

CHAPTER 50: WATER AND SEWERS

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GENERAL PROVISIONS

§ 50.001 APPLICABILITY.

This chapter shall apply and be in effect for the stated purposes with the city.
(Prior Code, § 730.01)

§ 50.002 ENFORCEMENT.

(A) *Responsibility.* The city shall be responsible for administration and enforcement of this chapter.

(B) *Certification.* The city or its agent shall be qualified and certified by the WCA as competent in the design, evaluation and inspection of individual on-site sewage treatment systems, and shall carry a current Class D certificate and an individual sewage treatment system certificate.
(Prior Code, § 730.02)

§ 50.003 ADJUSTMENT AND APPEALS.

(A) The appropriate board or agency of the city shall hear and decide appeals and review any order, decision or determination made by the Superintendent regarding the enforcement of this chapter.

(B) The appropriate board or agency of the city shall hear and act upon all rate adjustment and variance requests where provisions of this chapter are specifically variable.

(C) Any appeal of an administrative decision or determination may be filed by any person, department, bureau, town, city, county or state.
(Prior Code, § 730.03)

§ 50.004 INSPECTIONS.

Inspections as shall be required to determine compliance with this chapter shall be performed by the Superintendent or his or her authorized agent under the following circumstances:

(A) Duly authorized employees of the city shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. Those employees shall have no authority to inquire into processes including metallurgical, chemical, oil refining, ceramic, paper or other industries except as shall be necessary to determine the kind and source of the discharge to the public sewer.

(B) The owner or occupant of a property shall be responsible to provide access at reasonable times, to the Superintendent or his or her agent, for the purpose of performing inspections required under this chapter.

(C) While performing the necessary work on private property as referred to in division (A) of this section, the authorized employees of the city shall observe all safety rules applicable to the premises.

(Prior Code, § 730.04)

(D) If the owner does not permit such inspection, the city can get an administrative search warrant.

(E) A warrant is not necessary in emergency situations.

§ 50.005 DAMAGE TO WATER SYSTEM.

(A) No unauthorized person shall remove or damage any structure, appurtenance, or part of the water system or fill or partially fill any excavation or move any gate valve used in the water system.

(B) No person shall make any connection of an electrical welder to the city water main, appurtenance or service or use an electric welder for the purpose of thawing frozen water mains, appurtenances or services.

Penalty, see § 50.999

§ 50.006 USE OF WATER FOR AIR CONDITIONING; PERMITS.

(A) All air conditioning systems which are connected directly or indirectly with the public water system must be equipped with water conserving and water regulating devices as approved by the City Engineer or City Utilities Superintendent.

(B) Permits shall be required for the installation of all air conditioning systems to the public water system. The fee shall be established by City Council ordinance, as it may be amended from time to time.

Penalty, see § 50.999

§ 50.007 COLLECTION OF SPECIAL CHARGES AND UTILITIES BY ASSESSMENT.

(A) *Purposes.* The purpose of this chapter is to provide a mechanism by which the City Council can collect unpaid utilities and service charges as authorized pursuant to M.S. § 429.101.

(B) *Assessment for charges.* The City Council may assess against the benefited property for all unpaid utility and service charges pursuant to M.S. § 429.101. The assessment of these unpaid utilities and charges shall be by resolution following 10 days mailed notice to property owners of the city's intent to assess the unpaid amounts.

(C) *Collection process.* All charges and utilities assessed under this authority shall be certified by the City Clerk to the County Auditor for collection with real estate taxes the year following the levy of the assessment for the unpaid utilities and special charges.

(Ord. O-7-07, passed 11-7-2007)

PUBLIC WATER SYSTEM

§ 50.015 GENERAL PROVISIONS ON WATER SYSTEM.

(A) *Water Department.* There is hereby established a Water Department which shall be under the supervision of the Public Works Director. The Department shall be responsible for the management, maintenance, care and operation of the water works system of the city. The area served by the water works system is identified on the attached sewer/water service area map.

(B) *Use of water system restricted.* No person shall make or use any water service installation connected to the city water system except pursuant to application and permit as provided in this subchapter. No person shall make or use any installation contrary to the regulatory provisions of this subchapter. No person, except as authorized by the Public Works Director, shall turn off any water supply at the curb box or operate water main system valves. (Prior Code, § 760.01) (Am. Ord. O-6-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.016 CONNECTION TO SYSTEM REQUIRED; USE OF PRIVATE WELLS.

(A) Except where municipal water is not available, it shall be unlawful to construct, reconstruct or repair any private water system which is designed or intended to provide water for human consumption. Existing private wells provide water for irrigation and landscaping may be maintained and continued in use after connection is made to the water system, provided there is no means of cross-connection between the private well and municipal water supply at any time. Hose bibs that will enable the cross-connection of the 2 systems are prohibited on internal piping of the well system.

(B) The owner(s) of all new homes, buildings or properties used for human occupancy, employment, recreation or other purposes shall connect to the public water system if water is available to the property. At the time public water becomes available to existing homes, buildings or properties used for human occupancy, employment, recreation or other purposes a suitable direct connection shall be required to the public system at the owner(s) expense in accordance with provisions of this section, within 1 year of the date the public water system is available.

(C) (1) In the event an owner shall fail to connect to the public water system within 30 days of notice given under division (B) of this section, the city shall undertake whatever legal action is reasonable necessary to see that connection is made; the city shall assess all of its costs associated with this enforcement against the benefitted property.

(2) The 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.

(3) The rights of the city shall be in addition to any remedial enforcement provisions of this section.

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

(E) If the private well is not to be used after the time a public water connection is made:

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

(2) Within 30 days after the public water connection is made, the owner or occupant must provide proof of abandonment to the City Public Works Director; and

(3) Notwithstanding the foregoing, all well abandonment shall be done in accordance with M.S. §§ 103I.301 to 103I.345, as they may be amended from time to time, and Minn. Rules Ch. 4725, Wells and Borings, as it may be amended from time to time.

(Prior Code, § 760.02) (Am. Ord. O-6-02, passed 4-16-2002; Am. Ord. O-5-04, passed 9-21-2004) Penalty, see § 50.999

§ 50.017 USE OF WATER FROM FIRE HYDRANTS; TEMPORARY CONNECTIONS.

(A) Except for extinguishing of fires, no person, unless authorized by the Public Works Director, shall operate fire hydrants or interfere in any way with the water system without first obtaining permission to do so from the city.

(B) The user shall relinquish the use of the hydrant to authorized city employees in emergency situations.

(C) The user shall pay a charge as established by Council.

(D) Use of water from a hydrant shall be metered. The user shall obtain a meter from the city and shall pay for the water used at the rate established by the Council.

(Prior Code, § 760.03) (Am. Ord. O-6-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.018 WATER DEFICIENCY, SHUT OFF AND USE RESTRICTIONS.

The city shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections or from any other cause whatsoever. In case of fire, or alarm of fire, or in making repairs or construction of new works, water may be shut off without notice at any time and kept off as long as necessary. In addition, the City Council shall have the right to impose reasonable restrictions on the use of the city water system in emergency situations. Water service may be discontinued for non-payment of charges according to the procedures established in § 50.031. (Prior Code, § 760.04) (Am. Ord. O-6-02, passed 4-16-2002)

§ 50.019 SUPPLY FROM ONE SERVICE.

(A) No more than 1 consumer shall be supplied from 1 service connection except by permission of City Council.

(B) Each unit served shall have a separate water meter.
(Prior Code, § 760.05) (Am. Ord. O-6-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.020 TAPPING OF MAINS RESTRICTED.

No person, except persons authorized by the City Council, shall tap any distributing main or pipe of the water supply or insert stopcocks or ferrules therein.
(Prior Code, § 760.06) (Am. Ord. O-6-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.021 REPAIRS.

(A) *Determination of need for repairs.* Based on the information supplied by the property owner or available to the city, the city will make a determination whether a problem exists in that portion of the service which is the city's responsibility, as identified in § 50.024 of this chapter. If the problem appears to exist in the areas for which the city has no responsibility, the private owners shall be responsible for correction of the problem.

(B) *Excavation or repair of water service.*

(1) The city will arrange for the investigative digging up and repair of any water service where the problem apparently exists within the area for which the city has responsibility.

(2) Unless it is clearly evident, however, that the problem is the responsibility of the city, excavation and repair will not be made until the property owner requests the city to excavate or repair the service and agrees to pay the cost.

(3) The owner further agrees to waive public hearing and have specially assessed the cost of the excavation and repair if the problem is found to be other than the city's responsibility. The city will make the determination for responsibility of the cost of investigation or repair.

(4) The matter of whether the dig up is done by city forces or contracted would depend on the urgency or need of repair and the availability of city forces to do the work. Recovery by the city for faulty construction will depend upon the circumstances and the decision of the City Attorney on the likelihood of recovery.

(C) *Failure to repair.* In the case of failure upon the part of any consumer or owner to repair any leak occurring in his or her service pipe within 24 hours after verbal or written notice thereof, the water may be turned off by the city and shall not be turned on until the leak has been repaired and a fee pursuant to § 50.026 has been paid to the city.
(Prior Code, § 760.07) (Am. Ord. O-6-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.022 WATER CONNECTIONS, APPLICATIONS AND CHARGES.

(A) *Connection applications.*

(1) All applications for service installations and for water service shall be made to the City Administrator-Clerk. All applications for service installations and water service shall be made by the owner or agent of the property to be served and shall state the size and location of service connection required. The applicant shall, at the time of making the application, pay to the city the deposit required for the installation of the service connection as hereinafter provided.

(2) The size of the water service connections and meter shall be subject to approval of the City Public Works Director.

(3) Water billing shall start at the time of installation of the water meter, or in the event of temporary water access, prior to the meter being installed. The billing shall be calculated upon the minimum monthly rate, or as determined by the Public Works Director.

(B) *Connection charges.*

(1) Permission must be obtained to connect to the existing water service leads at the curb stop box or valve. Water service leads consist of service extensions from the water main to the curb box including the stop box. Payment for service connections must be made before the work is started. A fee, as set by the City Council, shall be charged for connections.

(2) Additional charges shall be paid at the time of making application for tapping and making connections with the water main to where a service lead was not previously installed. The charge shall include the tapping of the water main, corporation cocks, the installation of a valve and valve box or curb stop box and restoration of streets.
(Prior Code, § 760.08) (Am. Ord. O-6-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.023 LOCATION OF CURB STOP BOX.

Curb stop boxes will be installed on the right-of-way line or easement limits at a location as determined by the Public Works Director to be best suitable to the property and shall be left in a vertical position when backfilling is completed. Curb stop boxes will be installed at an approximate depth of 7 feet below the finished ground elevation and the top of the curb stop box shall be adjusted to be flush with the finished ground elevation. Curb stop boxes must be firmly supported. No person shall erect any fence or plant any tree or other landscaping that would obstruct the use of the curb stop box or cause damage to the same. The Public Works Department will, without charge, locate boxes and adjust them to any change in grade. (Prior Code, § 760.10) (Am. Ord. O-6-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.024 SERVICE OWNERSHIP AND MAINTENANCE RESPONSIBILITIES.

(A) The service pipe from the city water main to the valve or the stop box, including the valve box or the stop box and cover in the boulevard and the property of the city and all persons are forbidden to interfere with them.

(B) (1) The service pipe from the valve or the stop box to the meter shall be the property of the property owner.

(2) The pipe must be protected and maintained by the property owner. (Prior Code, § 760.11) (Am. Ord. O-6-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.025 WATER METERS.

(A) Generally, except for extinguishment of fires, no person, unless otherwise authorized by the City Council or Public Works Department, shall use water from the water system or permit water to be drawn from it unless the same is metered by passing through a meter supplied or approved by the city. No person not authorized by the City Council or Public Works Director shall connect, disconnect, take apart, or in any manner, change or cause to be changed or cause to be changed or interfere with any meter or the action thereof or break any meter or valve seal. The city shall exclusively own and control the water meters to be used in the water system. All water meters shall be inspected by the Public Works Director in accordance with the following regulations.

(1) The service pipe from the city water main to the meter shall be a minimum 1 type K copper pipe, or as approved by the Public Works Director. The pipe shall extend from the main to the building and through the floor in a vertical position.

(2) The meter shall be so located that the bottom is from 12 to 18 inches above the finished floor line. The meter shall not be set more than 12 inches, measured horizontally, from the inside line of the basement wall. Deviation from these standards may be made only with written permission of the Public Works Director. An approved yoke or horn shall be utilized to support the meter in the proper vertical position, meters larger than 1 inch shall be set on a pedestal.

(3) All meter installations shall have a ball valve on the street side of the meter. In no case shall there be more than 12 inches of pipe exposed between the point of entrance through the floor and ball valve. A ball valve shall also be installed on the consumer side of the meter.

(4) The water service connecting with the main shall not be run within any structure or under any floor for a distance of more than 2 feet, measured from the inside foundation wall, before being connected to the water meter.

(5) The consumer is prohibited from obstructing the meter so as to prohibit the reading or repairing of the meter.

(6) It shall be unlawful for anyone to misread or to tamper with any meter so as to avoid charges for water.

(7) It shall be unlawful for anyone to bypass a meter, or otherwise use city water without making just compensation therefore.

(8) Where a consumer has need for a larger line in addition to his or her domestic line as in the case of a commercial consumer who needs a 1-inch line for normal use and a 6-inch or larger line for a fire sprinkler system, the property owner must connect 2 lines to the building. When this is done, the meter will be attached to the small or domestic line and a post indicator valve shall be placed on the larger line.

(9) In large water service applications, it may be necessary to install compound type water meters when it is determined there are periods of light water usage.

(B) Repair and replacement of meters.

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

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

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

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

(C) *Testing.* At the written request of any user, the Public Works Director will test or cause to be tested the meter supplying the premises of the owner or customer. A deposit of \$25 shall be required before the meter is disconnected which will be returned to the owner or consumer if the meter is not found to be registered correctly within 3%, otherwise the deposit so made shall be retained by the city to cover the cost of these tests. The owner or consumer may, if he or she desires, be present at the time the test is made. The result of any test shall be reported to the owner or consumer in every case. If the testing of a meter, as herein above provided, indicates that it registers in excess of 3% error, the charge to the consumer for water consumed and used during the quarter within which the test is made shall be adjusted in a fair and equitable manner.

(D) *Water meters.* The city shall supply water meters, up to and including 5/8-inch size, non-compound and non-turbine type meters to users or a fee to be established by the City Council. This fee is not a deposit and is not refundable. Compound meters, turbine meters and meters larger than 5/8 inches shall be purchased by the user and installed with the Public Works Director's approval and shall become the property of the city upon installation. The city shall establish the brand and type of meter that is acceptable for each installation.
(Prior Code, § 760.12) (Am. Ord. O-6-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.026 RATES, FEES AND CHARGES GENERALLY.

The City Council shall establish a schedule of all water rates, fees, penalties and charges for services. This schedule shall be adopted by resolution and may be amended from time to time by the Council.

(Prior Code, § 760.13) (Am. Ord. O-6-02, passed 4-16-2002)

§ 50.027 WATER SERVICE BILLING; CHANGE OF ADDRESS.

All bills and notices shall be mailed or delivered to the address where service is provided. If non-resident owners or agents desire personal notice sent to a different address, they shall so note on the water service application. Any change or error in address shall be promptly reported to the City Administrator-Clerk.

(Prior Code, § 760.14) (Am. Ord. O-6-02, passed 4-16-2002)

§ 50.028 WATER RATES.

(A) In case a meter is found to have stopped, or is operating in a faulty manner, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the year.

(B) If the water meter cannot or has not been read for any reason, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the year.

(C) The minimum rates established by Council shall begin to accrue after connection of the service pipe with the curb stop box.

(D) A meter shall be installed on the water service in the building and a remote register outside regardless of whether inside piping is connected.

(E) In the event a water customer elects to discontinue the use of the municipal water, the regular or minimum charge shall continue until the date service is disconnected at the curb box.
(Prior Code, § 760.15) (Am. Ord. O-6-02, passed 4-16-2002)

§ 50.029 PAYMENT OF CHARGES; LATE PAYMENT; COLLECTION.

(A) For rental units, payment for services and charges provided for municipal utilities shall be the responsibility of the owner of the premises and shall be billed to him or her.

(B) Any prepayment or overpayment of charges may be retained by the city and applied on subsequent monthly charges.

(C) (1) If a monthly utilities charge is not paid within 30 days of billing, then a penalty of 1.5% shall be added thereto.

(2) The penalty shall be computed at 1.5% of the amount due and shall be increased the same 1.5% for every month the bill is outstanding.

(D) In the event a user fails to pay his or her utilities bill within a reasonable time following discontinuance of service (a time period not to exceed 90 days), the fee shall be certified by the City Administrator-Clerk and assessed against the property on which the charges have incurred, and forwarded to the County Auditor for collection
(Prior Code, § 760.16) (Am. Ord. O-6-02, passed 4-16-2002)

(E) When water services have been stopped because of a violation of this chapter, the city shall collect a fee established by City Council, as it may be amended from time to time, before service is recommenced.
Penalty, see § 50.999

§ 50.030 SUPERVISION BY PUBLIC WORKS DIRECTOR.

(A) All piping connections from the valve box or curb stop box to the building's supply piping shall be made under the supervision of a licensed plumber subject to inspection by the Building Official. The piping connection made to the valve box or curb stop box on the building side shall be inspected by the Building Official.

(B) Authorized city employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the water system for purposes of testing the water.
(Prior Code, § 760.17) (Am. Ord. O-6-02, passed 4-16-2002)

§ 50.031 DISCONTINUANCE OF SERVICE.

(A) *Generally.* Water service may be shut off at any connection whenever:

(1) The owner or occupant of the premises served or any person working on any pipes or equipment therein which are connected with the water system has violated, or threatens to violate, any of the provisions of this subchapter; or

(2) Any charge for water, service, meter or any other financial obligations imposed on the present or former owner or occupant served is unpaid after due notice and opportunity for hearing as set forth in this section.

(B) *Disconnection for late payment.*

(1) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and overdue notices shall contain in addition to the address and telephone number of the City Administrator-Clerk who is in charge of billing, clearly visible and easily readable provisions to the effect:

(a) All bills are due and payable on or before the date set forth on the bill;

(b) If any bill is not paid by or before that date, the following bill will be mailed and contain a cutoff notice stating that if the total amount owed is not paid within 10 days of the mailing of the second bill, service will be disconnected for nonpayment; and

(c) Any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentious to the City Administrator-Clerk in charge of utility billing. The Administrator-Clerk shall be authorized to order that the customer's service not be discontinued and shall make a final determination of the customer's complaint.

(2) Requests for delays or waiver of payment will be considered on a case-by-case basis. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified but in no event until the charges have been due and unpaid for at least 30 days.

(3) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with fees for disconnection and reconnection as established by City Council resolution.

(C) *Cold weather rule.* Pursuant to M.S. § 216B.097, as it may be amended from time to time, no service of a residential customer shall be disconnected if the disconnection affects the primary heat source for the residential unit when the disconnection would occur during the period between October 15 and April 15, the customer has declared inability to pay on forms provided by the state, the household income of the customer is less than 185% of the federal poverty level as documented by the customer to the city, and the customer's account is current for the billing period immediately prior to October 15 or the customer has entered into a payment scheduled and is reasonably current with payments under the schedule.

(Prior Code, § 760.18) (Am. Ord. O-6-02, passed 4-16-2002) Penalty, see § 50.999

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WASTEWATER CHARGES

§ 50.045 CITY WASTEWATER DISPOSAL SYSTEM FACILITIES.

The fees, rates and charges for using the city facilities shall be, upon the conditions and in the amounts set forth in this chapter approved by the M.P.C.A. in accordance with § 204(b) of the Clean Water Act, being 33 U.S.C. § 1284(B), to ensure that each user shall pay for its proportional share of the costs of operation and maintenance including replacement. (Prior Code, § 700.01)

§ 50.046 DEFINITIONS.

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

BOD or **BIOCHEMICAL OXYGEN DEMAND.** The quantity of oxygen utilized in the biochemical oxidation of organic matter in 5 days at 20°C, expressed in milligrams per liter, as determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

CAPITAL COSTS. All reasonable and necessary costs and expenses incurred by the city in planning, designing, financing and constructing disposal system facilities, including but not limited to costs and expenses for obtaining necessary permits, licenses, approvals and grants for design and construction costs; fees for legal and consulting services; or the acquisition of the facilities.

CITY. Individually or collectively all parts and facilities of the sewer system and wastewater treatment plant.

DEBT SERVICE. The principal and interest necessary to pay bonded indebtedness.

DEBT SERVICE CHARGE. The charge for recovering local capital costs, if any, which were not recovered through special assessments.

FLOW. The quantity of sewage expressed in gallons or cubic feet per 24 hours.

LOAD. Quantities of sewage characteristics such as BOD, TSS and other constituents as expressed in milligrams per liter (mg/l) or pounds per 24 hours (lbs/24 hours).

NORMAL DOMESTIC STRENGTH. Wastes with a Biological Oxygen Demand concentration not to exceed 220 milligrams per liter and a total suspended solids concentration not to exceed 220 milligrams per liter.

OPERATION AND MAINTENANCE. Activities required for the dependable and economical functioning of the wastewater collection and treatment facilities throughout the useful life of the treatment works and at the level of performance for which the treatment works were constructed. The term **OPERATION AND MAINTENANCE** shall include replacement.

OPERATION AND MAINTENANCE COSTS (O AND M COSTS). The expenses related to the costs of the operation, maintenance, replacement and administration of the city facilities.

REPLACEMENT. Obtaining and installing of equipment, accessories or appurtenances which are necessary during the useful life of the wastewater treatment facilities to maintain the capacity and performance for which the facilities were designed and constructed. The term operation and maintenance shall include **REPLACEMENT**.

REPLACEMENT COSTS. Costs related to the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance during the useful life of the city facilities for which the facilities were designed and constructed. The term operation and maintenance shall include replacement.

RESIDENTIAL, USERS. A user of the treatment facilities whose premises or building is used primarily as a residence for 1 or more persons including dwelling units such as detached, semi-detached, and row houses, mobile homes, garden and standard apartments, or permanent multi-family dwellings (transient lodging, considered commercial in nature, shall not be included).

SANITARY WASTES. The liquid and water carried wastes discharged from sanitary plumbing facilities.

SEWAGE. The liquid carried waste products from whatever source derived, together with the ground water infiltration and surface water as may be present.

SEWER. A pipe or conduit for carrying sewage, industrial waste and other waste liquids.

SEWER SERVICE CHARGE. The aggregate of all the charges including the user charge, debt service charges and other sewer related charges that are billed periodically to users of the city facilities.

SEWER SYSTEM. Pipelines or conduits, septic tanks, service lines from septic tanks to collector sewer, pumping stations, force mains and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage.

STANDARD SEWAGE VOLUME UNIT. A unit of wastewater volume received from an average household unit consisting of a wastewater volume of not greater than 345 gallons per day at a strength of not greater than 220 mg/l BOD and 220 mg/l total suspended solids.

TSS or TOTAL SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering, in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

USER. Any person discharging sewage into the city disposal system facilities.

USER CHARGE. A charge levied on users of city facilities for the cost of operation, maintenance and replacement of the facilities.

WASTEWATER TREATMENT PLANT. Any facility, appurtenant structures or arrangement of devices used for the treatment of sewage.
(Prior Code, § 700.02)

§ 50.047 GENERAL.

(A) *Generally.* It shall be the purpose of this section to recover from users of the city facilities, on an equitable basis, the share of the city facilities costs attributable to the users, and to provide funds for the operation and maintenance, debt service, replacement and improvements by the city. Methodology for determining and maintaining a proportionate user charge system is included in a report prepared by McCombs-Knutson Associates, Inc., entitled Sewer Service Charge System, Greenfield, Minnesota.

(B) *Connections.* The user charges provided for in this section shall be hereby levied and assessed upon each lodge, parcel of land, building or premises having any connection with, or discharging either directly or indirectly into the sewer system.

(C) *Annual establishment.* The City Council shall annually determine and fix the unit costs for use of the city wastewater facilities on the basis of flow, taking into consideration the cost of conveyance and treatment of the sewage consistent with the methodology developed in the sewer service charge system, specifically the cost of operation, maintenance and replacement costs for the city's sewer system. MWCC sewer use charges and the Independence and Medina sewer use charge.

(D) *Monthly billing.*

(1) The city shall compute the amount due the city for sewer use charges and render a statement thereof, at monthly intervals, to the owner or occupant of any premises using the city facilities.

(2) All amounts due hereunder shall be payable at the office of the Administrator-Clerk or other designated locations within 45 days of the date of the statement.

(3) Accounts which become past due shall be charged \$1 per month service charge.

(E) *Annual notice.* Each user shall be notified annually by the city, in conjunction with a regular bill of the rate and that portion of the user charges which are attributable to the operation, maintenance and replacement costs.

(F) *Report.* The Administrator-Clerk shall in August of each year provide to the City Council an internal audit report that shall address specific areas of concern including: the need to generate sufficient revenue through user charges to cover total O and M costs; the necessity of maintaining a proportionate system of user charges; and the need to review the replacement account to determine its proper level of funding. Appropriate revisions shall be made to the rates to maintain proportionality and to cover total O, M and R costs, as reflected by this annual audit.

(Prior Code, § 700.03)

§ 50.048 CHARGES A LIEN.

(A) Each charge levied pursuant to this subchapter shall be a lien against the property, and all charges shall be due on September 30 of each year.

(B) Charges more than 30 days past due, and having been properly mailed to the occupant or owner of the premises, shall be certified by the City Council to the County Auditor, shall specify the amount thereof, the description of the premises, the name of the owner thereof, and the amount so certified shall be expanded upon 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.

(Prior Code, § 700.04)

§ 50.049 CIVIL ACTION.

Any charges levied pursuant to this subchapter, which have been properly sent to the occupant or owner and have not been paid, maybe recovered in a civil action by the city in any court of competent jurisdiction.

(Prior Code, § 700.05)

§ 50.050 FUNDS FROM SEWER SERVICE CHARGES.

The funds received from the collection of the charges authorized by this subchapter shall be deposited as collected in the city wastewater treatment system operating fund and shall be used for the operation, maintenance, debt service, replacement, and improvements of the city sewer system, except that the portion of any funds which is limited to a particular use by applicable state or federal rules or regulations, shall be used in compliance with these restrictions.

(Prior Code, § 700.06)

§ 50.051 UNIT COST CATEGORIES.

The cost to be recovered pursuant to this subchapter and the unit cost to be fixed by the City Council in § 50.047 (C) shall be determined and allocated in each of the following categories:

(A) *Debt service for wastewater collection facilities.* This shall be the amount of the annual interest and principal cost necessary to retire the bond issued to pay for the local share of the project cost.

(B) *Operation and maintenance – city sewer system.* This shall be the annual cost of operating and maintaining the city sewer system facilities, and payment to the Metropolitan Waste Control Commission and Cities of Independence and Medina for sewer use charges, including an amount for equipment replacement costs, which shall be segregated in a separate fund.

(Prior Code, § 700.07)

§ 50.052 INDUSTRIAL CHARGES.

Connections to this system are limited to 57 residential properties. Four of the properties consist of seasonal cabins. Each year-round residence shall be considered a single sewage volume unit. Each seasonal cabin shall be considered 0.6 sewage volume unit.

(Prior Code, § 700.08)

§ 50.053 CHARGES FOR RESIDENTIAL USERS OF CITY COLLECTION SYSTEM.

(A) *Assessments.* The debt service for wastewater facilities, shall be recovered by a special assessment to each property served. This assessment shall be based on the project local capital cost divided equally among the residential users served by the system. The city may determine to defer the assessment of property for the cost of wastewater treatment facilities until time as the property shall be connected to the wastewater treatment system.

(B) *User charge.* The user charge for operation, maintenance and replacement (O, M and R) shall be based on a standard sewage volume unit. The annual sewer charge shall be the amount of revenues that the city shall determine is necessary for the annual O, M and R of the wastewater facilities divided by the total number of standard sewage volume units. Each year-round residence shall be considered a single sewage volume unit. Each seasonal cabin shall be considered 0.6 sewage volume unit.

(C) *Connection fee.* A connection inspection fee shall be collected for all connections to the city wastewater collection system not connected as a part of the system construction. The fee shall consist of 2 components, 1 for the inspection of the installation of service lines and a septic tank up to the user structures and a second component to cover the cost of furnishing and installation by the city of a service way or saddle, to the sewer main, if the connection was not previously done by the city. The City Council shall annually set the amount of the charges. (Prior Code, § 700.09)

§ 50.054 ADMINISTRATION.

(A) *Applicability.* This subchapter shall apply and be in effect for the stated purposes within the city.

(B) *Enforcement.*

(1) The city shall be responsible for administration and enforcement of this subchapter.

(2) The city or its agent shall be qualified and certified by the M.P.C.A. as competent in the design, evaluation and inspection of individual on-site sewage treatment systems and shall carry a current Class D operators certificate and an individual sewage treatment system certificate.

(C) *Adjustment and appeals.*

(1) The City Council shall hear and decide appeals and review any order, decision or determination made by city's inspector regarding the enforcement of this subchapter.

(2) The City Council shall hear and act upon all rate adjustment and variance requests where provisions of this subchapter shall be specifically variable.

(3) Any appeal of an administrative decision or determination may be filed by any person, department, bureau, town, city, county or state.

(4) Inspections as required to determine compliance with this subchapter shall be performed by the city's inspector or his or her authorized agent under the following circumstances.

(a) Duly authorized employees of the city shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this subchapter. Those employees shall have no authority to inquire into processes including metallurgical, chemical, oil refining, ceramic paper or other industries except as shall be necessary to determine the kind and source of the discharge to the public sewer.

(b) The owner or occupant of a property shall be responsible to provide access at reasonable times, to the city's inspector or his or her agent, for the purpose of performing inspections required under this subchapter.

(c) While performing the necessary work on private property as referred to in division (a) above, the authorized employees of the city shall observe all safety rules applicable to the premises.

(Prior Code, § 700.10)

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SEWERS AND SEPTIC SYSTEMS

§ 50.065 SHORT TITLE.

This subchapter shall be known, cited and referred to as the Sewer Use Subchapter, except as referred to in this subchapter, where it shall be known as this subchapter.
(Prior Code, § 710.01)

§ 50.066 INTENT AND PURPOSE.

This subchapter is adopted for the purpose of:

(A) Protecting the health, safety and welfare of the residents of the community, present and future in accordance with the community's SDS and where applicable, NPDES permit; and

(B) Regulating the discharge of wastes into public and private sewers which would have an adverse effect on the operation and maintenance of the wastewater treatment facilities.
(Prior Code, § 710.02)

§ 50.067 CONFLICTING PROVISIONS.

In the event of conflicting provisions in the text of this subchapter, and/or ordinances, the more restrictive provision shall apply. The city shall determine which is more restrictive and appeals from the determination shall be made in the same manner provided in this subchapter.
(Prior Code, § 710.03)

§ 50.068 INTERPRETATIONS.

Words used in the present tense shall include the past and future tense; the singular includes the plural and the plural includes the singular. The word **SHALL** is mandatory, and the word **MAY** is permissive.
(Prior Code, § 710.04)

§ 50.069 DEFINITIONS.

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

ACTIVE MAINTENANCE. A maintenance program for individual sewage treatment systems whereby the property owner has complete responsibility for effecting operation, maintenance and replacement (O, M and R) in a manner acceptable to the sewer authority.

BIOCHEMICAL OXYGEN DEMAND or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C expressed in milligrams per liter. Laboratory procedures shall be in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

BUILDING DRAIN. The part of the lower horizontal piping of a drainage system which receives the discharge from waste, and other drainage pipes or pumping chambers inside the walls of the building and conveys it to the building sewer which begins at least 1 foot outside the building line.

BUILDING SEWER. The part of the drainage system which extends from the building drain to the point of connection to either a public sewer, a septic tank, pumping chamber or an individual sewage treatment system, for the purpose of conveying wastewater.

CITY. The area within the corporate boundaries of the City of Greenfield. The term **CITY** when used in this subchapter may also be used to refer to the city's authorized representative.

COMMUNITY SEWAGE TREATMENT SYSTEM. A sewage treatment and collection system which collects sewage from 2 or more residences or other establishments, consisting of: collector lines; pumps; sewage tanks; and soil treatment unit. Also known as a **CLUSTER SYSTEM.**

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

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

GARBAGE. Solid waste resulting from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage or sale of meat, fish, fowl, fruit or vegetable and condemned food.

INDIVIDUAL SEWAGE TREATMENT SYSTEM. A sewage treatment system connecting to a single dwelling or other establishment, consisting of: soil treatment unit, septic tank and any associated pumping and piping systems.

INDUSTRIAL WASTES. The solid, liquid or gaseous waste resulting from industrial or manufacturing processes, trade or business, or from the development, recovery or processing of natural resources.

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

M.P.C.A. The Minnesota Pollution Control Agency.

NORMAL DOMESTIC STRENGTH WASTE. Wastes which are characterized by a per capita discharge of 100 gallons per day at a loading not greater than 220 mg/l BOD and 200 mg/l total suspended solids.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

NON-CONTACT COOLING WATER. Water discharged from uses such as air conditioning, cooling or refrigeration, where the only pollutant added is heat.

NPDES PERMIT or NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT. The system for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans by the Environmental Protection Agency pursuant to the Federal Water Pollution Control Act.

OPERATION AND MAINTENANCE. Activities required to provide for the dependable and economical functioning of the treatment system, throughout the useful life of the treatment works, and at the level of performance for which the treatment works were constructed. The term **OPERATION AND MAINTENANCE** shall include replacement.

OTHER WASTES. Garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil tar, chemical, offal and all other substance except sewage or industrial waste.

PASSIVE MAINTENANCE. A maintenance program for community sewage treatment systems whereby the community in which the treatment system is situated shall be responsible for conducting operation, maintenance and replacement in a manner acceptable to the sewer authority.

PERSON. Any individual, firm, company, association, society, corporation, municipal corporation, governmental unit or group.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PUBLIC SEWAGE TREATMENT SYSTEM. Any sewage treatment and collection system owned or operated by a unit or agency of government.

PUBLIC SEWER. Any sewer owned or operated by a unit of agency of government.

REPLACEMENT. The obtaining and installing of equipment, accessories or appurtenances which are necessary during the useful life of the wastewater treatment facilities to maintain the capacity and performance for which the facilities were designed and constructed. The term operation and maintenance shall include replacement.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface, and ground water shall not be intentionally discharged.

SANITARY WASTE. The liquid and water carried wastes discharged from sanitary plumbing facilities.

SEWAGE AND WASTEWATER. Water carried waste products from residences, commercial buildings, public buildings, institutions, industrial establishments or other buildings including the excrement or other discharge from the bodies of human beings or animals, together with the ground, surface and stormwaters as may be present.

SEWER. A pipe or conduit for carrying sewage, industrial wastes or other waste liquids.

SEWER AUTHORITY. The governmental entity and department thereof which has monitoring, inspection, permitting and enforcing authority over sanitary improvements including public drainfields and associated collection systems.

SLUG. Any discharge or water, wastewater or industrial waste which in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24-hour concentration or flow during normal operation.

STATE DISPOSAL SYSTEM (SDS) PERMIT. Any permit including any terms, conditions and requirements thereof issued by the M.P.C.A. pursuant to M.S. § 115.07, as it may be amended from time to time, for disposal system as defined by M.S. § 115.01, subdivision 13, as it may be amended from time to time.

SUSPENDED SOLIDS (TSS). Solids that either floats on the surface of or in suspension in water, sewage or other liquids and which are removable by laboratory filtering in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

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

UNPOLLUTED WATER. Clean water uncontaminated by industrial wastes, other wastes, or any substance which renders the water unclean or noxious or impure so as to be actually or potentially harmful or detrimental, or injurious to public health, safety or welfare; to domestic, commercial, industrial or recreational uses; or to livestock, wild animals, birds, fish or other aquatic life.

WASTEWATER FACILITY. The structures, equipment or process required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.
(Prior Code, § 710.05)

§ 50.070 MANDATORY SEWAGE TREATMENT.

Where a public sewage treatment system is not available, the building sewer shall be connected to an individual sewage treatment system complying with the septic inspections and enforcement program of Hennepin County. Effective April 1, 2015, the City of Greenfield officially delegated Hennepin County to administer this program in order to protect ground and surface waters, provide consistent regulation across city boundaries, and to prevent waterborne illness. Hennepin County Ordinance 19 went into effect January 1, 2000 and adopts the State of Minnesota Rules governing individual sewage treatments systems, MN Rules Chapter 7080.
(Prior Code, § 710.06) (Ord. 2015-02, 3/27/15)

§ 50.071 NEW INSTALLATION.

No new private treatment systems or extensions shall be constructed within the city without first obtaining a permit for the system or expansions from the city.
(Prior Code, § 710.07) Penalty, see § 50.999

§ 50.072 UNLAWFUL DISCHARGE TO INDIVIDUAL TREATMENT SYSTEM.

It shall be unlawful to discharge wastes as shall be prohibited by § 50.074 of this subchapter to an individual sewage treatment system.
(Prior Code, § 710.08) Penalty, see § 50.999

§ 50.073 PRIVATELY OWNED INDIVIDUAL TREATMENT SYSTEMS.

The owner of privately owned individual treatment systems shall be responsible for all operation and maintenance and the costs associated to the systems.
(Prior Code, § 710.09) Penalty, see § 50.999

§ 50.074 UNLAWFUL DISCHARGE TO PUBLIC SEWERS.

(A) *Generally.* No person shall discharge or cause to be discharged directly or indirectly any waste which, by volume or strength or nature, may harm the wastewater treatment facility or cause obstruction to the free flow in sewers or endanger life or cause a nuisance.

(B) *Unpolluted water.* No person shall discharge or cause to be discharged directly or indirectly any stormwater, groundwater, and roof runoff, subsurface drainage, waste from on-site disposal systems, unpolluted cooling or processing water to any sanitary sewer except shall be permitted by the city. Stormwater and all other unpolluted water shall be discharged to a storm sewer if available or to the ground surface, or other 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 and the issuance of a discharge permit by the M.P.C.A.

(C) *Prohibited discharge.* No person shall discharge or cause to be discharged directly or indirectly to any treatment system:

(1) Any liquids, solids, or gases which by reason or 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 shall include, but shall not be limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides;

(2) Solid or viscous substances, which shall 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 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or flashings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;

(3) Any wastewater has 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;

(4) Any wastewater containing toxic pollutants in sufficient quantity, either single or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to § 307(a) of the Act, being 33 U.S.C. § 1317(a);

(5) Noxious or malodorous liquids, gases, or substances which either single or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to, prevent entry into the sewers for their maintenance or repairs; and

(6) Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed including wastes which may affect and prohibit the permeability of soils such as dairy products and blood.

(D) *Restricted discharges.*

(1) No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewers unless in the opinion of the city the discharge shall not harm the wastewater facilities, nor cause obstruction to free flow in sewers, nor otherwise endanger life, limb or public property, nor constitute a nuisance. In forming its opinion as to the acceptability of the wastes, the city may give consideration to these factors as the materials or construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment facilities, the city's SDS/NPDES permit and other pertinent factors. The city may make the determination either on a general basis or as a discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur.

(2) The substances restricted shall be:

(a) Any liquid or vapor having a temperature in excess of 150°F (65°C);

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substance which may solidify or become viscous at temperatures between 32°F and 150° F (0°C and 65°C);

(c) Any garbage that has not been ground or comminuted to a degree that all particles shall be carried freely to suspension under flows normally prevailing in the public sewers, with no particles greater than 1/2 inch in any dimension;

(d) Any water or wastes containing strong acid, iron pickling wastes or concentrated plating solutions, whether neutralized or not;

(e) Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment, or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the state or federal government, or any other public agency with property authority to regulate the discharge from the sewage treatment plant;

(f) Any radioactive wastes or isotopes of the half-life or concentration that they are not in compliance with the regulations issued by the appropriate authority having control over their use or may cause damage or hazards to the treatment works or personnel operating it;

(g) Unusual concentrations of suspended solids, (such as, but not limited to, Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate); and

(h) Unusual volume of flow or concentration of waste constituting a slug.
(Prior Code, § 710.10) Penalty, see § 50.99.

§ 50.075 ACTIVE MAINTENANCE PROGRAM.

(A) *Generally.* Each individual sewage treatment system or sanitary improvement which is constructed or improved, in whole or in part, with state and federal grant assistance shall be operated and maintained according to the provisions of Hennepin County Ordinance 19.

(B) *Operation, maintenance and replacement.* Responsibility for proper operation, maintenance and replacement (O, M and R) of individual sewage treatment systems shall be regulated by Hennepin County in accordance with Hennepin County Ordinance 19.

§ 50.076 ON-SITE SEWAGE SYSTEM MAINTENANCE AND REPAIR.

All maintenance and repair of on-site sewage systems shall be in accordance with the regulations of Hennepin County.

(Prior Code, § 710.12) (Am. Ord. 01-1-02, passed 2-19-2002; Ord. 2015-02, 3/27/15)
Penalty, see § 50.999

§ 50.077 INDIVIDUAL SEWAGE TREATMENT STANDARDS.

Standards and regulations of individual sewage treatment systems (ISTS) and septic disposal, including the proper location, design, construction, operation, maintenance and repair to protect surface water and ground water are regulated and enforced by Hennepin County.

(Prior Code, § 710.13) (Am. Ord. 13-001, passed 6-18-2013; Ord. 2015-02, 3/27/2015)

§ 50.078 DISCHARGES OF UNPOLLUTED WATER.

(A) No person shall discharge or caused 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 those 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 M.P.C.A.

Penalty, see § 50.999

§ 50.079 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.

Penalty, see § 50.999

REGULATING THE USE OF PUBLIC SEWERS

§ 50.090 PURPOSE.

The purpose of this subchapter shall be to regulate the use of the public sewers in the city for the public health and welfare of the citizens of Greenfield.
(Prior Code, § 720.01)

§ 50.091 DEFINITIONS.

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

BOD. The quantity of oxygen utilized in the biological oxidation of organic matter expressed in milligrams per liter, as shall be determined in accordance with standard laboratory procedure as set out in the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

BUILDING DRAIN. The part of the lower horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal, also called house connection.

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

COD or **CHEMICAL OXYGEN DEMAND.** The quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedure as set out in the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

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

GARBAGE. Solid wastes resulting from the domestic and commercial preparation, cooling and dispensing of food, and from the handling, storage or sale of meat, fish, fowl, fruit, vegetables or condemned food.

INDUSTRIAL WASTES. Solid, liquid or gaseous wastes resulting from any industrial or manufacturing processes, trade or business, or from the development, recovery or processing of natural resources.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT (NPDES PERMIT).

The system for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans by the Administrator of the Environmental Protection Agency pursuant to §§ 402 and 405 of the Federal Water Pollution Control Act, being 33 U.S.C. §§ 1342 and 1345.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body or surface or ground water.

NORMAL DOMESTIC STRENGTH WASTE. Wastes with a biological oxygen demand concentration not to exceed 220 milligrams per liter.

OTHER WASTES. Garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil tar, chemicals, offal and other substances except sewage and industrial wastes.

PERSON. Any individual, firm, company, associations, society, corporation, municipal corporation, governmental unit or group.

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

PRIVATE SEWAGE DISPOSAL SYSTEM. A privately owned on-site sewage disposal system complying with state statutes and the Minnesota Rules Chapter entitled *Individual Sewage Treatment System Standards*.

PRIVATE SEWER. A privately owned sewer with the specific purpose to carry wastewater from individual buildings to a public sewer or a private sewage disposal system.

PROCESS WATER. Any water used in the manufacturing, preparation or production of goods, materials or food. ***PROCESS WATER*** shall be an industrial waste.

PUBLIC SEWER. Any sewer owned or operated by a unit or agency of government.

SANITARY SEWER. A sewer which carries septic tank effluent and to which storm surface, and ground water shall not be intentionally admitted.

SEPTIC TANK. A structure for primary treatment for individual buildings as specified by Minnesota Statutes and the Minnesota Rules relating to private sewage systems.

SEWAGE or WASTEWATER. The water carried waste products from residences, public buildings, institutions, industrial establishments or other buildings including the excrementitious or other discharge from the bodies of human beings or animals, together with ground water infiltration and storm and surface water as may be present.

SEWER. A pipe or conduit for carrying sewage, industrial waste or sewer waste liquids.

SEWER SYSTEM. Pipe lines or conduits, septic tanks, service line from septic tank to collector sewer, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes or other wastes to a point of ultimate disposal.

SHALL or **MAY.** shall mean mandatory; **MAY** shall mean permissive.

SLUDGE. Any discharge of water, wastewater or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration of flows during the normal operation.

STANDARD SEWAGE VOLUME UNIT. A unit of wastewater volume received from an average household unit consisting of a wastewater volume of not greater than 345 gallons per day at a strength of not greater than 220 mg/l BOD and 220 mg/l total suspended solids.

STORM SEWER. Sometimes termed **STORM DRAIN.** A sewer which carries storm and surface water and drainage but shall exclude sewage and industrial wastes, other than unpolluted cooling or process water.

SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which shall be removable by laboratory filtering, in accordance with the latest edition of Standard Methods of the Examination of Water and Wastewater.

UNPOLLUTED WATER. Clean water uncontaminated by industrial wastes, other wastes or any substance which renders the water unclean or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial, industrial or recreational use, or to livestock, wild animals, bird, fish or other aquatic life.

WASTEWATER FACILITIES. The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS or **TREATMENT WORKS.** An arrangement of devices and structures for treatment of wastewater, industrial waste and sludge. Sometimes used as synonymous for **WASTE TREATMENT PLANT** or **WASTEWATER TREATMENT PLANT** or **WATER POLLUTION CONTROL PLANT** or **SEWAGE TREATMENT PLANT.**
(Prior Code, § 720.02)

§ 50.092 USE OF PUBLIC SEWERS.

(A) *Natural outlet.* It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.

(B) *Privies.* Except as provided in this subchapter, 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 sewage.

(C) *Mandatory connections.* At the time of construction of the wastewater facilities, buildings from which wastewater is discharged within the sewer service area of the city, shall be connected to the collection system as a part of the construction. This hook-up shall include replacement of septic tank (if needed) and the placement of a 4-inch service line to the 6-inch collector sewer. Any owner of any building or property located in the sewer service area of the city which discharges wastewater who refuses hookup at the time of construction shall be required to connect to a public sewer at his or her expense within 6 months of the date of full operation of the wastewater treatment facilities, provided that the public sewer shall be within 200 feet of the structure generating wastewater and the public sewer shall be located in a public right-of-way or easement for sewer purposes adjacent to the property. 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 being made pursuant to this division an official 30-day notice shall be served instructing the affected property owner to make the connection. Connection shall be septic tank effluent only. A single 1,000-gallons' capacity precast concrete septic tank shall be required to be installed between the user and the sewer for each standard sewage volume unit of wastewater flow. All wastewater discharged into the sewer system shall first pass through a septic tank.

(D) *Abatement.* In the event an owner shall fail to connect to a public sewer in compliance with a notice give under this section the city may undertake to have the connection made and shall assess the cost thereof against the benefitted property and the assessment shall be a lien against the property. The assessment, when levied, shall bear interest at the legal rate for local improvements and shall be certified to the auditor or the County of Hennepin and shall be collected and remitted to the city in the same manner as assessments for local improvements. The rights of the city under this section shall be in addition to any other remedial or enforcement provisions of this subchapter.

(E) *Unlawful connection to public sewers.* It shall be unlawful for any person to connect a building sewer to any public sewer without first obtaining a permit from the city. The city shall permit new connections and flow increases only if there is additional available capacity, in all components of the particular public sewage treatment system being considered and when connection is in accordance with the inter-municipal agreement.

(F) *Lawful connections to public sewers.* New connections shall be allowed, with city permit, according to the following conditions.

(1) Where an existing individual sewage treatment system is failing and where the property in question has frontage on the public sewer, a new connection may be permitted only if capacity is available in all components of the public sewer and it is in accordance with inter-municipal agreements.

(2) New connections to the public sewers shall be permitted for new construction if capacity is available in all components of the particular public sewage treatment system over what is needed to accommodate all the existing structures and is in accordance with inter-municipal agreements.

(3) The fee for new connections shall be paid in the amount established by the city from time to time.

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

(5) Nothing in § 50.069 or this section shall be construed to imply in any manner that the city intends to extend public sewer into any of these areas.

(G) *Unpolluted water.* No person shall discharge or cause to be discharged directly or indirectly any stormwater, surface water, ground water, roof runoff, subsurface drainage, waste from private sewage disposal systems, unpolluted cooling or process water to any sanitary sewer except shall be permitted by the city. Stormwater and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or process water shall only be so discharged upon approval by the city or other local unit of government.

(H) *Prohibited discharges.* No person shall discharge or cause to be discharged, directly or indirectly, any of the following described substances to any public sewer

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;

(2) Any water or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the wastewater treatment works;

(3) Any water or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment works;

(4) Solid or viscous substances, either whole or ground, in quantities or of the size capable of causing obstruction to the flow in sewers, or other interference with the proper continuation of the wastewater facilities, but not limited to ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cuttings or polishing wastes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and sanitary napkins, paper dishes, cups, milk containers and other paper products;

(5) Noxious or malodorous liquids, gases or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair; and

(6) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include, but not be limited to any pollutant identified pursuant to § 307(a) of the Federal Pollution Control Act, being 33 U.S.C. § 1317(a).

(I) *Restricted discharges.*

(1) No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewer unless in the opinion of the city the discharge shall not harm the wastewater facilities, nor cause obstruction to the flow in sewers, nor otherwise endanger life, limb or public property, nor constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the city may give consideration to factors such as the quantities of the subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, the city's NPDES permit, and other pertinent factors. The city may make the determinations either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur.

(2) The substances restricted shall be:

(a) Any liquid or vapor having a temperature higher than 150°F (65°C);

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65°C);

(c) Any garbage that has not been ground or comminuted to a degree that all particles shall be carried freely in suspension under flow conditions normally prevailing in public sewers, with no particles greater than 1/2 inch in any dimension;

(d) Any water or wastes containing strong acid, iron pickling wastes or concentrated plating solutions, whether neutralized or not;

(e) Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the state and federal government and any other public agency with proper authority to regulate the discharge from the sewage treatment plant;

(f) Radioactive wastes or isotopes of the half-life or concentration that they are in noncompliance with regulations issued by the appropriate authority having control over their use or which have caused or may cause damage or hazards to the treatment works or personnel operating it;

(g) Any water or wastes having a pH in excess of 9.5 and any water or wastes having a pH below 5.0; and

(h) Materials which exert or cause:

1. Unusual concentration of 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);

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

3. Unusual BOD, chemical oxygen demand or chlorine requirements in quantities as to constitute a significant load on the wastewater treatment works;

4. Unusual volume of flow or concentration of wastes constituting a slug;
and

5. Water or water containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to a degree that the sewage treatment plant effluent cannot meet the requirements of the NPDES permit or requirements of other governmental agencies having jurisdiction over discharge from the sewage treatment plant.

(J) *Response to discharges.* If any water or wastes are discharged, or are proposed to be discharged to the public sewers, which water or wastes do not meet the standards set out in or promulgated under this section or which in the judgment of the city may have a deleterious effect upon the treatment works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisances the city may take any or all of the following steps:

(1) Refuse to accept the discharges;

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

(3) Require pretreatment to an acceptable condition for the discharge to the public sewers pursuant to § 307(b) of the Federal Water Pollution Control Act and all addendums thereof; and

(4) Require payment to cover the added cost of handling and treatment wastes.

(K) *Interceptors.* Grease, oil and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease, or any flammable wastes, sand or other harmful ingredients. All interceptors required under this section shall be of a type and capacity approved by the city and shall be located as to be readily and easily accessible for cleaning and inspection. The interceptors shall not be required for private living quarters or dwelling units.

(L) *Preliminary treatment.* Where preliminary treatment, flow equalizing facilities or interceptors are provided for any water or wastes, they shall be effectively operated and maintained continuously in satisfactory and effective condition by the owner at his or her expense, and shall be available for inspection by the city at all reasonable times.

(M) *Observation and sampling.* When required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure, together with the necessary meters and other appurtenances in the building sewer to facilitate observation sampling, and measurement of the wastes. The structures and equipment when required shall be constructed at the owner's expense in accordance with plans approved by the city and shall be maintained by the owner so as to be safe and accessible at all times.

(N) *Measurements and tests.* All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this section shall be determined in accordance with § 307(6) of the Clean Water Act; the latest edition of *Standard Methods for the Examination of Water and Wastewater*, and shall be determined at the control structure provided, or upon suitable samples taken at the control structures. In the event that no special structure shall be required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect

of constituents upon the sewerage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved shall determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses shall be obtained from 24-hour composite of all outfalls whereas pH's shall be determined from periodic grab samples).

(O) *Tests.* The city may conduct the tests as shall be necessary to enforce this subchapter, and employees of the city may enter upon any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to the enforcement. Entry shall be made during operating hours unless circumstances require otherwise. In all cases where tests are conducted by the city for the purpose of checking to determine if a previously found violation of this subchapter has been corrected, the cost of tests shall be charged to the user and added to the user's sewer charge. In those cases where the city determines that the nature of volume of a particular user's sewage requires more frequent than normal testing, the city may charge the user for the test, after giving the user 10-days' written notice of its intention to do so and the cost thereof shall be added to the user's sewer charge. In any case where industrial wastes are discharged to a public sewer, the city may require the user at his or her own expense to test his or her discharge on a regular basis and to report the test results to the city within a reasonable time. All the tests shall be ordered by the city and shall be conducted by qualified personnel and in accordance with the standards set out in this subchapter.

(P) *Accidental discharges.* Accidental discharges of prohibited waste into the sewage works, directly or through another disposal system, or to any place from which the waste may enter the treatment works, shall be reported to the city by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of the discharge.

(Q) *New connections.* New connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including capacity for flow, BOD and suspended solids.

(R) *Special arrangements.* 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 therefore, by the industrial concern, in accordance with applicable ordinances and any supplemental agreement with the city.

(S) *Dilution.* No person shall intentionally dilute or add clean water to any wastewater in attempt to reduce the wastewater strength to the limits established for normal domestic strength, or to reduce the pollutant levels to limits established in divisions (I) and (J) above of this section or those pollutant levels established in the National Categorical Pretreatment Standards or any state requirements.

(Prior Code, § 720.03) Penalty, see § 50.999

§ 50.093 PRIVATE SEWAGE DISPOSAL.

(A) *Generally.* Where a public sanitary or combined sewer is not available, the building sewer shall be connected to private sewage disposal system complying with the rules and regulations Hennepin County.

(Prior Code, § 720.04) (Am. Ord. O-5-01, passed 4-3-2001; Ord. 2015-02, 3/27/15)
Penalty, see § 50.999

§ 50.094 BUILDING SEWERS AND CONNECTIONS.

The building, connection, inspection, demolition, and backfilling of private sewers, as well as permits, fees, and other pertinent actions shall be in accordance with the regulations and standards of Hennepin County and the Minnesota State Plumbing Code.

(A) *License required.* It shall be unlawful for any person to engage in the work or business of installing private sewer service lines and appurtenances for others without a plumber licensed by the State Board of Health shall pay no fee to the city, but shall show evidence of the state license before the city issues a license.

(B) *Liability.* Each applicant for license shall sign an agreement on a form as may be delivered by the city agreeing to pay the city the actual cost of repair for any damage caused to the city sewer system by the applicant or any of his or her employees or agents. This agreement shall accompany the license application.

(C) *Insurance.* Each applicant shall accompany his or her application with a certificate of insurance in a company acceptable to the city showing public liability insurance coverage with limits of a least \$250,000 per person; \$500,000 per occurrence; and \$10,000 for property damage. The certificate shall specifically state that the insurance covers underground operations and shall contain a provision that the coverage afforded under the policies shall not be canceled or materially changed until at least 15-days' prior written notice has been given to the city.

(Prior Code, § 720.05; Ord. 2015-02, 3/27/15) Penalty, see § 50.999

§ 50.095 PERMIT REQUIRED.

No person unless authorized shall uncover, make any connections with or openings into, use, alter or disturb any public sewer or appurtenance thereof, without first obtaining the written permit from the city.

(Prior Code, § 720.06) Penalty, see § 50.999

§ 50.096 COSTS.

(A) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner.

(B) The owner shall defend, indemnify and hold harmless the city from any loss or damage to public sewer that may indirectly be occasioned by the installation of the building sewer.

(Prior Code, § 720.07) Penalty, see § 50.999

§ 50.097 SEPARATE CONNECTIONS.

A separate and independent building sewer shall be provided for every building; except where 2 or more buildings are situated on 1 parcel so that the parcel may not be subdivided; the joint use private sewer may be extended to the rear building or buildings and the whole considered as 1 joint use private sewer. Special variances shall be considered by the City Council.

(Prior Code, § 720.08; Ord. 2015-02, 3/27/15) Penalty, see § 50.999

§ 50.098 OLD SEWERS.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the city to meet all requirement of this subchapter.

(Prior Code, § 720.09) Penalty, see § 50.999

§ 50.100 STANDARDS.

The size, slope, alignment, material of construction of a building sewer and the method to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of *Water Pollution Control (WPCF) Manual of Practice No. 9* and applicable American Society for Testing Materials (ASTM) standards shall apply.

(Prior Code, § 720.11) Penalty, see § 50.999

§ 50.101 ELEVATION.

(A) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.

(B) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, the building drain shall be provided with a lifting device by an approved means and discharged to the building sewer.

(Prior Code, § 720.12) Penalty, see § 50.999

§ 50.102 UNLAWFUL EXTRA CONNECTION.

No persons shall make connections of roof downspouts, exterior foundation drains, areaway drains or other source of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(Prior Code, § 720.13) Penalty, see § 50.999

§ 50.103 CODES.

The construction of the building sewer and its connection into the public sewer shall conform to the requirements of the building and plumbing code, the sewer specifications included in this subchapter or other applicable rules and regulations and the procedures set forth in appropriate specifications of the *Water Pollution Control Federation (WPCF) Manual of Practice No. 9*, and the American Society of Testing and Materials (ASTM) all construction shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials shall be approved by the city before installations.

(Prior Code, § 720.14) Penalty, see § 50.999

§ 50.104 INSPECTIONS.

(A) Employees of the city, or their designees, 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 the work is ready for final inspection and no underground portions shall be covered before the final inspection is completed. Individual septic systems will be inspected by Hennepin County.

(B) The connection shall be made under the supervision of the city or its representative.

(Prior Code, § 720.15; Ord. 2015-02, 3/27/15) Penalty, see § 50.999

§ 50.105 EXCAVATIONS.

(A) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards.

(B) Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to the city.

(Prior Code, § 720.16) Penalty, see § 50.999

§ 50.106 MAIN AND LATERAL SEWER CONSTRUCTION.

(A) *Permit required.* No person unless authorized shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the city.

(B) *Engineer.*

(1) No sanitary or storm sewers shall be constructed in the city (except house or building service sewers) except by the city or by others in accordance with plans and specifications approved by a professional engineer.

(2) No sewers shall be considered to be a part of the public sewer system unless accepted by the city.

(C) *Standards.* The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling, and other work connected with the construction of sewers shall conform to the requirements of the city.

(Prior Code, § 720.17) Penalty, see § 50.999

§ 50.107 PROTECTION FROM DAMAGE.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenances or equipment which is a part of the public sewer.

(Prior Code, § 720.18) Penalty, see § 50.999

§ 50.108 AUTHORITY OF INSPECTORS.**(A) *Entry onto property.***

(1) Duly authorized employees of the city bearing proper credentials and identification shall, at reasonable times, be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the revisions of this subchapter. Such authorized employees shall be permitted to enter at any time during an emergency.

(2) Those employees shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries except as shall be necessary to determine the kind and source of the discharge to the public sewer.

(B) *Safety.* While performing the necessary work on private properties referred to in division (A) above of this section, the authorized employees of the city shall observe all safety rules applicable to the premises.

(C) *Easements.* Duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds as easement for the purpose of, but not limited to, inspection, observation and construction of public sewers.

(Prior Code, § 720.19)

SANITARY SEWER SYSTEM

§ 50.120 DEFINITIONS.

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

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

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

ASTM. The American Society for Testing Materials.

AUTHORITY. The City of Greenfield, Minnesota or its duly authorized representative.

BOD5 or BIOCHEMICAL OXYGEN DEMAND. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 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.

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.

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).

CITY. The area within the corporate boundaries of the City of Greenfield 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.

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

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

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS permit, which the treatment facilities are designed to treat 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 wastes.

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

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

EXTRA STRENGTH WASTE. Wastewater having a BOD and/or TSS greater than domestic waste as defined in the definition of industrial users and not otherwise classified as an incompatible waste.

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

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

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

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

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

INDUSTRIAL USERS or INDUSTRIES.

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

1. *Division A.* Agriculture, Forestry and Fishing.
2. *Division B.* Mining.
3. *Division D.* Manufacturing.

4. *Division E.* Transportation, Gas, Communications, Electric and Sanitary Sewers

5. *Division I.* Services.

(b) For the purpose of this definition, **DOMESTIC WASTE** shall be considered to have the following characteristics:

BOD5	less than 250 mg/l
Suspended solids	less than 250 mg/l

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

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

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

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

INFILTRATION. Water entering the sewage system (including building drains and pipes) from the ground through means such as defective pipe, 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, foundations drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

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

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

MAY. Is permissive.

M.P.C.A. The Minnesota Pollution Control Agency.

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

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. A permit issued by the M.P.C.A., setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to §§ 402 and 405 of the Act, being 33 U.S.C. §§ 1342 and 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 groundwater.

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

NORMAL DOMESTIC STRENGTH WASTE. Wastewater that is primarily introduced by residential users with a BOD5 concentration not greater than 250 mg/l and a suspended solids (TSS) concentration not greater than 250 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.

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

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 has been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 1/2 inch (1.27 cm) in any dimension.

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

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

REPLACEMENT COSTS. Expenditures for replacement.

RESIDENTIAL USER. A user of the treatment facilities whose premises or building is used primarily as a residence for 1 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.

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 wastewater from individual point source discharges and connections.

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

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

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

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

(6) **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.

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

SHALL. 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, or has exceeded 5% of the total flow received at the treatment facility or whose waste contains a toxic pollutant in toxic amounts

pursuant to § 307(a) of the Act, 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 any quantity of flow, exceeds for any period of duration longer 15 minutes, more than 5 times the average 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment works.

STATE DISPOSAL SYSTEM (SDS) PERMIT. Any permit (including any terms, conditions and requirements thereof) issued by the M.P.C.A. 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, subdivision 5, as it may be amended from time to time.

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 effects as defined in standards issued pursuant to § 307(a) of the Act.

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

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

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

WASTEWATER.

(1) The spent water of a community and referred to as sewage.

(2) 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 stormwater 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 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 the treatment.

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

(Prior Code, § 770.01) (Am. Ord. O-7-02, passed 4-16-2002)

§ 50.121 CONTROL BY THE PUBLIC WORKS DIRECTOR.

The Public Works Director 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 subchapter to the end that a proper and efficient public sewer is maintained.
(Prior Code, § 770.02) (Am. Ord. O-7-02, passed 4-16-2002)

§ 50.122 CONNECTION TO PUBLIC SEWERS REQUIRED.

(A) 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 sanitary sewer and water service area, or in any area under its jurisdiction, any human or animal excrement, garbage or objectionable waste. All houses, buildings or other properties used for human habitation, employment or recreation shall have suitable sanitary (toilet and sink) facilities.

(B) It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this section and the city's NPDES/SDS permit.

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

(D) The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated within the sanitary sewer and water service area 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, shall be required at the expense of the owner(s) to install a suitable service connection to the public sewer in accordance with provisions of this subchapter, within 1 year of the date the public sewer is operational, provided the public sewer is within 75 feet of the boundary of the property 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 division, an official notice shall be served instructing the affected property owner to make the connection.

(E) In the event an owner shall fail to connect to a public sewer within 30 days of notice given under division (D) above of this section, the city shall undertake whatever legal action is reasonably necessary to see that connection is made; the city shall assess all of its costs associated with this enforcement against the benefitted property. The 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 section.

(Prior Code, § 770.03) (Am. Ord. O-7-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.123 BUILDING SEWERS AND CONNECTIONS.

(A) Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to, capacity for flow, BOD5 and suspended solids as determined by the Public Works Director.

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

(C) Applications for permits shall be made in writing by the owner or authorized agent and the person employed to do the work, and shall state the location, name of owner, street address of the building to be connected and how occupied. The permit application shall be accompanied by an application fee as set by the City Council. There shall also be a service availability charge (SAC) in the amount set in the fee schedule adopted from time to time by resolution of the City Council, which SAC charge shall accompany the permit application and shall be paid before any new connection to the sanitary sewer system shall occur. At the option of the landowner, this charge may be payable in installments over 10 years together with interest at the rate of 8% per annum.

(D) Any person desiring a permit to make a service connection with public sewers shall furnish in writing to the City Council satisfactory evidence that the applicant or person employed to do the work is trained or skilled in the business of sewer installation. All applications shall be referred to the Public Works Director for recommendations to the Council. If approved by the Council, the permit shall be issued by the City Administrator-Clerk upon the filing of a bond as hereinafter provided.

(E) (1) No permit shall be issued to any person until a bond to the city, approved by the Council and in an amount as set in the fee schedule adopted from time to time by resolution of the City Council is filed with the City Administrator-Clerk. The bond shall be conditioned that the permittee 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 permittee or by those in the permittee's employment; and that the permittee will replace and restore the street and alley over the opening to the condition existing prior to installation, adequately guard excavations with barricades and lights and shall conform in all respects to the rules and regulations of the Council.

(2) In lieu of the bond, a certified check payable to the city may be furnished to be held by the city, provided the necessary indemnification is also provided.

(3) The bond or certified check will be returned to the permittee upon approval of all work by the Public Works Director.

(F) There shall be 2 classes of building sewer permits; for residential and commercial service; and for service to establishments producing industrial wastes. In either case, the

application shall be supplemented by any plans, specifications or any other information considered pertinent in the judgment of the city. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.

(G) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

(H) A separate and independent building sewer shall be provided for every building.

(I) The property owner shall own the building sewer from the building to the lateral sanitary sewer main.

(J) Old building sewers may not be used in connection with new buildings, except when they are found, on examination and test by the Building Official or his or her representative, to meet all requirements of this section.

(K) The size, slopes, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling of the trench, shall all conform to the requirements of the State of Minnesota Building and Plumbing Code, the Uniform Plumbing Code, and applicable rules and regulations of the city.

(L) 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 sewer carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

(M) No person(s) 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.

(N) The connection of the building sewer into the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code, the Uniform Plumbing Code and applicable rules and regulations of the city. All connections shall be made gas-tight and water-tight, and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the city prior to installation.

(O) 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 Public Works Director or authorized representative thereof.

(Prior Code, § 770.04) (Am. Ord. O-7-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.124 USE OF PUBLIC SEWERS.

(A) No person(s) shall discharge or cause to be discharged any unpolluted 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 sewers that 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 M.P.C.A.

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

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

(2) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding of polishing wastes;

(3) Any wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater disposal system; and

(4) Any wastewater containing toxic pollutants in sufficient quantity either single or by interaction with other pollutants, to inhabit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to § 307(a) of the Act, being 33 U.S.C. § 1317.

(D) The following described substances, materials, water or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works treatment process or equipment, will not have an adverse effect on the receiving stream and/or soil vegetation and ground water or will not

otherwise endanger lives, limb, public property or constitute a nuisance. The Public Works Director may set limitations lower than limitations established in the regulations below if, in his or her opinion, the more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability of wastes, the Public Works Director will give consideration to factors such 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 and/or SDS permit capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The limitations of restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Public Works Director 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 this subchapter;

(4) Any garbage not properly shredded, as defined in this subchapter. Garbage grinders may be connected to sanitary sewers from home, hotels, institutions, restaurant, 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 limited to, Fullers earth, lime slurries and lime residues), or wastewaters containing dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in quantities that would cause disruption with the wastewater disposal system;

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

(10) Any waters or wastes containing the described substances to a degree that any material received in the composite wastewater at the wastewater treatment works in excess of limits established by the Public Works Director in compliance with applicable state or federal regulations;

(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 suspended solids or phosphorous of the character and quantity that unusual attention or expense is required to handle these materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of division (P) of this section.

(E) (1) If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in division (D) above of this section, and/or which in the judgment of the Public Works Director may have a deleterious effect upon the wastewater treatment facilities, processes or equipment, receiving waters and/or soil, vegetation and groundwater, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to § 307(b) of the Act, being 33 U.S.C. § 1317, and all addendums thereof;

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

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

(2) If the city permits the pretreatment or equalization of waste flows, the design, installation and maintenance of the facilities and equipment shall be made at the owner's expense, and shall be subject to the review and approval of the city pursuant to the requirements of the M.P.C.A.

(F) No user shall increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in divisions (C) and (D) above of this section, or contained in the National Categorical Pretreatment Standards or any state requirements.

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

(H) Grease, oil and sand interceptors shall be provided at repair garages, gasoline

stations, car washes or other establishments where they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in division (D)(2) above of this section, any flammable wastes as specified in division (C)(1) above of this section, sand or other harmful ingredients. The interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials.

(I) Where required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, with the necessary meters and other appurtenances to facilitate observation, sampling and measurement of wastes. These structures 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 time.

(J) 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 analysis of waters or wastes to illustrate compliance with this section and any special condition for discharge established by the city or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the city. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with federal, state and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the city at the times and in the manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses and reporting required by the city. At these times as deemed necessary, the city reserves the right to take measurements and samples for analysis by an independent laboratory.

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

(L) The owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this subchapter. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Public Works Director for review and approval of these plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this subchapter. Users shall notify the Public Works Director immediately upon having a slug or accidental discharge of substance of wastewater in violation of this section to enable countermeasures to be taken to minimize damage to the wastewater treatment works. This

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 state and federal law. Employers shall insure that all employees who may cause or discover a discharge are advised of the emergency notification procedure.

(M) 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.

(N) Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause the work to be done as the Public Works Director may direct. Each day after 10 days that a person neglects or fails to so act shall constitute a separate violation of this subchapter and the Public Works Director may then cause the work to be done, and recover from the owner or agent the expense therefore by an action in the name of the city.

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

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

(Prior Code, § 770.05) (Am. Ord. O-7-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.125 TAMPERING WITH WASTEWATER FACILITIES.

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

(Prior Code, § 770.06) (Am. Ord. O-7-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.126 POWERS AND AUTHORITY OF INSPECTORS.

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

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

(C) While performing necessary work on private properties, the Public Works Director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company.

(D) The Public Works Director 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 purpose 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.

(Prior Code, § 770.07) (Am. Ord. O-7-02, passed 4-16-2002)

§ 50.127 CONNECTION FEE.

A sanitary availability charge (SAC) fixed by City Council ordinance, as may be amended from time to time, shall be charged to each user connecting a new service to the sanitary sewer system. The SAC charge shall be due and payable at the time connection is made.

(Prior Code, § 770.08) (Am. Ord. O-7-02, passed 4-16-2002)

§ 50.128 DETERMINATION OF CHARGES AND RATES.

(A) The sewer rate charged against property within the city shall be based upon the quantity of water used at each lot, parcel of land, building or premises as the water is measured by the water meter in use. Sewer service rates and charges to users of the wastewater treatment facility shall be as established by the City Council and may be amended from time to time.

(B) If a substantial portion of the water utilized by a user is not discharged into the sewer system, the volume of the water may be deducted in computing the sewer charge, provided a separate meter is installed to measure the volume. The user desiring to install a separate meter will make application and payment for the meter to the city and engage, at the user's own expense, a plumber to effect the necessary piping changes and install the couplings so the meter can be set.

(C) If any lot, parcel of land, building, or premises discharging waste into the city sanitary sewer system is not connected to the city water system and therefore has no water meter reading, the Public Works Director will determine the estimated volume of water from private sources which discharge into the sanitary sewer system. That estimate will be used in lieu of the meter volume of water to determine the sewer charge.

(D) The amounts due to the city for sewer service charge will be computed in accordance with this subchapter, and statements will be rendered at the same time and on the same bill with the city water statement. If a property supplies its own water, a bill will be rendered for sewer services only. Sewer service statements are rendered under the same conditions as water billing and the items are not separable in payment, therefore, the same procedure applies to the sewer charges as to the water charges regarding penalties for late payments and the collection thereof.

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

(Prior Code, § 770.09) (Am. Ord. O-7-02, passed 4-16-2002)

§ 50.999 PENALTIES.*(A) Violations and penalties.*

(1) *Violations.* It shall be hereby declared unlawful for any person, firm or corporation to violate any term or provision of this chapter. Violation thereof shall be a misdemeanor. Each day that a violation is allowed to continue shall constitute a separate offense.

(2) *Responsibility.* In the event of a violation or a threatened violation of this chapter, the Superintendent, in addition to other remedies, may request appropriate actions or proceedings to prevent, restrain, correct or abate the violations or threatened violations and it shall be the duty of the City Attorney to initiate the action.

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

(4) *Penalty.* 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 in the amount not exceeding \$1,000 for each violation. Each day in which any violation continues shall be deemed a separate offense.

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

(6) *Mandamus.* Any taxpayer of the city may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this chapter.

(B) *Public water system.* Any person violating any provisions of §§ 50.015 *et seq.* shall be guilty of a misdemeanor and may be fined up to \$1,000 imprisoned or 90 days in jail, or both and shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.

(Prior Code, § 760.19) (Am. Ord. O-6-02, passed 4-16-2002)

(C) Sanitary sewer system.

(1) (a) Any person found to be violating any provision §§ 50.120 *et seq.* shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.

(b) The offender shall, within the period of time stated in the notice, permanently cease all violations.

(c) Any person who shall continue any violation beyond the time limit provided for in division (1) above shall be guilty of a misdemeanor which is punishable by a fine of up to \$1,000 and 90 days in jail, or both. Each day in which any violation occurs shall be deemed as a separate offense.

(d) Any person violating any of the provisions of §§ 50.120 *et seq.* shall become liable to the city for any expense, loss or damage occasioned by the city by reason of that violation.

(2) (a) Each and every sewer service charge levied by and pursuant to §§ 50.127 and 50.128 is made a lien upon the lot or premises served, and all charges which, on a certain date set by Council, are past due and delinquent shall be certified to the County Auditor as taxes or assessments on the real estate. Nothing in §§ 50.127 and 50.128 shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected by any delinquent or past due sewer service charges.

(b) As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect 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. Attorney's fees shall be fixed by order of the court.

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

(Prior Code, § 770.10) (Am. Ord. O-7-02, passed 4-16-2002)

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CHAPTER 51. STREET LIGHTS

Section

- 51.01 Policy and purpose
- 51.02 Initiation
- 51.03 Authority to impose street light utility charges
- 51.04 Enforcement for collection of fees
- 51.05 Exemptions

§ 51.01 POLICY AND PURPOSE.

(A) The City Council has determined that it is in the best interests of the residents of the city to operate a street light system throughout the city to promote the general health, safety, and welfare of the residents pursuant to M.S. § 412.221, subd. 7. In order to help defray the costs of the establishment, construction, repair, replacement, maintenance, enlargement and improvement of the street light system, it is hereby determined by the City Council that every parcel of property in the General Business and Industrial Zoning Districts benefits from the safety and convenience of street lights and, therefore, there shall be a street light utility charge payable by every lot, parcel or piece of property located within the General Business or Industrial Zoning Districts in the city.

(B) It is hereby determined to be the policy of the city that the benefit of street lighting to any lot, piece or parcel of land developed within the city limits in the General Business or Industrial Zoning Districts is similar and that payment for the services or availability should be collected on as fair, reasonable, and equitable basis as possible. It is further determined that any charge set forth pursuant to this chapter is in addition to any charge pursuant to any other ordinance of the city or any other governmental entity or agency.

(Ord. O9-18-08, passed 8-18-2009)

§ 51.02 INITIATION.

(A) The City Council, in all new subdivisions or upon a petition by a developer or a petition of at least 60% of the property owners within 150 feet of the proposed location, or upon its own initiative or recommendation of the City Engineer based on traffic or safety considerations, shall determine the street, park or other public area on which the city shall install and operate a street lighting system.

(B) *Installation costs.* The cost of installation of the street light system in all new subdivisions shall be included in the cost of required public improvements and may be assessed against the benefiting property owners in accordance with the provisions of M.S. Ch. 429 or other statutory authority. The cost of installation of the street light system in a public improvement project shall be included in the cost of the project and may be assessed against the benefited property owners in accordance with the provisions of M.S. Ch. 429 or other statutory authority.

(C) *Operating costs.* For the purpose of providing funds to defray the cost of maintenance and operation of the street light system, the costs of construction, maintenance and operation of street lights, the costs of electricity, payment of capital charges represented by bonds, certificates of indebtedness, or otherwise, and the payment of reasonable requirements for replacement and obsolescence thereof, there is hereby levied and assessed upon each lot, parcel of land, building or premises located within the General Business or Industrial Zoning District within the city, a monthly street light utility charge determined as provided in this chapter. (Ord. 09-18-08, passed 8-18-2009)

§ 51.03 AUTHORITY TO IMPOSE STREET LIGHT UTILITY CHARGES.

Street light utility charges shall be determined by resolution of the City Council and shall be as set forth in the city's fee schedule. Street light utility charges shall be collected in conjunction with other city utility charges. The Council may prescribe the date and manner of billing, a penalty for failure to pay within the period set for payment, and such other rules and regulations relative to the system as it may deem necessary from time to time. (Ord. 09-18-08, passed 8-18-2009)

§ 51.04 ENFORCEMENT FOR COLLECTION OF FEES.

Any unpaid or delinquent street light utility charges may be recovered from the occupant or owner of the premises billed therefor in a civil action by the city in any competent jurisdiction or, in the discretion of the City Council, may be certified to the County Auditor as taxes against any such property to be collected and paid over to the city along with other taxes. Either or both of such methods of collection thereof may be pursued by the city until payment in full has been made, and the initiation of one such method of collection shall not be deemed to be an election preventing the city from thereafter using the other method of collection until paid in full. Payment of delinquent street light utility charges shall be credited to the same fund used for current street light utility charges, deducting therefrom any costs of collection accruing to the city therefor. (Ord. 09-18-08, passed 8-18-2009)

§ 51.05 EXEMPTIONS.

The following land uses are exempt from street light fees:

- (A) Public rights-of-way;
- (B) City-owned property;

(C) Properties located within the Agricultural Preserve, Sewered Residential, Residential Townhouse, Sewered Residential District Single Family, and the Rural Residential zoning districts.

(Ord. 09-18-08, passed 8-18-2009; Am. Ord. 13-001, passed 6-18-2013)

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CHAPTER 52 – STORM WATER UTILITY

Section

52.01	Storm Water Utility Established
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§ 52.01 Storm Water Utility Established.

A municipal storm water utility is hereby established and shall be operated as a public utility pursuant to Minnesota Statutes 444.075, from which revenue will be derived subject to the provisions of chapter and Minnesota Statutes.

§ 52.03 Purpose.

The intent of this ordinance is to improve the quality of storm water runoff, to promote the long term sustainability of storm water infrastructure, and to position the City to meet regulatory requirements. Consequently, the purpose of this ordinance is to establish a storm water utility to collect charges to finance costs associated with the operation and maintenance of the City's storm sewer system and implementation of storm water management programs.

§ 52.05 Storm Water Utility Charges

(A) The charges imposed as a part of this storm water utility shall be in the form of an annual fee derived from parcels' acreage and residential equivalency factor (REF). The REF is defined as the ration of runoff volume generated by a typical lot size of 3.5 acres with 10% impervious surface. This typical residential lot is not representative of any particular residential lot and is used only as a means to calculate the REF. The REF for each land use and size established as part of this storm water utility shall be as follows:

<u>Existing Land Use</u>	<u>Ave. Lot Size</u>	<u>REFs Per parcel</u>	<u>REFs Per acre</u>
<i>Rural Residential</i>			
Less than 1 acre	.9	1	--
Over 1 to 2.5 acres	2	1	--
Over 2.5 to 5 acres	3.5	1	--
Over 5 to 10 acres	7.5	1	--
Over 10 to 20 acres	15	2	--
Over 20 to 40 acres	30	3	--
Over 40 to 100 acres*	70	7	--
Over 100 acres*	133	10	--
<i>Sewered Residential</i>			
Less than 1 acre	.5	.5	--
<i>Sewered Residential-Private</i>			
Included in Rural Res.			
<i>Residential Townhomes</i>	.05	.5	--
<i>General Business</i>	2.2	--	5 REF/Ac
<i>Industrial</i>	5	--	8 REF/Ac

(B) Other land uses not matching a particular land use category shall be classified by the City Administrator or designee so as to assign a residential equivalency factor, either by assigning them a land use classification with the most similar hydrologic response or based on the amount of site impervious surface. Appeals from the City Administrator's determination of proper classification may be made to the City Council in the same manner as other appeals from Administrative determinations.

§ 52.07 Storm Water Utility Rate.

The storm water utility rate charge, or value of the Residential Equivalency Factor (REF) is set by the City Council and shall be charged to all parcels not listed as exempt in Section 52.09. The REF value may be adjusted by the City Council as deemed appropriate to meet storm water utility budget needs.

§ 52.09 Exemptions.

The following land uses are exempt from storm water utility fees:

- (A) Public parks and recreation parcels
- (B) Public open space parcels
- (C) Public right of way parcels

(D) Wetland portions of parcels which are located within parcels that are larger than 40 acres, if the exemption of that wetland portion of the parcel places the parcel into a different size category pursuant to Section 52.05.

§ 52.11 Credits.

The City Engineer may adjust the REF for parcels of land if the City Engineer determines that the impervious surface of said is substantially different from the REF being used for comparable parcels. Information and hydrologic data must be supplied by the property owner(s) to demonstrate that a fee adjustment is warranted. Adjustments will not be made retroactively. Appeals of the City Engineer's determination shall be made to the City Council. No parcel shall be charged less than one REF except Residential Townhomes and Sewered Residential less than one acre.

§ 52.13 Billing and Payment.

Storm water utility fees shall be computed and billed annually along with other billing for city services. If a parcel of land subject to the storm water utility fee is not served by other services, a separate bill shall be issued annually by the City. If storm water fees are not paid, the City shall certify the amount due, together with penalties and fees, to the County Auditor to be collected with other real estate taxes on the parcel, according to state statute.

§ 52.15 Establishment of Fund.

All fees collected for the storm water utility shall be placed in a fund for storm water purposes as permitted by Minnesota Statutes, Section 444 .075.
(Ord. 2015-06, 10-20-15)

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§ 50.006 USE OF WATER FOR AIR CONDITIONING; PERMITS.

(A) All air conditioning systems which are connected directly or indirectly with the public water system must be equipped with water conserving and water regulating devices as approved by the City Engineer or City Utilities Superintendent.

(B) Permits shall be required for the installation of all air conditioning systems to the public water system. The fee shall be established by City Council ordinance, as it may be amended from time to time.

Penalty, see § 50.999

§ 50.007 COLLECTION OF SPECIAL CHARGES AND UTILITIES BY ASSESSMENT.

(A) *Purposes.* The purpose of this chapter is to provide a mechanism by which the City Council can collect unpaid utilities and service charges as authorized pursuant to M.S. § 429.101.

(B) *Assessment for charges.* The City Council may assess against the benefited property for all unpaid utility and service charges pursuant to M.S. § 429.101. The assessment of these unpaid utilities and charges shall be by resolution following 10 days mailed notice to property owners of the city's intent to assess the unpaid amounts.

(C) *Collection process.* All charges and utilities assessed under this authority shall be certified by the City Clerk to the County Auditor for collection with real estate taxes the year following the levy of the assessment for the unpaid utilities and special charges.

(Ord. O-7-07, passed 11-7-2007)

PUBLIC WATER SYSTEM

§ 50.015 GENERAL PROVISIONS ON WATER SYSTEM.

(A) *Water Department.* There is hereby established a Water Department which shall be under the supervision of the Public Works Director. The Department shall be responsible for the management, maintenance, care and operation of the water works system of the city. The area served by the water works system is identified on the attached sewer/water service area map.

(B) *Use of water system restricted.* No person shall make or use any water service installation connected to the city water system except pursuant to application and permit as provided in this subchapter. No person shall make or use any installation contrary to the regulatory provisions of this subchapter. No person, except as authorized by the Public Works Director, shall turn off any water supply at the curb box or operate water main system valves. (Prior Code, § 760.01) (Am. Ord. O-6-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.016 CONNECTION TO SYSTEM REQUIRED; USE OF PRIVATE WELLS.

(A) Except where municipal water is not available, it shall be unlawful to construct, reconstruct or repair any private water system which is designed or intended to provide water for human consumption. Existing private wells provide water for irrigation and landscaping may be maintained and continued in use after connection is made to the water system, provided there is no means of cross-connection between the private well and municipal water supply at any time. Hose bibs that will enable the cross-connection of the 2 systems are prohibited on internal piping of the well system.

(B) The owner(s) of all new homes, buildings or properties used for human occupancy, employment, recreation or other purposes shall connect to the public water system if water is available to the property. At the time public water becomes available to existing homes, buildings or properties used for human occupancy, employment, recreation or other purposes a suitable direct connection shall be required to the public system at the owner(s) expense in accordance with provisions of this section, within 1 year of the date the public water system is available.

(C) (1) In the event an owner shall fail to connect to the public water system within 30 days of notice given under division (B) of this section, the city shall undertake whatever legal action is reasonable necessary to see that connection is made; the city shall assess all of its costs associated with this enforcement against the benefitted property.

(2) The 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.

(3) The rights of the city shall be in addition to any remedial enforcement provisions of this section.

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

(E) If the private well is not to be used after the time a public water connection is made:

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

(2) Within 30 days after the public water connection is made, the owner or occupant must provide proof of abandonment to the City Public Works Director; and

(3) Notwithstanding the foregoing, all well abandonment shall be done in accordance with M.S. §§ 103I.301 to 103I.345, as they may be amended from time to time, and Minn. Rules Ch. 4725, Wells and Borings, as it may be amended from time to time.

(Prior Code, § 760.02) (Am. Ord. O-6-02, passed 4-16-2002; Am. Ord. O-5-04, passed 9-21-2004) Penalty, see § 50.999

§ 50.017 USE OF WATER FROM FIRE HYDRANTS; TEMPORARY CONNECTIONS.

(A) Except for extinguishing of fires, no person, unless authorized by the Public Works Director, shall operate fire hydrants or interfere in any way with the water system without first obtaining permission to do so from the city.

(B) The user shall relinquish the use of the hydrant to authorized city employees in emergency situations.

(C) The user shall pay a charge as established by Council.

(D) Use of water from a hydrant shall be metered. The user shall obtain a meter from the city and shall pay for the water used at the rate established by the Council.

(Prior Code, § 760.03) (Am. Ord. O-6-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.018 WATER DEFICIENCY, SHUT OFF AND USE RESTRICTIONS.

The city shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections or from any other cause whatsoever. In case of fire, or alarm of fire, or in making repairs or construction of new works, water may be shut off without notice at any time and kept off as long as necessary. In addition, the City Council shall have the right to impose reasonable restrictions on the use of the city water system in emergency situations. Water service may be discontinued for non-payment of charges according to the procedures established in § 50.031. (Prior Code, § 760.04) (Am. Ord. O-6-02, passed 4-16-2002)

§ 50.019 SUPPLY FROM ONE SERVICE.

(A) No more than 1 consumer shall be supplied from 1 service connection except by permission of City Council.

(B) Each unit served shall have a separate water meter.
(Prior Code, § 760.05) (Am. Ord. O-6-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.020 TAPPING OF MAINS RESTRICTED.

No person, except persons authorized by the City Council, shall tap any distributing main or pipe of the water supply or insert stopcocks or ferrules therein.
(Prior Code, § 760.06) (Am. Ord. O-6-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.021 REPAIRS.

(A) *Determination of need for repairs.* Based on the information supplied by the property owner or available to the city, the city will make a determination whether a problem exists in that portion of the service which is the city's responsibility, as identified in § 50.024 of this chapter. If the problem appears to exist in the areas for which the city has no responsibility, the private owners shall be responsible for correction of the problem.

(B) *Excavation or repair of water service.*

(1) The city will arrange for the investigative digging up and repair of any water service where the problem apparently exists within the area for which the city has responsibility.

(2) Unless it is clearly evident, however, that the problem is the responsibility of the city, excavation and repair will not be made until the property owner requests the city to excavate or repair the service and agrees to pay the cost.

(3) The owner further agrees to waive public hearing and have specially assessed the cost of the excavation and repair if the problem is found to be other than the city's responsibility. The city will make the determination for responsibility of the cost of investigation or repair.

(4) The matter of whether the dig up is done by city forces or contracted would depend on the urgency or need of repair and the availability of city forces to do the work. Recovery by the city for faulty construction will depend upon the circumstances and the decision of the City Attorney on the likelihood of recovery.

(C) *Failure to repair.* In the case of failure upon the part of any consumer or owner to repair any leak occurring in his or her service pipe within 24 hours after verbal or written notice thereof, the water may be turned off by the city and shall not be turned on until the leak has been repaired and a fee pursuant to § 50.026 has been paid to the city.
(Prior Code, § 760.07) (Am. Ord. O-6-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.022 WATER CONNECTIONS, APPLICATIONS AND CHARGES.

(A) *Connection applications.*

(1) All applications for service installations and for water service shall be made to the City Administrator-Clerk. All applications for service installations and water service shall be made by the owner or agent of the property to be served and shall state the size and location of service connection required. The applicant shall, at the time of making the application, pay to the city the deposit required for the installation of the service connection as hereinafter provided.

(2) The size of the water service connections and meter shall be subject to approval of the City Public Works Director.

(3) Water billing shall start at the time of installation of the water meter, or in the event of temporary water access, prior to the meter being installed. The billing shall be calculated upon the minimum monthly rate, or as determined by the Public Works Director.

(B) *Connection charges.*

(1) Permission must be obtained to connect to the existing water service leads at the curb stop box or valve. Water service leads consist of service extensions from the water main to the curb box including the stop box. Payment for service connections must be made before the work is started. A fee, as set by the City Council, shall be charged for connections.

(2) Additional charges shall be paid at the time of making application for tapping and making connections with the water main to where a service lead was not previously installed. The charge shall include the tapping of the water main, corporation cocks, the installation of a valve and valve box or curb stop box and restoration of streets.
(Prior Code, § 760.08) (Am. Ord. O-6-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.023 LOCATION OF CURB STOP BOX.

Curb stop boxes will be installed on the right-of-way line or easement limits at a location as determined by the Public Works Director to be best suitable to the property and shall be left in a vertical position when backfilling is completed. Curb stop boxes will be installed at an approximate depth of 7 feet below the finished ground elevation and the top of the curb stop box shall be adjusted to be flush with the finished ground elevation. Curb stop boxes must be firmly supported. No person shall erect any fence or plant any tree or other landscaping that would obstruct the use of the curb stop box or cause damage to the same. The Public Works Department will, without charge, locate boxes and adjust them to any change in grade. (Prior Code, § 760.10) (Am. Ord. O-6-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.024 SERVICE OWNERSHIP AND MAINTENANCE RESPONSIBILITIES.

(A) The service pipe from the city water main to the valve or the stop box, including the valve box or the stop box and cover in the boulevard and the property of the city and all persons are forbidden to interfere with them.

(B) (1) The service pipe from the valve or the stop box to the meter shall be the property of the property owner.

(2) The pipe must be protected and maintained by the property owner. (Prior Code, § 760.11) (Am. Ord. O-6-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.025 WATER METERS.

(A) Generally, except for extinguishment of fires, no person, unless otherwise authorized by the City Council or Public Works Department, shall use water from the water system or permit water to be drawn from it unless the same is metered by passing through a meter supplied or approved by the city. No person not authorized by the City Council or Public Works Director shall connect, disconnect, take apart, or in any manner, change or cause to be changed or cause to be changed or interfere with any meter or the action thereof or break any meter or valve seal. The city shall exclusively own and control the water meters to be used in the water system. All water meters shall be inspected by the Public Works Director in accordance with the following regulations.

(1) The service pipe from the city water main to the meter shall be a minimum 1 type K copper pipe, or as approved by the Public Works Director. The pipe shall extend from the main to the building and through the floor in a vertical position.

(2) The meter shall be so located that the bottom is from 12 to 18 inches above the finished floor line. The meter shall not be set more than 12 inches, measured horizontally, from the inside line of the basement wall. Deviation from these standards may be made only with written permission of the Public Works Director. An approved yoke or horn shall be utilized to support the meter in the proper vertical position, meters larger than 1 inch shall be set on a pedestal.

(3) All meter installations shall have a ball valve on the street side of the meter. In no case shall there be more than 12 inches of pipe exposed between the point of entrance through the floor and ball valve. A ball valve shall also be installed on the consumer side of the meter.

(4) The water service connecting with the main shall not be run within any structure or under any floor for a distance of more than 2 feet, measured from the inside foundation wall, before being connected to the water meter.

(5) The consumer is prohibited from obstructing the meter so as to prohibit the reading or repairing of the meter.

(6) It shall be unlawful for anyone to misread or to tamper with any meter so as to avoid charges for water.

(7) It shall be unlawful for anyone to bypass a meter, or otherwise use city water without making just compensation therefore.

(8) Where a consumer has need for a larger line in addition to his or her domestic line as in the case of a commercial consumer who needs a 1-inch line for normal use and a 6-inch or larger line for a fire sprinkler system, the property owner must connect 2 lines to the building. When this is done, the meter will be attached to the small or domestic line and a post indicator valve shall be placed on the larger line.

(9) In large water service applications, it may be necessary to install compound type water meters when it is determined there are periods of light water usage.

(B) Repair and replacement of meters.

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

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

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

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

(C) *Testing.* At the written request of any user, the Public Works Director will test or cause to be tested the meter supplying the premises of the owner or customer. A deposit of \$25 shall be required before the meter is disconnected which will be returned to the owner or consumer if the meter is not found to be registered correctly within 3%, otherwise the deposit so made shall be retained by the city to cover the cost of these tests. The owner or consumer may, if he or she desires, be present at the time the test is made. The result of any test shall be reported to the owner or consumer in every case. If the testing of a meter, as herein above provided, indicates that it registers in excess of 3% error, the charge to the consumer for water consumed and used during the quarter within which the test is made shall be adjusted in a fair and equitable manner.

(D) *Water meters.* The city shall supply water meters, up to and including 5/8-inch size, non-compound and non-turbine type meters to users or a fee to be established by the City Council. This fee is not a deposit and is not refundable. Compound meters, turbine meters and meters larger than 5/8 inches shall be purchased by the user and installed with the Public Works Director's approval and shall become the property of the city upon installation. The city shall establish the brand and type of meter that is acceptable for each installation.
(Prior Code, § 760.12) (Am. Ord. O-6-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.026 RATES, FEES AND CHARGES GENERALLY.

The City Council shall establish a schedule of all water rates, fees, penalties and charges for services. This schedule shall be adopted by resolution and may be amended from time to time by the Council.

(Prior Code, § 760.13) (Am. Ord. O-6-02, passed 4-16-2002)

§ 50.027 WATER SERVICE BILLING; CHANGE OF ADDRESS.

All bills and notices shall be mailed or delivered to the address where service is provided. If non-resident owners or agents desire personal notice sent to a different address, they shall so note on the water service application. Any change or error in address shall be promptly reported to the City Administrator-Clerk.

(Prior Code, § 760.14) (Am. Ord. O-6-02, passed 4-16-2002)

§ 50.028 WATER RATES.

(A) In case a meter is found to have stopped, or is operating in a faulty manner, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the year.

(B) If the water meter cannot or has not been read for any reason, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the year.

(C) The minimum rates established by Council shall begin to accrue after connection of the service pipe with the curb stop box.

(D) A meter shall be installed on the water service in the building and a remote register outside regardless of whether inside piping is connected.

(E) In the event a water customer elects to discontinue the use of the municipal water, the regular or minimum charge shall continue until the date service is disconnected at the curb box.
(Prior Code, § 760.15) (Am. Ord. O-6-02, passed 4-16-2002)

§ 50.029 PAYMENT OF CHARGES; LATE PAYMENT; COLLECTION.

(A) For rental units, payment for services and charges provided for municipal utilities shall be the responsibility of the owner of the premises and shall be billed to him or her.

(B) Any prepayment or overpayment of charges may be retained by the city and applied on subsequent monthly charges.

(C) (1) If a monthly utilities charge is not paid within 30 days of billing, then a penalty of 1.5% shall be added thereto.

(2) The penalty shall be computed at 1.5% of the amount due and shall be increased the same 1.5% for every month the bill is outstanding.

(D) In the event a user fails to pay his or her utilities bill within a reasonable time following discontinuance of service (a time period not to exceed 90 days), the fee shall be certified by the City Administrator-Clerk and assessed against the property on which the charges have incurred, and forwarded to the County Auditor for collection
(Prior Code, § 760.16) (Am. Ord. O-6-02, passed 4-16-2002)

(E) When water services have been stopped because of a violation of this chapter, the city shall collect a fee established by City Council, as it may be amended from time to time, before service is recommenced.
Penalty, see § 50.999

§ 50.030 SUPERVISION BY PUBLIC WORKS DIRECTOR.

(A) All piping connections from the valve box or curb stop box to the building's supply piping shall be made under the supervision of a licensed plumber subject to inspection by the Building Official. The piping connection made to the valve box or curb stop box on the building side shall be inspected by the Building Official.

(B) Authorized city employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the water system for purposes of testing the water.
(Prior Code, § 760.17) (Am. Ord. O-6-02, passed 4-16-2002)

§ 50.031 DISCONTINUANCE OF SERVICE.

(A) *Generally.* Water service may be shut off at any connection whenever:

(1) The owner or occupant of the premises served or any person working on any pipes or equipment therein which are connected with the water system has violated, or threatens to violate, any of the provisions of this subchapter; or

(2) Any charge for water, service, meter or any other financial obligations imposed on the present or former owner or occupant served is unpaid after due notice and opportunity for hearing as set forth in this section.

(B) *Disconnection for late payment.*

(1) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and overdue notices shall contain in addition to the address and telephone number of the City Administrator-Clerk who is in charge of billing, clearly visible and easily readable provisions to the effect:

(a) All bills are due and payable on or before the date set forth on the bill;

(b) If any bill is not paid by or before that date, the following bill will be mailed and contain a cutoff notice stating that if the total amount owed is not paid within 10 days of the mailing of the second bill, service will be disconnected for nonpayment; and

(c) Any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentious to the City Administrator-Clerk in charge of utility billing. The Administrator-Clerk shall be authorized to order that the customer's service not be discontinued and shall make a final determination of the customer's complaint.

(2) Requests for delays or waiver of payment will be considered on a case-by-case basis. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified but in no event until the charges have been due and unpaid for at least 30 days.

(3) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with fees for disconnection and reconnection as established by City Council resolution.

(C) *Cold weather rule.* Pursuant to M.S. § 216B.097, as it may be amended from time to time, no service of a residential customer shall be disconnected if the disconnection affects the primary heat source for the residential unit when the disconnection would occur during the period between October 15 and April 15, the customer has declared inability to pay on forms provided by the state, the household income of the customer is less than 185% of the federal poverty level as documented by the customer to the city, and the customer's account is current for the billing period immediately prior to October 15 or the customer has entered into a payment scheduled and is reasonably current with payments under the schedule.

(Prior Code, § 760.18) (Am. Ord. O-6-02, passed 4-16-2002) Penalty, see § 50.999

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WASTEWATER CHARGES

§ 50.045 CITY WASTEWATER DISPOSAL SYSTEM FACILITIES.

The fees, rates and charges for using the city facilities shall be, upon the conditions and in the amounts set forth in this chapter approved by the M.P.C.A. in accordance with § 204(b) of the Clean Water Act, being 33 U.S.C. § 1284(B), to ensure that each user shall pay for its proportional share of the costs of operation and maintenance including replacement. (Prior Code, § 700.01)

§ 50.046 DEFINITIONS.

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

BOD or **BIOCHEMICAL OXYGEN DEMAND.** The quantity of oxygen utilized in the biochemical oxidation of organic matter in 5 days at 20°C, expressed in milligrams per liter, as determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

CAPITAL COSTS. All reasonable and necessary costs and expenses incurred by the city in planning, designing, financing and constructing disposal system facilities, including but not limited to costs and expenses for obtaining necessary permits, licenses, approvals and grants for design and construction costs; fees for legal and consulting services; or the acquisition of the facilities.

CITY. Individually or collectively all parts and facilities of the sewer system and wastewater treatment plant.

DEBT SERVICE. The principal and interest necessary to pay bonded indebtedness.

DEBT SERVICE CHARGE. The charge for recovering local capital costs, if any, which were not recovered through special assessments.

FLOW. The quantity of sewage expressed in gallons or cubic feet per 24 hours.

LOAD. Quantities of sewage characteristics such as BOD, TSS and other constituents as expressed in milligrams per liter (mg/l) or pounds per 24 hours (lbs/24 hours).

NORMAL DOMESTIC STRENGTH. Wastes with a Biological Oxygen Demand concentration not to exceed 220 milligrams per liter and a total suspended solids concentration not to exceed 220 milligrams per liter.

OPERATION AND MAINTENANCE. Activities required for the dependable and economical functioning of the wastewater collection and treatment facilities throughout the useful life of the treatment works and at the level of performance for which the treatment works were constructed. The term **OPERATION AND MAINTENANCE** shall include replacement.

OPERATION AND MAINTENANCE COSTS (O AND M COSTS). The expenses related to the costs of the operation, maintenance, replacement and administration of the city facilities.

REPLACEMENT. Obtaining and installing of equipment, accessories or appurtenances which are necessary during the useful life of the wastewater treatment facilities to maintain the capacity and performance for which the facilities were designed and constructed. The term operation and maintenance shall include **REPLACEMENT**.

REPLACEMENT COSTS. Costs related to the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance during the useful life of the city facilities for which the facilities were designed and constructed. The term operation and maintenance shall include replacement.

RESIDENTIAL, USERS. A user of the treatment facilities whose premises or building is used primarily as a residence for 1 or more persons including dwelling units such as detached, semi-detached, and row houses, mobile homes, garden and standard apartments, or permanent multi-family dwellings (transient lodging, considered commercial in nature, shall not be included).

SANITARY WASTES. The liquid and water carried wastes discharged from sanitary plumbing facilities.

SEWAGE. The liquid carried waste products from whatever source derived, together with the ground water infiltration and surface water as may be present.

SEWER. A pipe or conduit for carrying sewage, industrial waste and other waste liquids.

SEWER SERVICE CHARGE. The aggregate of all the charges including the user charge, debt service charges and other sewer related charges that are billed periodically to users of the city facilities.

SEWER SYSTEM. Pipelines or conduits, septic tanks, service lines from septic tanks to collector sewer, pumping stations, force mains and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage.

STANDARD SEWAGE VOLUME UNIT. A unit of wastewater volume received from an average household unit consisting of a wastewater volume of not greater than 345 gallons per day at a strength of not greater than 220 mg/l BOD and 220 mg/l total suspended solids.

TSS or TOTAL SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering, in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

USER. Any person discharging sewage into the city disposal system facilities.

USER CHARGE. A charge levied on users of city facilities for the cost of operation, maintenance and replacement of the facilities.

WASTEWATER TREATMENT PLANT. Any facility, appurtenant structures or arrangement of devices used for the treatment of sewage.
(Prior Code, § 700.02)

§ 50.047 GENERAL.

(A) *Generally.* It shall be the purpose of this section to recover from users of the city facilities, on an equitable basis, the share of the city facilities costs attributable to the users, and to provide funds for the operation and maintenance, debt service, replacement and improvements by the city. Methodology for determining and maintaining a proportionate user charge system is included in a report prepared by McCombs-Knutson Associates, Inc., entitled Sewer Service Charge System, Greenfield, Minnesota.

(B) *Connections.* The user charges provided for in this section shall be hereby levied and assessed upon each lodge, parcel of land, building or premises having any connection with, or discharging either directly or indirectly into the sewer system.

(C) *Annual establishment.* The City Council shall annually determine and fix the unit costs for use of the city wastewater facilities on the basis of flow, taking into consideration the cost of conveyance and treatment of the sewage consistent with the methodology developed in the sewer service charge system, specifically the cost of operation, maintenance and replacement costs for the city's sewer system. MWCC sewer use charges and the Independence and Medina sewer use charge.

(D) *Monthly billing.*

(1) The city shall compute the amount due the city for sewer use charges and render a statement thereof, at monthly intervals, to the owner or occupant of any premises using the city facilities.

(2) All amounts due hereunder shall be payable at the office of the Administrator-Clerk or other designated locations within 45 days of the date of the statement.

(3) Accounts which become past due shall be charged \$1 per month service charge.

(E) *Annual notice.* Each user shall be notified annually by the city, in conjunction with a regular bill of the rate and that portion of the user charges which are attributable to the operation, maintenance and replacement costs.

(F) *Report.* The Administrator-Clerk shall in August of each year provide to the City Council an internal audit report that shall address specific areas of concern including: the need to generate sufficient revenue through user charges to cover total O and M costs; the necessity of maintaining a proportionate system of user charges; and the need to review the replacement account to determine its proper level of funding. Appropriate revisions shall be made to the rates to maintain proportionality and to cover total O, M and R costs, as reflected by this annual audit.

(Prior Code, § 700.03)

§ 50.048 CHARGES A LIEN.

(A) Each charge levied pursuant to this subchapter shall be a lien against the property, and all charges shall be due on September 30 of each year.

(B) Charges more than 30 days past due, and having been properly mailed to the occupant or owner of the premises, shall be certified by the City Council to the County Auditor, shall specify the amount thereof, the description of the premises, the name of the owner thereof, and the amount so certified shall be expanded upon 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.

(Prior Code, § 700.04)

§ 50.049 CIVIL ACTION.

Any charges levied pursuant to this subchapter, which have been properly sent to the occupant or owner and have not been paid, maybe recovered in a civil action by the city in any court of competent jurisdiction.

(Prior Code, § 700.05)

§ 50.050 FUNDS FROM SEWER SERVICE CHARGES.

The funds received from the collection of the charges authorized by this subchapter shall be deposited as collected in the city wastewater treatment system operating fund and shall be used for the operation, maintenance, debt service, replacement, and improvements of the city sewer system, except that the portion of any funds which is limited to a particular use by applicable state or federal rules or regulations, shall be used in compliance with these restrictions.

(Prior Code, § 700.06)

§ 50.051 UNIT COST CATEGORIES.

The cost to be recovered pursuant to this subchapter and the unit cost to be fixed by the City Council in § 50.047 (C) shall be determined and allocated in each of the following categories:

(A) *Debt service for wastewater collection facilities.* This shall be the amount of the annual interest and principal cost necessary to retire the bond issued to pay for the local share of the project cost.

(B) *Operation and maintenance – city sewer system.* This shall be the annual cost of operating and maintaining the city sewer system facilities, and payment to the Metropolitan Waste Control Commission and Cities of Independence and Medina for sewer use charges, including an amount for equipment replacement costs, which shall be segregated in a separate fund.

(Prior Code, § 700.07)

§ 50.052 INDUSTRIAL CHARGES.

Connections to this system are limited to 57 residential properties. Four of the properties consist of seasonal cabins. Each year-round residence shall be considered a single sewage volume unit. Each seasonal cabin shall be considered 0.6 sewage volume unit.

(Prior Code, § 700.08)

§ 50.053 CHARGES FOR RESIDENTIAL USERS OF CITY COLLECTION SYSTEM.

(A) *Assessments.* The debt service for wastewater facilities, shall be recovered by a special assessment to each property served. This assessment shall be based on the project local capital cost divided equally among the residential users served by the system. The city may determine to defer the assessment of property for the cost of wastewater treatment facilities until time as the property shall be connected to the wastewater treatment system.

(B) *User charge.* The user charge for operation, maintenance and replacement (O, M and R) shall be based on a standard sewage volume unit. The annual sewer charge shall be the amount of revenues that the city shall determine is necessary for the annual O, M and R of the wastewater facilities divided by the total number of standard sewage volume units. Each year-round residence shall be considered a single sewage volume unit. Each seasonal cabin shall be considered 0.6 sewage volume unit.

(C) *Connection fee.* A connection inspection fee shall be collected for all connections to the city wastewater collection system not connected as a part of the system construction. The fee shall consist of 2 components, 1 for the inspection of the installation of service lines and a septic tank up to the user structures and a second component to cover the cost of furnishing and installation by the city of a service way or saddle, to the sewer main, if the connection was not previously done by the city. The City Council shall annually set the amount of the charges. (Prior Code, § 700.09)

§ 50.054 ADMINISTRATION.

(A) *Applicability.* This subchapter shall apply and be in effect for the stated purposes within the city.

(B) *Enforcement.*

(1) The city shall be responsible for administration and enforcement of this subchapter.

(2) The city or its agent shall be qualified and certified by the M.P.C.A. as competent in the design, evaluation and inspection of individual on-site sewage treatment systems and shall carry a current Class D operators certificate and an individual sewage treatment system certificate.

(C) *Adjustment and appeals.*

(1) The City Council shall hear and decide appeals and review any order, decision or determination made by city's inspector regarding the enforcement of this subchapter.

(2) The City Council shall hear and act upon all rate adjustment and variance requests where provisions of this subchapter shall be specifically variable.

(3) Any appeal of an administrative decision or determination may be filed by any person, department, bureau, town, city, county or state.

(4) Inspections as required to determine compliance with this subchapter shall be performed by the city's inspector or his or her authorized agent under the following circumstances.

(a) Duly authorized employees of the city shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this subchapter. Those employees shall have no authority to inquire into processes including metallurgical, chemical, oil refining, ceramic paper or other industries except as shall be necessary to determine the kind and source of the discharge to the public sewer.

(b) The owner or occupant of a property shall be responsible to provide access at reasonable times, to the city's inspector or his or her agent, for the purpose of performing inspections required under this subchapter.

(c) While performing the necessary work on private property as referred to in division (a) above, the authorized employees of the city shall observe all safety rules applicable to the premises.

(Prior Code, § 700.10)

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SEWERS AND SEPTIC SYSTEMS

§ 50.065 SHORT TITLE.

This subchapter shall be known, cited and referred to as the Sewer Use Subchapter, except as referred to in this subchapter, where it shall be known as this subchapter.
(Prior Code, § 710.01)

§ 50.066 INTENT AND PURPOSE.

This subchapter is adopted for the purpose of:

(A) Protecting the health, safety and welfare of the residents of the community, present and future in accordance with the community's SDS and where applicable, NPDES permit; and

(B) Regulating the discharge of wastes into public and private sewers which would have an adverse effect on the operation and maintenance of the wastewater treatment facilities.
(Prior Code, § 710.02)

§ 50.067 CONFLICTING PROVISIONS.

In the event of conflicting provisions in the text of this subchapter, and/or ordinances, the more restrictive provision shall apply. The city shall determine which is more restrictive and appeals from the determination shall be made in the same manner provided in this subchapter.
(Prior Code, § 710.03)

§ 50.068 INTERPRETATIONS.

Words used in the present tense shall include the past and future tense; the singular includes the plural and the plural includes the singular. The word **SHALL** is mandatory, and the word **MAY** is permissive.
(Prior Code, § 710.04)

§ 50.069 DEFINITIONS.

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

ACTIVE MAINTENANCE. A maintenance program for individual sewage treatment systems whereby the property owner has complete responsibility for effecting operation, maintenance and replacement (O, M and R) in a manner acceptable to the sewer authority.

BIOCHEMICAL OXYGEN DEMAND or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C expressed in milligrams per liter. Laboratory procedures shall be in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

BUILDING DRAIN. The part of the lower horizontal piping of a drainage system which receives the discharge from waste, and other drainage pipes or pumping chambers inside the walls of the building and conveys it to the building sewer which begins at least 1 foot outside the building line.

BUILDING SEWER. The part of the drainage system which extends from the building drain to the point of connection to either a public sewer, a septic tank, pumping chamber or an individual sewage treatment system, for the purpose of conveying wastewater.

CITY. The area within the corporate boundaries of the City of Greenfield. The term **CITY** when used in this subchapter may also be used to refer to the city's authorized representative.

COMMUNITY SEWAGE TREATMENT SYSTEM. A sewage treatment and collection system which collects sewage from 2 or more residences or other establishments, consisting of: collector lines; pumps; sewage tanks; and soil treatment unit. Also known as a **CLUSTER SYSTEM.**

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

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

GARBAGE. Solid waste resulting from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage or sale of meat, fish, fowl, fruit or vegetable and condemned food.

INDIVIDUAL SEWAGE TREATMENT SYSTEM. A sewage treatment system connecting to a single dwelling or other establishment, consisting of: soil treatment unit, septic tank and any associated pumping and piping systems.

INDUSTRIAL WASTES. The solid, liquid or gaseous waste resulting from industrial or manufacturing processes, trade or business, or from the development, recovery or processing of natural resources.

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

M.P.C.A. The Minnesota Pollution Control Agency.

NORMAL DOMESTIC STRENGTH WASTE. Wastes which are characterized by a per capita discharge of 100 gallons per day at a loading not greater than 220 mg/l BOD and 200 mg/l total suspended solids.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

NON-CONTACT COOLING WATER. Water discharged from uses such as air conditioning, cooling or refrigeration, where the only pollutant added is heat.

NPDES PERMIT or NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT. The system for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans by the Environmental Protection Agency pursuant to the Federal Water Pollution Control Act.

OPERATION AND MAINTENANCE. Activities required to provide for the dependable and economical functioning of the treatment system, throughout the useful life of the treatment works, and at the level of performance for which the treatment works were constructed. The term **OPERATION AND MAINTENANCE** shall include replacement.

OTHER WASTES. Garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil tar, chemical, offal and all other substance except sewage or industrial waste.

PASSIVE MAINTENANCE. A maintenance program for community sewage treatment systems whereby the community in which the treatment system is situated shall be responsible for conducting operation, maintenance and replacement in a manner acceptable to the sewer authority.

PERSON. Any individual, firm, company, association, society, corporation, municipal corporation, governmental unit or group.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PUBLIC SEWAGE TREATMENT SYSTEM. Any sewage treatment and collection system owned or operated by a unit or agency of government.

PUBLIC SEWER. Any sewer owned or operated by a unit of agency of government.

REPLACEMENT. The obtaining and installing of equipment, accessories or appurtenances which are necessary during the useful life of the wastewater treatment facilities to maintain the capacity and performance for which the facilities were designed and constructed. The term operation and maintenance shall include replacement.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface, and ground water shall not be intentionally discharged.

SANITARY WASTE. The liquid and water carried wastes discharged from sanitary plumbing facilities.

SEWAGE AND WASTEWATER. Water carried waste products from residences, commercial buildings, public buildings, institutions, industrial establishments or other buildings including the excrement or other discharge from the bodies of human beings or animals, together with the ground, surface and stormwaters as may be present.

SEWER. A pipe or conduit for carrying sewage, industrial wastes or other waste liquids.

SEWER AUTHORITY. The governmental entity and department thereof which has monitoring, inspection, permitting and enforcing authority over sanitary improvements including public drainfields and associated collection systems.

SLUG. Any discharge or water, wastewater or industrial waste which in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24-hour concentration or flow during normal operation.

STATE DISPOSAL SYSTEM (SDS) PERMIT. Any permit including any terms, conditions and requirements thereof issued by the M.P.C.A. pursuant to M.S. § 115.07, as it may be amended from time to time, for disposal system as defined by M.S. § 115.01, subdivision 13, as it may be amended from time to time.

SUSPENDED SOLIDS (TSS). Solids that either floats on the surface of or in suspension in water, sewage or other liquids and which are removable by laboratory filtering in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

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

UNPOLLUTED WATER. Clean water uncontaminated by industrial wastes, other wastes, or any substance which renders the water unclean or noxious or impure so as to be actually or potentially harmful or detrimental, or injurious to public health, safety or welfare; to domestic, commercial, industrial or recreational uses; or to livestock, wild animals, birds, fish or other aquatic life.

WASTEWATER FACILITY. The structures, equipment or process required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.
(Prior Code, § 710.05)

§ 50.070 MANDATORY SEWAGE TREATMENT.

Where a public sewage treatment system is not available, the building sewer shall be connected to an individual sewage treatment system complying with the septic inspections and enforcement program of Hennepin County. Effective April 1, 2015, the City of Greenfield officially delegated Hennepin County to administer this program in order to protect ground and surface waters, provide consistent regulation across city boundaries, and to prevent waterborne illness. Hennepin County Ordinance 19 went into effect January 1, 2000 and adopts the State of Minnesota Rules governing individual sewage treatments systems, MN Rules Chapter 7080.
(Prior Code, § 710.06) (Ord. 2015-02, 3/27/15)

§ 50.071 NEW INSTALLATION.

No new private treatment systems or extensions shall be constructed within the city without first obtaining a permit for the system or expansions from the city.
(Prior Code, § 710.07) Penalty, see § 50.999

§ 50.072 UNLAWFUL DISCHARGE TO INDIVIDUAL TREATMENT SYSTEM.

It shall be unlawful to discharge wastes as shall be prohibited by § 50.074 of this subchapter to an individual sewage treatment system.
(Prior Code, § 710.08) Penalty, see § 50.999

§ 50.073 PRIVATELY OWNED INDIVIDUAL TREATMENT SYSTEMS.

The owner of privately owned individual treatment systems shall be responsible for all operation and maintenance and the costs associated to the systems.
(Prior Code, § 710.09) Penalty, see § 50.999

§ 50.074 UNLAWFUL DISCHARGE TO PUBLIC SEWERS.

(A) *Generally.* No person shall discharge or cause to be discharged directly or indirectly any waste which, by volume or strength or nature, may harm the wastewater treatment facility or cause obstruction to the free flow in sewers or endanger life or cause a nuisance.

(B) *Unpolluted water.* No person shall discharge or cause to be discharged directly or indirectly any stormwater, groundwater, and roof runoff, subsurface drainage, waste from on-site disposal systems, unpolluted cooling or processing water to any sanitary sewer except shall be permitted by the city. Stormwater and all other unpolluted water shall be discharged to a storm sewer if available or to the ground surface, or other 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 and the issuance of a discharge permit by the M.P.C.A.

(C) *Prohibited discharge.* No person shall discharge or cause to be discharged directly or indirectly to any treatment system:

(1) Any liquids, solids, or gases which by reason or 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 shall include, but shall not be limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides;

(2) Solid or viscous substances, which shall 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 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or flashings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;

(3) Any wastewater has 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;

(4) Any wastewater containing toxic pollutants in sufficient quantity, either single or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to § 307(a) of the Act, being 33 U.S.C. § 1317(a);

(5) Noxious or malodorous liquids, gases, or substances which either single or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to, prevent entry into the sewers for their maintenance or repairs; and

(6) Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed including wastes which may affect and prohibit the permeability of soils such as dairy products and blood.

(D) *Restricted discharges.*

(1) No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewers unless in the opinion of the city the discharge shall not harm the wastewater facilities, nor cause obstruction to free flow in sewers, nor otherwise endanger life, limb or public property, nor constitute a nuisance. In forming its opinion as to the acceptability of the wastes, the city may give consideration to these factors as the materials or construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment facilities, the city's SDS/NPDES permit and other pertinent factors. The city may make the determination either on a general basis or as a discharges form individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur.

(2) The substances restricted shall be:

(a) Any liquid or vapor having a temperature in excess of 150°F (65°C);

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substance which may solidify or become viscous at temperatures between 32°F and 150° F (0°C and 65°C);

(c) Any garbage that has not been ground or comminuted to a degree that all particles shall be carried freely to suspension under flows normally prevailing in the public sewers, with no particles greater than 1/2 inch in any dimension;

(d) Any water or wastes containing strong acid, iron pickling wastes or concentrated plating solutions, whether neutralized or not;

(e) Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment, or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the state or federal government, or any other public agency with property authority to regulate the discharge from the sewage treatment plant;

(f) Any radioactive wastes or isotopes of the half-life or concentration that they are not in compliance with the regulations issued by the appropriate authority having control over their use or may cause damage or hazards to the treatment works or personnel operating it;

(g) Unusual concentrations of suspended solids, (such as, but not limited to, Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate); and

(h) Unusual volume of flow or concentration of waste constituting a slug.
(Prior Code, § 710.10) Penalty, see § 50.99.

§ 50.075 ACTIVE MAINTENANCE PROGRAM.

(A) *Generally.* Each individual sewage treatment system or sanitary improvement which is constructed or improved, in whole or in part, with state and federal grant assistance shall be operated and maintained according to the provisions of Hennepin County Ordinance 19.

(B) *Operation, maintenance and replacement.* Responsibility for proper operation, maintenance and replacement (O, M and R) of individual sewage treatment systems shall be regulated by Hennepin County in accordance with Hennepin County Ordinance 19.

§ 50.076 ON-SITE SEWAGE SYSTEM MAINTENANCE AND REPAIR.

All maintenance and repair of on-site sewage systems shall be in accordance with the regulations of Hennepin County.

(Prior Code, § 710.12) (Am. Ord. 01-1-02, passed 2-19-2002; Ord. 2015-02, 3/27/15)
Penalty, see § 50.999

§ 50.077 INDIVIDUAL SEWAGE TREATMENT STANDARDS.

Standards and regulations of individual sewage treatment systems (ISTS) and septic disposal, including the proper location, design, construction, operation, maintenance and repair to protect surface water and ground water are regulated and enforced by Hennepin County.

(Prior Code, § 710.13) (Am. Ord. 13-001, passed 6-18-2013; Ord. 2015-02, 3/27/2015)

§ 50.078 DISCHARGES OF UNPOLLUTED WATER.

(A) No person shall discharge or caused 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 those 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 M.P.C.A.

Penalty, see § 50.999

§ 50.079 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.

Penalty, see § 50.999

REGULATING THE USE OF PUBLIC SEWERS

§ 50.090 PURPOSE.

The purpose of this subchapter shall be to regulate the use of the public sewers in the city for the public health and welfare of the citizens of Greenfield.
(Prior Code, § 720.01)

§ 50.091 DEFINITIONS.

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

BOD. The quantity of oxygen utilized in the biological oxidation of organic matter expressed in milligrams per liter, as shall be determined in accordance with standard laboratory procedure as set out in the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

BUILDING DRAIN. The part of the lower horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal, also called house connection.

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

COD or **CHEMICAL OXYGEN DEMAND.** The quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedure as set out in the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

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

GARBAGE. Solid wastes resulting from the domestic and commercial preparation, cooling and dispensing of food, and from the handling, storage or sale of meat, fish, fowl, fruit, vegetables or condemned food.

INDUSTRIAL WASTES. Solid, liquid or gaseous wastes resulting from any industrial or manufacturing processes, trade or business, or from the development, recovery or processing of natural resources.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT (NPDES PERMIT).

The system for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans by the Administrator of the Environmental Protection Agency pursuant to §§ 402 and 405 of the Federal Water Pollution Control Act, being 33 U.S.C. §§ 1342 and 1345.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body or surface or ground water.

NORMAL DOMESTIC STRENGTH WASTE. Wastes with a biological oxygen demand concentration not to exceed 220 milligrams per liter.

OTHER WASTES. Garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil tar, chemicals, offal and other substances except sewage and industrial wastes.

PERSON. Any individual, firm, company, associations, society, corporation, municipal corporation, governmental unit or group.

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

PRIVATE SEWAGE DISPOSAL SYSTEM. A privately owned on-site sewage disposal system complying with state statutes and the Minnesota Rules Chapter entitled *Individual Sewage Treatment System Standards*.

PRIVATE SEWER. A privately owned sewer with the specific purpose to carry wastewater from individual buildings to a public sewer or a private sewage disposal system.

PROCESS WATER. Any water used in the manufacturing, preparation or production of goods, materials or food. ***PROCESS WATER*** shall be an industrial waste.

PUBLIC SEWER. Any sewer owned or operated by a unit or agency of government.

SANITARY SEWER. A sewer which carries septic tank effluent and to which storm surface, and ground water shall not be intentionally admitted.

SEPTIC TANK. A structure for primary treatment for individual buildings as specified by Minnesota Statutes and the Minnesota Rules relating to private sewage systems.

SEWAGE or WASTEWATER. The water carried waste products from residences, public buildings, institutions, industrial establishments or other buildings including the excrementitious or other discharge from the bodies of human beings or animals, together with ground water infiltration and storm and surface water as may be present.

SEWER. A pipe or conduit for carrying sewage, industrial waste or sewer waste liquids.

SEWER SYSTEM. Pipe lines or conduits, septic tanks, service line from septic tank to collector sewer, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes or other wastes to a point of ultimate disposal.

SHALL or **MAY.** shall mean mandatory; **MAY** shall mean permissive.

SLUDGE. Any discharge of water, wastewater or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration of flows during the normal operation.

STANDARD SEWAGE VOLUME UNIT. A unit of wastewater volume received from an average household unit consisting of a wastewater volume of not greater than 345 gallons per day at a strength of not greater than 220 mg/l BOD and 220 mg/l total suspended solids.

STORM SEWER. Sometimes termed **STORM DRAIN.** A sewer which carries storm and surface water and drainage but shall exclude sewage and industrial wastes, other than unpolluted cooling or process water.

SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which shall be removable by laboratory filtering, in accordance with the latest edition of Standard Methods of the Examination of Water and Wastewater.

UNPOLLUTED WATER. Clean water uncontaminated by industrial wastes, other wastes or any substance which renders the water unclean or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial, industrial or recreational use, or to livestock, wild animals, bird, fish or other aquatic life.

WASTEWATER FACILITIES. The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS or **TREATMENT WORKS.** An arrangement of devices and structures for treatment of wastewater, industrial waste and sludge. Sometimes used as synonymous for **WASTE TREATMENT PLANT** or **WASTEWATER TREATMENT PLANT** or **WATER POLLUTION CONTROL PLANT** or **SEWAGE TREATMENT PLANT.**
(Prior Code, § 720.02)

§ 50.092 USE OF PUBLIC SEWERS.

(A) *Natural outlet.* It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.

(B) *Privies.* Except as provided in this subchapter, 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 sewage.

(C) *Mandatory connections.* At the time of construction of the wastewater facilities, buildings from which wastewater is discharged within the sewer service area of the city, shall be connected to the collection system as a part of the construction. This hook-up shall include replacement of septic tank (if needed) and the placement of a 4-inch service line to the 6-inch collector sewer. Any owner of any building or property located in the sewer service area of the city which discharges wastewater who refuses hookup at the time of construction shall be required to connect to a public sewer at his or her expense within 6 months of the date of full operation of the wastewater treatment facilities, provided that the public sewer shall be within 200 feet of the structure generating wastewater and the public sewer shall be located in a public right-of-way or easement for sewer purposes adjacent to the property. 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 being made pursuant to this division an official 30-day notice shall be served instructing the affected property owner to make the connection. Connection shall be septic tank effluent only. A single 1,000-gallons' capacity precast concrete septic tank shall be required to be installed between the user and the sewer for each standard sewage volume unit of wastewater flow. All wastewater discharged into the sewer system shall first pass through a septic tank.

(D) *Abatement.* In the event an owner shall fail to connect to a public sewer in compliance with a notice give under this section the city may undertake to have the connection made and shall assess the cost thereof against the benefitted property and the assessment shall be a lien against the property. The assessment, when levied, shall bear interest at the legal rate for local improvements and shall be certified to the auditor or the County of Hennepin and shall be collected and remitted to the city in the same manner as assessments for local improvements. The rights of the city under this section shall be in addition to any other remedial or enforcement provisions of this subchapter.

(E) *Unlawful connection to public sewers.* It shall be unlawful for any person to connect a building sewer to any public sewer without first obtaining a permit from the city. The city shall permit new connections and flow increases only if there is additional available capacity, in all components of the particular public sewage treatment system being considered and when connection is in accordance with the inter-municipal agreement.

(F) *Lawful connections to public sewers.* New connections shall be allowed, with city permit, according to the following conditions.

(1) Where an existing individual sewage treatment system is failing and where the property in question has frontage on the public sewer, a new connection may be permitted only if capacity is available in all components of the public sewer and it is in accordance with inter-municipal agreements.

(2) New connections to the public sewers shall be permitted for new construction if capacity is available in all components of the particular public sewage treatment system over what is needed to accommodate all the existing structures and is in accordance with inter-municipal agreements.

(3) The fee for new connections shall be paid in the amount established by the city from time to time.

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

(5) Nothing in § 50.069 or this section shall be construed to imply in any manner that the city intends to extend public sewer into any of these areas.

(G) *Unpolluted water.* No person shall discharge or cause to be discharged directly or indirectly any stormwater, surface water, ground water, roof runoff, subsurface drainage, waste from private sewage disposal systems, unpolluted cooling or process water to any sanitary sewer except shall be permitted by the city. Stormwater and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or process water shall only be so discharged upon approval by the city or other local unit of government.

(H) *Prohibited discharges.* No person shall discharge or cause to be discharged, directly or indirectly, any of the following described substances to any public sewer

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;

(2) Any water or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the wastewater treatment works;

(3) Any water or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment works;

(4) Solid or viscous substances, either whole or ground, in quantities or of the size capable of causing obstruction to the flow in sewers, or other interference with the proper continuation of the wastewater facilities, but not limited to ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cuttings or polishing wastes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and sanitary napkins, paper dishes, cups, milk containers and other paper products;

(5) Noxious or malodorous liquids, gases or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair; and

(6) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include, but not be limited to any pollutant identified pursuant to § 307(a) of the Federal Pollution Control Act, being 33 U.S.C. § 1317(a).

(I) *Restricted discharges.*

(1) No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewer unless in the opinion of the city the discharge shall not harm the wastewater facilities, nor cause obstruction to the flow in sewers, nor otherwise endanger life, limb or public property, nor constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the city may give consideration to factors such as the quantities of the subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, the city's NPDES permit, and other pertinent factors. The city may make the determinations either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur.

(2) The substances restricted shall be:

(a) Any liquid or vapor having a temperature higher than 150°F (65°C);

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65°C);

(c) Any garbage that has not been ground or comminuted to a degree that all particles shall be carried freely in suspension under flow conditions normally prevailing in public sewers, with no particles greater than 1/2 inch in any dimension;

(d) Any water or wastes containing strong acid, iron pickling wastes or concentrated plating solutions, whether neutralized or not;

(e) Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the state and federal government and any other public agency with proper authority to regulate the discharge from the sewage treatment plant;

(f) Radioactive wastes or isotopes of the half-life or concentration that they are in noncompliance with regulations issued by the appropriate authority having control over their use or which have caused or may cause damage or hazards to the treatment works or personnel operating it;

(g) Any water or wastes having a pH in excess of 9.5 and any water or wastes having a pH below 5.0; and

(h) Materials which exert or cause:

1. Unusual concentration of 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);

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

3. Unusual BOD, chemical oxygen demand or chlorine requirements in quantities as to constitute a significant load on the wastewater treatment works;

4. Unusual volume of flow or concentration of wastes constituting a slug;
and

5. Water or water containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to a degree that the sewage treatment plant effluent cannot meet the requirements of the NPDES permit or requirements of other governmental agencies having jurisdiction over discharge from the sewage treatment plant.

(J) *Response to discharges.* If any water or wastes are discharged, or are proposed to be discharged to the public sewers, which water or wastes do not meet the standards set out in or promulgated under this section or which in the judgment of the city may have a deleterious effect upon the treatment works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisances the city may take any or all of the following steps:

(1) Refuse to accept the discharges;

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

(3) Require pretreatment to an acceptable condition for the discharge to the public sewers pursuant to § 307(b) of the Federal Water Pollution Control Act and all addendums thereof; and

(4) Require payment to cover the added cost of handling and treatment wastes.

(K) *Interceptors.* Grease, oil and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease, or any flammable wastes, sand or other harmful ingredients. All interceptors required under this section shall be of a type and capacity approved by the city and shall be located as to be readily and easily accessible for cleaning and inspection. The interceptors shall not be required for private living quarters or dwelling units.

(L) *Preliminary treatment.* Where preliminary treatment, flow equalizing facilities or interceptors are provided for any water or wastes, they shall be effectively operated and maintained continuously in satisfactory and effective condition by the owner at his or her expense, and shall be available for inspection by the city at all reasonable times.

(M) *Observation and sampling.* When required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure, together with the necessary meters and other appurtenances in the building sewer to facilitate observation sampling, and measurement of the wastes. The structures and equipment when required shall be constructed at the owner's expense in accordance with plans approved by the city and shall be maintained by the owner so as to be safe and accessible at all times.

(N) *Measurements and tests.* All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this section shall be determined in accordance with § 307(6) of the Clean Water Act; the latest edition of *Standard Methods for the Examination of Water and Wastewater*, and shall be determined at the control structure provided, or upon suitable samples taken at the control structures. In the event that no special structure shall be required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect

of constituents upon the sewerage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved shall determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses shall be obtained from 24-hour composite of all outfalls whereas pH's shall be determined from periodic grab samples).

(O) *Tests.* The city may conduct the tests as shall be necessary to enforce this subchapter, and employees of the city may enter upon any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to the enforcement. Entry shall be made during operating hours unless circumstances require otherwise. In all cases where tests are conducted by the city for the purpose of checking to determine if a previously found violation of this subchapter has been corrected, the cost of tests shall be charged to the user and added to the user's sewer charge. In those cases where the city determines that the nature of volume of a particular user's sewage requires more frequent than normal testing, the city may charge the user for the test, after giving the user 10-days' written notice of its intention to do so and the cost thereof shall be added to the user's sewer charge. In any case where industrial wastes are discharged to a public sewer, the city may require the user at his or her own expense to test his or her discharge on a regular basis and to report the test results to the city within a reasonable time. All the tests shall be ordered by the city and shall be conducted by qualified personnel and in accordance with the standards set out in this subchapter.

(P) *Accidental discharges.* Accidental discharges of prohibited waste into the sewage works, directly or through another disposal system, or to any place from which the waste may enter the treatment works, shall be reported to the city by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of the discharge.

(Q) *New connections.* New connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including capacity for flow, BOD and suspended solids.

(R) *Special arrangements.* 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 therefore, by the industrial concern, in accordance with applicable ordinances and any supplemental agreement with the city.

(S) *Dilution.* No person shall intentionally dilute or add clean water to any wastewater in attempt to reduce the wastewater strength to the limits established for normal domestic strength, or to reduce the pollutant levels to limits established in divisions (I) and (J) above of this section or those pollutant levels established in the National Categorical Pretreatment Standards or any state requirements.

(Prior Code, § 720.03) Penalty, see § 50.999

§ 50.093 PRIVATE SEWAGE DISPOSAL.

(A) *Generally.* Where a public sanitary or combined sewer is not available, the building sewer shall be connected to private sewage disposal system complying with the rules and regulations Hennepin County.

(Prior Code, § 720.04) (Am. Ord. O-5-01, passed 4-3-2001; Ord. 2015-02, 3/27/15)
Penalty, see § 50.999

§ 50.094 BUILDING SEWERS AND CONNECTIONS.

The building, connection, inspection, demolition, and backfilling of private sewers, as well as permits, fees, and other pertinent actions shall be in accordance with the regulations and standards of Hennepin County and the Minnesota State Plumbing Code.

(A) *License required.* It shall be unlawful for any person to engage in the work or business of installing private sewer service lines and appurtenances for others without a plumber licensed by the State Board of Health shall pay no fee to the city, but shall show evidence of the state license before the city issues a license.

(B) *Liability.* Each applicant for license shall sign an agreement on a form as may be delivered by the city agreeing to pay the city the actual cost of repair for any damage caused to the city sewer system by the applicant or any of his or her employees or agents. This agreement shall accompany the license application.

(C) *Insurance.* Each applicant shall accompany his or her application with a certificate of insurance in a company acceptable to the city showing public liability insurance coverage with limits of a least \$250,000 per person; \$500,000 per occurrence; and \$10,000 for property damage. The certificate shall specifically state that the insurance covers underground operations and shall contain a provision that the coverage afforded under the policies shall not be canceled or materially changed until at least 15-days' prior written notice has been given to the city.
(Prior Code, § 720.05; Ord. 2015-02, 3/27/15) Penalty, see § 50.999

§ 50.095 PERMIT REQUIRED.

No person unless authorized shall uncover, make any connections with or openings into, use, alter or disturb any public sewer or appurtenance thereof, without first obtaining the written permit from the city.

(Prior Code, § 720.06) Penalty, see § 50.999

§ 50.096 COSTS.

(A) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner.

(B) The owner shall defend, indemnify and hold harmless the city from any loss or damage to public sewer that may indirectly be occasioned by the installation of the building sewer.
(Prior Code, § 720.07) Penalty, see § 50.999

§ 50.097 SEPARATE CONNECTIONS.

A separate and independent building sewer shall be provided for every building; except where 2 or more buildings are situated on 1 parcel so that the parcel may not be subdivided; the joint use private sewer may be extended to the rear building or buildings and the whole considered as 1 joint use private sewer. Special variances shall be considered by the City Council.

(Prior Code, § 720.08; Ord. 2015-02, 3/27/15) Penalty, see § 50.999

§ 50.098 OLD SEWERS.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the city to meet all requirement of this subchapter.

(Prior Code, § 720.09) Penalty, see § 50.999

§ 50.100 STANDARDS.

The size, slope, alignment, material of construction of a building sewer and the method to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of *Water Pollution Control (WPCF) Manual of Practice No. 9* and applicable American Society for Testing Materials (ASTM) standards shall apply.

(Prior Code, § 720.11) Penalty, see § 50.999

§ 50.101 ELEVATION.

(A) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.

(B) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, the building drain shall be provided with a lifting device by an approved means and discharged to the building sewer.

(Prior Code, § 720.12) Penalty, see § 50.999

§ 50.102 UNLAWFUL EXTRA CONNECTION.

No persons shall make connections of roof downspouts, exterior foundation drains, areaway drains or other source of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(Prior Code, § 720.13) Penalty, see § 50.999

§ 50.103 CODES.

The construction of the building sewer and its connection into the public sewer shall conform to the requirements of the building and plumbing code, the sewer specifications included in this subchapter or other applicable rules and regulations and the procedures set forth in appropriate specifications of the *Water Pollution Control Federation (WPCF) Manual of Practice No. 9*, and the American Society of Testing and Materials (ASTM) all construction shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials shall be approved by the city before installations.

(Prior Code, § 720.14) Penalty, see § 50.999

§ 50.104 INSPECTIONS.

(A) Employees of the city, or their designees, 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 the work is ready for final inspection and no underground portions shall be covered before the final inspection is completed. Individual septic systems will be inspected by Hennepin County.

(B) The connection shall be made under the supervision of the city or its representative.

(Prior Code, § 720.15; Ord. 2015-02, 3/27/15) Penalty, see § 50.999

§ 50.105 EXCAVATIONS.

(A) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards.

(B) Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to the city.

(Prior Code, § 720.16) Penalty, see § 50.999

§ 50.106 MAIN AND LATERAL SEWER CONSTRUCTION.

(A) *Permit required.* No person unless authorized shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the city.

(B) *Engineer.*

(1) No sanitary or storm sewers shall be constructed in the city (except house or building service sewers) except by the city or by others in accordance with plans and specifications approved by a professional engineer.

(2) No sewers shall be considered to be a part of the public sewer system unless accepted by the city.

(C) *Standards.* The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling, and other work connected with the construction of sewers shall conform to the requirements of the city.

(Prior Code, § 720.17) Penalty, see § 50.999

§ 50.107 PROTECTION FROM DAMAGE.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenances or equipment which is a part of the public sewer.

(Prior Code, § 720.18) Penalty, see § 50.999

§ 50.108 AUTHORITY OF INSPECTORS.**(A) *Entry onto property.***

(1) Duly authorized employees of the city bearing proper credentials and identification shall, at reasonable times, be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the revisions of this subchapter. Such authorized employees shall be permitted to enter at any time during an emergency.

(2) Those employees shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries except as shall be necessary to determine the kind and source of the discharge to the public sewer.

(B) *Safety.* While performing the necessary work on private properties referred to in division (A) above of this section, the authorized employees of the city shall observe all safety rules applicable to the premises.

(C) *Easements.* Duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds as easement for the purpose of, but not limited to, inspection, observation and construction of public sewers.

(Prior Code, § 720.19)

SANITARY SEWER SYSTEM

§ 50.120 DEFINITIONS.

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

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

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

ASTM. The American Society for Testing Materials.

AUTHORITY. The City of Greenfield, Minnesota or its duly authorized representative.

BOD5 or BIOCHEMICAL OXYGEN DEMAND. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 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.

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.

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).

CITY. The area within the corporate boundaries of the City of Greenfield 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.

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

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

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS permit, which the treatment facilities are designed to treat 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 wastes.

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

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

EXTRA STRENGTH WASTE. Wastewater having a BOD and/or TSS greater than domestic waste as defined in the definition of industrial users and not otherwise classified as an incompatible waste.

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

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

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

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

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

INDUSTRIAL USERS or INDUSTRIES.

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

1. *Division A.* Agriculture, Forestry and Fishing.
2. *Division B.* Mining.
3. *Division D.* Manufacturing.

4. *Division E.* Transportation, Gas, Communications, Electric and Sanitary Sewers

5. *Division I.* Services.

(b) For the purpose of this definition, **DOMESTIC WASTE** shall be considered to have the following characteristics:

BOD5	less than 250 mg/l
Suspended solids	less than 250 mg/l

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

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

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

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

INFILTRATION. Water entering the sewage system (including building drains and pipes) from the ground through means such as defective pipe, 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, foundations drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

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

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

MAY. Is permissive.

M.P.C.A. The Minnesota Pollution Control Agency.

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

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. A permit issued by the M.P.C.A., setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to §§ 402 and 405 of the Act, being 33 U.S.C. §§ 1342 and 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 groundwater.

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

NORMAL DOMESTIC STRENGTH WASTE. Wastewater that is primarily introduced by residential users with a BOD5 concentration not greater than 250 mg/l and a suspended solids (TSS) concentration not greater than 250 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.

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

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 has been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 1/2 inch (1.27 cm) in any dimension.

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

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

REPLACEMENT COSTS. Expenditures for replacement.

RESIDENTIAL USER. A user of the treatment facilities whose premises or building is used primarily as a residence for 1 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.

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 wastewater from individual point source discharges and connections.

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

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

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

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

(6) **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.

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

SHALL. 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, or has exceeded 5% of the total flow received at the treatment facility or whose waste contains a toxic pollutant in toxic amounts

pursuant to § 307(a) of the Act, 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 any quantity of flow, exceeds for any period of duration longer 15 minutes, more than 5 times the average 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment works.

STATE DISPOSAL SYSTEM (SDS) PERMIT. Any permit (including any terms, conditions and requirements thereof) issued by the M.P.C.A. 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, subdivision 5, as it may be amended from time to time.

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 effects as defined in standards issued pursuant to § 307(a) of the Act.

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

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

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

WASTEWATER.

(1) The spent water of a community and referred to as sewage.

(2) 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 stormwater 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 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 the treatment.

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

(Prior Code, § 770.01) (Am. Ord. O-7-02, passed 4-16-2002)

§ 50.121 CONTROL BY THE PUBLIC WORKS DIRECTOR.

The Public Works Director 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 subchapter to the end that a proper and efficient public sewer is maintained. (Prior Code, § 770.02) (Am. Ord. O-7-02, passed 4-16-2002)

§ 50.122 CONNECTION TO PUBLIC SEWERS REQUIRED.

(A) 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 sanitary sewer and water service area, or in any area under its jurisdiction, any human or animal excrement, garbage or objectionable waste. All houses, buildings or other properties used for human habitation, employment or recreation shall have suitable sanitary (toilet and sink) facilities.

(B) It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this section and the city's NPDES/SDS permit.

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

(D) The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated within the sanitary sewer and water service area 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, shall be required at the expense of the owner(s) to install a suitable service connection to the public sewer in accordance with provisions of this subchapter, within 1 year of the date the public sewer is operational, provided the public sewer is within 75 feet of the boundary of the property 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 division, an official notice shall be served instructing the affected property owner to make the connection.

(E) In the event an owner shall fail to connect to a public sewer within 30 days of notice given under division (D) above of this section, the city shall undertake whatever legal action is reasonably necessary to see that connection is made; the city shall assess all of its costs associated with this enforcement against the benefitted property. The 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 section.

(Prior Code, § 770.03) (Am. Ord. O-7-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.123 BUILDING SEWERS AND CONNECTIONS.

(A) Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to, capacity for flow, BOD5 and suspended solids as determined by the Public Works Director.

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

(C) Applications for permits shall be made in writing by the owner or authorized agent and the person employed to do the work, and shall state the location, name of owner, street address of the building to be connected and how occupied. The permit application shall be accompanied by an application fee as set by the City Council. There shall also be a service availability charge (SAC) in the amount set in the fee schedule adopted from time to time by resolution of the City Council, which SAC charge shall accompany the permit application and shall be paid before any new connection to the sanitary sewer system shall occur. At the option of the landowner, this charge may be payable in installments over 10 years together with interest at the rate of 8% per annum.

(D) Any person desiring a permit to make a service connection with public sewers shall furnish in writing to the City Council satisfactory evidence that the applicant or person employed to do the work is trained or skilled in the business of sewer installation. All applications shall be referred to the Public Works Director for recommendations to the Council. If approved by the Council, the permit shall be issued by the City Administrator-Clerk upon the filing of a bond as hereinafter provided.

(E) (1) No permit shall be issued to any person until a bond to the city, approved by the Council and in an amount as set in the fee schedule adopted from time to time by resolution of the City Council is filed with the City Administrator-Clerk. The bond shall be conditioned that the permittee 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 permittee or by those in the permittee's employment; and that the permittee will replace and restore the street and alley over the opening to the condition existing prior to installation, adequately guard excavations with barricades and lights and shall conform in all respects to the rules and regulations of the Council.

(2) In lieu of the bond, a certified check payable to the city may be furnished to be held by the city, provided the necessary indemnification is also provided.

(3) The bond or certified check will be returned to the permittee upon approval of all work by the Public Works Director.

(F) There shall be 2 classes of building sewer permits; for residential and commercial service; and for service to establishments producing industrial wastes. In either case, the

application shall be supplemented by any plans, specifications or any other information considered pertinent in the judgment of the city. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.

(G) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

(H) A separate and independent building sewer shall be provided for every building.

(I) The property owner shall own the building sewer from the building to the lateral sanitary sewer main.

(J) Old building sewers may not be used in connection with new buildings, except when they are found, on examination and test by the Building Official or his or her representative, to meet all requirements of this section.

(K) The size, slopes, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling of the trench, shall all conform to the requirements of the State of Minnesota Building and Plumbing Code, the Uniform Plumbing Code, and applicable rules and regulations of the city.

(L) 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 sewer carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

(M) No person(s) 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.

(N) The connection of the building sewer into the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code, the Uniform Plumbing Code and applicable rules and regulations of the city. All connections shall be made gas-tight and water-tight, and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the city prior to installation.

(O) 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 Public Works Director or authorized representative thereof.

(Prior Code, § 770.04) (Am. Ord. O-7-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.124 USE OF PUBLIC SEWERS.

(A) No person(s) shall discharge or cause to be discharged any unpolluted 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 sewers that 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 M.P.C.A.

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

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

(2) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;

(3) Any wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater disposal system; and

(4) Any wastewater containing toxic pollutants in sufficient quantity either single or by interaction with other pollutants, to inhabit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to § 307(a) of the Act, being 33 U.S.C. § 1317.

(D) The following described substances, materials, water or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works treatment process or equipment, will not have an adverse effect on the receiving stream and/or soil vegetation and ground water or will not

otherwise endanger lives, limb, public property or constitute a nuisance. The Public Works Director may set limitations lower than limitations established in the regulations below if, in his or her opinion, the more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability of wastes, the Public Works Director will give consideration to factors such 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 and/or SDS permit capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The limitations of restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Public Works Director 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 this subchapter;

(4) Any garbage not properly shredded, as defined in this subchapter. Garbage grinders may be connected to sanitary sewers from home, hotels, institutions, restaurant, 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 limited to, Fullers earth, lime slurries and lime residues), or wastewaters containing dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in quantities that would cause disruption with the wastewater disposal system;

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

(10) Any waters or wastes containing the described substances to a degree that any material received in the composite wastewater at the wastewater treatment works in excess of limits established by the Public Works Director in compliance with applicable state or federal regulations;

(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 suspended solids or phosphorous of the character and quantity that unusual attention or expense is required to handle these materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of division (P) of this section.

(E) (1) If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in division (D) above of this section, and/or which in the judgment of the Public Works Director may have a deleterious effect upon the wastewater treatment facilities, processes or equipment, receiving waters and/or soil, vegetation and groundwater, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to § 307(b) of the Act, being 33 U.S.C. § 1317, and all addendums thereof;

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

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

(2) If the city permits the pretreatment or equalization of waste flows, the design, installation and maintenance of the facilities and equipment shall be made at the owner's expense, and shall be subject to the review and approval of the city pursuant to the requirements of the M.P.C.A.

(F) No user shall increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in divisions (C) and (D) above of this section, or contained in the National Categorical Pretreatment Standards or any state requirements.

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

(H) Grease, oil and sand interceptors shall be provided at repair garages, gasoline

stations, car washes or other establishments where they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in division (D)(2) above of this section, any flammable wastes as specified in division (C)(1) above of this section, sand or other harmful ingredients. The interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials.

(I) Where required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, with the necessary meters and other appurtenances to facilitate observation, sampling and measurement of wastes. These structures 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 time.

(J) 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 analysis of waters or wastes to illustrate compliance with this section and any special condition for discharge established by the city or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the city. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with federal, state and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the city at the times and in the manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses and reporting required by the city. At these times as deemed necessary, the city reserves the right to take measurements and samples for analysis by an independent laboratory.

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

(L) The owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this subchapter. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Public Works Director for review and approval of these plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this subchapter. Users shall notify the Public Works Director immediately upon having a slug or accidental discharge of substance of wastewater in violation of this section to enable countermeasures to be taken to minimize damage to the wastewater treatment works. This

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 state and federal law. Employers shall insure that all employees who may cause or discover a discharge are advised of the emergency notification procedure.

(M) 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.

(N) Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause the work to be done as the Public Works Director may direct. Each day after 10 days that a person neglects or fails to so act shall constitute a separate violation of this subchapter and the Public Works Director may then cause the work to be done, and recover from the owner or agent the expense therefore by an action in the name of the city.

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

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

(Prior Code, § 770.05) (Am. Ord. O-7-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.125 TAMPERING WITH WASTEWATER FACILITIES.

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

(Prior Code, § 770.06) (Am. Ord. O-7-02, passed 4-16-2002) Penalty, see § 50.999

§ 50.126 POWERS AND AUTHORITY OF INSPECTORS.

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

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

(C) While performing necessary work on private properties, the Public Works Director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company.

(D) The Public Works Director 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 purpose 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.

(Prior Code, § 770.07) (Am. Ord. O-7-02, passed 4-16-2002)

§ 50.127 CONNECTION FEE.

A sanitary availability charge (SAC) fixed by City Council ordinance, as may be amended from time to time, shall be charged to each user connecting a new service to the sanitary sewer system. The SAC charge shall be due and payable at the time connection is made.

(Prior Code, § 770.08) (Am. Ord. O-7-02, passed 4-16-2002)

§ 50.128 DETERMINATION OF CHARGES AND RATES.

(A) The sewer rate charged against property within the city shall be based upon the quantity of water used at each lot, parcel of land, building or premises as the water is measured by the water meter in use. Sewer service rates and charges to users of the wastewater treatment facility shall be as established by the City Council and may be amended from time to time.

(B) If a substantial portion of the water utilized by a user is not discharged into the sewer system, the volume of the water may be deducted in computing the sewer charge, provided a separate meter is installed to measure the volume. The user desiring to install a separate meter will make application and payment for the meter to the city and engage, at the user's own expense, a plumber to effect the necessary piping changes and install the couplings so the meter can be set.

(C) If any lot, parcel of land, building, or premises discharging waste into the city sanitary sewer system is not connected to the city water system and therefore has no water meter reading, the Public Works Director will determine the estimated volume of water from private sources which discharge into the sanitary sewer system. That estimate will be used in lieu of the meter volume of water to determine the sewer charge.

(D) The amounts due to the city for sewer service charge will be computed in accordance with this subchapter, and statements will be rendered at the same time and on the same bill with the city water statement. If a property supplies its own water, a bill will be rendered for sewer services only. Sewer service statements are rendered under the same conditions as water billing and the items are not separable in payment, therefore, the same procedure applies to the sewer charges as to the water charges regarding penalties for late payments and the collection thereof.

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

(Prior Code, § 770.09) (Am. Ord. O-7-02, passed 4-16-2002)

§ 50.999 PENALTIES.*(A) Violations and penalties.*

(1) *Violations.* It shall be hereby declared unlawful for any person, firm or corporation to violate any term or provision of this chapter. Violation thereof shall be a misdemeanor. Each day that a violation is allowed to continue shall constitute a separate offense.

(2) *Responsibility.* In the event of a violation or a threatened violation of this chapter, the Superintendent, in addition to other remedies, may request appropriate actions or proceedings to prevent, restrain, correct or abate the violations or threatened violations and it shall be the duty of the City Attorney to initiate the action.

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

(4) *Penalty.* 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 in the amount not exceeding \$1,000 for each violation. Each day in which any violation continues shall be deemed a separate offense.

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

(6) *Mandamus.* Any taxpayer of the city may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this chapter.

(B) *Public water system.* Any person violating any provisions of §§ 50.015 *et seq.* shall be guilty of a misdemeanor and may be fined up to \$1,000 imprisoned or 90 days in jail, or both and shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.

(Prior Code, § 760.19) (Am. Ord. O-6-02, passed 4-16-2002)

(C) Sanitary sewer system.

(1) (a) Any person found to be violating any provision §§ 50.120 *et seq.* shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.

(b) The offender shall, within the period of time stated in the notice, permanently cease all violations.

(c) Any person who shall continue any violation beyond the time limit provided for in division (1) above shall be guilty of a misdemeanor which is punishable by a fine of up to \$1,000 and 90 days in jail, or both. Each day in which any violation occurs shall be deemed as a separate offense.

(d) Any person violating any of the provisions of §§ 50.120 *et seq.* shall become liable to the city for any expense, loss or damage occasioned by the city by reason of that violation.

(2) (a) Each and every sewer service charge levied by and pursuant to §§ 50.127 and 50.128 is made a lien upon the lot or premises served, and all charges which, on a certain date set by Council, are past due and delinquent shall be certified to the County Auditor as taxes or assessments on the real estate. Nothing in §§ 50.127 and 50.128 shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected by any delinquent or past due sewer service charges.

(b) As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect 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. Attorney's fees shall be fixed by order of the court.

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

(Prior Code, § 770.10) (Am. Ord. O-7-02, passed 4-16-2002)