

TITLE V: PUBLIC WORKS

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CHAPTER 50: GARBAGE AND RUBBISH

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Cross-reference:

Health and Safety; Nuisances, see Chapter 91

§ 50.01 DEFINITIONS.

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

GARBAGE. Organic refuse resulting from the preparation of food, and decayed and spoiled food from any source.

RUBBISH. All inorganic refuse matter such as tin cans, glass, paper, ashes, sweepings and the like.

(Ord. 51, passed 5-1-72)

§ 50.02 DISPOSAL OF GARBAGE AND RUBBISH.

It shall be unlawful for any person, firm or corporation to fail to dispose of garbage and rubbish which may be or may accumulate upon property owned or occupied by him or her in a sanitary manner.

Every person, firm or corporation who shall fail or refuse to make provision for and secure such disposal shall be guilty of a misdemeanor. Persons desiring to make use of the services of the licensed garbage and rubbish collector may do so by notifying such collector and paying the fees provided for herein. (Ord. 51, passed 5-1-72) Penalty, see § 50.99

§ 50.03 GARBAGE CANS; WHEN REQUIRED.

Every householder or occupant of any dwelling house, boarding house, restaurant or any place of business, having garbage to dispose of, who does not provide otherwise for the disposal of such garbage in a sanitary manner, shall provide himself or herself with one or more fly-tight metal cans sufficient to receive all garbage which may accumulate between the times of collection. Each can shall have a capacity of not more than 1½ bushels and shall be provided with a bail or handles and a tight-fitting cover.

(Ord. 51, passed 5-1-72) Penalty, see § 50.99

§ 50.04 PLACING ACCUMULATED GARBAGE IN CANS.

All garbage and rubbish accumulating between the time of collection or dumping shall be placed in the cans provided for in § 50.03.

(Ord. 51, passed 5-1-72) Penalty, see § 50.99

§ 50.05 GARBAGE CANS ACCESSIBLE TO COLLECTORS.

Garbage cans shall be kept at such places as designated by the collectors and shall be accessible to collectors at all reasonable times.

(Ord. 51, passed 5-1-72) Penalty, see § 50.99

§ 50.06 NUMBER OF GARBAGE CANS FOR RESIDENTS OF CITY.

Every home resident contracting with the collector shall be entitled to weekly pick-up of not more than three garbage cans and one box of rubbish, containing not more than 4½ bushels of rubbish. Any additional cans or boxes shall be charged for at the current rate set by the collector and approved by the City Council.

(Ord. 51, passed 5-1-72) Penalty, see § 50.99

§ 50.07 GRANTING OF FRANCHISE TO PICK UP GARBAGE.

The Council shall grant an exclusive franchise giving the right to pick up garbage and rubbish in the city. It shall be unlawful for any firm or individual, except the one with the franchise, to collect for

hire garbage or rubbish within the city. Such franchise shall be upon such terms, rates and conditions as shall be from time to time established by the Council. The Council shall have the authority to contract for such collection for periods not to exceed five years.

(Ord. 51, passed 5-1-72) Penalty, see § 50.99

Cross-reference:

Franchises, see T.S.O. I

§ 50.08 GARBAGE COLLECTION; FEES.

(A) Each licensed garbage collector shall make collections weekly from residences and daily from hotels, restaurants, boarding houses and other designated businesses.

(B) The expense of garbage collection shall be paid to the collector monthly by the owner, agent, occupant or tenant of the premises from which such garbage is collected, and such fee shall be full compensation for his or her services in such collection. The fees for such collection shall be established by agreement between the City Council and the collector. The collector may refuse to make collection from any premises when the fees provided for in this chapter are not paid within one week from the date such garbage is collected.

(Ord. 51, passed 5-1-72) Penalty, see § 50.99

§ 50.09 INDIVIDUAL DISPOSAL OF GARBAGE.

Nothing in this chapter shall be construed as preventing an individual from disposing of garbage or rubbish.

(Ord. 51, passed 5-1-72)

§ 50.10 COLLECTION OF LEAVES, TREES OR TREE LIMBS.

Nothing in this chapter shall be construed to prevent the collection for hire by other persons of leaves, trees or tree limbs.

(Ord. 51, passed 5-1-72)

§ 50.99 PENALTY.

Any person, firm or corporation violating any of the provisions of this chapter shall upon conviction thereof be deemed guilty of a misdemeanor and punished as provided in § 10.99.

(Ord. 51, passed 5-1-72)

CHAPTER 51: SEWER REGULATIONS

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Cross-reference:

Health and Safety; Nuisances, see Chapter 91

GENERAL PROVISIONS**§ 51.001 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, being 33 USC 1251 et seq, as amended.

ASTM. American Society for Testing Materials.

AUTHORITY. The City of Clarissa, Minnesota, or its representative thereof.

BIOCHEMICAL OXYGEN DEMAND (BOD₅). 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 three 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 Clarissa as presently established or as amended by ordinance or other legal actions at a future time. The term **CITY** when used herein may also be used to refer to the City Council and its authorized representative.

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

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS Permit if the treatment facilities are designed to treat 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 whose presence in sanitary sewage is an indicator of pollution.

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

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

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

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

INDUSTRY. Any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the *Standard Industrial Classification Manual*, latest edition, which is categorized in Divisions A, B, D, E and I.

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

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

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

INTERFERENCE. The inhibition or disruption of the city's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the city's NPDES 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 287 mg/l and a suspended solids (TSS) concentration not greater than 287 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 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 whose primary purpose 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 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 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 which has a discharge flow in excess of 25,000 gallons per average work day; has exceeded 5% of the total flow received at the treatment facility; whose waste contains a toxic pollutant in toxic amounts pursuant to Section 307(a) of the Act (33 USC 1317(a)); or 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 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 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.

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. 70, passed 1-17-89)

§ 51.002 CONTROL BY THE UTILITIES SUPERINTENDENT.

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. 70, passed 1-17-89)

§ 51.003 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. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.004 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. 70, passed 1-17-89)

GENERAL REGULATIONS

§ 51.015 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. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.016 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. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.017 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. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.018 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, 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 ten-day notice shall be served instructing the affected property owner to make the connection.

(Ord. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.019 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 § 51.018, 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. 70, passed 1-17-89) Penalty, see § 51.999

PRIVATE WASTEWATER DISPOSAL

§ 51.035 PUBLIC SEWER NOT AVAILABLE.

Where a public sewer is not available under the provisions of § 51.018, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this subchapter.

(Ord. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.036 PERMITS.

(A) *Required.* Prior to commence of construction of a private wastewater disposal system, the owner 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.

(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 24 hours of the receipt of notice.

(Ord. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.037 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 Chapter 7080, as it may be amended from time to time, entitled *Individual Sewage Treatment System Standards*. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(Ord. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.038 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 365 days in compliance with this chapter, and within 365 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. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.039 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. 70, passed 1-17-89)

§ 51.040 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 Minnesota Department of Health.

(Ord. 70, passed 1-17-89)

BUILDING SEWERS AND CONNECTIONS**§ 51.055 RESTRICTIONS ON NEW CONNECTIONS.**

Any new connections 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.

(Ord. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.056 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.

(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.

(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 judgement of the city. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.

(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. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.057 COSTS AND EXPENSES.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer. (Ord. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.058 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. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.059 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 his or her representative, to meet all requirements of this chapter.

(Ord. 70, passed 1-17-89)

§ 51.060 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.

(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 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. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.061 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. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.062 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. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.063 EXCAVATIONS.

All excavations for building sewer installation or repair 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. Prior to excavation, a digging permit must be obtained from the city. The fee for the permit shall be established by the City Council.

(Ord. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.064 LICENSES.

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

(B) *Application.* 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. If approved by the Council, such license shall be issued by the City Administrator upon the filing of a bond as hereinafter provided.

(C) *Issuance.* No license shall be issued to any person until a \$500 bond to the city, approved by the Council, is filed with the City Administrator conditioned that 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.

(D) *Fee.* The license fee for making service connections is \$10. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked by the Council for cause.

(E) *Suspension or revocation.* The Council may suspend or revoke any license issued under this subchapter for any of the following causes:

- (1) Giving false information in connection with the application for a license.
- (2) Incompetence of the licensee.

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

(Ord. 70, passed 1-17-89) Penalty, see § 51.999

USE OF PUBLIC SERVICES**§ 51.080 DISCHARGES OF UNPOLLUTED WATER.**

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

(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. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.081 DISCHARGES OF WATERS OR WASTES.

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

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

(B) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as but not limited to grease, garbage with particles greater than 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, wasted 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. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.082 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 Superintendent may set limitations lower than limitations established in the regulations below if, in his or her opinion, such more severe 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 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 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 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 § 51.001.

(4) Any garbage not properly shredded, as defined in § 51.001 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 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 treatment process, adversely impacts land application, adversely effects receiving waters, or is in violation of standards pursuant to Section 307(b) of the Act (33 USC 1317(b)): 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 § 51.094. (Ord. 70, passed 1-17-89)

§ 51.083 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 § 51.082, or which in the judgement of the Superintendent may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment, receiving waters 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. 70, passed 1-17-89)

§ 51.084 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 §§ 51.081 and 51.082, or contained in the National Categorical Pretreatment Standards or any state requirements.

(Ord. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.085 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. 70, passed 1-17-89)

§ 51.086 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 § 51.082(B)(2), any flammable wastes as specified in § 51.081(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 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. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.087 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. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.088 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. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.089 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.

(Ord. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.090 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 Superintendent 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 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. Employers shall insure that all employees who may cause or discover such a discharge are advised of the emergency notification procedure.

(Ord. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.091 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 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. 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.

(Ord. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.092 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 30 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. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.093 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. 70, passed 1-17-89) Penalty, see § 51.999

§ 51.094 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. 70, passed 1-17-89)

USER RATE SCHEDULE FOR CHARGES

§ 51.110 CHARGES GENERALLY.

Each user of sewer service shall pay the charges applicable to the type of service, and in accordance with the provisions set forth in this subchapter.
(Ord. 70, passed 1-17-89)

§ 51.111 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. 71, passed 1-17-89)

§ 51.112 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 such as billing and associated bookkeeping and accounting costs.

BIOCHEMICAL OXYGEN DEMAND (BOD_5). 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 Clarissa, 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 (ERU). A unit of wastewater volume of 200 gallons per day at a strength not greater than 287 mg/l of BOD₅ and 287 mg/l of total suspended solids.

EXTRA STRENGTH WASTE. Wastewater having a BOD₅ 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: BOD₅ - 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 287 mg/l and suspended solids concentrations not greater than 287 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. Means 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 users of a treatment works for the users 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. 71, passed 1-17-89)

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

(D) Sewer service rates and charges to users of the wastewater treatment facility shall be determined and fixed in a "Sewer Service Charge System" developed according to the provisions of this subchapter. The Sewer Service Charge System shall be adopted by resolution upon enactment of this subchapter, shall be published in the local newspaper, and shall be effective upon publication. Subsequent changes in sewer service rates and charges shall be adopted by Council resolution and shall be published in the local newspaper.

(E) Revenues collected for sewer service shall be deposited in a separate fund known as "The Sewer Service Fund". Income from revenues collected will be expended to off-set 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 § 51.116.

(G) A connection fee as fixed in the Sewer Service Charge System shall be charged to each user connecting a new service to the Sanitary Sewer System. The connection fee shall be due and payable within 90 days of the date the connection is completed.

(Ord. 71, passed 1-17-89) Penalty, see § 51.999

§ 51.114 DETERMINATION OF SEWER SERVICE CHARGES.

(A) Users of the city wastewater treatment works shall be identified as belonging to one of the following user classes: Residential; Commercial; Industrial; Institutional; or Governmental. The allocation of users to these categories for the purpose of assessing user charges and debt service charges shall be the responsibility of the City Administrator. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.

(B) The charges assessed residential users and those users of other classes who discharge "Normal Domestic Strength Wastewater" shall be calculated on the basis of wastewater volume. Those "industrial

users” 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 related 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. The per quarter billable wastewater volume shall be equal to quarterly metered water usage as averaged between the first and last quarters of the calendar year. The city may require residential users to install water meters for the purpose of determining billable wastewater volume.

(2) *Non-residential users.* The billable wastewater volume of non-residential users may be determined in the same manner as for residential users except that if the city determines that there are significant seasonal variations in the metered water usage of non-residential users resulting in a proportionate increase or decrease in wastewater volume, then billable wastewater volume shall be calculated on the basis of quarterly metered water usage as recorded throughout the year, or calculated on the basis of wastewater flow meters. 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.* For those users who discharge normal domestic strength wastewater, as defined in this subchapter, and who do not have existing water meters, wastewater volume will be calculated on the basis of Equivalent Residential Unit's (ERU's). An Equivalent Residential Unit at a volume of 200 gallons per day will be assigned to connections according to §§ 51.117. Determination of the number of ERU's assigned to a particular connection, in accordance with § 51.117, shall be the responsibility of the City Council or its authorized representative. 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 and located at an accessible site on the owner's property.

(E) *Determination of sewer service charges.*

(1) *Generally.* 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 a debt service charge for the recovery of local capital costs. These charges shall be determined as follows.

(2) *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:

$$AF = AC / (TC \times Q)$$

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

(3) *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.*

$$UOMR = COMR-A / TBWV$$

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

(b) *Calculation of user charge.*

$$UC = UOMR \times BWV$$

Where: UC = User charge
UOMR = Unit cost for OM&R in \$/Kgallon
BWV = Billable wastewater volume of a particular user in Kgallon

(4) *Debt service charge.* Recovery of local capital costs of the wastewater treatment facility shall be through a debt service charge calculated 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 \$/Kgallon
CDS = Costs of annual debt service
TBWV = Total annual billable wastewater volume in Kgallon

(b) *Calculation of debt service charge.*

$$DC = UDS \times BWV$$

Where: DC = Debt service charge
UDS = Unit cost for debt service in \$/Kgallon
BWV = Billable wastewater volume of a particular user in Kgallon

(5) *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
DC = Debt service charge
AF = Administration fee

(F) 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 the *Standard Methods for the Examination of Water and Wastewater* in a manner acceptable to the city as provided for in this chapter.

(Ord. 71, passed 1-17-89) Penalty, see § 51.999

§ 51.115 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.
- (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 Administrator separate and apart from all other funds of the city. Funds received by the sewer service fund shall be transferred to the "Operation and Maintenance Account," the "Equipment Replacement Account," and the "Debt Retirement Account" in accordance with state and federal regulations and the provisions of this chapter.

(C) Revenue generated by the sewer service charge system sufficient to insure 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 operation and maintenance shall be held separate and apart in the "Operation and Maintenance Account."

(Ord. 71, passed 1-17-89)

§ 51.116 ADMINISTRATION.

The sewer service charge system and sewer service fund shall be administrated according to the following provisions:

(A) The City Administrator shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works, and shall furnish the City Council with a report of 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 Council will also determine whether the user charges are distributed proportionately to each user in accordance with § 51.113(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.

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

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

(D) Bills for sewer service charges shall be rendered on a monthly basis succeeding the period for which the service was rendered and shall be due ten days from the date of rendering. Any bill not paid in full 30 days after the due date will be considered delinquent. At that time the city shall notify the delinquent owner/occupant in writing regarding the delinquent bill and subsequent penalty. The penalty shall be computed as 10% of the original bill and shall be increased the same 10% for every month the bill is outstanding.

(E) The owner of the premises shall be liable to pay for the service to 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.

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

(Ord. 71, passed 1-17-89)

§ 51.117 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 home, townhouses and duplex units	1.0 unit
Condominiums and apartment units	0.8 unit
Mobile homes	1.0 unit

<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>
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	600 square feet	1.0
General office building	4,000 square feet	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	600 square feet	1.0
Retail store	3,000 square feet	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>
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	2.0
Service station with service center and car wash	Each	8.0
Swimming pool	Each	1.0
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. 71, passed 1-17-89)

POWERS AND AUTHORITY OF INSPECTORS

§ 51.130 AUTHORIZED EMPLOYEES PERMITTED TO ENTER ALL PROPERTIES.

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 chapter.

(Ord. 70, passed 1-17-89)

§ 51.131 AUTHORIZED EMPLOYEES OBTAINING INFORMATION FOR INDUSTRIAL PROCESSES.

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.

(Ord. 70, passed 1-17-89)

§ 51.132 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 § 51.087.

(Ord. 70, passed 1-17-89)

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

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 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. 70, passed 1-17-89)

§ 51.999 PENALTY.

(A) (1) Any person found to be violating any provisions of §§ 51.001 through 51.094 and 51.130 through 51.133 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.

(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 punished as provided in § 10.99.

(3) Any person violating any of the provisions of §§ 51.001 through 51.094 and 51.130 through 51.133 shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation.

(Ord. 70, passed 1-17-89)

(B) (1) Each and every sewer service charge levied by and pursuant to § 51.110 through § 51.117 is made a lien upon the lot or premises served, and all such charges which are on January 1, April 1, July 1, and 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 §§ 51.110 through 51.117 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 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.

(Ord. 71, passed 1-17-89; Am. Ord. 51-A, passed 6-18-12)

CHAPTER 52: WATER REGULATIONS

Section

- 52.01 Definition
- 52.02 Application for service
- 52.03 Permits issued by City Administrator; cost
- 52.04 All water to be metered
- 52.05 Water connections
- 52.06 Cost of installation
- 52.07 Rates and charges
- 52.08 Check valves required
- 52.09 Taking water without authority
- 52.10 Tampering with cut-off valves

§ 52.01 DEFINITION.

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

USER. Any person, firm, partnership, corporation or other legal entity having any connection with the municipal water system of the city.
(Ord. 48, passed 1-16-67)

§ 52.02 APPLICATION FOR SERVICE.

Any person desiring a connection with the municipal water system shall apply in writing to the City Administrator on a form furnished by him or her for that purpose for a permit to make such connection. Such application shall contain an exact description of the property to be served, the estimated maximum amount of water to be used, and the uses to which the water is to be put, both general and special. Such applications shall be accompanied by a fee in an amount established by resolution of the City Council.
(Ord. 48, passed 1-16-67; Am. Ord. 48A, passed 1-30-76)

§ 52.03 PERMITS ISSUED BY CITY ADMINISTRATOR; COST.

The City Administrator shall, upon receiving an application as provided in § 52.02 if the same is in proper form, issue to the person applying for the same a permit to connect with the municipal water system; and the applicant shall pay a fee to the City Administrator therefor, which fee shall be paid over by the Administrator and deposited to the credit of the Water and Sewer Fund. A fee of \$5 shall also be charged for all other connections or disconnections. Fees shall be in an amount established by resolution of the City Council.

(Ord. 48, passed 1-16-67; Am. Ord. 48A, passed 1-30-76) Penalty, see § 10.99

§ 52.04 ALL WATER TO BE METERED.

(A) All water furnished by the municipal water plant shall be measured by meters of a size and type to be approved by the city for that purpose. All premises to be served by connections to the municipal water system shall have a separate connection to the system, unless special permission is granted by the Superintendent of the municipal water and sewage system. Each connection to the municipal water system shall have its own curb cock and separate meters.

(B) For the purpose of reading meters, any duly authorized employee of the Water Department may legally enter upon any premises at a reasonable hour.

(Ord. 48, passed 1-16-67; Am. Ord. 48A, passed 1-30-76) Penalty, see § 10.99

§ 52.05 WATER CONNECTIONS.

(A) No one except a regular employee of the Water or Sewer Department or a plumber skilled in the trade shall make any connection with the water systems of the city.

(B) All connections shall be made in a good and workmanlike manner and according to the rules and specifications provided in the State Plumbing Code, as amended.

(C) No service line or water pipe connected therewith shall be covered or enclosed until after it has been inspected by a duly appointed officer of the city properly designated for the purpose. When any portion of the water pipe is laid, ready to cover or enclose, the plumber shall notify the city and the Inspector shall determine whether or not all material is of good quality and properly installed in accordance with the provisions of this chapter. When such water pipe or connection is approved, it may be covered or enclosed. No excavations made in public grounds shall be kept open longer than is absolutely necessary to make the connections required; and while open shall be protected by suitable barriers, guards and lights as provided by law. Back-filling shall be thoroughly compacted and left in an condition satisfactory to the Street Commissioner of the city. Where excavations are unsatisfactorily filled, the Street Commissioner shall place them in a satisfactory condition and the cost thereof shall be charged against the deposit made at the time of the application for the permit.

(D) All connections to the water system shall be made with materials approved by the State Plumbing Code. Connections shall be made as low in the street as the main in the street and in no case shall any connection be less than six feet below the established street grade. All water connections shall have a curb cock in each connection service line which the curb cock shall be placed as near as possible to the curb of the street. Curb cocks shall be of a style and type to be prescribed by the Superintendent of Water Works, and shall be enclosed in a substantial iron case covered with a tight fitting iron lid. There shall be one or more stop and waste cocks attached to every supply pipe at some point between the main and the meter so that the water can be shut off and the meter and the house plumbing entirely drained.

(Ord. 48, passed 1-16-67) Penalty, see § 10.99

§ 52.06 COST OF INSTALLATION.

The cost of the original installation of any water connection between the mains and service devices maintained by the owner or user and all extensions hereafter made to such service pipes as well as all repairs and replacements to the same shall be borne entirely by the owner of the property supplied; provided, however, that all such water service pipes shall be subject to the inspection of the duly appointed official of the Water and Sewer Department at all reasonable times. Any repairs found to be necessary by such official shall be made immediately upon order of such official and failure to make such repairs shall be immediate grounds for discontinuance of service. All repairs and installation must meet State Plumbing Code specifications.

(Ord. 48, passed 1-16-67; Am. Ord. 48A, passed 1-30-76) Penalty, see § 10.99

§ 52.07 RATES AND CHARGES.

(A) The City Council shall by resolution duly passed by a majority vote and published once in the official newspaper of the city shall establish, raise, lower or change the charge to be made for the water drawn from the municipal water system. Rate changes shall be effective from and after their publication as herein provided, and the publishing of the resolution as a part of the publication of the minutes of the proceedings of the City Council shall be deemed sufficient publication thereof.

(B) Accounts carried upon the books of the municipal Water and Sewer Department shall be in the name of the property owner serviced and the owner shall be at all times liable for the charges for water used upon the premises whether he or she is occupying the premises or not.

(C) For the purpose of providing funds to meet the costs of operating and maintaining the municipal water system and facilities connected therewith, the payment of capital charges, and the payment of reasonable requirements for repairs, replacements and obsolescence thereof, and the operating expenses of the system, and until the further change by resolution as hereinbefore set forth, there is hereby levied, assessed and charged to each lot, parcel of land, building or premises having any connection with the public water system of the city a service charge payable at rates established by resolution of the City Council.

(D) The City Council hereby reserves the right to alter, amend, increase or decrease all rates and charges provided in this chapter as may reasonably be required by resolution of the Council duly adopted and published once in the official newspaper of the city, and publication of such resolution as a part of the official minutes of the Council is hereby declared to be a sufficient publication of such resolution.

(E) The City Administrator shall compute the amount due the city for city water charges and render a statement thereof, monthly, as directed by the City Council, to the owner or occupant of any premises served, or to both. All amounts due hereunder shall be payable at the office of the City Administrator.

(F) The amount due on monthly statements to users shall be payable by the due date on the statement. Accounts not paid in full by the time of the next monthly statements to users shall be considered delinquent. Any user having a delinquent account shall pay, in addition to the amount due, a penalty and the current service to a user may be discontinued as outlined in this division (F). The penalty shall be computed as 10% of the original bill and shall be increased the same 10% for every month the delinquent account is outstanding.

(1) At the time that a users account becomes delinquent, the City Administrator shall notify the user having the delinquent account that the City Council will hold a hearing at the next regular Council meeting, at which time the user may show cause for nonpayment.

(2) If, in the opinion of the Council, the user shall fail to show sufficient cause for nonpayment of the delinquent account, the Council shall authorize discontinuation of service.

(3) Any current service which shall be discontinued shall not be resumed for that user until all amounts due, penalties, and a fee as set by City Council for resuming service shall be paid to the City Treasurer.

(4) If a delinquent account is not settled as outlined in divisions (F)(1), (2), or (3), the Administrator shall prepare an assessment roll on January 1, April 1, July 1, and October 1, for the assessment of delinquent amounts against the respective properties served. The assessment roll shall be delivered to the City Council at the first regular City Council meeting after January 1, April 1, July 1, and October 1 for adoption at said meeting. Upon such adoption, the Administrator shall certify the assessment roll to the County Auditor for collection along with taxes.

(5) For each delinquent account certified to the County Auditor, an additional \$5 administrative preparation fee shall be charged, which fee shall be added to the delinquent indebtedness to be collected by tax certification as provided herein.

(Ord. 48, passed 1-16-67; Am. Ord. 48A, passed 1-30-76; Am. Ord. 52-A, passed 6-18-12) Penalty, see § 10.99

§ 52.08 CHECK VALVES REQUIRED.

Check valves are hereby required on all connections to steam boilers or on any other connection deemed by the Superintendent of the water system to require one. Safety and relief valves shall be placed on all boilers, water heaters or other steam apparatus connected with the water system.
(Ord. 48, passed 1-16-67) Penalty, see § 10.99

§ 52.09 TAKING WATER WITHOUT AUTHORITY.

It is unlawful for any person, firm or corporation to take any water from the municipal water plant, except for the same to be drawn through a meter installed by the user under the direction of the municipality, or from any premises not owned by him or her without the permission of the owner thereof.
(Ord. 48, passed 1-16-67) Penalty, see § 10.99

§ 52.10 TAMPERING WITH CUT-OFF VALVES.

It shall be unlawful for any person to turn any curb cock on or off except a duly authorized employee of the Water Department.
(Ord. 48, passed 1-16-67) Penalty, see § 10.99

CHAPTER 53: NATURAL GAS

Section

General Provisions

- 53.01 Definitions
- 53.02 Fixing rates and charges for natural gas

Rules and Regulations Relating to Municipal Natural Gas

- 53.10 Application, connection and sale of service
- 53.11 Discontinuance of service
- 53.12 Right of entry
- 53.13 Unlawful acts
- 53.14 Shutoff for non-payment
- 53.15 Municipal utility charges a lien
- 53.16 Other provisions

- 53.99 Penalty

GENERAL PROVISIONS

§ 53.01 DEFINITIONS.

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

COMPANY, GRANTEE AND FRANCHISEE. Any public natural gas system to which a franchise has been granted by the city.

CONSUMER AND CUSTOMER. Any user of a natural gas.

MUNICIPAL GAS. Any publicly owned natural gas system.

NATURAL GAS BOARD. The Board consisting of two City Council members (appointed by the City Council) and the City Administrator.

SERVICE. Providing natural gas to a customer or consumer.

UTILITY. All natural gas services, whether the same be publicly owned facilities or furnished by public utility companies.
(Ord. passed 5-1-06)

§ 53.02 FIXING RATES AND CHARGES FOR NATURAL GAS.

All rates and charges for municipal gas, including, but not by way of limitation, fixed rates, usage fees, rates for service, permit fees, connection and meter reading fees, disconnection fees, reconnection fees including penalties for non-payment, if any, shall be fixed, determined and amended by the Natural Gas Board. Minutes of the Board meeting will be kept on file and open to the public for inspection in the City Administrator's office.
(Ord. passed 5-1-06)

RULES AND REGULATIONS RELATING TO MUNICIPAL NATURAL GAS

§ 53.10 APPLICATION, CONNECTION AND SALE OF SERVICE.

Application for municipal gas services shall be made upon forms supplied by the city. No connection shall be made until consent has been received from the city to make the same. All municipal gas shall be sold and delivered to consumers under the then applicable rates applied to the amount of the gas taken as metered or ascertained in connection with the rates.
(Ord. passed 5-1-06)

§ 53.11 DISCONTINUANCE OF SERVICE.

All municipal gas may be shut off or discontinued whenever it is found that:

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

(B) Any charge for a municipal gas service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid after due notice thereof;

(C) There is a fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges thereof; or

(D) A duly authorized employee of the city has been denied access to the premises for meter reading, inspection or repair.

(E) A dangerous condition exists, where the city has reasonable evidence that gas service is being obtained by a potentially unsafe device or unsafe condition interfering with the proper metering of the city's service.

(Ord. passed 5-1-06)

§ 53.12 RIGHT OF ENTRY.

Employees of the city have the right to enter in and upon private property, including buildings and dwelling houses, in or upon which is installed municipal gas or connection therewith, at all times reasonable under the circumstances for the purpose of reading utility meters, for the purpose of inspection and repair of meters or a gas system or any part hereof and for the purpose of connection and disconnection service. The right of entry is a condition to furnishing gas service. If entry is refused, an employee may obtain an administrative search warrant to gain entry.

(Ord. passed 5-1-06)

§ 53.13 UNLAWFUL ACTS.

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

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

(C) It is unlawful for any person to turn on or connect to natural gas when the same has been turned off or disconnected by the city for non-payment of a bill, or for any other reason, without first having obtained a permit to do so from the city.

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

(E) It is unlawful for any person to intentionally prevent, hinder or delay an employee of the city, acting in the performance of his or her duties, from reading a gas meter, inspecting or repairing a gas system or a connection therewith or connecting a gas service.

(F) It is unlawful for any person to allow the gas meter to become obstructed by trees, shrubs, debris, or any other object that prevents the person attempting to read the meter from having a clear and unobstructed view of the meter from ten feet away.

(Ord. passed 5-1-06)

§ 53.14 SHUTOFF FOR NON-PAYMENT.

(A) The city shall endeavor to collect delinquent accounts promptly. In any case where satisfactory arrangements for payment have not been made, the city may, after the procedural requirements of division (B) of this section have been complied with, discontinue service to the delinquent customer by shutting off the gas service. When gas service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent amounts due plus a fee for disconnection and reconnection as set in the fee schedule adopted from time to time by the Natural Gas Board.

(B) *Procedure.* Gas service shall not be shut off under division (A) of this section until notice and an opportunity for a hearing have first been given to the occupant of the premises involved. The notice shall state that if payment is not made before the date stated in the notice, but not less than ten days after the notice is given, the gas service 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 or service shall not be cut off until after the hearing is held. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the Council no later than one week after the date on which the request was made. 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 gas service of the delinquent customer may not be shut off in accordance with this section the city may shut off the supply or service. Gas service shall not be discontinued during the "Cold Weather Rule" except as provided for in M.S. 216B and 216B.097.

(Ord. passed 5-1-06)

§ 53.15 MUNICIPAL UTILITY CHARGES A LIEN.

(A) Payment for service and charges provided for herein shall be the primary responsibility of the owner of the premises served and shall be billed to him or her unless otherwise authorized in writing by the tenant and owner and consented to by the city. The city may collect the same in a civil action or, in the alternative and at the option of it, as otherwise provided in this section. In any case, the "owner" shall be ultimately liable for gas service supplied to his or her property.

(B) Each charge is hereby made a lien upon the premises served. Delinquent accounts shall be certified by the Clerk-Treasurer/Administrator, who shall prepare an assessment roll each year provided for assessment of delinquent amounts against the respective property served. The assessment rolls shall

be delivered to the Council for adoption on or before October 1 of each year. Upon its adoption, the Clerk-Treasurer/Administrator shall certify the assessment roll to the County Auditor. The amount so certified shall be extended by the Auditor on the tax rolls against the premises in the same manner as other taxes and collected by the County Treasurer and paid to the city along with other taxes.

(Ord. passed 5-1-06)

§ 53.16 OTHER PROVISIONS.

(A) The city retains the right, but does not assume the duty, to inspect the customer's installation at any time, and will refuse to commence or to continue service whenever it does not consider such installation to be in safe or good operating condition, but the city does not in any event assume any responsibility whatever in connection with such matters.

(B) The customer shall protect the city's piping and apparatus on customer's premises and shall permit no one except city's agents or person authorized by law to inspect or handle same. In the event of any loss or damage to such property of the city caused by or arising out of carelessness, neglect, misuse accumulation by customer or other unauthorized persons, the cost of making good such loss or repairing such damage shall be paid by the customer. Customer shall also be responsible for repairs or replacement of any meter damaged by an accumulation of ice and snow.

(C) The city will use reasonable care to provide an uninterrupted and regular supply of service to its customers. It does not assume direct liability for losses or damage to persons or property due to its service, or as a result of failure of the service, interruption or variation because of an Act of God, labor dispute or any causes beyond the city's control.

(D) The city shall not be liable for any losses, or damage to persons or property due to disconnection of service. The city reserves the right, without incurring any liability therefore, to curtail or temporarily interrupt the customer's service when necessary to make repairs, replacement or changes to the city's facilities either on or off the customer's premises. The city will make an effort to notify its customers of a planned interruption of service in advance.

(Ord. passed 5-1-06)

§ 53.99 PENALTY.

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

(B) Any person who shall continue any violation beyond the time limit provided for in the written notice shall be guilty of a misdemeanor and on conviction thereof shall be fined or imprisoned, or both, not to exceed the maximum penalty authorized for a misdemeanor by state law for each violation. Each day in which such violation shall continue shall be deemed a separate offense.

(Ord. passed 5-1-06)

