CHAPTER 3

MUNICIPAL UTILITIES - RULES AND REGULATIONS, RATES, CHARGES AND COLLECTIONS

SECTION 3.01. DEFINITIONS. As used in this Chapter, the following words and terms shall have the meanings stated:

1. "Utility" means all utility services, whether the same be public City-owned facilities or furnished by public utility companies.

2. "Municipal Utility" means any City-owned utility system or utility provided pursuant to contract with the City, including, but not by way of limitation, water, sewerage, and refuse service.

3. "Company", "Grantee", and "Franchisee" mean any public utility system to which a franchise has been granted by the City.

4. "Consumer" and "Customer" mean any landowner and/or any user of a utility.

5. "Service" means providing a particular utility to a customer or consumer.

SEC. 3.02. FIXING RATES AND CHARGES FOR MUNICIPAL UTILITIES. All rates and charges for municipal utilities, including, but not by way of limitation, rates for service, permit fees, deposit, connection and meter testing fees, disconnection fees, reconnection fees including penalties for non-payment if any, shall be fixed, determined and amended by the Council and adopted by resolution. Such resolution, containing the effective date thereof, shall be kept on file and open to inspection in the office of the City Administrator and shall be uniformly enforced. For the purpose of fixing such rates and charges, the Council may categorize and classify under the various types of service, provided, that such categorization and classification shall be included in the resolution authorized by this Section.

SEC. 3.03. CONTRACTUAL CONTENTS. Provisions of this Chapter relating to municipal utilities shall constitute portions of the contract between the City and all consumers of municipal utility services, and every such consumer shall be deemed to assent to the same.

SEC. 3.04. RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITIES.

Subd. 1. Billing, Payment and Delinquency. All municipal utilities shall be billed monthly or quarterly and a utilities statement or statements shall be mailed to each consumer. All utilities charges shall be delinquent if they are unpaid at the close of business on the 30th day following such billing, provided, that if the 30th day shall fall on a Saturday, Sunday or legal holiday, the time shall be extended to the close of business on the next succeeding day on which business is normally transacted. A penalty shall be added to, and become part of, all delinquent utility bills. If service is suspended due to delinquency it shall not be restored at that location until any disconnect and reconnect charges have been paid for each utility and all amounts owed for service and penalties have been paid.

Subd. 2. Application, Connection and Sale of Service. Application for municipal utility services shall be made upon forms supplied by the City, and strictly in accordance therewith. No connection shall be made until consent has been received from the City to make the same. All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of such utilities taken as metered or ascertained in connection with such rates.

Subd. 3. Discontinuance of Service. All municipal utilities may be shut off or discontinued whenever it is found that:

A. The owner or occupant of the premises served, or any person working on any connection with the municipal utility systems, has violated any requirement of the City Code relative thereto, or any connection therewith, or,

B. Any charge for a municipal utility service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid thirty (30) days after notice thereof, or,

C. There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefore, or,

D. Utility services shall not be shut off or discontinued until the property owner or occupant, as the case may be, has been provided with notice of such termination.

Subd. 4. Discontinuance Procedure.

A. When an account is past due, the City shall send the property owner, at the service address and at any other address provided in writing, by the property owner to the City, a notice of delinquency and intent to discontinue service, which notice shall state the date and time service will be terminated, which shall be no less than twenty (20) days of the date after the date of the notice, the reason for termination, the person to contact and how to contact that person to whom the property owner should speak if they believe that the bill is erroneous, the action, if any, that the property owner can take to prevent the discontinuance of service.

B. Ten (10) days after the initial notice of delinquency and intent to discontinue service, a reminder notice shall be sent to the property owner at the service address and at any other address provided in writing by the property owner to the City reminding the property owner of the intent of the City to discontinue service, stating the date and time service will be terminated, the reason for the termination, and reiterating the action, if any, that the property owner can take to prevent the discontinuance of service.

C. If the account is not brought current within the time prescribed in the notice, the City may, at its option, shut off the water service line at the curb stop.

D. Once discontinued, service shall not be restored until the account is brought current by paying the full balance due on the account, including all charges for service, penalties, disconnect and reconnect fees as fixed, determined and amended by the Council and adopted by Resolution in accordance with Section 3.02.

E. Regardless of whether the City exercises its right to discontinuation of service, the City reserves the right to assess unpaid water and sewer bills as a part of a special assessment against the property.

Subd. 5. Ownership of Municipal Utilities. Ownership of all municipal utilities, plants, lines, mains, extensions and appurtenances thereto, shall be and remain in the City and no person shall own any part of portion thereof. Provided, however, that private facilities and appurtenances constructed on private property are not intended to be included in municipal ownership.

Subd. 6. Right of Entry. By applying for, or receiving, a municipal utility service, a customer irrevocably consents and agrees that any City employee acting within the course and scope of his employment may enter into and upon the private property of the customer, including dwellings and other buildings, at all reasonable times under the circumstances, in or upon which private property a municipal utility, or connection therewith, is installed, for the purpose of inspecting, repairing, reading meters, connecting or disconnecting the municipal utility service.

Subd. 7. Meter Test. Whenever a consumer shall request the City to test any utility meter in use by him, such a request shall be accompanied by a cash deposit for each meter to be tested. If any such meter is found to be inaccurate the same shall be replaced with an accurate meter and the deposit thereon refunded. If the meter shall be found to be accurate in its recordings or calculations it shall be reinstalled and the deposit may be retained by the City to defray the cost of such test.

Subd. 8. Unlawful Acts.

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

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

C. It is unlawful for any person to turn on or connect a utility when the same has been turned off or disconnected by the City for non-payment of a bill, or for any other reason.

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

Subd. 9. Municipal Utility Services and Charges a Lien.

A. Payment for all municipal utilities (as that term is defined in City Code, Section 3.01) service and charges shall be the primary responsibility of the fee owner of the premises served and shall be billed to such owner unless otherwise contracted for an authorized in writing by the fee owner and any other person (such as a tenant, contract purchaser, manager, etc.), as agent for the fee owner, and consented to by the City of Paynesville, Minnesota. The City may collect the same in a civil action or, in the alternative and at the option of the City, as otherwise provided in this Subdivision.

B. Each such account is hereby made a lien upon the premises served. All such accounts which are more than thirty (30) days delinquent may, when authorized by resolution of the Council, be certified by the City Administrator of the City of Paynesville, Minnesota, to the County Auditor, and the City Administrator in so certifying shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City along with other taxes.

Subd. 10. Notice and Hearing. Utility service and charges shall not be certified for collection with taxes until the property owner has been provided with notice of such proposed certification and given an opportunity to be heard before the Council.

Subd. 11. Connection or Tapping Prohibited – Delinquent Assessments or Charges. No permit shall be granted to tap or connect with sewer or water mains when any assessment or connection charge for such sewer or water main against the property to be connected is in default or delinquent. If such assessment or connection charges are payable in installments, no permit shall be granted unless all installments then due and payable have been paid.

Subd. 12. Abandoned Services – Penalties. All service installations connected to the water and sewerage system that have been abandoned or, for any reason, have become useless for further service shall be forthwith disconnected at the main. The owner of the premises served shall pay all costs of excavation, capping, main and street restoration. The City may perform or contract for the actual disconnection and all pipe and appurtenances removed from the street right-of-way shall become the property of the City. It is unlawful for any person to cause or allow any service pipe to be hammered or squeezed together at the ends to stop the flow of water, or to improperly remove such pipe from the main. Also, such improper disposition thereof shall be corrected by the City and the cost incurred shall be borne by the person causing or allowing such work to be performed. If any property owner shall fail to pay the costs incident to services performed under this Section, the City may collect payment therefore as any other utility charge.

Subd. 13. Repair of Water and Sewer Service Lines. The City shall bear the expense for the repair of the water and sewer service lines form the main to the property line, including the curb stop. The property owner shall notify the City if he experiences a problem in his sewer or water service line. The City shall evaluate the nature of the problem and make the determination regarding the repair. The property owner shall bear the expense of the repair form the curb stop or property line to the building, and sewer clean out.

Subd. 14. Replacement of Utility Service Lines. The City reserves the right to assess the property owner for the cost of replacing water and sewer service lines form the main to the property line. This assessment shall be levied at a time considered to be prudent by the City, but in no case shall it be more than four years form the time of replacement.

(Sections 3.05 through 3.19, inclusive, reserved for future expansion.)
(Pages 58 through 62 reserved)

SEC. 3.20. RULES AND REGULATIONS RELATING TO WATER SERVICE.

Subd. 1. Deficiency of Water and Shutting Off Water. The City is not liable for any deficiency or failure in the supply of water to customers whether occasioned by shutting the water off for the purpose of making repairs or connections or by any other cause whatever. In case of fire, or alarm of fire, water may be shut off to insure a supply for fire fighting. In making repairs or construction of new works, water may be shut off at any time and kept off so long as may be necessary.

Subd. 2. Repair of Leaks. It is the responsibility of the consumer or owner to maintain the water service from the property line into the house or other building. In case of failure upon the part of any consumer or owner to repair any leak occurring in his water service within five (5) days after oral or written notice has been given the owner or occupant of the premises, the water may be shut off and will not be turned on until a reconnection charge has been paid and the water service has been repaired. When the waste of water is great or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately.

Subd. 3. Increasing Size of Water Service. When it is desired to increase the size of water service from the main, a new permit shall be taken out and the connection charge shall be made as if this were a new service.

Subd. 4. Service Pipes. Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than seven (7) feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing. Frozen service pipes between the curb stop and the building shall be the responsibility of the owner. Service pipes must extend from the curb stops (at property lines) to the inside of the building; or if not taken into a building then to the hydrant or other fixtures which they are intended to supply. A valve, the same size as the service pipe, shall be placed close to the inside wall of the building, ahead of the meter and well protected from freezing. There shall be no joint used for a service up to sixty (60) feet in length, or less, and not more than one joint per service up to one hundred (100) feet. All joints shall be left uncovered until inspected. Minimum size connection with the water mains shall be one-inch (1”) in diameter. All pipe and fittings shall comply with the specifications on record at the office of the City of Paynesville’s Public Works Director.

Subd. 5. Private Water Supplies. No water pipe of the City water system shall be connected with any pump, well, pipe, tank or any device that is connected with any other source of water supply and when such are found, the City shall notify the owner or occupant to disconnect the same and, if not immediately done, the City water shall be turned off. Before any new connections to the City system are permitted, the City shall ascertain that no cross-connections will exist when the new connection is made. When a building is connected to "City

Water" the private water supply may be used only for such purposes as the City may allow.

Subd. 6. Prohibited Uses or Restricted Hours. Whenever the City shall determine that a shortage of water threatens the City, the provisions of the "City of Paynesville Emergency Water Supply and Conservation Plan" will be enacted. It is unlawful for any water consumer to cause or permit water to be used in violation of such determination after public announcement thereof has been made through the news media specifically indicating the restrictions thereof.

Subd. 7. Private Fire Hose Connections. Owners of structures with self-contained fire protection systems may apply for and obtain permission to connect the street mains with hydrants, large pipes, and hose couplings, for use in case of fire only, at their own installation expense and at such rates as the Council may adopt by resolution as herein provided. Fire service connections shall be separate from domestic service connections. No dual usage service will be allowed.

Subd. 8. Opening Hydrants. It is unlawful for any person, other than members of the Fire Department or other person duly authorized by the City, in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the same or in any manner interfere therewith. It is also unlawful for any person so authorized to deliver or suffer to be delivered to any other person any hydrant key or wrench, except for the purposes strictly pertaining to their lawful use.

Subd. 9. Un-metered Service. Un-metered service may be provided for construction, flooding skating rinks, and any other purpose. Such service shall be at a duly adopted rate. Where it is difficult or impossible to accurately measure the amount of water taken, un-metered service may be provided and the un-metered rate applied; provided, however, that by acceptance thereof the consumer agrees to have the City estimate the water used. In so estimating the City shall consider the use to which the water is put and the length of time of un-metered service.

Subd. 10. Water Meters. All water meters shall be purchased by the property owner and maintained by the City. All repairs of water meters not resulting from normal usage shall be the responsibility of the property owner. Any other meter in need of replacement, shall be replaced with a remote type which shall be furnished and maintained by the City. All water meters shall be installed and controlled by the City and the cost of installation shall be the responsibility of the property owner. Any remote type meter in need of replacement by reason of normal usage shall be furnished and installed by the City, thereafter, the City shall own such meter.

Subd. 11. Code Requirement. All piping, connections and appurtenances shall be installed and performed strictly in accordance with the Minnesota Plumbing Code. Failure to install or maintain the same in accordance there with or failure to have or permit required inspections shall, upon discovery by the City, be an additional ground for termination of water service to any consumer.

(Sections 3.21 through 3.29, inclusive, reserved for future expansion.)
(Pages 66 through 69 reserved)

SEC. 3.30. RULES AND REGULATIONS RELATING TO SEWERAGE SERVICE.

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

1. "BOD" (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days of 20[C, expressed in milligrams per liter.

2. "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside walls of the building and conveys it to the building sewer, beginning five (5) feet (l.5 meters) outside the inner face of the building wall.

3. "Building Sewer" means the extension from the building drain to the public sewer or other place of disposal.

4. "Combined Sewer" means a sewer receiving both surface runoff and sewage.

5. "Garbage" means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

6. "Industrial Wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

7. "Natural Outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

8. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

9. "Properly Shredded Garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2”) (l.27 centimeters) in any dimension.

10. "Public Sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

11. "Sanitary Sewer" means a sewer which carries sewage and to which storm, surface, and ground waters are not admitted.

12. "Sewage" means 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.

13. "Sewage Treatment Plant" means any arrangement of devices and structures used for treating sewage.

14. "Sewage Works" means all facilities for collecting, pumping, treating, and disposing of sewage.

15. "Sewer" means a pipe or conduit for carrying sewage.

16. "Slug" means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

17. "Storm Drain" (sometimes termed "Storm Sewer") means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

18. "Total Suspended Solids (TSS)" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory findings.

19. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

20. "National Pollutant Discharge Elimination System Permit (NPDES)" means a permit issued by the U.S. EPA setting limits on pollutants that a permitter may legally discharge into navigable waters of the U.S. pursuant to the Federal Water Pollution Control Act of l972, Sections 402 and 405.

2l. "Normal Domestic Strength Waste" means wastewater characterized by wastes created in the preparation of foods, bathing, laundry facilities (resulting from normal living functions) and whose wastewater characteristics do not exceed (270) mg/l BOD_5 and (320) mg/l TSS, and is identified for the purpose of determining surcharge rates.

22. "CFR" means Code of Federal Regulations.

23. "Debt Service Charge" means the total charge levied on users for the purpose of paying construction costs (including principals and associated interest) or obligations incurred to finance the acquisition and/or construction of the wastewater facility.

24. "User Charge" means a charge levied on users of a treatment works for users' proportionate share of cost of operation and maintenance including replacement.

25. "Replacement" means expenditures for obtaining and installing equipment, accessories or appurtenances necessary for useful life of treatment works.

26. "Operation and Maintenance (O & M) Costs" means the annual expenditures necessary for the adequate wastewater collection, transport and treatment on a continuing basis, to produce an effluent for discharge which conforms to all related Federal, State and local requirements. The term "Operation and Maintenance" includes replacement.

27. "Sewer Service Charge" means the user charge plus the debt service charge.

28. "Surcharge" means a fee which is imposed upon any user discharging wastewater with BOD_5 and TSS in excess of those values defined as normal domestic sewage.

29. "User Classes" means the division of wastewater treatment customers by wastewater characteristics and process or discharge similarities.

30. "Residential User Class" includes all dwelling units such as detached and row houses, mobile homes, apartments, and permanent multi-family dwellings (transient lodging, considered commercial in nature, is not included).

31. "Commercial User Class" includes transient lodging, retail and wholesale establishments or places engaged in selling merchandise for personal, household, or industrial consumption, and/or rendering services to others.

32. "Industrial User Class" means any users who discharge to the City's wastewater facility, any liquid, solid or gaseous wastes resulting from the processes employed in industry or manufacturing or in the development of any natural resources.

33. "Governmental Users" means municipalities, townships, counties, States and Federal government or branches of the same.

34. "Institutional Users" means such as hospitals, schools, sanatoriums, penal or charitable institutions.

Subd. 2. Use of Public Sewers Required.

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

B. It is unlawful for any person to discharge to any natural outlet within the City, or in any area under jurisdiction of said City, any sewage or other polluted waters except where suitable treatment has been provided in accordance with this Section.

C. Except as hereinafter provided, it is unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage, within the City.

D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located any public sanitary sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Section, within ninety (90) days after the date of official notice to do so, provided that said public sewer is within one hundred (l00) feet (30.5 meters) of the property line.

Subd. 3. Private Sewage Disposal.

A. Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Subdivision.

B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the City Engineer. Where topographic conditions, soil and percolation tests may be questionable, the application shall be referred to the Engineer. The application for such permit shall be made on a form furnished by the City. A permit and inspection fee shall be paid to the City at the time the application is filed.

C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Engineer and Stearns County Environmental Services. He shall be allowed to inspect the work at any stage of construction. The inspection shall be made within twenty-four (24) hours of the receipt of notice.

D. The type, capacities, locations, and layout of a private sewage disposal system shall comply with all requirements of Minnesota State Rule 6 MCAR 4.8040. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than forty thousand (40,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. The owner of any building or property located within the City, or in any area under the jurisdiction of the City, and from which wastewater is discharged, shall be required to connect to a public sewer at the owner's expense within ninety (90) days after service of official notice to do so, provided that said public sewer is reasonably available for connection. Said official notice shall be given by the City Administrator, and shall be served upon the owner personally or by certified mail. Where property is serviced by a private sewer system which had been in use for less than twelve (12) years at the time the public sewer becomes available for connection, service of the official notice may be delayed in accordance with the following procedure at the property owner's request:

1. For systems installed after July 1, 2007, official notice may be delayed for a period of time computed under the following formula:

144 minus "x" = the number of months that service of notice is delayed.

"x" = the number of months during which the private sewer system has been in use as of the date connection to the public system becomes available,

or until the property is transferred, which ever is first. Upon transfer of a property with a system installed after July 1, 2007, the property shall be required to connect to a public sewer at the owner's expense within 90 days after service of official notice to do so, provided that said public sewer is reasonably available for connection. It shall be the responsibility of the seller of such a property to disclose to potential buyers the requirement of connection.

2. For systems installed prior to July 1, 2007, official notice shall not be given unless the private sewer system fails to comply with applicable State, County and City private septic system standards or is no longer properly functioning. Upgrading or replacing an existing private septic system will not be allowed if City Service is available.

3. No delay in notice shall be granted unless the private sewer system complies with all applicable State, County and City private septic system standards and requirements and is properly functioning. However, any period of delay in official notice shall end when a property is sold.

F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

G. No statement contained in this Subdivision shall be construed to interfere with any additional requirements that may be imposed by Stearns County Environmental Services.

H. When a public sewer becomes available, the building sewer shall be connected to said sewer within the time constraints identified in Paragraph E and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel.

Subd. 4. Building Sewers and Connections.

A. It is unlawful for an unauthorized person to uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Engineer.

B. There shall be two (2) classes of building sewer permits: (l) for residential and commercial service and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City Engineer. The permit and inspection fees for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the City at the time the application is filed.

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

D. 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 as one building sewer. Additional sewer service availability, connection fee, and hold harmless clause is necessary for separate ownerships.

E. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Plumbing Inspector, to meet all requirements of this Section.

F. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City.

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

H. It is unlawful for any person to make or have any connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

I. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City. All such connections shall be made gastight and watertight. And deviation from the prescribed procedures and materials must be approved by the Plumbing Inspector before installation.

J. The applicant for the building sewer permit shall notify the Plumbing Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the general supervision of the City Engineer or the Plumbing Inspector.

K. 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.

L. Future connections to the sewer system shall be limited in accordance to the availability of sufficient treatment capacity.

Subd. 5. Use of Public Sewers.

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

B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the City Engineer. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Engineer, to a storm sewer, or natural outlet, subject to permits of regulate agencies.

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

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

2. Any waters or waste containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to, cyanides in excess of Federal and State requirements in the wastes as discharged to the public sewer.

3. Any waters or wastes having a pH lower than 5.0 or higher than 11.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

D. It is lawful for any person to discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the City Engineer and/or the Public Works Director, that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the City Engineer and/or the Public Works Director will give consideration to such factors as the quantities of subject waste in relation to the flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any wastewater that would directly or indirectly result in a violation of the City's NPDES Permit.

2. Any liquid or vapor having a temperature higher than 150 degrees F (65 degrees C).

3. Any water or waste 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 degrees and 150 degrees F (0 and 65 degrees C).

4. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Public Works Director of the City Engineer.

5. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.

6. Any waters or wastes containing iron, chromium, copper, zinc, nickel, lead, cadmium, mercury, cyanide, P.C.B.'s, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Minnesota Pollution Control Agency for such materials.

7. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Public Works Director as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

8. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Public Works Director, in compliance with applicable State or Federal regulations.

9. Any waters or wastes having a pH less than 5.0 or in excess of 11. A $200.00 per occurrence surcharge shall be assessed for failure to meet this requirement at any time on or after August 1, 2008.

10. Materials which exert or cause:

a) Unusual concentrations of inert suspended solids (such as, but not limited to, plastics, Fullers earth, lime slurries, and lime residues), or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate). A $200.00 per occurrence surcharge shall be assessed for failure to meet this requirement at any time on or after August 1, 2008.

b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works, except by permit or special agreement.

d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

11. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

E. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated

herein, and which in the judgment of the City Engineer and/or the Public Works Director may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Engineer and/or the Public Works Director may: (1) reject the wastes; (2) require pretreatment to an acceptable condition for discharge, and/or public sewers; (3) require control over the quantities and rates of discharge; and/or; (4) require payment to cover the added costs of all measurements, tests and analyses of characteristics of water and wastes, also the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of this Section.

1. If the Engineer or the Public Works Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Engineer and the Public Works Director, and subject to the requirements of all applicable codes, City Code provisions, and 40 CFR 307 pretreatment standards.

F. Grease, oil, and sand interceptors shall be provided when, in the opinion of the City Engineer, Plumbing Inspector, and Public Works Director, they are necessary for the proper handling of liquid wastes and containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. All interceptors shall be a type and capacity approved by the City Engineer and shall be located as to be readily and easily accessible for cleaning and inspection.

G. Where preliminary treatment or flow-equalizing facilities are provided for any wastes or water, they shall be maintained continuously in satisfactory effective operation by the owner at his expense.

H. When required by the City Engineer and/or the Public Works Director, the owner of any property service by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plan approved by the City Engineer. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

I. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Section shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater”, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable sample 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. Sampling shall be carried out by customarily accepted methods to reflect the effect to constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but no always, BOD and suspended solids analyses are obtained from twenty four (24) hour composites of all outfalls whereas pH’s are determined from periodic grab samples).

J. Any waters or wastes containing BOD and/or TSS of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment works, except as may be permitted by specific written agreement with the City, whereby such agreement provides for specific charges, payments, or provisions of treating, testing equipment provided, however, that such agreement shall have the prior approval of the Public Works Director and the payments for such service meet the requirements of Section 204(B) of the Act and City's Sewer Service Charge System.

Source: Ordinance No. 108, 2nd Series
Effective Date: 09-18-08

Subd. 6. Protection From Damage. It is unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Subd. 7. Power and Authority of Inspectors.

A. The City Engineer and/or the Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Section.

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

C. The City Engineer and/or the Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said property. All entry and subsequent work if any on said property shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Subd. 8. Sewage Disposal; Rates and Rules. A sewer service charge is hereby imposed upon each premises served by the sewage system or otherwise discharging sewage into the sewerage system. The sewer service charge by definition, includes separate fair share portions for (l) operation, maintenance and replacement costs, and (2) debt service charges. The sewer service charge shall be billed on a quarterly basis (except as to industrial usage charge which is billed monthly), and shall be as established by Council resolution in accordance with the User Charge System as approved by the Minnesota Pollution Control Agency. The Council may, by resolution, establish a "special user" billing schedule.

A. The rates, rules and regulations hereinafter set forth, shall be a part of

the contract with every person, firm, corporation or cooperative whom is supplied with sewer through the sewer systems of the City and every such sewer user shall be considered as having consented to be bound thereby.

B. The sewer service charges are hereby imposed upon each lot, parcel of land, building or premises served by the sewage system or otherwise discharging sewage (including industrial wastes) into the sewerage system. Such sewer service charges shall be based upon residential equivalent units for each user class. Appendix A (which is adopted by reference as though set forth verbatim herein) outlines the approved method for the determination of the monthly user charges. Where there are no previous charges on which to base the usage, it shall be the duty of the Billing Clerk to fairly estimate the residential equivalent representative of the user and its appropriate sewer service charge.

C. No single connection shall be charged less than normal domestic rates.

D. Sewer service charges for industrial users shall be based on actual usage (i.e. flow, BOD_5 and TSS) and as determined by the method in Appendix A. Furthermore, all industrial users shall contract for sewer service by Special Agreement. A. M. P. I., and Master Mark Plastics shall be charged in this manner and by Special Agreement included in Appendix B (which is adopted by reference as though set forth verbatim herein).

E. Annually, as of January 1, 1985, and thereafter, rates as established in Appendix A shall be reviewed and rates adjusted to reflect actual costs of maintenance, operation, replacement and debt service costs. The individual users shall be notified annually of the costs of operation, maintenance, and replacement.

F. Rates as herein established shall be effective from and after January 1, 1985.

Subd. 9. Sewage Disposal Monies. Monies received by the City resulting from payment of monthly sewer service charges by the responsible users shall be placed in a separate sewage treatment fund. The Fund shall maintain separate accounting of the two major components of the sewer service charge, OM & R, and debt service, in amounts as prescribed in Appendix A. Furthermore, any monies received from the sale of any by-products arising out of sewage treatment or disposal shall be credited to this Fund. The monies so received shall be recorded, deposited, secured and paid out as are other funds of the City to meet the annual costs of the facilities.

Subd. 10. Cleaning of Sewer Service Lines. The sewer service line from the sewer main to the building shall be cleaned by the property owner at his expense.

Subd. 11. Repair of Broken Service Lines. The City shall repair or replace any sewer service line from the main to the property line The property owner shall be responsible for the repair or replacement of any sewer service line from the property line to the building.

Subd. 12. Action on Complaint. Upon a complaint from a property owner of a possible broken sewer service line, the City shall excavate and if it finds no repair or replacement necessary, the property owner shall be billed for expenses incurred. If not paid within sixty (60) days, the City will certify the amount to the County for collection with an additional late fee charge of ten percent (l0%).

Subd. 13. Cleanouts Required. Sewer service cleanouts are required on new and existing installations outside of the building on the owner's property and at the owner's expense. On existing installations, sewer service cleanouts will be installed when any repair or replacement is required. Such installation shall be at the owner's expense.

Subd. 14. As-Built Drawing. Whenever a new service is constructed or an existing service replaced, the property owner shall be required to submit a drawing detailing the location of the service from the right-of-way to the house or building. The drawing shall include dimensions to all bends and termination points from permanent structures, such as a building corner.

SEC. 3.31. DISCHARGE OF SURFACE WATER PROHIBITED.

Subd. 1. Prohibition. It is a petty misdemeanor for any owner, occupant or user of any premises to direct into or allow any storm water, surface water or ground water, to drain into the sanitary sewer system. It is a violation of this Section to make or maintain a connection between, or allow discharge from, any rain spout, roof drain or other form of surface drainage, foundation drainage or sump pump into the sanitary sewer system.

Subd. 2. Sump Pump and Rigid Pipe Required.

A. New Subdivisions - All Construction. A sump pump and rigid pipe discharge connection to the outside shall be required for all construction in new subdivisions when it is determined necessary by the City Engineer to protect sanitary sewer infiltration. The Engineer shall conduct his analysis and make his determination of soil conditions on a subdivision basis. The sump pump and rigid pipe discharge requirement will apply to all units constructed within a specific subdivision.

B. Existing Subdivisions - New Construction. Any new construction in a subdivision platted prior to the effective date of this Section shall be examined by the City Engineer or Maintenance Supervisor when the footing inspection is made. At that time the City Engineer will determine, based upon excavated soils, whether the sump pump and rigid connection are required. Should the building owner choose the option of installing a sump pump and rigid connection where they are not required, they shall be installed in accordance with this Section.

C. Existing Subdivisions - Existing Construction. Any existing construction in a subdivision platted prior to the effective date of this Section in which a sump pump has been or will be installed, shall be required to install a rigid pipe connection discharge in accordance with this Section. It is a petty misdemeanor to maintain any connection with the sanitary sewer system carrying roof water, ground water, surface water or any other natural precipitation after the effective date of this Section.

D. Exceptions. In certain locations where surface storm water discharge would create a safety hazard during freezing weather, connection to the sanitary sewer may be maintained from October l5th to March l5th. In no case shall any connection to the sanitary

sewer be maintained from March l5th to October l5th. Exceptions will be granted by permit on a case by case basis as determined by the City Engineer or Maintenance Superintendent.

Subd. 3. Sump Pump and Rigid Pipe - Method of Installation.

A. The building shall have a drain tile placed around the inside or outside perimeter of the foundation connected to a sump pit. All baseboard seepage collection systems shall be discharged to the sump pit. The sump pit shall be located at least ten (l0) feet away from the inside sanitary floor drain.

B. A discharge pipe shall be installed to the outside wall of the building with rigid pipe (plastic, copper, galvanized or black pipe) one (l) inch inside diameter minimum. The discharge pipe must have a check valve within one (l) foot of the floor grade and a union or other approved coupling for easy disconnection for repair or replacement.

C. Alternate Methods of Installation. The discharge pipe may be connected directly to the municipal underground storm sewer system provided the discharge is at a higher elevation than the normal flow level and that an approved backflow prevention device is installed.

Subd. 4. Notice of Violation. Any person found to be violating any provision of this Section 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. Corrections not made within the period of time stated in such notice shall be subject to a surcharge of $100.00 per month until the violation is corrected, or, at the option of the City, the City may correct it and collect all costs together with reasonable attorney's fees and the collection fees by suing the owner in a court of competent jurisdiction, or in the alternative, by certifying said costs of correction as any other special assessment upon the land from which said correction of said violation was made.

Subd. 5. Inspection Authority. The City Engineer or Maintenance Superintendent and 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 discharge to the sanitary sewer system in accordance with the provisions of this Section.

Source: Ordinance No. 99, 2nd Series
Effective Date: 08-02-07

SEC. 3.32. INDUSTRIAL PRETREATMENT AGREEMENT. (Codifier's Note: See Chapter 20.)

Source: Ordinance No. 4, 2nd Series
Effective Date: 03-16-1994

(Sections 3.33 through 3.39, inclusive, reserved for future expansion.)

(Pages 84 through 88 reserved)

SEC. 3.40. RULES AND REGULATIONS RELATING TO REFUSE COLLECTION AND DISPOSAL.

Subd. 1. Definition.

1. "Refuse" includes "Garbage" and "Rubbish" of all kinds, both organic and inorganic, which accumulates in the ordinary operation of a household, including all putrescible wastes, animal offal, the carcasses of dead animals, ashes and other refuse small enough to go into a thirty (30) gallon garbage can, but specifically excluding human excreta, sewage and other water-carried wastes. Also excluded are all non-putrescible wastes such as rocks, earth, sand, gravel, brick, stone, plaster, wood and other similar substances which may accumulate as a result of construction or demolition operations.

Subd. 2. Purpose. The purpose of this Section is to maintain and protect the public health and sanitation of the residents of the City by the removal of refuse from the residences and business places, and to prevent the unregulated and unrestricted hauling of refuse by other means than through the refuse collection system established by this Section so as to eliminate the dispersal of refuse along the streets, roads and other properties in the City.

Subd. 3. Collection. All refuse accumulated in residences in the City shall be collected, conveyed and disposed of by the City or by its duly authorized contractor. It is unlawful for any person to collect or dispose of any refuse accumulated from any residential premises in the City other than his own except the City or its designated contractor. A charge will be imposed upon the owners of residential property regardless of whether or not the service is utilized by the residents thereof.

Subd. 4. Refuse Containers. Refuse containers shall be carts or recycling containers provided by the City's refuse hauler or such other container as the customer may provide. Customer provided containers shall have tight fitting covers, shall be water tight and shall not have a capacity exceeding 30 gallons.

Source: Ordinance No. 78, 2nd Series
Effective Date: 11-04-2004

Subd. 5. Storage of Containers. Except on days scheduled for collection, refuse containers shall be stored out of view of the public street, and on the day of collection shall be made readily accessible to the collector, within ten (l0) feet of the curb line of the public street.

Subd. 6. Collection Practices.

A) Frequency of Collection. Refuse shall be collected not less than once each month, or according to a schedule to be determined by the Council.

B) Limits on Quantity. Quantities shall be limited to the contents of a customer's cart and recycling containers and such other properly tagged plastic bags or containers of a size capable of being handled by one person and not exceeding 35 pounds or 30

gallons. For larger quantities or larger individual items, the customer must make arrangements directly with the refuse hauler regarding pickup and fees.

Source: Ordinance No.78, 2nd Series
Effective Date: 11-04-2004

Subd. 7. Storage of Refuse. It is unlawful for any person to place any refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, unless it is in a proper container for collection. It is also unlawful for any person to throw or deposit any refuse in any stream or other body of water. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. It is also unlawful for any person to cast, place or deposit any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place or into the occupied premises or onto the premises of another person.

Subd. 8. Fees.

A) Fees on Residential Property. A monthly fee for refuse collection shall be levied upon each occupied residential unit. The City or its designated contractor may levy a fee against residential structures containing two (2) or more dwelling units, as the City may deem commensurate with the volume of refuse and the degree of difficulty of collection for such multiple dwelling units. The minimum monthly fee for a single occupied residential unit shall be fixed, determined and amended by the City Council and adopted by Resolution.

B) Fees for Non-Residential Property. Fees for refuse collection on non-residential property shall be determined by a contract between the refuse hauler and the property owner or occupant.

Source: Ordinance No. 78, 2nd Series
Effective Date: 11-04-2004

Subd. 9. Refuse Collection Service Defined. The refuse collection service shall be considered a public utility furnished to the residents of the City either by direct City involvement or by contract, and in the event of non-payment of charges which have been properly billed and are more than thirty (30) days delinquent, the City may certify the charge to the County Auditor for collection with other real estate taxes. The owners of rental property and apartments shall be responsible for charges made for the refuse collection service to each rental unit served and charges which become delinquent shall be certified by the City Administrator to the County Auditor for collection with other real estate taxes.

Subd. 10. Grievances. Any resident having a grievance relating to refuse collection service and wishing to be heard, shall state his grievance in writing and submit a copy to the City Administrator, addressed to the Council, who shall pass upon it at its earliest meeting date.

Source: City Code

Effective Date: 3-l5-92

(Sections 3.41 through 3.98, inclusive, reserved for future expansion.)

(Pages 91 through 94 reserved)

SEC. 3.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as follows:

Subd. 1. Where the specific section, subdivision, paragraph or provision specifically makes violation a petty misdemeanor, he shall be punished as for a petty misdemeanor.

Subd. 2. As to any violation not constituting a petty misdemeanor under the provisions of Subdivision l hereof, he shall be punished as for a misdemeanor.

Source: City Code
Effective Date: 03-15-1992