Service Fund will be administrated in accordance with the provisions of ' 53.091.

***Cross-reference:***

*Liability of landlord for payment of utility services, see ' 50.01*

**' 53.089 DETERMINATION OF SEWER SERVICE CHARGES.**

**(A) *User classifications.***

(1) Users of the city wastewater treatment works shall be identified as belonging to one of the following user classes:

- (a) Residential
- (b) Commercial
- (c) Industrial

(2) 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 Administrator. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.

**(B) *Proportionate contributions of users.***

(1) Each residential and commercial user shall pay based upon water consumption, with the sewer charge being 50% of the water charge.

(2) Industrial waste shall be 50% of the water charge unless the BOD goes above 500mg/l at which time the city may assess additional charges.

**' 53.090 SEWER SERVICE FUND.**

(A) (1) The city hereby establishes a Sewer Service Fund as an income fund to receive all revenues generated by the Sewer Service Charge System, and all other income dedicated to the operation, maintenance, replacement, and construction of the wastewater treatment works, including taxes, special charges, fees, and assessments intended to retire construction debt.

(2) The city also establishes the following accounts as income and expenditure accounts within the Sewer Service Fund:

- (a) Operation and Maintenance Account
- (b) Equipment Replacement Account
- (c) Debt Retirement Account

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

(C) Revenue generated by the Sewer Service Charge System sufficient to insure adequate replacement throughout the design or useful life, whichever is longer, of the wastewater facility shall be held separate and apart in the Equipment Replacement Account and dedicated to effecting replacement costs. Interest income generated by the Equipment Replacement Account shall remain in the Equipment Replacement Account.

(D) Revenue generated by the Sewer Service Charge System sufficient for operation and maintenance shall be held separate and apart in the Operation and Maintenance Account.

**' 53.091 ADMINISTRATION.**

The Sewer Service Charge System and Sewer Service Fund shall be administrated according to the following provisions:

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

(2) The City 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 will also determine

whether the user charges are distributed proportionately to each user in accordance with ' 53.088(B) and Section 204(b)(2)(A) of the Federal Water Pollution Control Act (33 USC 1284(b)(2)(A)), 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.

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

(C) In accordance with federal and state requirements, the City Administrator shall be responsible for maintaining all records necessary to document compliance with the Sewer Service Charge System adopted.

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

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

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

#### **' 53.092 DELINQUENT ACCOUNTS.**

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

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

(C) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate of 12% per annum.

### ***PROHIBITIONS***

#### **' 53.105 DAMAGING WASTEWATER FACILITIES.**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor. Penalty, see " 53.998 and 53.999

#### **' 53.106 PROHIBITED DISCHARGES INTO SANITARY SEWER.**

(A) No person shall discharge or cause to be discharged any storm water, ground water, roof runoff, yard drainage, yard fountain, pond overflow, or any substance other than sanitary sewage into the sanitary collection system.

(B) No roof runoff, sump pump, swimming pool discharge, or surface water drainage shall be connected to the sanitary sewer system, and no building shall hereafter be constructed nor shall any existing buildings be hereafter altered in such a manner that the roof drainage or any other source of discharge or drainage other than sanitary sewer shall connect with the sanitary sewer system inside or outside the building.

(C) Any person, firm, or corporation having a roof, sump pump, swimming pool discharge, cistern overflow pipe, or surface drain now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove same prior to September 1, 2010. Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective, workmanlike manner as described in division (D) of this section.

(D) (1) All sump pumps shall have a discharge pipe installed to the outside wall of the building with one inch inside minimum diameter. The pipe attachment must be a permanent fitting, such as PVC pipe with glued fittings. The discharge shall extend at least three feet outside of the foundation wall and must be directed toward the front yard or rear yard area of the property.

(2) Effective September 1, 2010, all new residential construction, having a sump basket, shall have the sump pump installed in the sump basket with permanent fittings and discharged to the outside of the foundation wall as described in the preceding division (D)(1) of this section. Such work shall be completed prior to the final building inspection and issuance of a certificate of occupancy.

(E) Every person owning improved real estate that discharges into the city's sanitary sewer system shall allow city employee(s) to inspect the buildings to confirm that there is not sump pump or other prohibited discharge into the sanitary sewer system. Any person refusing to allow property to be inspected shall immediately become subject to the surcharge hereinafter provided for. Any property found to violate this section shall make the necessary changes to comply with this section, and such changes shall be verified by city employee(s).

(F) A surcharge of \$75 per month is hereby imposed and shall be added to every sewer billing mailed on and after January 1, 2010, to property owners who are not in compliance with this section. The surcharge shall be added every month, until the property is in compliance. In the event a violation of this section is discovered upon inspection of new construction, the surcharge shall be paid to the city prior to the issuance of an occupancy permit. The imposition of such surcharge shall in no way limit the right of the city to seek an injunction in district court ordering the property owner to disconnect the non-conforming connection to the sanitary sewer system or from pursuing any other legal remedies available.

(G) Upon verified compliance with this section the city reserves the right to inspect such property at least yearly to verify compliance herewith.

Penalty, see " 53.998 and 53.999

***Cross-reference:***

*Additional prohibited discharges into sanitary sewer, see ' 53.061*

***ADMINISTRATION AND ENFORCEMENT*****' 53.115 DIRECTOR OF PUBLIC WORKS.**

The Director of Public Works 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 chapter to the end that a proper and efficient public sewer is maintained.

**' 53.116 INSPECTORS.**

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

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

(C) While performing necessary work on private properties, the Director of Public Works 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 ' 53.066.

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

**' 53.998 VIOLATIONS.**

(A) Any person found to be violating any provision of this chapter, except " 53.085 et seq., shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(B) Any person who shall continue any violation beyond the time limit provided for in division (A) shall be guilty of a misdemeanor, and on conviction thereof shall be guilty of a misdemeanor and shall be punished as provided in ' 53.999.

(C) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned by the city by reason of the violation.

**' 53.999 PENALTY.**

Whoever violates any provision of this chapter, except ' 53.085 et seq., shall be guilty of a misdemeanor and punished in accordance with ' 10.99.