

TITLE V: PUBLIC WORKS

Chapter

50. PUBLIC IMPROVEMENTS

51. SOLID WASTE

52. WATER

53. SEWER USE REGULATIONS

Section

Part I: Assessable Current Services
CHAPTER 50: PUBLIC IMPROVEMENTS
Obligation of Property Owners and Occupants

- 50.01 Definitions
- 50.02 Snow, ice, dirt, and rubbish
- 50.03 Weed elimination
- 50.04 Public health and safety hazards
- 50.05 Installation and repair of water service lines
- 50.06 Damage to public property
- 50.07 Assessment

Part II: Local Improvement Policy

General Provisions

- 50.20 Cut-off date for petitions

Classification of Projects

- 50.30 Classification rationale
- 50.31 Class A
- 50.32 Class B
- 50.33 Class C

Financing; Assessment Rules

- 50.40 Financing class B and C improvements
- 50.41 Assessment rules for class B improvements
- 50.42 Assessment rules for class C improvements
- 50.43 Special rules for corner lots, intersections, and adjusted frontage

Administration

- 50.50 Federal, state, and county aid use
- 50.51 Branch service lines
- 50.52 Partial payment
- 50.53 Certification of assessments
- 50.54 Permanent improvement revolving fund
- 50.55 Deferment of special assessments for senior citizens

PART I: ASSESSABLE CURRENT SERVICES***OBLIGATION OF PROPERTY OWNERS AND OCCUPANTS*****§ 50.01 DEFINITIONS.**

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

CURRENT SERVICE. One or more of the following: snow, ice, or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in M.S. §§ 463.15 through 463.26, as they may be amended from time to time; installation or repair of water service lines; street sprinkling, street flushing, light street oiling, or other dust treatment of streets; repair of sidewalks and alleys; trimming and care of trees and removal of unsound and insect-infected trees from the public streets or private property; and the operation of a street lighting system.

(77 Code, § 3.2.1)

§ 50.02 SNOW, ICE, DIRT, AND RUBBISH.

(A) *Duty of owners and occupants.* The owner and the occupant of any property adjacent to a public sidewalk shall use diligence to keep such walk safe for pedestrians. No such owner or occupant shall allow snow, ice, dirt, or rubbish to remain on the walk longer than 24 hours after its deposit thereon. Failure to comply with this section shall constitute a violation.

(B) *Removal by city.* The utilities operator may cause removal from all public sidewalks all snow, ice, dirt, or rubbish, as soon as possible beginning 24 hours after any such matter has been deposited thereon or after the snow has ceased to fall. The Clerk-Treasurer shall keep a record showing the cost of the removal adjacent to each separate lot and parcel.

(^77 Code, § 3.2.2) Penalty, see § 10.99

§ 50.03 WEED ELIMINATION.

(A) *Weeds as a nuisance.* Any weeds, whether noxious as defined by law or not, growing upon any lot or parcel of land outside the traveled portion of any street or alley in the city to a greater height than 12 inches or which have gone or are about to go to seed are a nuisance. The owner and the occupant shall abate or prevent such nuisance on the property and on land outside the traveled portion of the street or alley abutting on the property.

(B) *Notice.* On or before June 1 of each year and at such other times as ordered by resolution of the City Council, the Clerk-Treasurer shall publish once in the official newspaper a notice directing owners and occupants of property within the city to destroy all weeds declared in division (A) of this section to be a nuisance and stating that if not destroyed within ten days after publication of the notice, the weeds will be destroyed by city employees at the expense of the owner and that if not paid, the charge for the work will be made a special assessment against the property concerned.

(C) *Removal by city.* If the owner or occupant of any property in the city fails to comply with the notice within ten days after its publication, or if no owner, occupant, or agent of the owner can be found, city employees may cut and remove the weeds. The Clerk-Treasurer shall keep a record showing the cost of the work attributable to each separate lot and parcel.

(^77 Code, § 3.2.3)

§ 50.04 PUBLIC HEALTH AND SAFETY HAZARDS.

When the city removes or eliminates public health or safety hazards from private property under this chapter, the administrative officer responsible for doing the work shall keep a record of the cost of the removal or elimination against each parcel of property affected and annually deliver the information to the Clerk-Treasurer.

(^77 Code, § 3.2.4)

§ 50.05 INSTALLATION AND REPAIR OF WATER SERVICE LINES.

Whenever the city installs or repairs water service lines serving private property under this chapter, the Clerk-Treasurer shall keep record of the total cost of the installation or repair against the property.

(^77 Code, § 3.2.5)

§ 50.06 DAMAGE TO PUBLIC PROPERTY.

Any person driving any vehicle, equipment, object, or contrivance upon any street, road, highway, or structure shall be liable for all damages which the surface or structure thereof may sustain as a result of any illegal operation or driving or moving of the vehicle, equipment, object, or contrivance; or as a result of operating, driving, or moving any vehicle, equipment, object, or contrivance weighing in excess of the maximum weight permitted by statute or this code. When the driver is not the owner of the vehicle, equipment, object, or contrivance but is so operating, driving, or moving it with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any such damage. Any person who willfully acts or fails to exercise due care and by that act damages any public property shall be liable for the amount thereof. The amount shall be collectable by action or as a lien under M.S. § 514.67, as it may be amended from time to time.

(77 Code, § 3.2.6)

§ 50.07 ASSESSMENT.

On or before September 1 of each year, the Clerk-Treasurer shall list the total unpaid charges for each type of current service and charges under § 50.06, against each separate lot or parcel to which they are attributable under this chapter. The City Council may then spread the charges against property benefitted as a special assessment under M.S. Ch. 429, as it may be amended from time to time, and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the City Council may determine in each case.

(77 Code, § 3.2.7)

PART II: LOCAL IMPROVEMENT POLICY***GENERAL PROVISIONS*****§ 50.20 CUT-OFF DATE FOR PETITIONS.**

Petitions for construction of curb and gutter, asphalt surfacing, and sewer or water conduit shall be filed with the Clerk-Treasurer on or before September 1 of the year preceding requested construction.

(77 Code, § 3.3.1)

CLASSIFICATION OF PROJECTS

§ 50.30 CLASSIFICATION RATIONALE.

Public improvements are divided into three classes specified in this subchapter according to their respective benefit to the whole city and to property specially served by the improvement and taking into account past city practice consistent with an equitable system of paying and collecting for the costs of improvements.

(77 Code, § 3.3.2.1)

§ 50.31 CLASS A.

(A) Class A improvements are those which are of general benefit to the city at large, including:

(1) Public buildings, except a building which is part of an improvement described in one of the following subdivisions;

(2) Any public park, playground, or recreational facility;

(3) The installation and maintenance of street lighting systems; and

(4) Any improvement not described in M.S. § 429.021, Subd. 1, as it may be amended from time to time.

(B) Any improvement described in division (A) shall be financed from general city funds and not from special assessments.

(77 Code, § 3.3.2.2)

§ 50.32 CLASS B.

(A) Class B improvements are those which are of both general benefit and special benefit to abutting or nearby property.

(B) Class B improvements include:

(1) Trunk water mains larger than six inches;

(2) Trunk sanitary sewer mains larger than eight inches;

(3) Permanently surfacing arterial streets;

- (4) Storm sewers; and
- (5) The construction of off-street parking facilities.
(^77 Code, § 3.3.2.3)

§ 50.33 CLASS C.

(A) Class C improvements are those which are primarily if not exclusively of benefit to property abutting or in the area of the improvement.

(B) Class C improvements include:

- (1) The construction of sidewalks;
- (2) The construction of water mains no larger than six inches in diameter;
- (3) The construction of sanitary sewer mains no larger than eight inches in diameter;
- (4) The construction of curbs and gutters;
- (5) Permanently surfacing residential streets; and
- (6) The abatement of nuisances and the draining of swamps, marshes, and ponds on public or private property and filling the same.
(^77 Code, § 3.3.2.4)

FINANCING; ASSESSMENT RULES**§ 50.40 FINANCING CLASS B AND C IMPROVEMENTS.**

It is the policy of the city to finance Class B and C improvements by the methods prescribed in this subchapter. The apportionment of the cost between benefitted property and the city at large and the method of levying assessments prescribed in this subchapter shall be followed in each case, unless the City Council, by resolution, finds that because of special circumstances stated in the resolution, a different policy is necessary or desirable in the particular case. Any local improvement described in M.S. § 429.021, as it may be amended from time to time, and not placed in Class A, B, or C, by §§ 50.30 through 50.33 shall be financed as the City Council determines to be most feasible and

equitable in each case. In each case, the City Council shall examine the assessment role before approval and adjust any assessments which exceed the benefit received by the property assessed. (^77 Code, § 3.3.3)

§ 50.41 ASSESSMENT RULES FOR CLASS B IMPROVEMENTS.

(A) *Trunk water mains and sanitary sewers.* When a water or sewer main is laid across or adjacent to unplatted property, the city shall not defer the assessment against the unplatted property if the assessment would be made for such an improvement in the case of platted property, but the city shall make the assessment at the time the assessment against other property is made, apportioning the assessment against the unplatted property on the basis of area or other equitable method. When a trunk sewer or water main is constructed and is to serve also as a lateral sewer or water main for abutting property, the abutting property shall be assessed for the cost of a lateral sewer of eight inches or water main of six inches, plus its proportionate share of the cost of the excess capacity. Other property benefitted by the trunk sewer or water main, but unable to utilize it until lateral connection to the trunk sewer or water main has been built to serve the property, shall not be assessed for its share of the cost of the trunk sewer or water main until the lateral is built. The assessment for the lateral shall then include the property's share of the trunk sewer or water main. The cost of the trunk sewer or water main in excess of the lateral assessment shall be assessed on the basis of area against all properties benefitted. The cost of a lift station shall be assessed on the basis of area against that property actually benefitted by the lift station.

(B) *Arterial street surfacing.* When an arterial street is paved with concrete, bituminous mat, or other permanent surface, the cost of the payment on a 32-foot roadway shall be assessed against the benefitted property on the basis of frontage on the abutting street. When standards for such paving are higher than those the city would use for a residential street, the cost to be assessed shall be based on the cost of paving residential street of the same width. The rest of the cost shall be paid from general funds.

(^77 Code, § 3.3.4)

§ 50.42 ASSESSMENT RULES FOR CLASS C IMPROVEMENTS.

(A) *Sidewalks.* The cost of the construction of sidewalks shall be assessed on the basis of frontage against property abutting the side of the street on which the sidewalk is located, or on such other basis as the City Council shall determine to be equitable.

(B) *Water and sewer.* The cost of lateral water mains not exceeding six inches in diameter and of lateral sanitary sewer main not exceeding eight inches in diameter shall be assessed against abutting property on the basis of frontage. The cost of water mains to be assessed includes the service lines, if furnished, hydrants, and valves. The cost of sewer mains includes lines, if furnished.

(C) *Streets*. The cost of construction of curbs and gutters on any street or of applying permanent surfaces to residential streets shall be assessed on the basis of frontage.

(D) *Nuisances*. The cost of abating nuisances and draining of swamps, marshes, and ponds on public or private property and filling them shall be assessed in a manner determined by the City Council in each case to measure most equitably the benefit received by property to be assessed. The assessment in any such case may be made against non-abutting property to the extent the property is benefitted by the improvement.
(77 Code, § 3.3.5)

§ 50.43 SPECIAL RULES FOR CORNER LOTS, INTERSECTIONS, AND ADJUSTED FRONTAGE.

(A) *Corner lots*.

(1) In any assessment made on the basis of frontage, except one for water or sanitary sewer, corner lots shall be assessed for footage along the front of the lot, plus one-third of the side footage; the other two-thirds of the side footage shall be spread among all other assessed properties.

(2) In the case of assessment for a lateral water or sewer main, Class C, corner lots shall be assessed for the footage along the front side of the lot and for the footage along the side of the lot, if the lot is large enough to accommodate another building which would be benefitted by construction of the second main.

(B) *Intersections*. The cost of improvements in street intersections shall be included as part of the total assessable cost.

(C) *Adjusted frontage*. When the amount of an assessment is determined by frontage, an equivalent front footage shall be determined according to the following rules when an irregular lot requires such an adjustment to maintain fairness in the assessment:

(1) Front footage shall be measured at setback on cul-de-sacs and sharply curved streets and irregularly shaped lots.

(2) Equivalent front footage shall be determined by dividing the square footage of the lot by the general lot depth of the subdivision for pie-shaped lots and irregularly shaped lots where other rules do not apply.

(3) Where frontage curves so greatly as to give a general appearance of a corner, the lot shall be considered a corner lot and equivalent front footage, as well as side footage where required, shall be determined on the basis of an irregularly shaped lot.

(4) Where a lot consists of a combination of rectangular and pie-shaped or irregular portions, the equivalent front footage shall be determined as the sum of the straight front footage plus the remainder in accordance with applicable rules.
(77 Code, § 3.3.6)

ADMINISTRATION

§ 50.50 FEDERAL, STATE, AND COUNTY AID USE.

If the city receives financial assistance from the federal government, the state, or the county to defray a portion of the cost of a street improvement project, the aid shall be used first to reduce the share of the project cost which would be met from the general city funds according to the assessment formula contained in this chapter, part II. If such aid is more than the amount of the improvement cost to be borne by the city, the remainder shall be used to reduce each individual assessment proportionately.
(77 Code, § 3.3.7)

§ 50.51 BRANCH SERVICE LINES.

Water and sewer lines shall be installed from the main to the front property line of property to be served before any permanent street surfacing is constructed in the street. If any property owner fails to put in such water sewer service lines within 30 days after notice from the Clerk-Treasurer, the City Council shall proceed to have water and sewer service installed and to assess the cost against the property.
(77 Code, § 3.3.8)

§ 50.52 PARTIAL PAYMENT.

After the adoption by the City Council of the assessment roll in any local improvement proceeding, the owner of any property specially assessed in the proceeding may, prior to the certification of the assessment or the first installment to the County Auditor, pay to the City Clerk-Treasurer any portion of the assessment not less than \$100. The remaining unpaid balance shall be spread over the period of time established by the City Council for installment payment of the assessment.
(77 Code, § 3.3.9)

§ 50.53 CERTIFICATION OF ASSESSMENTS.

After the adoption of any special assessment by the City Council, the Clerk-Treasurer shall transmit a certified duplicate of the assessment roll with each installment, including interest, set forth separately to the County Auditor to be extended on the proper tax lists of the county.
(77 Code, § 3.3.10)

§ 50.54 PERMANENT IMPROVEMENT REVOLVING FUND.

(A) *Establishment.* There is hereby established a permanent improvement revolving fund of the city to be held and administered by the Clerk-Treasurer, separate and apart from all other funds of the city for the purpose of financing local improvements.

(B) *Source of funds.* The fund shall be a permanent fund of the city, and the moneys necessary for its maintenance shall be provided by taxation, by the appropriation of available moneys from other funds of the city and/or by the issuance and sale of permanent improvement revolving fund bonds of the city as deemed necessary from time to time by the City Council.

(C) *Disposition of funds.* Moneys in the fund shall be used only as directed by resolution of the City Council for the purpose of advancing to local improvement funds the cost of improvements for which assessments are to be levied. All such moneys so advanced to an improvement fund shall be restored as soon as sufficient moneys are received in the improvement fund, together with interest at a rate fixed by the City Council not less than 5% per annum during the time for which such moneys have been so furnished.

(D) *Investments.* Whenever there are moneys in the fund not immediately needed for local improvements, such moneys shall be invested by the Clerk-Treasurer under the direction of the City Council in any securities authorized for investment of municipal funds by law.

(E) *Transfer of surplus.* When the fund accumulates encumbered moneys in excess of any amounts reasonably anticipated to be needed for local improvement fund advances, the City Council may, by resolution adopted by a 4/5 vote, declare any part of the excess to be surplus and transfer it to the general fund.
(77 Code, § 3.3.11)

§ 50.55 DEFERMENT OF SPECIAL ASSESSMENTS FOR SENIOR CITIZENS.

(A) *Grant of deferment.* The City Council may defer the payment of any special assessment on homestead property owned by a person who is 65 years of age or older and has an annual income for the applicant's household which is at or below the most recent "Very Low Income" limit established by HUD for Carlton County, Minnesota. The deferment shall be granted upon certification by the owner

on a form prescribed by the County Auditor supplied by the Clerk-Treasurer to establish the qualification of the owner for the deferment. The application shall be made within 30 days after adoption of the assessment roll by the City Council and shall be renewed each following year upon the filing of a similar application not later than September 30. The City Council shall either grant or deny the deferment and, if it grants the deferment, may require the payment of the interest due each year. If the City Council grants the deferment, the Clerk-Treasurer shall notify the County Auditor of that fact.

(B) *Expiration of deferment.* The option to defer the payment of special assessments shall terminate and all amounts accumulated plus applicable interest shall become due upon the occurrence of any one of the following events:

- (1) The death of the owner when there is no spouse who is eligible for deferment;
- (2) The sale, transfer, or subdivision of all or any part of the property;
- (3) Loss of homestead status on the property;
- (4) Determination by the City Council for any reason that there would be no hardship to require immediate or partial payment; or
- (5) Failure to file a renewal application within the time prescribed by division (A) of this section.

(C) *Procedure for termination.* Upon the occurrence of one of the events specified in division (B) of this section, the City Council shall terminate the deferment. Thereupon, the Clerk-Treasurer shall notify the County Assessor and the County Auditor of the termination, including the amounts accumulated on unpaid installments, plus applicable interest which shall become due and payable as a result of the termination.

(77 Code, § 3.3.12)

Section

General Provisions
CHAPTER 51: SOLID WASTE

- 51.01 Purpose
- 51.02 Authority
- 51.03 Definitions

Waste Preparation, Storage, and Disposal

- 51.20 Waste preparation and storage
- 51.21 Disposal of recyclable materials
- 51.22 Disposition of yard waste; composting
- 51.23 Disposal of demolition debris
- 51.24 Disposal of major appliances
- 51.25 Disposal of waste tires
- 51.26 Metal and plastic cans required
- 51.27 Container placement; collection time

GENERAL PROVISIONS

§ 51.01 PURPOSE.

A procedure is established for the proper collection and disposal of refuse and recyclable materials, embodying the minimum standards and requirements established by rules of the state Pollution Control Agency. In a manner which meets the needs and conveniences of the residents of this city and in order to protect the area from the problems of uncoordinated, unsanitary, and improper solid waste disposal, and recyclable material disposal, the City Council hereby determines that it is in the best interest of the residents of the city to require licenses of persons collecting and/or hauling garbage, rubbish, and recyclable materials for hire, reserving to the city the right and authority to grant an exclusive refuse collection franchise to a single operator.
(77 Code, § 5.6.1)

§ 51.02 AUTHORITY.

Solid waste management shall conform to the rules established by the state Pollution Control Agency, M.S. Chs. 115, 115A, 116, and 400, as they may be amended from time to time, and Carlton County Ordinance No. 7.
(77 Code, § 5.6.2)

§ 51.03 DEFINITIONS.

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

COMPOSTING. The controlled microbial degradation of organic waste to yield humus-like product.

DEMOLITION DEBRIS. Inert material that includes concrete, brick, bituminous, untreated wood, masonry, glass, rock, and plastic parts resulting from the demolition of buildings, roads, and other man-made structures. **DEMOLITION DEBRIS** does not include solid waste or asbestos waste.

GARBAGE. Discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

HOUSEHOLD HAZARDOUS WASTE. Those waste chemicals and compounds which would be considered hazardous substances and are generated by residential dwelling units.

MAJOR APPLIANCES. Clothes washers, dryers, dishwashers, garbage disposal, trash compactors, conventional ovens, ranges and stoves, air conditioners, refrigerators, freezers, residential furnaces, water heaters, microwave ovens, and dehumidifiers.

OWNER AND OCCUPANT. The person(s) or entity(s) which hold legal or beneficial title to a property and the person(s) or entity(s) which have or exercise possession or occupancy of a property, respectively.

PUTRESCIBLE MATERIAL. Solid waste which is capable of being rotten or which may reach a foul state of decay or decomposition.

RECYCLABLE MATERIALS. Paper, plastic, glass, metals, automobile oil, and batteries.

REFUSE. Putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, market and industrial solid wastes, and municipal treatment waste which do not contain free moisture.

RUBBISH. Nonputrescible solid wastes, including but not limited to ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery, or litter of any kind. **RUBBISH** does not, however, include recyclable materials.

SOLID WASTE. All garbage, rubbish, and other discarded solid materials, including solid materials, resulting from industrial, commercial, agricultural, and residential uses, but not including recyclable materials, demolition debris, animal waste used as fertilizer, solids, or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, waste water effluent, dissolved materials, suspended solids in irrigation return flows, or other water pollutants.

SOLID WASTE MANAGEMENT. This term shall conform to the applicable state statutes, including M.S. Chs. 115, 115A, 116, and 400, as they may be amended from time to time, and the rules promulgated under them, and to Carlton County Ordinance No. 7.

YARD WASTE. The garden wastes, leaves, lawn cuttings, weeds, and prunings generated at residential or commercial properties.
(77 Code, § 5.6.3)

WASTE PREPARATION, STORAGE, AND DISPOSAL

§ 51.20 WASTE PREPARATION AND STORAGE.

(A) No owner or occupant of private property or business property shall permit the accumulation of solid waste or any similar material or mixture of material upon such property or upon adjoining property, alley, street, sidewalk, or highway, except in proper containers as described in this subchapter.

(B) Every owner or occupant of private property or business property shall provide in good condition water-tight and rodent-proof containers sufficient to hold the solid waste which accumulates on such premises during the time between collections. In the case of residential structures containing four or less dwelling units, such containers shall be of a maximum of 32 gallons and shall be provided with handles and a tight and securely fitted cover. All solid waste shall be placed in such containers, which shall not be filled in a manner that prevents closure of the container and, in the case of residential structures containing four or less dwelling units, the contents of which shall not exceed 45 pounds in weight.

(C) Solid waste shall not be stored on public or private property for more than two weeks without the written approval of the Solid Waste Officer. Nonputrescible wastes suitable for recycling shall not be stored on public or private property in a manner which creates a nuisance, blight, or health hazard.

(D) Every owner or occupant shall separate all automobile oil, motor vehicle batteries, and tires from solid waste and shall transport those items to the facility designated by the county for the handling of such waste. Automobile oil shall be placed in an unbreakable, leak-proof receptacle by the owner or occupant. Motor vehicle batteries shall be transported in a manner which will not allow release or escape of their contents.

(E) No person or entity shall place solid waste in any container unless specifically authorized by the owner, occupant, or collector which provides collection services for such container. The disposal in a roadside litter receptacle of garbage or rubbish generated within an automobile shall not violate this provision.

(F) (1) Every owner or occupant shall separate household hazardous waste from other solid waste. Containers with household hazardous waste shall be handled or transported in a manner which will not allow release or escape of the contents.

(2) Household hazardous waste shall be disposed of through and in accordance with the household hazardous waste program of the county or in such other manner as shall be specified by the county.

(G) Hospital waste, pathological waste, infectious waste, medical sharps, hazardous substances, and other unacceptable wastes shall be disposed of in accordance with state law and as required by the district. Industrial solid waste shall be disposed of in accordance with the industrial solid waste management plan of the county and/or district, as the same shall exist at such time.
(^77 Code, § 5.6.4.1) Penalty, see § 10.99

§ 51.21 DISPOSAL OF RECYCLABLE MATERIALS.

(A) Every person or entity disposing of solid waste in Carlton County shall separate recyclable materials from solid waste. The owner or occupant of each residence or residential unit and the owner or occupant of each non-residential, commercial, or industrial premises authorized to place solid waste in the various waste receiving facilities of the county, including its sanitary landfill, shall separate recyclable materials prior to collection by a collector.

(B) Persons or entities shall place recyclable material in containers which comply with this chapter for collection, or, in the alternative, shall deliver recyclable materials to the recycling facility of their choice. The county may establish requirements for containers for recyclable materials.

(C) Owners of establishments which are open to the public, including but not limited to public buildings, hotels, motels, retail stores, theaters, college dormitories, and church social halls, shall provide receptacles for recyclable materials alongside their present public receptacles for solid waste. The owners of these establishments shall not be required to separate items which the general public places in receptacles intended for solid waste.

(D) No person or entity other than the owner or occupant of a residential, commercial, or industrial structure, or the licensed collector which provides services to such structure, shall collect or gather recyclable materials (other than automobile oil, tires, and motor vehicle batteries) set out for collection by a licensed collector.

(E) Recyclable materials will not be accepted at the waste receiving facilities of the county, including its sanitary landfill and transfer station. The Solid Waste Officer in his sole discretion may waive this prohibition for solid waste collected under division (C) of this section. (^77 Code, § 5.6.4.2) Penalty, see § 10.99

§ 51.22 DISPOSITION OF YARD WASTE; COMPOSTING.

(A) Effective with the passage of this chapter, any person disposing of yard waste shall have the option of disposing of such waste by one of the following:

- (1) Disposal in a backyard compost site;
- (2) Disposal in a yard waste compost facility operated by the county, a city, or town of the county; or
- (3) Disposal in a privately operated yard waste compost facility.

(B) Yard waste shall not be placed in the waste receiving facilities of the county. Leaf burning is prohibited. Yard waste collected for the purpose of composting shall not be disposed of in any other manner. (^77 Code, § 5.6.4.3)

§ 51.23 DISPOSAL OF DEMOLITION DEBRIS.

A person disposing of demolition debris shall transport such waste to a site designated by the state Pollution Control Agency for receipt of the waste or a site or sites designated by the county. (^77 Code, § 5.6.4.4)

§ 51.24 DISPOSAL OF MAJOR APPLIANCES.

- (A) Any person wishing to dispose of major appliances shall have the following options:
- (1) Contacting an appliance retailer or recycler or waste hauler for proper disposal; or
 - (2) Delivering the major appliance to a solid waste facility or recycling center.

(B) Major appliances shall be reconditioned for reuse or recycled. Polychlorinated byphenols (PCB's) and/or chlorofluorocarbons (CFC's) must be handled in a manner approved by the agency.

(C) Major appliances shall not be landfilled at a solid waste disposal facility or disposed of by illegal dumping.

(^77 Code, § 5.6.4.5) Penalty, see § 10.99

§ 51.25 DISPOSAL OF WASTE TIRES.

The handling, storage, and disposal of waste tires shall comply with Minnesota Rules Ch. 9220, Waste Tire Programs, as they may be amended from time to time. Waste tires shall not be buried in a solid waste disposal facility or disposed of by illegal dumping.

(^77 Code, § 5.6.4.6) Penalty, see § 10.99

§ 51.26 METAL AND PLASTIC CANS REQUIRED.

Every household or occupant of any dwelling house, boarding house, restaurant, or any place of business, having garbage to dispose of, who does not otherwise provide for the disposal of garbage in a sanitary manner, shall provide one or more fly-tight metal or plastic cans sufficient to receive all garbage which may accumulate between the times of collection.

(^77 Code, § 5.6.12) Penalty, see § 10.99

§ 51.27 CONTAINER PLACEMENT; COLLECTION TIME.

Garbage cans shall be kept at the rear of the property if there is an alley and shall be accessible to collectors at all reasonable times.

(^77 Code, § 5.6.13) Penalty, see § 10.99

Section

General Provisions
CHAPTER 52: WATER

- 52.01 Use of water system restricted
- 52.02 Connection required
- 52.03 Application for service
- 52.04 Charges for service connections
- 52.05 Accounting, billing, and collecting
- 52.06 Delinquent accounts

Water System Regulations

- 52.20 Discontinuance of service
- 52.21 Supply from one service
- 52.22 Turning on water; tapping mains
- 52.23 Repair of leaks
- 52.24 Use of fire hydrants
- 52.25 Private water supply
- 52.26 Water shortage

Meters

- 52.40 Water meters

Plumbing Regulations

- 52.50 Service pipes

Rates

- 52.60 Flat rates

Well Construction Permits

- 52.70 Requirement
- 52.71 Application and fee
- 52.72 City Council consideration

GENERAL PROVISIONS**§ 52.01 USE OF WATER SYSTEM RESTRICTED.**

No person other than a city employee shall uncover or make or use any water service installation connected to the city water system, except pursuant to application and permit as provided in this chapter. No person shall make or use any such installation contrary to the regulatory provisions of this chapter.

(77 Code, § 4.1.1) (Am. Ord. 67, passed 2-9-88)

§ 52.02 CONNECTION REQUIRED.

(A) Except where municipal water is not available, it shall be unlawful to construct, reconstruct, or repair any private water system which is designed or intended to provide water for human consumption. Private wells, to provide water for other than human consumption, may be constructed, maintained and continued in use after connection is made to the water system; provided, there is no means of cross-connection between the private well and municipal water supply at any time. Hose bibbs that will enable the cross-connection of the two systems are prohibited on internal piping of the well system supply. Where both private and city systems are in use, outside hose bibbs shall not be installed on both systems.

(B) All new homes or building shall connect to the municipal water system if water is available to the property. At such time as municipal water becomes available to existing homes or buildings, a direct connection shall be made to such public system within a period of time as determined by the City Council. If such connection is not made pursuant to this chapter, a penalty shall be levied in an amount set by City Council resolution.

(C) Where new homes or buildings do not have water available to the property, the city shall determine whether and under what conditions the municipal water system will be extended to serve the property.

(D) If the well is not to be used after the time a municipal water connection is made:

- (1) The well pump and tank shall be disconnected from all internal piping;

- (2) The casing shall be filled with sandy soil from the bottom to a point eight feet from the top;
- (3) The remaining eight feet shall be filled with concrete to the floor level and the well casing cut off as close to the floor level as possible;
- (4) Within 30 days after the municipal water connection is made, the owner or occupant must advise the City Building Inspector that the well has been sealed;
- (5) Notwithstanding the foregoing, all well abandonment shall be done in accordance with M.S. §§ 103I.301 to 103I.345 and Minnesota Rules Ch. 4725, Wells and Borings, as they may be amended from time to time.

§ 52.03 APPLICATION FOR SERVICE.

(A) *Procedure.* Application for a water service installation and for water service shall be made to the Clerk-Treasurer on forms approved by the City Council and furnished by the city. The applicant's signature shall be an agreement to conform to this chapter and to rules and regulations that may be established by the city as conditions for the use of water.

(B) *Fees or deposits.* Application for a service installation shall be made by the owner of the property to be served or by the owner's agent. The applicant shall at the time of making application pay to the city the amount of the fees or deposit required for the installation of the service connection as provided in this chapter. When a water service connection has been installed, application for water service may be made either by the owner or the owner's agent or by the tenant or occupant of the premises.

(⁷⁷ Code, § 4.1.2) (Am. Ord. 67, passed 2-9-88)

§ 52.04 CHARGES FOR SERVICE CONNECTIONS.

(A) *Permit and fee.* No connection shall be made to the city water system without a permit received from the Clerk-Treasurer. The fee for each permit shall be \$50 for a water main connection permit. This fee shall be in addition to any other fees required under this section.

(B) *Connection fees.* When a connection requires installation of a service line from the main to the property line, the applicant for a permit shall pay to the city an amount not less than the cost of making the necessary connections, taps, and installation of pipe and appurtenances to provide service to the property and the necessary street repairs.

(C) *Certification.* No permit shall be issued to connect with any water main unless the Clerk-Treasurer certifies to the truth of one of the following or the payment required under division (D) of this section is made:

(1) That the lot or tract to be served has been assessed for the cost of construction of the main with which the connection is made or that proceedings for the levying of such assessment have been or will be commenced in due course; or

(2) That the cost of construction of the main has been paid by the developer or builder platting the lot or tract; or

(3) That, if either of the foregoing is true, a sum equal to the portion of the cost of constructing the main which would be assessable against the lot or parcel has been paid to the city.

(D) *Additional connection fee.* If no such certificate can be issued, the applicant shall pay an additional connection fee equal to the portion of the cost of construction of the main upon the same basis as any assessment previously levied against other property for the main. The determination shall be made by the City Council. If no such assessment has been levied, the assessable cost shall be determined upon the basis of the uniform charge which may have been or will be charged for similar connection with the main. The amount shall be determined on the basis of the total assessable cost of the main allocated on the basis of frontage or other equitable means.

(^77 Code, § 4.1.3) (Am. Ord. 67, passed 2-9-88)

§ 52.05 ACCOUNTING, BILLING, AND COLLECTING.

(A) *Owner responsibility.* The owner shall be liable for water supplied to the owner's property, whether the owner is occupying the property or not, and any charges unpaid shall be a lien upon the property.

(B) *Bills for service.* Bills shall be mailed to customers monthly and shall specify water charges in accordance with the rates set out in this subchapter.

(C) *Delinquent accounts.* All charges for water and sewer shall be due on the monthly due date specified by the city for the respective account and shall be delinquent 30 days thereafter. The city shall endeavor to collect delinquent accounts promptly. In any case, where satisfactory arrangements for payment have not been made, the City Clerk-Treasurer may, after the procedural requirements of division (D) have been complied with, cause a discontinuance of service to the delinquent customer by shutting off the water at the stop box. When water service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent bills and a fee of \$30. Delinquent accounts shall be certified to the City Clerk-Treasurer who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment shall be delivered to the Council for adoption on or before October 1 of each year for certification to the County Auditor for collection along with taxes. Such action is optional and may be subsequent to taking legal action to collect delinquent accounts.

(D) *Procedure for shut off service.* Water shall not be shut off under division (C) or for a violation of rules and regulations affecting utility service until notice and an opportunity for a hearing have first been given the occupant of the premises involved. The notice shall be personally served and shall state that if payment is not made before a day stated in the notice but not less than ten days after the date on which the notice is given, the water supply to the premises will be shut off. The notice shall also state that the occupant may, before such date, demand a hearing on the matter, in which case the supply will not be cut off until after the hearing. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the Council at least one week after the date of the request. If as a result of the hearing, the Council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this ordinance, the city may shut off the supply.
(^77 Code, § 4.1.4) (Am. Ord. 67, passed 2-9-88)

§ 52.06 DELINQUENT ACCOUNTS.

(A) All charges for water services past due and unpaid for a period of 60 days shall be declared delinquent. The city shall endeavor to collect delinquent accounts promptly. In any case where satisfactory arrangements for payment have not been made, the city, after delivering reasonable notice, may discontinue service to the delinquent customer by shutting off the water at the stop box. When water service to any premises has been discontinued, service shall not be restored except upon payment of all delinquent bills and a service re-connection fee.

(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% 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.

(C) Before undertaking the construction authorized by the permit, the person shall secure and maintain a policy of insurance against damages to property or injury or death to individuals. The policy shall indemnify and save harmless the city and its personnel against any claim, damages, or cause of action arising out of the work and from any expenses of defending the same. The property damage insurance coverage shall be in the amount of at least \$200,000 and the coverage shall be in the amount of at least \$200,000 and the public liability damage for injury or death shall be in the amount of at least \$200,000 per claimant and \$600,000 for any number of claims per occurrence. Proof of such insurance shall be filed with the city prior to construction work, and the policy shall provide that the city shall be notified immediately of any termination or modification of the insurance. If the insurance coverage is inadequate in amount, the person shall indemnify and save harmless the city and its personnel in like manner.

(D) *Indemnification by owner.* The owner shall bear the costs and expenses incident to the extension of water service to private property. The owner shall indemnify the city for any loss or damage directly or indirectly caused by its installation. The Clerk-Treasurer shall establish rules and regulations for the proper implementation of these requirements which shall be approved by the City Council by resolution.

(^77 Code, § 4.1.5) (Am. Ord. 56, passed 11-9-76; Am. Ord. 75, passed 2-11-92)

WATER SYSTEM REGULATIONS

§ 52.20 DISCONTINUANCE OF SERVICE.

The city may discontinue service to any water consumer without notice for necessary repairs, or upon notice as provided in § 52.05 for non-payment of charges or for violation of rules and regulations affecting utility service.

(^77 Code, § 4.2.1.1)

§ 52.21 SUPPLY FROM ONE SERVICE.

No more than one house or building shall be supplied from one service connection except by special permission of the City Council. Whenever two or more parties are supplied from one pipe connecting with a service main, each building or part of building separately supplied shall have a separate box and a separate meter.

(^77 Code, § 4.2.1.2) Penalty, see § 10.99

§ 52.22 TURNING ON WATER; TAPPING MAINS.

No person except an authorized city employee shall turn on any water supply at the stop box or tap any distributing main or pipe of the water supply system or insert a stop cork or other appurtenance therein without a city permit.

(^77 Code, § 4.2.1.3) Penalty, see § 10.99

§ 52.23 REPAIR OF LEAKS.

The consumer or owner shall be responsible for maintaining the service pipe from the curb box into the building served. If the consumer fails to repair any leak in the service pipe within 24 hours after notice by the city, the city may turn the water off. The water shall not be turned on again until the sum

of \$30 has been paid to the city. When the waste of water is great or damage is likely to result from the leak, the city shall turn the water off immediately upon the giving of notice if repair is not commenced immediately.

(77 Code, § 4.2.1.4)

§ 52.24 USE OF FIRE HYDRANTS.

No person other than an authorized city employee shall operate a fire hydrant or interfere in any way with the city water system without first obtaining authority to do so from the City Clerk-Treasurer.

(77 Code, § 4.2.1.5) Penalty, see § 10.99

§ 52.25 PRIVATE WATER SUPPLY.

No water pipe of the city water supply system shall be connected with any pump, well, or tank that is connected with any other source of water supply. When any such connection is found, the Clerk-Treasurer shall notify the owner to sever the connection, and, if this is not done immediately, the city shall turn off the water supply forthwith. Before any new connection to the city system is permitted, city employees shall ascertain that no cross-connection will exist when the new connection is made.

(77 Code, § 4.2.1.6) Penalty, see § 10.99

§ 52.26 WATER SHORTAGE.

Whenever the City Council determines that a shortage of water supply threatens the city, it may, by resolution, limit the times and hours during which city water may be used for sprinkling, irrigation, car washing, air conditioning, or other specified uses. After publication of the resolution or two days after the mailing of the resolution to each customer, no person shall use or permit water to be used in violation of the resolution, and any customer who does so shall be charged a sum of \$100 for each day of violation and the charge shall be added to the customer's next water bill. If the emergency requires immediate compliance with terms of the resolution, the City Council may provide for the delivery of a copy of the resolution to the premises of each customer, and any customer who has received such notice and thereafter uses or permits water to be used in violation of the resolution shall be subject to the above charge. Continued violation shall be cause for discontinuance of water service.

(77 Code, § 4.2.1.7)

METERS**§ 52.40 WATER METERS.**

(A) *Generally.* Except for extinguishment of fires, no person, unless otherwise authorized by the City Council or Public Utilities Department, shall use water from the water system or permit water to be drawn therefrom unless the same be metered by passing through a meter supplied or approved by the city.

(B) *Tampering with meters.* No person not authorized by the City Council or Public Utilities Department shall connect, disconnect, take apart, or in any manner change or cause to be changed or interfere with any such meter or the action thereof, or break any meter or valve seal.

(1) A charge established from time to time by resolution of the City Council shall be paid by customers to the city for water meters including installations and check valves and payment for same shall be made at the time of water service application. This payment shall be made only once, subject to the following.

(2) Where a consumer has need for a larger line in addition to his or her domestic line, as in the case of a commercial consumer who needs a one-inch line for normal use and a six-inch or larger line for a fire sprinkler system, he or she will be permitted to run one line in to the premises and “Y” off into two lines at the building. When this is done, the meter will be attached to the small or domestic line and a check valve as well as one-inch detection meter shall be put on the large line.

(3) The city shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them if necessary. When replacement, repair, or adjustment of any meter is rendered by the act, neglect (including damage from freezing or hot water backup) or carelessness of the owner or occupant of the premises, any expense caused by the city thereby shall be charged against and collected from the water consumer.

(4) A consumer may, by written request, have his or her meter tested by depositing the amount established from time to time by resolution of the City Council. In case a test should show an error of over 5% of the water consumed, a correctly registering meter will be installed, and the bill will be adjusted accordingly and the testing deposit refunded. Such adjustment shall not extend back more than one billing period from the date of the written request.

(5) All water meters and remote readers shall be installed by and remain the property of the city.

(6) Authorized city employees shall have free access at reasonable hours of the day to all parts of the every building and premises connected with the water system for reading of meters and inspections.

(7) It shall be the responsibility of the consumer to notify the city to request a final reading at the time of the customer's billing change.

PLUMBING REGULATIONS

§ 52.50 SERVICE PIPES.

Every service pipe shall be laid with sufficient bend to allow not less than one foot of extra length and in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than six feet below the surface and be so arranged as to prevent rupture by freezing. A shut-off or other stop cock with waste valve of the size and strength required shall be placed close to the inside wall of the building and be well protected from freezing. Copper tubing shall be used for all services of two inches or less. Joints on copper tubing shall be as few as possible and not more than one joint shall be used for a service of 70 feet in length. Each joint shall be left uncovered until inspected by the city. Every service over two inches shall be cast iron. Connections with the mains for domestic supply shall be at least $\frac{3}{4}$ -inch per residential unit, or equivalent.
(77 Code, § 4.2.3) Penalty, see § 10.99

RATES

§ 52.60 FLAT RATES.

Water rates shall be on a flat monthly basis to be established by the City Council.
(77 Code, § 4.2.4) Penalty, see § 10.99

WELL CONSTRUCTION PERMITS

§ 52.70 REQUIREMENT.

When the construction or reconstruction of a well is permitted under the provisions of § 52.02, Before proceeding within the city with construction or reconstruction of any well, which involves drilling or casing insertion, owners of the premises upon which the well is located or to be located shall

obtain a permit from the City Council, and comply with all provisions of M.S. Ch. 103I, as it may be amended from time to time, and any rules promulgated under that chapter.

(77 Code, § 4.2.5.1) Penalty, see § 10.99

§ 52.71 APPLICATION AND FEE.

Application for a well permit shall be in writing on a form provided by the Clerk-Treasurer, shall contain the information required thereon, and shall be accompanied by a fee of \$20.

(77 Code, § 4.2.5.2)

§ 52.72 CITY COUNCIL CONSIDERATION.

The City Council shall study the proposed well location, design, depth, capacity, cost, and proposed water use and shall consider the impact of the proposed private well upon present and planned public water supply and the health, safety, and welfare of the city and surrounding areas. When the applicant demonstrates that he or she has complied with or will comply with all of the applicable provisions of M.S. Ch. 103I, as it may be amended from time to time, and any rules promulgated under that chapter, then the City Council shall issue the permit unless it finds facts that show and determines by resolution that the health, safety, and welfare of the public require a denial.

(77 Code, § 4.2.5.3)

Section

General Provisions

- 53.001 Definitions **CHAPTER 53: SEWER USE REGULATIONS**
- 53.002 Control of sewers; administration of chapter
- 53.003 Tampering with wastewater facilities
- 53.004 Cost of repairing or restoring sewers

General Regulations

- 53.015 Deposits of unsanitary manner prohibited
- 53.016 Discharge of wastewater or other polluted waters
- 53.017 Restrictions on wastewater disposal facilities
- 53.018 Installation of service connection to public sewer
- 53.019 Failure to connect to a public sewer

Private Wastewater Disposal

- 53.035 Public sewer not available
- 53.036 Permits
- 53.037 Type, capacities, location, and layout
- 53.038 Direct connection required
- 53.039 Operation and maintenance by owner
- 53.040 Application of subchapter

Building Sewers and Connections

- 53.055 Restrictions on new connections
- 53.056 Building sewer permits
- 53.057 Costs and expenses
- 53.058 Separate building sewers required
- 53.059 Old building sewers; restrictions on use
- 53.060 Conformance to State Building and Plumbing Code requirements
- 53.061 Elevation below basement floor

Kettle River - Public Works

- 53.062 Surface runoff or groundwater connections prohibited
- 53.063 Excavations
- 53.064 Insurance required; responsibility of owner

Use of Public Services

- 53.080 Discharges of unpolluted water
- 53.081 Discharges of waters or wastes
- 53.082 Limited discharges
- 53.083 Discharges hazardous to life or constitute public nuisances
- 53.084 Increasing use of process water
- 53.085 Pretreatment or flow-equalizing facilities
- 53.086 Grease, oil, and sand interceptors
- 53.087 Industrial wastes; installations
- 53.088 Industrial wastes; requirements
- 53.089 Measurements, tests, and analyses of waters and wastes
- 53.090 Protection from accidental discharge of prohibited materials
- 53.091 Permitting substance or matter to flow or pass into public sewers
- 53.092 Repairing service connection
- 53.093 Catch basin or waste traps required for motor vehicle washing or servicing facilities
- 53.094 Special agreement and arrangement

User Rate Schedule for Charges

- 53.110 Charges generally
- 53.111 Purpose
- 53.112 Definitions
- 53.113 Establishment of a sewer service charge system
- 53.114 Determination of sewer service charges
- 53.115 Sewer service fund
- 53.116 Administration
- 53.117 Equivalent residential units

Powers and Authority of Inspectors

- 53.130 Authorized employees permitted to enter all properties
- 53.131 Authorized employees obtaining information for industrial processes
- 53.132 Authorized employees to observe safety rules
- 53.133 Authorized employees permitted to enter all property with easements

- 53.999 Penalty

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, being 33 USC 1251 *et seq.*

ASTM. American Society for Testing Materials.

AUTHORITY. This city or its representative thereof.

BOD₅ or BIOCHEMICAL OXYGEN DEMAND. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed 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 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.

COD or CHEMICAL OXYGEN DEMAND. 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 such 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.

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 the presence of which 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 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. The term is permissive.

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 such treatment facilities or would interfere with the operation of such 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 33 USC 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 BOD₅ concentration not greater than 240 mg/l and a suspended solids (TSS) concentration not greater than 230 mg/l.

PERSON. Any individual, firm, company, association, society, corporation, 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.

PROPERLY SHREDED 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 ½-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.

(1) **COLLECTION SEWER.** A sewer the primary purpose of which is to collect wastewaters from individual point source discharges and connections.

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

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

(4) **INTERCEPTOR SEWER.** A sewer the primary purpose of which is to transport wastewater from collection sewers to a treatment facility.

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

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

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

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

SHALL. The term is mandatory.

SIGNIFICANT INDUSTRIAL USER. Any industrial user of the wastewater treatment facility:

(1) Which has a discharge flow in excess of 25,000 gallons per average work day;

(2) Which has exceeded 5% of the total flow received at the treatment facility;

(3) The waste of which contains a toxic pollutant in toxic amounts pursuant to Section 307(a) of the Act (33 USC 1317(a)); or

(4) The discharge of which 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, as it may be amended from time to time, for a disposal system as defined by M.S. § 115.01(8), as it may be amended from time to time.

SUPERINTENDENT. The city's Utilities Superintendent or a deputy, agent, or representative thereof.

SUSPENDED SOLIDS (SS) 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 affects 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 also **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 and referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water, and storm water that may be present.

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 such treatment.

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

WPCF. The Water Pollution Control Federation.
(Ord. 67, Art. I §§ 1 through 46, passed 2-9-88)

§ 53.002 CONTROL OF SEWERS; ADMINISTRATION OF CHAPTER.

The Utilities Superintendent 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.

(Ord. 67, Art. I § 2, passed 2-9-88)

§ 53.003 TAMPERING WITH 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.

(Ord. 67, Art. VII § 1, passed 2-9-88) Penalty, see § 53.999

§ 53.004 COST OF REPAIRING OR RESTORING SEWERS.

In addition to any penalties that may be imposed for violation of any provision of this chapter, the city may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge of prohibited wastes by such person, and may collect such assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the city.

(Ord. 67, Art. VI § 16, passed 2-9-88) Penalty, see § 53.999

GENERAL REGULATIONS**§ 53.015 DEPOSITS OF UNSANITARY MANNER PROHIBITED.**

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 the city's jurisdiction, any human or animal excrement, garbage, or objectionable waste.

(Ord. 67, Art. III § 1, passed 2-9-88) Penalty, see § 53.999

§ 53.016 DISCHARGE OF WASTEWATER OR OTHER POLLUTED WATERS.

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.

(Ord. 67, Art. III § 2, passed 2-9-88) Penalty, see § 53.999

§ 53.017 RESTRICTIONS ON WASTEWATER DISPOSAL FACILITIES.

Except as otherwise provided in this chapter, 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.

(Ord. 67, Art. III § 3, passed 2-9-88) Penalty, see § 53.999

§ 53.018 INSTALLATION OF SERVICE CONNECTION TO PUBLIC SEWER.

The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes from which wastewater is discharged, and which is situated within the city and adjacent to any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the city shall be required at the owner's expense to install a suitable service connection to the public sewer in accordance with provisions of this code within 365 days of the date the public sewer is operational, provided that the public sewer is within 200 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 60-day notice shall be served instructing the affected property owner to make the connection.

(Ord. 67, Art. III § 4, passed 2-9-88) Penalty, see § 53.999

§ 53.019 FAILURE TO CONNECT TO A PUBLIC SEWER.

In the event an owner shall fail to connect to a public sewer in compliance with a notice given under § 53.018, the city must undertake to have the connection made and shall assess the cost thereof against the benefitted property. Such assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the County Auditor and shall be collected and remitted to the city in the same manner as assessments for local improvements. The rights of the city shall be in addition to any remedial or enforcement provisions of this chapter.

(Ord. 67, Art. III § 5, passed 2-9-88) Penalty, see § 53.999

PRIVATE WASTEWATER DISPOSAL**§ 53.035 PUBLIC SEWER NOT AVAILABLE.**

Where a public sewer is not available under the provisions of § 53.018, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this subchapter. (Ord. 67, Art. IV § 1, passed 2-9-88) Penalty, see § 53.999

§ 53.036 PERMITS.

(A) *Required.* Prior to commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the city. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary to the city. (Ord. 67, Art. IV § 2, passed 2-9-88)

(B) *Inspections.* 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. (Ord. 67, Art. IV § 3, passed 2-9-88) Penalty, see § 53.999

§ 53.037 TYPE, CAPACITIES, LOCATION, AND LAYOUT.

The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of Minnesota Rules Ch. 7080, the Individual Sewage Treatment Systems Program, as they may be amended from time to time. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Ord. 67, Art. IV § 4, passed 2-9-88) Penalty, see § 53.999

§ 53.038 DIRECT CONNECTION REQUIRED.

At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 90 days, in compliance with this chapter, and within 60 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.

(Ord. 67, Art. IV § 5, passed 2-9-88) Penalty, see § 53.999

§ 53.039 OPERATION AND MAINTENANCE BY OWNER.

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

(Ord. 67, Art. IV § 6, passed 2-9-88) Penalty, see § 53.999

§ 53.040 APPLICATION OF SUBCHAPTER.

No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the state Department of Health.

(Ord. 67, Art. IV § 7, passed 2-9-88)

BUILDING SEWERS AND CONNECTIONS

§ 53.055 RESTRICTIONS ON NEW CONNECTIONS.

Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including but not limited to capacity for flow, BOD₅ and suspended solids, as determined by the Superintendent, with the concurrence of the City Council.

(Ord. 67, Art. V § 1, passed 2-9-88) Penalty, see § 53.999

§ 53.056 BUILDING SEWER PERMITS.

(A) *Required.* 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. (Ord. 67, Art. V § 2, passed 2-9-88)

(B) *Applications.* 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, name of owner, street number of the building to be connected, and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given. (Ord. 67, Art. V § 3, passed 2-9-88)

(C) *Classes.* There shall be two classes of building sewer permits: one for residential and commercial service, and one 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. (Ord. 67, Art. V § 4, passed 2-9-88)

(D) *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 Superintendent or authorized representative thereof. (Ord. 67, Art. V § 12, passed 2-9-88)
Penalty, see § 53.999

§ 53.057 COSTS AND EXPENSES.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.
(Ord. 67, Art. V § 5, passed 2-9-88) Penalty, see § 53.999

§ 53.058 SEPARATE BUILDING SEWERS REQUIRED.

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.
(Ord. 67, Art. V § 6, passed 2-9-88) Penalty, see § 53.999

§ 53.059 OLD BUILDING SEWERS; RESTRICTIONS ON USE.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent or the Superintendent's representative, to meet all requirements of this chapter.
(Ord. 67, Art. V § 7, passed 2-9-88)

§ 53.060 CONFORMANCE TO STATE BUILDING AND PLUMBING CODE REQUIREMENTS.

(A) The size, slopes, alignment, materials of construction of building sewers, 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 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.

(Ord. 67, Art. V § 8, passed 2-9-88)

(B) The connection of the building sewer into the public sewer shall conform to the requirements of the State 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 such connections shall be made gastight and watertight and be 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.

(Ord. 67, Art. V § 11, passed 2-9-88)

Penalty, see § 53.999

§ 53.061 ELEVATION BELOW BASEMENT FLOOR.

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

(Ord. 67, Art. V § 9, passed 2-9-88) Penalty, see § 53.999

§ 53.062 SURFACE RUNOFF OR GROUNDWATER CONNECTIONS PROHIBITED.

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.

(Ord. 67, Art. V § 10, passed 2-9-88) Penalty, see § 53.999

§ 53.063 EXCAVATIONS.

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.

(Ord. 67, Art. V § 13, passed 2-9-88) Penalty, see § 53.999

§ 53.064 INSURANCE REQUIRED; RESPONSIBILITY OF OWNER.

(A) *Insurance required.* Before undertaking work authorized by the permit, the owner or the owner's contractor shall secure and maintain a policy of insurance against damages to property or injury or death of persons. The policy shall indemnify and save harmless the city and its personnel against any claim, damages, or cause of action arising out of the work and from any expenses of defending the same. Proof of such insurance shall be filed with the city prior to construction work, and the policy shall provide that the city shall be notified immediately of any termination or modification of the insurance. If the insurance coverage is inadequate in amount, the owner or the owner's contractors shall themselves indemnify and save harmless the city and its personnel in like manner. (Ord. 67, Art. V § 14, passed 2-9-88)

(B) *Responsibility of owner.* The owner shall bear the cost and expenses incident to the installation and connection of the building sewer, including any loss or damage directly or indirectly caused by its installation and will indemnify and save 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 owner or those in the owner's employment for any purpose whatever. The owner will replace and restore the street and alley over such openings to the condition existing prior to installation, adequately guard with barricades and lights, and will keep and maintain the same to the satisfaction of the Superintendent. The owner shall conform in all respects to the rules and regulations of the City Council relative thereto and pay all fines that may be imposed by law. (Ord. 67, Art. V § 15, passed 2-9-88)

USE OF PUBLIC SERVICES**§ 53.080 DISCHARGES OF UNPOLLUTED WATER.**

(A) No person shall discharge or caused to be discharged any unpolluted water, such as stormwater, ground water, roof runoff, surface drainage, or non-contact cooling water to any sanitary sewer. (Ord. 67, Art. VI § 1, passed 2-9-88)

(B) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the city and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the city and upon approval and the issuance of a discharge permit by the MPCA. (Ord. 67, Art. VI § 2, passed 2-9-88)
Penalty, see § 53.999

§ 53.081 DISCHARGES OF WATERS OR WASTES.

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

(A) Any liquids, solids, or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

(B) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as but not limited to grease, garbage with particles greater than ½-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)).

(Ord. 67, Art. VI § 3, passed 2-9-88) Penalty, see § 53.999

§ 53.082 LIMITED 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 soil, vegetation, and ground water; or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The city may set limitations lower than limitations established in the regulations below if, in its opinion, such more severe limitations are necessary to meet the above objectives. In forming its opinion as to the acceptability of wastes, the city will give consideration to such factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials

of construction of the sewers, nature of the sewage treatment process, the city's NPDES/SDS permit, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

(B) 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 city 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 in § 53.001.

(4) Any garbage not properly shredded, as defined in § 53.001 of this chapter. 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 fullers earth, lime slurries, and lime residues, or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate, in such quantities that would cause disruption with the wastewater disposal system.

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

(10) Any waters or wastes containing the following substances to such degree that any such material received in the composite wastewater at the wastewater treatment works is in excess of the

limits set by the city for such materials: 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 violates any statute, rule, regulation, or ordinance of any regulatory agency, or state or federal regulatory body.

(12) Any waters or wastes containing BOD₅ or suspended solids 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 subject to the provisions of § 53.094.

(Ord. 67, Art. VI § 4, passed 2-9-88) Penalty, see § 53.999

§ 53.083 DISCHARGES HAZARDOUS TO LIFE OR CONSTITUTE PUBLIC NUISANCES.

(A) 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 § 53.082, or which in the judgement of the city 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:

(1) Reject the wastes;

(2) 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 amendments thereof;

(3) Require control over the quantities and rates of discharge; and

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

(B) 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 requirements of the MPCA.

(Ord. 67, Art. VI § 5, passed 2-9-88)

§ 53.084 INCREASING USE OF PROCESS WATER.

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 §§ 53.081 and 53.082, or contained in the National Categorical Pretreatment Standards or any state requirements.

(Ord. 67, Art. VI § 6, passed 2-9-88) Penalty, see § 53.999

§ 53.085 PRETREATMENT OR FLOW-EQUALIZING FACILITIES.

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.

(Ord. 67, Art. VI § 7, passed 2-9-88) Penalty, see § 53.999

§ 53.086 GREASE, OIL, AND SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in § 53.082(B)(2), any flammable wastes as specified in § 53.081(A), sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means and shall maintain a record of dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collecting materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm.

(Ord. 67, Art. VI § 8, passed 2-9-88) Penalty, see § 53.999

§ 53.087 INDUSTRIAL WASTES; INSTALLATIONS.

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. Such 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.

(Ord. 67, Art. VI § 9, passed 2-9-88) Penalty, see § 53.999

§ 53.088 INDUSTRIAL WASTES; REQUIREMENTS.

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 such times and in such manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses, and reporting required by the city. At such times as deemed necessary, the city reserves the right to take measurements and supplies for analysis by an independent laboratory.
(Ord. 67, Art. VI § 10, passed 2-9-88) Penalty, see § 53.999

§ 53.089 MEASUREMENTS, TESTS, AND ANALYSES OF WATERS AND WASTES.

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 Superintendent, with the concurrence of the City Council.
(Ord. 67, Art. VI § 11, passed 2-9-88) Penalty, see § 53.999

§ 53.090 PROTECTION FROM ACCIDENTAL DISCHARGE OF PROHIBITED MATERIALS.

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 Superintendent for review and approval prior to construction of the facility. Review and approval of such plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. Users shall notify the city 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 city to minimize damage to the wastewater treatment works. Such notification will not relieve any user of any liability for any expense, loss, or damage to the wastewater treatment system or treatment process, or for any fines imposed on the city on account thereof under any state and federal law. Employers shall insure that all employees who may cause or discover such a discharge are advised of the emergency notification procedure.
(Ord. 67, Art. VI § 12, passed 2-9-88) Penalty, see § 53.999

§ 53.091 PERMITTING SUBSTANCE OR MATTER TO FLOW OR PASS INTO PUBLIC SEWERS.

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 ten days after receipt of written notice from the city, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair, or alter the same, and perform such other work as the Superintendent may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of ten days, the Superintendent may cause such work to be completed at the expense of the owner or representative thereof.

(Ord. 67, Art. VI § 13, passed 2-9-88) Penalty, see § 53.999

§ 53.092 REPAIRING SERVICE CONNECTION.

Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause such work to be done as the Superintendent may direct. Each day after ten days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Superintendent may then cause the work to be done and recover from such owner or agent the expense thereof by an action in the name of the city.

(Ord. 67, Art. VI § 14, passed 2-9-88) Penalty, see § 53.999

§ 53.093 CATCH BASIN OR WASTE TRAPS REQUIRED FOR 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.

(Ord. 67, Art. VI § 15, passed 2-9-88) Penalty, see § 53.999

§ 53.094 SPECIAL AGREEMENT AND ARRANGEMENT.

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, provided that National Categorical Pretreatment Standards and the city's NPDES/SDS Permit limitations are not violated.

(Ord. 67, Art. VI § 17, passed 2-9-88)

USER RATE SCHEDULE FOR CHARGES**§ 53.110 CHARGES GENERALLY.**

Each user of sewer service shall pay the charge(s) applicable to the type of service, and in accordance with the provisions set forth in this subchapter.
(Ord. 67, Art. VIII § 1, passed 2-9-88)

§ 53.111 PURPOSE.

The purpose of the subchapter is to provide for sewer service charges to recover costs associated with operation, maintenance, and replacement to ensure effective functioning of the city's wastewater treatment system, and local capital costs incurred in the construction of the city's wastewater treatment system.
(Ord. 69, passed 2-9-88)

§ 53.112 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, that is billing and associated bookkeeping and accounting costs.

BIOCHEMICAL OXYGEN DEMAND or **BOD₅**. 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 WASTEWATERS. 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.

EQUIVALENT RESIDENTIAL UNIT or **ERU**. A unit of wastewater volume of 176 gallons per day at a strength not greater than 240 mg/l of BOD₅ and 230 mg/l of total suspended solids.

EXTRA STRENGTH WASTE. Wastewater having a BOD₅ and/or TSS greater than domestic waste as defined in **NORMAL DOMESTIC STRENGTH WASTEWATER** 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) Entitles 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*, latest edition, 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 ₅	Less than 287 mg/l
Suspended solids	Less than 287 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 (for example, non-profit organizations).

MAY. The term is permissive.

NORMAL DOMESTIC STRENGTH WASTEWATER. Wastewater that is primarily produced by residential users, with BOD₅ concentrations not greater than 240 mg/l and suspended solids concentrations not greater than 230 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 of the treatment works, and at the level of performance for which the treatment works were constructed. The term 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 such works were designed and constructed.

REPLACEMENT COSTS. Expenditures for replacement.

RESIDENTIAL USER. 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. The term is mandatory.

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 or performance of the wastewater treatment works.

STANDARD INDUSTRIAL CLASSIFICATION MANUAL. The *Standard Industrial Classification Manual* published by the Office of Management and Budget, latest edition.

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 a user 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 such treatment.

(Ord. 69, Art. I §§ 1 through 32, passed 2-9-88)

§ 53.113 ESTABLISHMENT OF A 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 affect 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 users proportionate contribution to the total wastewater loading from all users.

(C) No user shall be charged for operation, maintenance, and replacement at a rate less than established for normal domestic strength wastewater.

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

(E) 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. The Sewer Service Charge System developed by the architectural engineering firm contracted by the city shall be adopted by resolution upon enactment of this subchapter. Subsequent changes in sewer service rates and charges shall be adopted by City Council resolution.

(F) 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 off-set the cost of operation, maintenance, and equipment replacement for the facility and to retire the debt for capital expenditure.

(G) Sewer service charges and the sewer service fund will be administrated in accordance with the provisions of § 53.116.

(Ord. 69, Art. II §§ 1 through 7, passed 2-9-88) Penalty, see § 53.999

§ 53.114 DETERMINATION OF SEWER SERVICE CHARGES.

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

- (1) Residential;

- (2) Commercial;
- (3) Industrial;
- (4) Institutional; or
- (5) Governmental.

(B) *Clerk-Treasurer responsibility.* The allocation of users to these categories for the purpose of assessing user charges and debt service charges shall be the responsibility of the Clerk-Treasurer. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.

(C) *Equivalent residential units.* The charges assessed users will be determined on the basis of equivalent residential units (ERU).

- (1) *Assignment of ERU's - normal domestic strength users.*

(a) Residential users and those users of other classes who discharge normal domestic strength wastewater shall be assigned ERU's in accordance § 53.117.

(b) Those industrial users who discharge segregated normal domestic strength wastewater only can be classified as commercial users for the purpose of rate determination.

(c) Determination of the number of ERU's assigned to a particular connection shall be the responsibility of the city or its authorized representative.

(2) *Assignment of ERU's - users contributing wastes greater than normal domestic strength.* The calculation of billable flows and loadings for the purpose of assigning ERU's shall be as follows:

(a) The billable amount of flow will be calculated from the volume of water usage, which shall be metered. Alternatively, at the discretion of the city, billable flow shall be determined from the measurement of effluent flow at the user's point of discharge. Measurements shall be according to a regular program prescribed by the city.

(b) The billable amounts of BOD and TSS shall be calculated by the measurement of these wastes according to a program prescribed by the city in keeping with the latest edition of *Standard Methods for the Examination of Water and Wastewater* and in accordance with §§ 53.001 through 53.094 and §§ 53.130 through 53.133 of this chapter.

(c) To insure compliance with division (D) of this section, the following procedures shall be followed in determining average loadings per billing period:

1. When a particular reading indicates concentrations greater than or equal to normal domestic strength, the actual reading shall be entered into the average for billing purposes.

2. When a particular reading indicates concentrations less than normal domestic strength, normal domestic strength shall be entered into the average for billing purposes.

(d) A user's billable flows and loadings for a particular quarter shall be used to assign ERU's to the user according to the following formula:

$$ERU = \left[\frac{QF}{16,060 \text{ gallons}} \right] + \left[\frac{QLBOD}{32.2 \text{ BOD}} \right] + \left[\frac{QLTSS}{30.8 \text{ TSS}} \right]$$

where:

ERU	Number of ERU's assigned to user
QF	Measured quarterly flow of user
QL BOD	Measured quarterly BOD load of user
QL TSS	Measured quarterly TSS load of user

(e) The number of ERU's assigned annually to a user discharging wastes greater than normal domestic strength shall be the average of the number of ERU's assigned quarterly.

(D) *Sewer service charges.* The sewer service charge shall consist of a user charge for operation, maintenance, and replacement and a charge for debt service. These charges will be determined as follows:

(1) *User charge.* User charge rate per equivalent residential unit:
 $\frac{UC}{ERU} = \frac{\text{Total OMR}}{\text{Total ERU}}$

where:

UC	Annual user charge
Total OMR	Total annual operation, maintenance, and replacement costs
ERU	Equivalent Residential Unit
Total ERU	Total number of ERU's connected to the treatment facility

(2) *User charge to a connection.* Determination of user charge to a connection:
 $UC = \frac{UC}{ERU} \times \text{Assigned ERU}$

where:

Kettle River - Public Works

UC	User charge to a particular connection
Assigned ERU	Number of ERU's assigned that connection
UC/ERU	User charge per equivalent residential unit

(E) *Appeal of assignment.* Users may appeal the number of ERU's assigned to a particular connection by installing and maintaining, at their own expense, water meters of a type approved by the city. Such meters shall be equipped with remote registering recorders located at an accessible site on the owner's property.

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

(G) *Recovery of local construction costs.* Local construction costs for the wastewater treatment facility will be recovered through a per connection charge based on the total annual debt service and the total number of connections as follows:

$$DC = \frac{TDS}{TC}$$

where:

DC	Annual debt service charge per connection
TDS	Total annual debt service
TC	Total number of connections

(H) *Determination of sewer service charge to a connection.* The annual sewer service charge to a connection shall be determined as follows:

$$SSC = UC + DC$$

where:

SSC	Annual sewer service charge
UC	Annual user charge
DC	Annual debt service charge

(Ord. 69, Art. III §§ 1 through 7, passed 2-9-88) Penalty, see § 53.999

§ 53.115 SEWER SERVICE FUND.

(A) 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. The city also establishes the following accounts as income and expenditure accounts within the sewer service fund:

- (1) Operation and maintenance account;
- (2) Equipment replacement account; and
- (3) 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 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 life or useful life, whichever is longer, of the wastewater facility shall be held separate and apart in the “Equipment Replacement Account” and dedicated to affecting replacement costs. Interest income generated by the “Equipment Replacement Account” shall remain in the “Equipment Replacement Account.”

(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.” (Ord. 69, Art. IV §§ 1 through 4, passed 2-9-88)

§ 53.116 ADMINISTRATION.

(A) The sewer service charge system and sewer service fund shall be administrated according to the following provisions of this section.

(B) The Clerk-Treasurer shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement, and debt retirement costs of the treatment works and shall furnish the City Council with a report of such costs annually in December. 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 City Council will also determine whether the user charges are distributed proportionately to each user in accordance with § 53.113(B) and Section 204(b)(2)(A) of the Act, being 33 USC 1284(b)(2)(A), as amended. 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.

(C) 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.

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

(E) 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 30 days from the date of rendering. Any bill not paid in full 60 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 at 5% of the original bill and shall be increased the same 5% for every month the bill is outstanding.

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

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

(Ord. 69, Art. V §§ 1 through 6, passed 2-9-88; Am. Ord. 75, passed 2-11-92)

§ 53.117 EQUIVALENT RESIDENTIAL UNITS.

The following tables shall be used as a guide for determining the number of ERU's for various user classes.

<i>Table I: Equivalent Residential Units (ERU's) for Various Residential Dwellings</i>	
Single-family homes, townhouses, and duplex units	1.0 unit
Condominiums and apartment units	0.8 unit
Mobile homes	1.0 unit

Table II: Equivalent Residential Units (ERU's) for Various Commercial, Public and Institutional Facilities

<i>Facility Description</i>	<i>Parameter</i>	<i>Units</i>
Automobile service	2 service bays	1.0
Banquet room	1,000 square feet	1.0
Barber shop	Each	1.0
Bowling alley	3 alleys	1.0
Car wash - self service	1 stall	3.0
Car wash - service station	Each	4.0
Churches	250 seats	1.0
Fast-service restaurant	1,200 square feet	1.0
General office building	4,000 square feet	1.0
Government office	3 employees	1.0
Hospitals	1 bed	1.0
Laundromats	4 washing machines	1.0
Motels and hotels	2 rooms	1.0
Nursing home	3 beds	1.0
Restaurant, drive-in	10 parking spaces	1.0
Restaurant	1,200 square feet	1.0
Retail store	3,000 square feet	1.0
Rooming house	7 beds	1.0
Schools (elementary)	20 students	1.0
Schools (secondary)	15 students	1.0
Service station (gas pumping only)	Each	1.0
Service station with service center	Each	1.5
Service station with service center and car wash	Each	8.0
Swimming pool	Each	1.0

<i>Table II: Equivalent Residential Units (ERU's) for Various Commercial, Public and Institutional Facilities</i>		
<i>Facility Description</i>	<i>Parameter</i>	<i>Units</i>
Theater	50 seats	1.0
Theater, drive-in	50 parking spaces	1.0
Warehouse	15 employees	1.0
The areas listed in the parameters include all interior areas utilized by the public and the employees for the conduct of the facility		

(Ord. 69, Appendix A, passed 2-9-88)

POWERS AND AUTHORITY OF INSPECTORS

§ 53.130 AUTHORIZED EMPLOYEES PERMITTED TO ENTER ALL PROPERTIES.

The Superintendent and/or the City Council or other duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling, and testing pertinent to the discharges to the city's sewer system in accordance with the provisions of this chapter.

(Ord. 67, Art. IX § 1, passed 2-9-88)

§ 53.131 AUTHORIZED EMPLOYEES OBTAINING INFORMATION FOR INDUSTRIAL PROCESSES.

The Superintendent and/or the City Council 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.

(Ord. 67, Art. IX § 2, passed 2-9-88)

§ 53.132 AUTHORIZED EMPLOYEES TO OBSERVE SAFETY RULES.

While performing necessary work on private properties, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 53.087.

(Ord. 67, Art. IX § 3, passed 2-9-88)

§ 53.133 AUTHORIZED EMPLOYEES PERMITTED TO ENTER ALL PROPERTY WITH EASEMENTS.

The Superintendent and/or the City Council 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.

(Ord. 67, Art. IX § 4, passed 2-9-88)

§ 53.999 PENALTY.*(A) Penalties for violations.*

(1) Any person found to be violating any provisions of §§ 53.001 through 53.094 and 53.130 through 53.133 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. (Ord. 67, Art. X § 1, passed 2-9-88)

(2) Any person who shall continue any violation beyond the time limit provided for in division (A) of this section shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not exceeding \$700 for each violation. Each day in which any such violation occurs shall be deemed as a separate offense. (Ord. 67, Art. X § 2, passed 2-9-88)

(3) Any person violating any of the provision of §§ 53.001 through 53.094 and 53.130 through 53.133 shall become liable to the city for any expense, loss, or damage occasioned by the city by reason of such violation. (Ord. 67, Art. X § 3, passed 2-9-88)

(B) *Collection of fines and cost.*

(1) Each and every sewer service charge levied by and pursuant to §§ 53.110 through 53.117 is made a lien upon the lot or premises served, and all such charges which are on October 1 of each year past due and delinquent shall be certified to the County Auditor as taxes or assessments on the real estate. Nothing in §§ 53.110 through 53.117 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 any delinquent or past due sewer service charges. (Ord. 69, Art. VI § 1, passed 2-9-88)

(2) As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect such amounts as are delinquent and due against the occupant, owner, or user of the real estate, and shall collect as well all attorney's fees incurred by the city in filing the civil action. Such attorney's fees shall be fixed by order of the court. (Ord. 69, Art. VI § 2, passed 2-9-88)

(3) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate of 8% per annum. (Ord. 69, Art. VI § 3, passed 2-9-88)

Cross-reference:

City may assess for cost of repair or replacement, see § 53.004