

TITLE V: PUBLIC WORKS

Chapter

50. WATER

51. SEWER

CHAPTER 50: WATER

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Cross-reference:

Subdivisions and Zoning, see Ch. 150

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§ 50.01 APPLICATION REQUIRED.

All persons now receiving water service, and all persons who shall make an application for water service, from the city shall, upon making such application, be deemed to consent to all of the rules, regulations and rates as may thereafter be set forth and adopted by the City Council, pursuant to this chapter.

(Ord. 49, passed 8-2-1982)

§ 50.02 DISCONTINUANCE OF SERVICE.

The city may discontinue service to any water consumer without notice for necessary repairs or, upon notice as provided for in § 50.05 of this chapter, for non-payment of charges or for violation of rules and regulations affecting utility service.

(Ord. 49, passed 8-2-1982)

§ 50.03 SUPPLY FROM ONE SERVICE.

(A) No more than one house or dwelling shall be supplied from one service connection, except by special permission of the City Council.

(B) 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 billing.

(Ord. 49, passed 8-2-1982) Penalty, see § 10.99

§ 50.04 TURNING WATER ON; CAPPING 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.

(Ord. 49, passed 8-2-1982) Penalty, see § 10.99

§ 50.05 REPAIR OF LEAKS.

(A) The consumer or owner shall be responsible for maintaining the service pipe from the curb box into the building served. If he or she fails to repair any leak in such service pipe within 24 hours' notice by the city, the city may turn the water off. When the waste of water is great or damage is likely to result from the leak, the city shall turn the water off immediately.

(B) The consumer or owner shall be responsible for keeping the service pipe from freezing in the winter and no adjustment of rates shall be made for the period of time that a service pipe is inoperable because of freezing.

(Ord. 49, passed 8-2-1982)

§ 50.06 PRIVATE WATER SUPPLY.

(A) 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.

(B) When any such connection is found, the Water Superintendent shall notify the owner to turn off the connection and, if this is not done immediately, the city shall turn off the water supply forthwith.

(C) Before any new connection to the city system is permitted, the Water Superintendent shall be certain that no cross-connection will exist when the new connection is made.

(Ord. 49, passed 8-2-1982) Penalty, see § 10.99

§ 50.07 RESTRICTED HOURS.

Whenever the city shall determine that a shortage of water threatens the city, it may limit the times and hours during which water may be used from the city water system for lawn and garden sprinkling, irrigation, car washing, air conditioning and other uses, or either or any of them. It is unlawful for any water consumer to cause or permit water to be used in violation of such determination after public announcement thereof has been made through the news media, specifically indicating the restrictions thereof.

(Ord. 49, passed 8-2-1982) Penalty, see § 10.99

§ 50.08 CODE REQUIREMENTS.

All piping, connections and appurtenances shall be installed and performed strictly in accordance with the state's Plumbing Code. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections, shall, upon discovery by the city, be an additional ground for termination of water service to any consumer.

(Ord. 49, passed 8-2-1982)

§ 50.09 WATER SERVICE APPLICATION.

Application shall be made to the city on an application form provided by the city. Service shall be served only after proper application has been made and the connection fee paid in full.

(Ord. 49, passed 8-2-1982)

§ 50.10 FIXING RATES AND CHARGES.

All rates and charges for municipal water service, including, but not by the way of limitation, rates for service, connection fees, removal of any unlawful device, disconnection fee, reconnection fees, including penalties for non-payment, if any, shall be fixed, determined and amended by the City Council and adopted by resolution. Such resolution containing the effective date thereof shall be kept on file and open to inspection in the office of the city's Clerk/Treasurer, and shall be uniformly enforced.

(Ord. 49, passed 8-2-1982; Res. passed - -1985; Res. 99-0405B, passed 4-5-1999)

§ 50.11 STATEMENTS FOR WATER USED.

Statements for water used by consumers shall be sent out in the first week of the month. All utilities charges shall be delinquent if they are unpaid at the close of business on the twenty-fifth of the month; provided that, if the twenty-fifth day shall fall on a Saturday, Sunday or legal holiday, the time shall be extended to the close of business on the next succeeding day on which business is normally transacted.

A penalty, as provided by resolution of the city, shall be added to and become due to delinquency, service shall not be restored at that location until a reconnection charge has been paid for each utility reconnected, in addition to amounts owed for service and penalties. The water service may be shut off or discontinued whenever a bill remains unpaid after 60 days.

(Ord. 49, passed 8-2-1982; Ord. 49, passed 3-6-2000)

§ 50.12 RIGHT OF ENTRY.

The city shall have the right to enter in and upon private property, including buildings and dwelling houses, in or upon which is installed a city water service for connection therewith, at all times reasonable under the circumstances, for the purpose of inspection and repair of the water system or any part thereof, and for the purpose of connecting and disconnecting service.

(Ord. 49, passed 8-2-1982)

§ 50.13 SUPERVISION OF WATER SYSTEM.

The city water system, and all installation, addition, changes or repairs, shall be under the supervision of a Water Superintendent designated by the City Council.

(Ord. 49, passed 8-2-1982)

CHAPTER 51: SEWER

Section

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Cross-reference:

Health and Sanitation; Nuisances, see Ch. 78

Subdivisions and Zoning, see Ch. 150

Water, see Ch. 50

GENERAL PROVISIONS**§ 51.01 DEFINITIONS.**

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

ACT. The Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, 33 U.S.C. §§ 1251 et seq.

ASTM. American Society for Testing Materials.

AUTHORITY. The City of Verndale, Minnesota, 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 in terms of milligrams per liter (mg/l).

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the building wall.

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

CITY. The area within the corporate boundaries of the City of Verndale, 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 special 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 or organisms common to the intestinal tract of humans and animals whose presence in sanitary sewage is an indicator of pollution.

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

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

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

INDUSTRY. Any non-governmental or non-residential 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.

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.

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 areas drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

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

MPCA. Minnesota Pollution Control Agency.

NATIONAL CATEGORICAL PRETREATMENT STANDARDS. Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment by such treatment facilities or would interfere with the operation of such treatment facilities, pursuant to § 307(b) of the Act, being 33 U.S.C. § 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 §§ 402 and 405 of the Act, being 33 U.S.C. § 1342 and 33 U.S.C. § 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 250 mg/l and a suspended solids (TSS) concentration not greater than 300 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 SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half 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 whose primary purpose is to collect waste waters from individual point source discharges and connections.

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

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

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

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

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

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

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

SHALL. The act referred to is mandatory; **MAY** is permissive.

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

- (1) In excess of 25,000 gallons per average work day;
- (2) Has exceeded 5% of the total flow received at the treatment facility;
- (3) Whose waste contains a toxic pollutant in toxic amounts pursuant to § 307(a) of the Act;

or

(4) Whose discharge has a significant effect, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality or emissions generated by the treatment system.

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, subd. 5, as it may be amended from time to time.

SUPERINTENDENT. The 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 § 307(a) of the Act.

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

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

WASTEWATER. The spent water of a community 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. 63, passed 12-4-1989)

§ 51.02 UTILITIES SUPERINTENDENT.

The Utilities Superintendent shall have control and supervision of all public sewers and service connections in the city, and shall be responsible for administering the provisions of this subchapter to the end that a proper and efficient public sewer is maintained.
(Ord. 63, passed 12-4-1989)

§ 51.03 DISCHARGES; CONSTRUCTION; CONNECTION REQUIREMENTS.

(A) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public property within the city, or in any area under jurisdiction, any human or animal excrement, garbage or objectionable waste.

(B) 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 subchapter and the city's NPDES/SDS permit.

(C) Except as provided hereinafter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

(D) The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated within the city and adjacent to any street, alley or right-of-way in which there is now located, or may, in the future, be located, a public sanitary sewer of the city, shall be required at the owner(s) expense to install a suitable service connection to the public sewer in accordance with provisions of this subchapter, within 365 days of the date said public sewer is operational; provided, said 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 30-day notice shall be served instructing the affected property owner to make said connection.

(E) In the event an owner shall fail to connect to a public sewer in compliance with a notice given under division (D) above, the city must undertake to have said 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 Auditor of the county and shall be collected and remitted to the city in the same manner as assessments for local improvements. The rights of the city shall be in addition to any remedial or enforcement provisions of this subchapter.

(F) Beginning 1-1-2000, all residents of the city with sewer service will have a water meter installed to the water service to accurately measure the water sewage used.
(Ord. 63, passed 12-4-1989; Ord. passed 9-7-1999) Penalty, see § 51.99

§ 51.04 PRIVATE WASTEWATER DISPOSAL.

(A) Where a public sewer is not available under the provisions of § 51.03(D) of this chapter, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(B) 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.

(C) 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 or 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 24 hours of the receipt of notice.

(D) The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of 167 Minn. Rules Ch. 7080, entitled *Individual Subsurface Sewage Treatment System Standards*. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) 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 365 days in compliance with this subchapter and, within 30 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.

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

(G) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the state. (Ord. 63, passed 12-4-1989) Penalty, see § 51.99

§ 51.05 BUILDING SEWERS AND CONNECTIONS.

(A) 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, a capacity for flow, BOD5 and suspended solids, as determined by the Superintendent.

(B) No unauthorized person(s) 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.

(C) 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.

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

(E) 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.

(F) (1) 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.

(2) The building sewer from the front building may be extended to the rear building and the whole considered one building sewer.

(3) The city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.

(G) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent or his or her representative, to meet all requirements of this subchapter.

(H) (1) The size, slopes, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling of the trench, shall all conform to the requirements of the state's Building and Plumbing Codes or other applicable rules and regulations of the city. In absence of code provisions or in the amplification thereof, the materials 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.

(2) 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.

(3) No person(s) shall make connection of roof down spouts, foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or indirectly to the wastewater disposal system.

(4) The connection of the building sewer into the public sewer shall conform to the requirements of the state's Building and Plumbing Codes 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*.

(I) All such connections shall be made gas-tight and water-tight, and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the city prior to installation.

(J) 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.

(K) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

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

(M) Any person desiring a license to make a service connection with public sewers shall apply in writing to the City Council with satisfactory evidence that the applicant or employer is trained or skilled in the business and qualified to receive a license. All applications shall be referred to the Superintendent for recommendations to the Council.

(N) The licensee 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 licensee or by those in the licensee's employment for any purpose whatever, and that the licensee will replace and restore the street and alley over such opening to the condition existing prior to installation, adequately guard with barricades and lights and will keep and maintain the same to the satisfaction of the Superintendent, and shall conform in all respects to the rules and regulations of the Council relative thereto, and pay all fines that may be imposed on the licensee by law.

(O) The license fee for making service connections is \$25. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked by the Council for cause. Upon failure to apply for a license renewal prior to the expiration date thereof, the license fee for the ensuing year shall be \$35.

(P) The Council may suspend or revoke any license issued under this section for any of the following causes:

(1) Giving false information in connection with the application for a license;

(2) Incompetence of the licensee; and/or

(3) Willful violation of any provisions of this section or any rule or regulation pertaining to the making of service connections.

(Ord. 63, passed 12-4-1989) Penalty, see § 51.99

§ 51.06 USE OF PUBLIC SEWERS.

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

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

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

(1) 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, bromides, carbides, hydrides and sulfides;

(2) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or fleshing, 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 lubrication oil, mud or glass grinding or polishing wastes;

(3) 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; and

(4) 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 § 307(a) of the Act, being 33 U.S.C. § 1317(a).

(D) The following described substances, materials, water or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works treatment process or equipment, will not have an adverse effect on the receiving stream and/or soil, vegetation and ground water, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Superintendent may set limitations lower than limitations established in the

regulations below if, in his or her opinion, such more sever limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability of wastes, the Superintendent 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 sewer, nature of the sewage treatment process, the city's NPDES and/or SDS permit, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or waste waters discharged to the sanitary sewer which shall not be violated without approval of the Superintendent 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 in fluent 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 § 51.01 of this chapter;

(4) Any garbage not properly shredded, as defined in § 51.01 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 invent 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 qualities that would cause disruption with the wastewater disposal system;

(9) Radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations;

(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 detrimental to the treatment processes, adversely impacts land application, adversely affects the receiving waters, or is in violation of standards pursuant to § 307(b) of the Act, being 33 U.S.C. § 1317(b). The substances are arsenic, cadmium, copper, cyanide, lead, mercury, nickel, silver, total chromium, zinc and phenolic compounds which cannot be removed by 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; and

(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 division (Q) below.

(E) 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 division (D) above and/or which, in the judgement of the Superintendent, may have a deleterious effect upon the wastewater treatment facilities, processes or equipment; receiving waters and/or soil, vegetation and ground water; or which otherwise create a hazard to life or constitute a public nuisance, the city may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to § 307(b) of the Act and all addendums thereof;

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

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

(F) 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.

(G) 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 divisions (C) and (D) above or contained in the national categorical pretreatment standards or any state requirements.

(H) Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner(s).

(I) 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 division (D)(2) above, any flammable wastes as specified in division (C)(1) above, 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 collection materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm.

(J) 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 facilities 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.

(K) (1) 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 subchapter 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 analysis 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 reserves the right to take measurements and samples for analysis by an independent laboratory.

(2) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this subchapter 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.

(L) 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 subchapter. 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 subchapter. Users shall notify the Superintendent immediately upon having a slug or accidental discharge of substances of wastewater in violation of this subchapter to enable countermeasures to be taken by the Superintendent to minimize damage to the wastewater treatment works. Such notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the city on account thereof under any state and federal law. Employees shall ensure that all employees who may cause or discover such a discharge, are advised of the emergency notification procedure.

(M) (1) No person, having charge of any building or other premises which drains into the public sewer, shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within 30 days after receipt of written notice from the city, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same, and perform such other work as the Superintendent may deem necessary.

(2) Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair or alter the same after the period of 30 days, the Superintendent may cause such work to be completed at the expense of the owner or representative thereof.

(N) (1) 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.

(2) Each day after seven days that a person neglects or fails to do 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.

(O) 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.

(P) In addition to any penalties that may be imposed for violation of any provision of this subchapter, 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.

(Q) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern; providing that, national categorical pretreatment standards and the city's NPDES and/or state disposal system permit limitations are not violated.

(Ord. 63, passed 12-4-1989) Penalty, see § 51.99

§ 51.07 DAMAGE, INJURY AND THE LIKE.

No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor. (Ord. 63, passed 12-4-1989) Penalty, see § 51.99

§ 51.08 USER RATE SCHEDULE FOR CHARGES.

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 §§ 51.20 through 51.25 of this chapter. (Ord. 63, passed 12-4-1989)

§ 51.09 INSPECTORS; POWERS AND AUTHORITY.

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

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

(C) While performing necessary work on private properties, the 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 § 51.06(I) of this chapter.

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

(Ord. 63, passed 12-4-1989)

SEWER SERVICE CHARGE SYSTEM**§ 51.20 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 (such as, 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 of Verndale, as presently established or as amended by ordinance or other legal actions at a future time. When used herein, the term ***CITY*** may also refer to the City Council or its authorized representative.

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

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

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

EQUIVALENT RESIDENTIAL UNIT (ERU). A unit of wastewater volume of 220 gallons per day at a strength not greater than 250 mg/l of BOD5 and 300 mg/l of total suspended solids.

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

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

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

INDUSTRIAL USERS or ***INDUSTRIES***.

(1) 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.

(a) These are identified in the *Standard Industrial Classification Manual*, 1972, Office of Management and Budget, as amended and supplemental under one of the following divisions:

1. Division A: Agriculture, Forestry and Fishing;
 2. Division B: Mining;
 3. Division D: Manufacturing;
 4. Division E: Transportation, Communications, Electric, Gas and Sanitary Sewers;
- and
5. Division I: Services.

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

1. BOD5: less than 250 mg/l; and
2. Suspended solids: less than 300 mg/l.

(2) Any non-governmental 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 (such as, non-profit organizations).

NORMAL DOMESTIC STRENGTH WASTEWATER. Wastewater that is primarily produced by residential users with BOD5 concentrations not greater than 250 mg/l and suspended solids concentrations not greater than 300 mg/l. (Pond/ERU SRO (a) 1-15-1985)

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. **OPERATION AND MAINTENANCE** included 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 act referred to is mandatory; **MAY** is permissive.

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 operations and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STANDARD INDUSTRIAL CLASSIFICATION MANUAL. Office of Management and Budget, 1972.

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

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

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

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

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

WASTEWATER TREATMENT WORKS or TREATMENT WORKS. An arrangement of any devices, facilities, structures, equipment or processes owned or used by the city for the purpose of the transmissions, 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 or residues resulting from such treatment.

(Ord. 62, passed 12-4-1989)

§ 51.21 ESTABLISHMENT OF 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 operations, 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) Each user shall pay debt service charges to retire local capital costs as determined by the City Council.

(D) (1) 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.

(2) The sewer service charge system shall be adopted by resolution upon enactment of this subchapter.

(3) Subsequent changes in sewer service rates and charges shall be adopted by Council resolution.

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

(F) Sewer service charges and the Sewer Service Fund will be administrated in accordance with the provisions of § 51.25 of this chapter.
(Ord. 62, passed 12-4-1989)

§ 51.22 DETERMINATION OF USER CLASSES.

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

- (a) Residential;
- (b) Commercial;
- (c) Industrial;
- (d) Institutional; and
- (e) Governmental.

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

(B) The charges assessed residential users and those users of other classes who discharge “normal domestic strength wastewater” only, can be classified as “commercial users” for the purpose of rate determination.

(C) The sewer service charge shall consist of a user charge for operation, maintenance and replacement costs, a debt service charge for recovery of local capital costs and an administration fee for recovery of administrative costs.

(D) The charges assessed residential users and those users of other classes discharging “normal domestic strength wastewater” shall be established proportionately according to billable wastewater volume. Billable wastewater volume shall be calculated as follows.

(1) *Residential users.* Billable wastewater volume for residential users shall be calculated on the basis of metered water usage.

(2) *Non-residential users.*

(a) The billable wastewater volume of non-residential users may be determined in the same manner as for residential users.

(b) The city may, at its discretion, require non-residential users to install such additional water meters or wastewater flow meters as may be necessary to determine billable wastewater volume.

(3) *Non-metered users.*

(a) For those users who discharge normal domestic strength wastewater, as defined in this ordinance and who do not have existing water meters, wastewater volume will be calculated on the basis of equivalent residential units (ERUs). An equivalent residential unit at a volume of 220 gallons per day will be assigned to connections according to Tables I and II of the Appendix A (attached to the ordinance codified herein).

(b) Determination of the number of ERUs assigned to a particular connection, in accordance with Tables I and II shall be the responsibility of the City Council or its authorized representative.

(c) Users may appeal the number of ERUs assigned to a particular connection by installing and maintaining, at their own expense, water meters of a type approved by the city. Such meters shall be equipped with remote registering recorders and located at an accessible site on the owner’s property. (Ord. 62, passed 12-4-1989)

§ 51.23 DETERMINATION OF CHARGES.

(A) The sewer service charge shall consist of an administration fee for the recovery of administration costs, a user charge for operation, maintenance and replacement and debt service charge for the recovery of local capital costs.

(B) These charges shall be determined as follows.

(1) *Administration fee.* The administration fee for each connection to the wastewater treatment facility shall be determined as follows: calculation of fixed quarterly fee for administration services:

$$AF = AC/(TC*Q)$$

Where:

- AF = Administration fee per connections
- AC = Annual administration budget
- TC = Total number of connections to the system
- Q = Number of quarters per year

(2) *User charge*. User charges for normal domestic strength users shall be determined as follows:

- (a) Calculation of unit cost for treatment of domestic strength wastewater:

$$UMOR = COMR-A/TBWV$$

Where:

- UOMR = Unit cost for OM&R in \$/K gallon
- COMR-A = Total annual OM&R less administration related costs
- TBWV = Total annual billable wastewater volume in K gallon

- (b) Calculation of user charge:

$$UC = UOMR * BWV$$

Where:

- UC = User charge
- UOMR = Unit cost for OM&R in \$/K gallon
- BWV = Billable wastewater volume of a particular user in K gallon

(3) *Debt service charge*. Recovery of local capital costs of the wastewater treatment facility shall be through a debt service charge calculate in a manner consistent with the user charge as follows:

- (a) Calculation of unit cost for debt service:

$$UDS = CDS/TBWV$$

Where:

- UDS = Unit cost for debt service in \$/K gallon
- CDS = Costs of annual debt service
- TBWV = Total annual billable wastewater volume in K gallon

(b) Calculation of debt service charge:

$$DC = UDS * BWV$$

Where:

DC = Debt service charge

UDS = Unit cost for debt service in \$/K gallon

BWV = Billable wastewater volume of a particular user in K gallon

(4) *Determination of sewer service charge.* The sewer service charge for a particular connection shall be determined as follows:

$$SSC = UC + DC + AF$$

Where:

SSC = Sewer service charge

UC = User charge

AF = Administration fee

DC = Debt service charge

(C) The sewer service charges established in this subchapter shall not prevent the assessment of additional charges to users who discharge wastes with concentrations greater than normal domestic strength or wastes of unusual character or contractual agreements with such users, as long as the following conditions are met.

(1) The user pays operation, maintenance and replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, and no user is charged at a rate less than that of normal domestic strength wastewater.

(2) The measurements of such wastes are conducted according to the latest edition of *Standard Methods for the Examination of Water and Wastewater* in a manner acceptable to the city as provided for in §§ 51.01 through 51.09 of this chapter.

(D) Determination of sewer service charges when loadings are in excess of those defined as normal domestic strength. The manner in which costs will be distributed, is based on the volume, BOD5 and suspended solids (TSS) contributed by each user. The estimated revenue to be generated from each user class annually is based on the following formula:

$$C_u = V_c V_u + B_c B_u + S_c S_u$$

Where:

- C_u = A user's charge per unit of time
- V_c = Cost for transport and treatment of a unit of wastewater volume
- V_u = Volume contribution from a user per unit of time
- B_c = Cost for treatment of a unit of BOD₅
- B_u = BOD₅ contribution from a user per unit of time
- S_c = Cost for treatment of a unit of suspended solids
- S_u = TSS contribution from a user per unit of time

(Ord. 62, passed 12-4-1989)

§ 51.24 SEWER SERVICE FUND.

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

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

- (a) Sewer Service General Fund; and
- (b) 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 Clerk/Treasurer separate and apart from all other funds of the city. Funds received by the Sewer Service Fund shall be transferred to the Operating 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 ensure adequate replacement throughout the design of 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 the operation and maintenance shall be held separate and apart in the Operation and Maintenance Account.

(Ord. 62, passed 12-4-1989)

§ 51.25 ADMINISTRATION.

The sewer service charge system and Sewer Service Fund shall be administrated according to the following provisions.

(A) (1) The city's 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 September.

(2) The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works, and whether sufficient revenue is being generated for debt retirement. The Council will also determine whether the user charges are distributed proportionately to this subchapter and § 204(b)(2)(A) of the Federal Water Pollution Act, (the "Clean Water Act"), as amended, being 33 U.S.C. § 1284.

(3) The city shall thereafter, but not later than the end of the year, reassess and, as necessary, revise the sewer service charge system then in use to ensure 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 retired the construction debt.

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

(C) In accordance with federal and state requirements, the city's Clerk/Treasurer shall be responsible for maintaining all records necessary to document compliance with the sewer service charge system adopted.

(D) (1) 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 on the twenty-fifth of each month.

(2) Any bill not paid in full 60 days after the due date will be considered delinquent.

(3) At that time, the city shall notify the delinquent owner/occupant in writing regarding the delinquent bill and subsequent penalty.

(4) The penalty shall be \$10 per month the bill is outstanding.

(E) (1) The owner of the premises, shall be liable to pay for the service to such premises, and the service is furnished to the premises by the city only upon the condition that the owner of the premises is liable therefor to the city.

(2) 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 said wastes, at no expense to the city.
(Ord. 62, passed 12-4-1989)

SEWAGE AND WASTEWATER TREATMENT

§ 51.35 GOALS AND INTENT.

This subchapter establishes minimum standards for and regulation of individual sewage treatment systems (ISTS) within the incorporated areas of the city; incorporating by reference minimum standards and requirements established by state statutes and rules of the Minnesota Pollution Control Agency; requiring permits for installation, alteration, repair or extension of ISTS in the city; establishing standards for upgrade, repair, replacement or discontinuance of use of ISTS; imposing penalties for failure to comply with these provisions; providing for enforcement of these requirements; and promoting the health, safety and welfare of the public pursuant to M.S. Ch. 115, 145A, 375, 394 and 471, specifically M.S. §§ 115.55, 145A.05, 375.51, 394.21 through 394.37 and 471.82, as they may be amended from time to time; and in furtherance of county policy stated in the Comprehensive Plan Policy and the county's Shore Land Zoning Ordinance.
(Ord. 69, passed 2-2-1998)

§ 51.36 PURPOSE AND INTENT.

The purpose of this subchapter shall be to provide minimum standards for and regulation of individual sewage treatment systems (ISTS) and septage disposal including the proper location, design, construction, operation, maintenance and repair to protect surface water and ground water from contamination by human sewage and waterborne household and commercial waste; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under M.S. Ch. 115 and 145A, as they may be amended from time to time, and Minn. Rules Ch. 7080, as amended, that may pertain to sewage and wastewater treatment.
(Ord. 69, passed 2-2-1998)

§ 51.37 PERMITS; LICENSE REQUIREMENTS.

(A) *Standards adopted by reference.* The county hereby adopts, by this reference, Minn. Rules parts 7080.0010 to 7080.0315 (and 7080.0910), as now constituted and from time to time amended.

(B) *Permits*. No person shall install, alter, repair or extend any individual sewage treatment system in the city without first applying for and obtaining a permit from the Zoning Administrator and at the same time paying a fee as listed in the fee schedule of Ch. 150 of this code of ordinances. Such permit shall be valid for a period of 12 months from the date of issuance.

(C) *License requirements*. No person shall engage in the evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance or pumping of on-site individual sewage treatment systems without first obtaining a license to perform such tasks from the Minnesota Pollution Control Agency, except as provided under Minn. Rules part 7080.0700, subpart 1.

(D) *Failing septic systems*. A notice of non-compliance shall be issued and copies provided to the property owner and to the county within 30 days under the following conditions.

(1) A failing ISTS shall be upgraded, replaced or its use discontinued within one year. The Department will give consideration to weather conditions as it establishes compliance dates.

(2) An ISTS posing an imminent threat to public health or safety shall be upgraded, replaced or repaired, or its use discontinued, within an appropriate time no greater than ten months.

(E) *Additional soil treatment area requirements*. On all lots created after 1-23-1996, the system design shall include at least one designated additional soil treatment area which can support a standard soil treatment system.

(Ord. 69, passed 2-2-1998)

§ 51.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (1) Any person found to be violating any provisions of §§ 51.01 through 51.09 of this chapter shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in division (B)(1) above shall be penalized in the amount not exceeding \$1,000 for each violation. Each day in which any such violation occurs shall be deemed as a separate offense.

(3) Any person violating any of the provision of §§ 51.01 through 51.09 of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation.

(C) (1) Each and every sewer service charge levied by and pursuant to §§ 51.20 through 51.25 of this chapter is hereby made a lien upon the lot or premises served, and all such charges which are on September 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 §§ 51.20 through 51.25 of this chapter shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected by any delinquent or past due sewer service charges.

(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.

(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 10% per annum.

(D) (1) Any person who violates any of the provisions of §§ 51.35 through 51.37 of this chapter or who makes any false statement on a certificate of compliance, shall be guilty of a misdemeanor, punishable by imprisonment or a fine or both, as defined by law.

(2) In the event of a violation of §§ 51.35 through 51.37 of this chapter, in addition to other remedies, the County Attorney may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations.

(Ord. 62, passed 12-4-1989; Ord. 63, passed 12-4-1989; Ord. 69, passed 2-2-1998)

