

SUB-ANALYSIS
Title

CHAPTER 3 MUNICIPAL UTILITIES - RULES AND REGULATIONS, RATES, CHARGES AND COLLECTIONS

Section	
3.01	Definitions
3.02	Fixing Rates and Charges for Municipal Utilities
3.02.1	Storm Sewer Utility
	Subd. 1 Storm Sewer System; Statutory Authority
	Subd. 2 Findings and Determinations
	Subd. 3 Rates and Charges
	Subd. 4 Establishing Basic Rate
	Subd. 5 Standard Acreage
	Subd. 6 Adjustments of Charges
	Subd. 7 Excluded Lands
	Subd. 8 Supplying Information
	Subd. 9 Estimated Charges
	Subd. 10 Billings and Collections
	Subd. 11 Penalties and Remedies for Delinquency
	or Default in Paying Bills
	Subd. 12 Use of Revenues
3.03	Contractual Contents
3.04	Rules and Regulations Relating to Municipal Utilities
	Subd. 1 Billing, Payment and Delinquency
	Subd. 2 Application, Connection and Sale of Service
	Subd. 3 Discontinuance of Service
	Subd. 4 Ownership of Municipal Utilities
	Subd. 5 Right of Way
	Subd. 6 Meter Test
	Subd. 7 Unlawful Acts
	Subd. 8 Municipal Utility Services and Charges
	a Lien
3.05	Connection or Tapping Prohibited - Delinquent Assessments or Charges
3.06-3.09	Reserved
3.10	Rules and Regulations Relating to Water Service
	Subd. 1 Connection Charge
	Subd. 2 Deficiency of Water and Shutting Off Water
	Subd. 3 Discontinuance of Service for Non-Payment
	Subd. 4 Repair of Leaks
	Subd. 5 Abandoned Services Penalties
	Subd. 6 Service Pipes
	Subd. 7 Private Water Supplies

(1-22-07)

	Subd. 8	Prohibited Uses or Restricted Hours
	Subd. 9	Private Fire Hose Connections
	Subd. 10	Opening Hydrants
	Subd. 11	Unmetered Service
	Subd. 12	Water Meters
	Subd. 13	Code Requirement
3.11-3.19		Reserved
3.20		Rules and Regulations Relating to Sewerage Service
	Subd. 1	Definitions
	Subd. 2	Prohibitions and Limitations on Wastewater Discharges
	Subd. 3	Control of Prohibited and Limited Waste
	Subd. 4	Sewer Connections, Sewer Extensions, and House Connections
	Subd. 5	Industrial Wastewater Discharge Permit
	Subd. 6	Industrial Wastewater Monitoring and Reporting
	Subd. 7	Revocation of Permit and Termination of Service
	Subd. 8	Unlawful Acts
	Subd. 9	Legal Action
	Subd. 10	City's Right of Revision
	Subd. 11	Falsifying Information
	Subd. 12	Filing
3.21		Wastewater Service Charges
	Subd. 1	Connection Charges
	Subd. 2	Sewer Use and Service Charges
	Subd. 3	Sewer Fund
3.22-3.98		Reserved
3.99		Violation a Misdemeanor

CHAPTER 3

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

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

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

B. "Municipal Utility" means any City-owned utility system, including, but not by way of limitation, water and sewerage service.

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

D. "Consumer" and "Customer" mean any user of a utility.

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

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

SEC. 3.02.1. STORM SEWER UTILITY. (Added, Ord. No. 68, Second Series)

Subd. 1. Storm Sewer System; Statutory Authority. Minnesota Statutes, Section 444.075, authorizes cities to impose just and reasonable charges for the use and availability of storm sewer facilities. By this Section, the City elects to exercise such authority.

Subd. 2. Findings and Determinations. In providing for such charges, the findings and determinations set out in this Subsection are made.

3.02.1, Subd. 2 A

A. In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the City has constructed, operated and maintained a storm sewer system ("the System"). This Section is adopted in the further exercise of such authority and for the same purposes.

B. The System, as constructed, heretofore has been financed and paid for through the imposition of special assessments and ad valorem taxes. Such financing methods were appropriate to the circumstances at the time they were used. It is now necessary and desirable to provide an alternative method of recovering some or all of the future costs of improving, maintaining and operating the System through the imposition of charges as provided in this Section.

C. In imposing charges, it is necessary to establish a methodology that undertakes to make them just and equitable. Taking into account the status of completion of the System, past methods of recovering system costs, the topography of the City and other relevant factors, it is determined that it would be just and equitable to assign responsibility for some or all of the future costs of operating, maintaining and improving the System on the basis of the expected storm water runoff from the various parcels of land within the City during a standard one-year rainfall event.

D. Assigning costs and making charges based upon typical storm water runoff cannot be done with mathematical precision but can only be accomplished within reasonable and practical limits. The provisions of this Section undertake to establish a reasonable and practical methodology for making such charges.

Subd. 3. Rates and Charges.

A. Residential Equivalent Factor. Rates and charges for the use and availability of the System are to be determined through the use of a "Residential Equivalent Factor" ("REF"). For the purposes of this Section, one REF is defined as the ratio of the average volume of surface water runoff coming from one acre of land and subjected to a particular use, to the average volume of runoff coming from one acre of land subjected to typical single-family residential use within the City during a standard one-year rainfall event.

B. Determination of REF's for Land Uses. The REFs for the following land uses within the City and the billing classifications for those land uses are as follows:

3.02.1, Subd. 4

	<u>REF</u>	<u>Classification</u>
Cemeteries, vacant	.25	1
Parks and railroads	.75	2
Two-family residential	1.00	3
Single-family residential	1.00	4
Public and private schools and institutional uses, airport	1.25	5
Multiple-family residential uses and churches	3.00	6
Commercial, industrial and warehouse uses	5.00	7

C. Other Land Uses. Other land uses not listed in the foregoing table are to be classified by the City Manager by assigning them to the classes most nearly like the listed uses, from the standpoint of probable hydrologic response. Appeals from the City Manager's determination of the proper classifications may be made to the City Council in the same manner as other appeals from administrative determinations.

Subd. 4. Establishing basic rate. In determining charges, the Council may, by resolution establish a basic system rate to be charged against one acre of land having an REF of one. The charge to be made against each parcel of land will then be determined by multiplying the REF for the parcel's land use classification times the parcel's acreage times the basic system rate.

Subd. 5. Standard Acreage. For the purpose of simplifying and equalizing charges against property used for single-family and two-family residential purposes, each of such properties is considered to have an acreage of one-fifth acre.

Subd. 6. Adjustments of charges. The City Council may by resolution, from time to time, adopt policies providing for the adjustment of charges for parcels or grounds of parcels, based upon hydrologic data supplied by affected property owners, demonstrating an actual hydrologic response substantially different from the REF being used for the parcel or parcels. The adjustment may be made only after receiving the recommendation of the City Manager and may not be made effective retroactively. If the adjustment would have the effect of changing the REF for all or substantially all of the land uses in a particular classification, however, such adjustment must be accomplished by amending the REF table in Section 3.02.1, Subdivision 3 B.

Subd. 7. Excluded Lands. A charge for System availability of service will not be made against land which is either (i) public street right-of-way or (ii) vacant and unimproved with substantially all of its surface having vegetation as ground cover.

Subd. 8. Supplying Information. The owner, occupant or person in charge of any premises must supply the City with such information as the City may reasonably request related to the use, development and area of the premises. Willful failure to provide such information or to falsify it is a violation of this Subsection.

Subd. 9. Estimated Charges. If the owner, occupant or person in charge of any premises fails or refuses to provide the information requested, as provided in Subdivision 8, the charge for such premises must be estimated and billed in accordance with such estimate, based upon information then available to the City.

Subd. 10. Billings and Collections. Bills for charges for the use and availability of the System must be rendered by the Finance Department in accordance with usual and customary practice in rendering of water and sanitary sewer service bills. Bills must be rendered quarterly, must be payable at the office of the City Finance Department and may be rendered in conjunction with billings for water or sanitary sewer service, or both.

Subd. 11. Penalties and Remedies for Delinquency or Default in Paying Billings. Penalties and remedies for late payments or non-payment of billings are the same as those applicable to billings rendered for water and sanitary sewer service.

Subd. 12. Use of Revenues. Revenues received from charges are to be placed in a separate storm sewer system account and used first to pay the normal, reasonable and current costs of operating and maintaining the system. Revenues from time to time received in excess of such costs may be used to finance improvements to and betterment of the System. (7-1-90)

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

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

Subd. 1. Billing, Payment and Delinquency. All municipal utilities shall be billed monthly and a utilities statement or statements shall be mailed to each consumer. All utilities charges shall be delinquent if they are unpaid within 28 days after the date of the bill. A penalty shall be added to, and become part of, all delinquent utility bills. Delinquent utility accounts shall result in disconnection on the day stated in a personally served notice to the consumer, but not less than ten days after the date on which the notice is given. If service is suspended due to delinquency it shall not be restored at that location until a reconnection charge has been paid for each utility reconnected, in addition to amounts owed for service and penalties. (Ord. 95-5, 3-30-95)

(CODIFIER'S NOTE: Procedural requirements for discontinuing water service are set forth in Section 3.10.)

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

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

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

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

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

Subd. 4. Ownership of Municipal Utilities. Ownership of all municipal utilities, plants, lines, mains, extensions and appurtenances thereto, shall be and remain in the City and no person shall own any part or portion thereof. Provided, however, that private facilities and appurtenances constructed on private property are not intended to be included in municipal ownership.

Subd. 5. Right of Entry. By applying for, or receiving, a municipal utility service, a customer irrevocably consents and agrees that any City employee acting within the course and scope of their employment may enter into and upon the private property of the customer, including dwellings and other buildings, at all reasonable times under the circumstances, in or upon which private property a municipal utility, or connection therewith, is installed, for the purpose of inspecting, repairing, reading meters, connecting or disconnecting the municipal utility service.

Subd. 6. Meter Test. Whenever a consumer shall request the City to test any utility meter in use by them, such a request shall be accompanied by a cash deposit established by resolution of the Council for each meter to be tested. If any such meter is found to be inaccurate the same shall be replaced with an accurate meter and the deposit thereon refunded. If the meter shall be found to be accurate in its recordings or calculations it shall be reinstalled and the deposit shall be retained by the City to defray the cost of such test. As to remote-type readers, and if there is a disparity between the meter reading and the remote reading, the meter reading shall govern.

Subd. 7. Unlawful Acts.

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

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

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

D. It is unlawful for any person to "jumper" or by any means or device fully or partially circumvent a municipal utility meter, or to knowingly use or consume unmetered utilities or use the services of any utility system, the use of which the proper billing authorities have no knowledge. (7-1-90)

Subd. 8. Municipal Utility Services and Charges a Lien.

**3.02.1, Subd. 8A
(Rev. 2007)**

A. Payment for all municipal Utility (as that term is defined in City Code, Section 3.01) service and charges shall be the primary responsibility of the fee owner of the premises served and shall be billed to such owner unless otherwise contracted for and authorized in writing by the fee owner and any other person (such as a tenant, contract purchaser, manager, etc.), as agent for the fee owner, and consented to by the City of Pine Island, Minnesota. If the utility service and charges are for a single metered multi-unit rental residential building, the owner of said building shall be the customer of record and this responsibility shall not be waived by contract or otherwise. The City may collect the same in a civil action or, in the alternative and at the option of the City, as otherwise provided in this Subdivision. (Ord. 34, Second Series, 6-25-98)

B. Each such account is hereby made a lien upon the premises served. All such accounts which are more than 45 days delinquent may, when authorized by resolution of the Council, be certified by the City Administrator of the City of Pine Island, Minnesota, to the County Auditor, and the City Administrator in so certifying shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City along with other taxes.

SEC. 3.05. CONNECTION OR TAPPING PROHIBITED - DELINQUENT ASSESSMENTS OR CHARGES. No permit shall be granted to tap or connect with sewer or water mains when any assessment or connection charge for such sewer or water main against the property to be connected is in default or delinquent. If such assessment or connection charges are payable in installments, no permit shall be granted unless all installments then due and payable have been paid. (7-1-90)

(Sections 3.06 through 3.09, inclusive, reserved for future expansion.)

SEC. 3.10. RULES AND REGULATIONS RELATING TO WATER SERVICE.

Subd. 1. Connection Charge. It is unlawful for any person to connect any premises with the water system of the City except upon the granting of a permit therefore by the Council or its authorized representative after submission of a written application. Said application shall be accompanied by a cash connection fee which fee shall be returned to the applicant should the permit be refused. (Added, Ord. No. 84, 2-20-07)

(2-20-07)

3.10, Subd. 2
(Rev. 2007)

Subd. 2. Deficiency of Water and Shutting Off Water. The City is not liable for any deficiency or failure in the supply of water to customers whether occasioned by shutting the water off for the purpose of making repairs or connections or by any other cause whatever. In case of fire, or alarm of fire, water may be shut off to insure a supply for fire fighting. In making repairs or construction of new works, water may be shut off at any time and kept off so long as may be necessary. (Amended, Ord. No. 84, 2-20-07)

Subd. 3. Discontinuance of Service for Non-Payment.

A. The City shall endeavor to collect delinquent accounts promptly. In any case where satisfactory arrangements for payments have not been made, the City may, after the procedural requirements of Subparagraph B, below, have been complied with, discontinue service to the delinquent customer by shutting off the water at the curb stop. When water service to any premise has been discontinued, service shall not be restored except upon the payment of all delinquent amounts due plus a fee for disconnection and reconnection. (7-1-90)

B. Water service shall not be discontinued under Subparagraph A, above, until notice and an opportunity for a hearing have first been given to the occupant, and in the case of non-owner occupied premises, the occupant and owner, of the premises involved. The notice shall be served either personally, or by certified mail, return receipt requested, and shall state that if payment is not made before a date stated in the notice, but not less than ten days after the date on which the notice is given, the water supply to the premises will be shut off. The notice shall clearly inform the customer of the available opportunities to present to the City their objections to the bill, and shall identify the telephone number, address, and officer or employee who will handle the customer's complaint and who has the authority to review the facts and files, to correct any errors in the billing, and to arrange for credit terms. The notice shall state that the occupant may, before such date, demand a hearing on the matter, in which case the supply will not be cut off until after the hearing is held. If the customer requests a hearing before the date specified, the hearing shall be held on the matter by at least one week after the date on which the request is made. If, as a result of the hearing, the Council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be discontinued, the City may discontinue such water service. (Ord. 95-5, 3-30-95; Amended, Ord. No. 84, 2-20-07)

(2-20-07)

3.10, Subd. 4
(Rev. 2007)

Subd. 4. Repair of Leaks. It is the responsibility of the consumer or owner to maintain the service pipe from the curb stop into the house or other building. In case of failure upon the part of any consumer or owner to repair any leak occurring in their service pipe within 24 hours after oral or written notice has been given the owner or occupant of the premises, the water may be shut off and will not be turned on until a reconnection charge has been paid and the water service has been repaired. When the waste of water is great or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately. (Amended, Ord. No. 84, 2-20-07)

Subd. 5. Abandoned Services Penalties. All service installations connected to the water system that have been abandoned or, for any reason, have become useless for further service shall be disconnected at the main. The owner of the premises, served by this service, shall pay the cost of the excavation. The City shall perform the actual disconnection and all pipe and appurtenances removed from the street right-of-way shall become the property of the City. When new buildings are erected on the site of old ones, and it is desired to increase the old water service, a new permit shall be taken out and the regular tapping charge shall be made as if this were a new service. It is unlawful for any person to cause or allow any service pipe to be hammered or squeezed together at the ends to stop the flow of water, or to save expense in improperly removing such pipe from the main. Also, such improper disposition thereof shall be corrected by the City and the cost incurred shall be borne by the person causing or allowing such work to be performed. (Amended, Ord. No. 84, 2-20-07)

Subd. 6. Service Pipes. Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than seven feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing. Frozen service pipes between the curb stop and the building shall be the responsibility of the owner. Service pipes must extend from the curb stops to the inside of the building; or if not taken into a building then to the hydrant or other fixtures which they are intended to supply. A valve, the same size as the service pipe, shall be placed close to the inside wall of the building, ahead of the meter and well protected from freezing. Joints on copper tubing flared or compression-fitted, and kept to a minimum. Not more than one joint shall be used for a service up to 70 feet in length. All joints shall be left uncovered until inspected. Minimum size connection with the water mains shall be 3/4 inch in diameter. (Amended, Ord. No. 84, 2-20-07)

(2-20-07)

3.10, Subd. 7
(Rev. 2007)

Subd. 7. Private Water Supplies. No water pipe of the City water system shall be connected with any pump, well, pipe, tank or device that is connected with any other source of water supply and when such are found, the City shall notify the owner or occupant to disconnect the same and, if not immediately done, the City water shall be turned off. Before any new connections to the City system are permitted, the City shall ascertain that no cross-connections will exist when the new connection is made. When a building is connected to "City Water" the private water supply may be used only for such purposes as the City may allow. (Amended, Ord. No. 84, 2-20-07)

Subd. 8. Prohibited Uses or Restricted Hours. Whenever the City shall determine that a shortage of water threatens the City, it may entirely prohibit water use or limit the times and hours during which water may be used from the City water system for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other uses, or either or any of them. It is unlawful for any water consumer to cause or permit water to be used in violation of such determination after public announcement thereof has been made through the news media specifically indicating the restrictions thereof. (Amended, Ord. No. 84, 2-20-07)

Subd. 9. Private Fire Hose Connections. Owners of structures with self-contained fire protection systems may apply for permission to connect the street mains with hydrants, large pipes, and hose couplings, for use in case of fire only, at their own installation expense and at such rates as the Council may adopt by resolution as herein provided. (Amended, Ord. No. 84, 2-20-07)

Subd. 10. Opening Hydrants. It is unlawful for any person, other than members of the Fire Department or other person duly authorized by the City, in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the same or in any manner interfere therewith. It is also unlawful for any person so authorized to deliver or suffer to be delivered to any other person any hydrant key or wrench, except for the purposes strictly pertaining to their lawful use. (Amended, Ord. No. 84, 2-20-07)

Subd. 11. Unmetered Service. Unmetered service may be provided for construction, flooding skating rinks, and any other purpose. Such service shall be at a duly adopted rate. Where it is difficult or impossible to accurately measure the amount of water taken, unmetered service may be provided and the unmetered rate applied; provided, however, that by acceptance thereof the consumer agrees to have the City estimate the water used. In so estimating the City shall consider the use to which the water is put and the length of time of unmetered service. (Amended, Ord. No. 84, 2-20-07)

(2-20-07)

3.10, Subd. 12
(Rev. 2007)

Subd. 12. Water Meters. All water meters shall be purchased by the property owner and maintained by the City. All repairs of water meters not resulting from normal usage shall be the responsibility of the property owner. Any other meter in need of replacement, shall be replaced with a remote type which shall be furnished and maintained by the City. All water meters shall be installed and controlled by the City and the cost of installation shall be the responsibility of the property owner. Any remote type meter in need of replacement by reason of normal usage shall be furnished and installed by the City, thereafter, the City shall own such meter. (Amended, Ord. No. 84, 2-20-07)

Subd. 13. Code Requirement. All piping, connections and appurtenances shall be installed and performed strictly in accordance with the Minnesota Plumbing Code. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the City, be an additional ground for termination of water service to any consumer. (Amended, Ord. No. 84, 2-20-07)

Subd. 14. Extensions and Water Connections to Extensions.

A. Applicants who are owners of the premises not abutting on the water mains or laterals of the City who desire water service from the City shall install at their expense, water main or lateral extensions so as to provide water facilities for their premises. No person shall make any extension to a water main or lateral of the City except as provided in this Section. (Added, Ord. 84, 2-20-07)

B. After completion and acceptance of a water main or lateral extension, title to it shall be transferred and conveyed to the City by the owner (or owners) free and clear of any and all liens and encumbrances, without cost to the City, and thereafter the City shall assume all costs of maintenance and repair of such extension. (7-1-90; Added Ord. 84, 2-20-07)

(Sections 3.11 through 3.19, inclusive, reserved for
future expansion.)

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

(CODIFIER'S NOTE: The Appendices referred to in this Section are on file in the office of the City Administrator and open for inspection by the public.)

(2-20-07)

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated. Where terms are not defined in this Section, the definition of terms and their use shall be in accordance with Glossary - Water and Wastewater Control Engineering, jointly prepared by APHA, ASCE, AWWA, and WPCF. The units of expression used are in accordance with those recommended in WPCF Manual of Practice Number 6, Units of Expression for Wastewater Treatment.

1. **"Accounts"** means the separate and distinct accounts within the Sewer Fund. These accounts shall be maintained in conformity with the Municipal Accounting Standards promulgated by the State of Minnesota and in accordance with governmental accounting, auditing, and financial reporting standards. The Sewer Fund shall include accounts for operation and maintenance, replacement, bonds payable and earnings retained for bond retirement.

2. **"Act"** means the Federal Water Pollution Control Act also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

3. **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.

4. **"Apartments"** means structures containing two or more dwelling units.

5. **"Applicant"** means a person (or persons) who is the owner (or owners) of premises who has made written application to the City for a permit to install or repair a house connection.

6. **"Biochemical Oxygen Demand (BODc)"** means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

7. **"Building Drain"** means that part of the lowest horizontal piping of a drainage system, which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

8. **"Building Sewer"** means the extension from the building drain to the public sewer or other place of disposal, also called "House Connection".

9. **"Collector Sewer"** means those sewers which receive the flow from laterals and submains of the sanitary sewer system.

10. **"Combination Commercial and Dwelling Units"** means structures containing both commercial units and dwelling units.

11. **"Combined Sewer"** means a sewer intended to receive both wastewater and storm or surface water.

12. **"Commercial Customer" - (See "User Class")."**

13. **"Compatible Pollutant"** means the Biochemical Oxygen Demand, Total Suspended Solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the publicly owned treatment facilities were designed to treat such pollutants and in fact does remove such pollutants to a substantial degree. Additional compatible pollutants may include oxygen demand, total organic carbon, phosphorus and phosphorus compound, nitrogen and nitrogen compounds, fats, oils and grease of animal or vegetable origin except as prohibited or limited herein.

14. **"Control Manhole"** means an observation and sampling point before the discharge to the public sewer system for use by the Superintendent. If such a point is not readily available, the first downstream public sewer system manhole shall be the control manhole.

15. **"Debt Service"** means charges levied on users for the repayment of principal and interest on outstanding Sewerage Revenue Bond issues.

16. **"Depreciation" - (See "Replacement")."**

17. **"Director"** means the Chief Administrative Officer of the Minnesota Pollution Control Agency.

18. **"Domestic Waste"** means liquid wastes (1) from the non-commercial preparation, cooking and handling of food, or (2) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions.

19. **"Easement"** means an acquired legal right for the specific use of land owned by others.

20. **"Extension"** means a sanitary sewer main or lateral installed by a person for the purpose of extending the original sanitary sewer mains or laterals of the City or the sewer mains or laterals of the City which had been extended from time to time.

3.20, Subd. 1, 21

21. **"Fecal Coliform"** means those members of the coliform group found in the feces of various warm-blooded animals.

22. **"Federal Grants"** means a contractual obligation of the United States for the payment of the Federal share of the allowable project costs, as determined by the Regional Administrator.

23. **"Fiscal Year"** means from January 1st to December 31st of the same year.

24. **"Garbage"** means the animal and vegetable waste resulting from handling, preparation, cooking and serving of foods. "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

25. **"House Connection"** means the sewer line or pipe extending from that part of the sewer connection located adjacent to the property line of the premises to be served, to the house or building to be served.

26. **"Incompatible Pollutant"** means any pollutant which is not a compatible pollutant as defined in this Section.

27. **"Industrial Wastewater"** means the liquid waste and solids resulting from the processes employed in industrial, manufacturing, trade or business establishments, or from the development of any natural resource, as distinct from domestic wastes. (Ord. 905, 10-1-84)

27.1. **"Infiltration"** means the sewage system (including building drains and pipes) from the ground through such means as defective pipes, pipe joints, connections and manhole walls.

27.2. **"Infiltration/Inflow"** means the total quantity of water from both infiltration and inflow.

27.3. **"Inflow"** means water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash water, or drainage. (Ord. 7, Second Series, 2-6-92)

28. **"Interceptor Sewer"** means that portion of the sanitary sewer system which receives flows from laterals, submains, mains and collector sewers and transports said flows to the wastewater treatment works.

29. **"Interference"** means the inhibition or disruption of the wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the City's NPDES or State Disposal System Permit. The term includes prevention of sewage sludge use or disposal by the City in accordance published regulations providing guidelines under Section 405 of the Act (33 U.S.C. 1251, et. Seq.) 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.

30. **"Milligrams Per Liter (mg/l)"** means a measure of the concentration of pollutants in wastewater in terms of weight per unit volume.

31. **"National Pollutant Discharge Elimination System (NPDES) Permit"** means any permit or requirements issued by the Minnesota Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq); for the purpose of regulating the discharge of sewage, industrial wastes, or other wastes under the authority of Section 402 of the Act.

32. **"Natural Outlet"** means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

33. **"Non-Contact Cooling Water"** means the water discharged from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat. (Ord. 905, 10-1-84)

34. **"Normal Domestic Strength"** means wastes which are primarily produced by residential users with the following concentrations:

BOD₅ 250 mg/l, Suspended Solids (SS) 375 mg/l and phosphorus (P) 10 mg/l. (Ord. 7, Second Series, 2-6-92)

35. **"Operation and Maintenance Costs"** includes all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements. The annual cost of equipment replacement shall also be included in this cost.

36. **"Permits"** includes: (1) NPDES Permit which establishes various conditions including effluent requirements for the wastewater treatment works, and (2) Connection Permits (See Appendix B) for the purpose of allowing connection to the sanitary sewer system.

37. **"pH"** means the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions/in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

38. **"Phosphorus (P)"** means an element that while essential to life contributes to the eutrophication of lakes and other bodies of water.

39. **"Pretreatment"** means the process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the wastewater disposal system. The reduction, elimination, or alteration may be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by this Section.

40. **"Pretreatment Standards"** means all applicable Federal rules and regulations implementing Section 307 of the Federal Water Pollution Control Act (Pub. L. 92-500) as amended to the effective date of this Section, as well as any non-conflicting State and local standards established in accordance with Section 307 of the Act. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

41. **"Private Wastewater Disposal System"** means any properly constructed disposal system intended solely for treatment of wastewaters from a single residence or a single building unit.

42. **"Replacement"** means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment facilities to maintain the capacity and performance for which such facilities were designed and constructed.

43. **"Residential Customer"**- (See "User Class-Residential User").

44. **"Sanitary Sewer"** means a sewer which carries sanitary and industrial waste and to which storm, surface and ground water are not intentionally admitted.

45. **"Sanitary Sewer Mains and Laterals"** means the sanitary sewer interceptors, mains and laterals constructed by or for the City.

46. **"Schools"** means school buildings, public or parochial. "Church" means a sanctuary for public worship. "Public Building" means a building owned by a public tax supported subdivision of the State of Minnesota.

47. **"Sewage"** means the combination of liquid and water carried waste from residences, commercial buildings, industrial plants and institutions (including polluted cooling water). The preferred term is "Wastewater".

48. **"Sewer"** means a pipe or conduit that carries wastewater or drainage water.

49. **"Sewer Connection"** means a sanitary sewer service line or pipe extending from a sanitary sewer main or lateral of the City to a point adjacent to the property line of the premises to be served.

50. **"Sewer Service Charge"** means the same as Wastewater Service Charge".

51. **"Significant Industrial User"** means any industrial user of the wastewater disposal system which (1) has a discharge flow 50,000 gallons or more per average work day, or (2) has a flow greater than 5% of the flow in the wastewater disposal system, or (3) has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or Minnesota Statutes and rules, or (4) has a significant impact, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

52. **"Slug"** means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

53. **"Standard Methods for the Examination of Water and Wastewater"** - The analytical and sampling methods used shall conform to 40 CFR, Part 136 as amended, which includes the latest edition of Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association.

54. **"State Disposal System Permit"** means any permit (including any terms, conditions and requirements thereof), issued by the MPCA pursuant to Minnesota Statutes, Section 115.07 for a disposal system as defined by Minnesota Statutes, Section 115.01, Subdivision 8.

55. **"Storm Drain"** (sometimes termed "Storm Sewer") means a drain or sewer for conveying water, ground water, subsurface water or unpolluted water from any source to which sanitary and/or industrial wastes are not intentionally admitted.

56. **"Storm Water"** means any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

57. **"Superintendent"** means the Superintendent of the wastewater treatment system of the City.

58. **"Surcharge"** means charges to users of the system for discharges defined as average domestic wastes in addition to the normal wastewater service charge.

59. **"Total Suspended Solids"** means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by a standard laboratory filter.

60. **"Trailers"** means house trailers either movable or permanent located in trailer parks or trailer courts or located on a lot adjacent to a house.

61. **"Unpolluted Water"** means water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.

62. **"Useful Life"** means the period during which a treatment facility will operate.

63. **"User"** means any person who discharges, causes or permits the discharge of wastewater into the wastewater treatment system.

64. **"User Charge"** means a charge levied on users of a treatment facility for the cost of operation and maintenance and replacement of such facilities, pursuant to Section 204(b) of the Act.

65. **"User Class"** means the division of the wastewater users by waste characteristic, the processes or discharge similarities (example, residential, commercial, industrial, institutional, and governmental) in the User Charge System (UCS).

A. **"Commercial User"** means any establishment listed in the Office of Management and Budget "Standard Industrial Classification Manual (SICM)" (1972 edition) involved in a commercial enterprise, business or service which, based on a determination by the City, discharges primarily segregated normal domestic waste or waste from sanitary conveniences.

B. **"Governmental User"** means any Federal, State, or local government user of the wastewater treatment facilities.

C. **"Industrial User"** means any non-governmental user of the publicly owned treatment facilities identified in the Standard Industrial Classification Manual (SICM) (1972), Office of Management and Budget as amended and supplemented under the following subdivisions: Division A - Agriculture, Forestry, and Fishing; Division B - Mining; Division D - Manufacturing; Division E - Transportation, Communication, Electric, Gas, and Sanitary Services; and Division I - Services. An industrial user is also defined as a user who discharges to the wastewater disposal system, liquid wastes resulting from the processes employed in industry or manufacturing or from the development of any natural resource.

D. **"Institutional User"** means any establishment listed in the "SICM" involved in a social, charitable, religious, or educational function which, based on a determination by the City, discharges primarily segregated domestic waste or waste from sanitary conveniences.

E. **"Residential User"** means a user of the treatment facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached, semi-detached, and row houses, mobile homes, garden and standard apartments or permanent multi-family dwellings. (Transit lodging, considered commercial in nature, is not included).

66. **"User Classification"** means a classification of user based on the 1972 edition of the Standard Industrial Classification (SIC) Manual prepared by the United States Office of Management and Budget.

67. **"Wastewater"** means the liquid, semi-liquid, or solid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the treatment works.

68. **"Wastewater Facilities"** means the structures, equipment, and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

69. **"Wastewater Service Charge"** means the total charge levied on users including user charges and debt service charges.

70. **"Wastewater Treatment System or Systems"** means any devices, facilities, structures, equipment or works owned or used by the City for the purposes of the transmission, storage, treatment, recycling, and reclamation of industrial and domestic wastewater, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clearwell facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

71. **"Wastewater Treatment Works"** means an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "Waste Treatment Plant" or "Wastewater Treatment Plant" or "Water Pollution Control Plant".

72. **"Watercourse"** means a natural or artificial channel for the passage of water either continuously or intermittently.

73. **"Waters of the State"** means all streams, lakes, ponds, marshes, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

Subd. 2. Prohibitions and Limitations on Wastewater Discharges.

A. Prohibited Discharges. It is unlawful for any person to discharge, deposit or cause such discharge or deposit into the wastewater treatment system any wastewater which contains the following:

1. Explosive Mixtures. 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 sewerage facilities or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than 5% nor any single reading over 10% of the Lower Explosive Limit (L.E.L.) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, zylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

2. Solid or Viscous Wastes. Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the wastewater treatment system. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

3. Toxic Pollutant. Any toxic substances or pollutant in amounts exceeding standards as promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307 of the Federal Water Pollution Control Act (Pub. L. 92-500), and chemical elements or compounds, phenols or other taste- or odor-producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the system, or that will pass through the system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

4. Corrosive Wastes. Any waste which will cause corrosion or deterioration of the system. All wastes discharged to the wastewater treatment system must have a pH value in the range of (6) to (9) standard units. Prohibited materials include, but are not limited to, acids, sulfides, concentrated chloride and flouride compounds and substances which will react with water to form acidic products.

3.20, Subd. 2 B

B. Limited Discharges. Except those so authorized by permit or agreement with the City, it is unlawful for any person to discharge, deposit or cause to be discharged or deposited into the wastewater system any of the following waste. Authorized discharges governed by permit or agreement shall include only those waste specifically allowed and in quantities or qualities as specifically allowed. The limited waste are:

1. Oils and Grease. (1) Oil and grease concentrations or amounts from industrial facilities violating pretreatment standards; (2) Wax, grease or oil concentration of mineral origin of more than 100 mg/l whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees F (0 degrees and 65 degrees C) at the point of discharge into the system; (3) Total fat, wax, grease or oil concentration of more than 100 mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees F (0 degrees and 65 degrees C) at the point of discharge into the system.

2. Noxious Material. Noxious or malodorous solids, liquids, or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.

3. Improperly Shredded Garbage. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the system, with no particle greater than 1/2 inch in any dimension.

4. Radioactive Wastes. Radioactive wastes or isotopes of such half-life or concentration that they cause damage or hazards to the sewer facilities or personnel operating the system.

5. Excessive Discharge Rate. Wastewaters at a flow rate or containing such concentrations or quantities of pollutants that exceeds for any time period longer than 15 minutes more than five times the average 24 hour concentration, quantities or flow during normal operation by that person, that would cause a treatment process upset and subsequent loss of treatment efficiency in the system.

6. Unpolluted Waters. Any unpolluted waters including, but not limited to, water from cooling systems or of storm water origin, which will increase the hydraulic load on the wastewater treatment system.

7. **Discolored Material.** Wastes with objectionable color not removable within the wastewater system.

8. **Other Statutes.** Any wastewater which creates conditions at or near the wastewater disposal system which violate any statute or any rule, regulation or ordinance of any public agency or State or Federal regulatory body.

9. **Temperature.** Any wastewater having a temperature greater than 150 degrees F (65.6 degrees C), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104 degrees F (40 degrees C).

10. **Slug Load.** Any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BODg, etc.), released in a discharge of such volume or strength as to cause inhibition or disruption in the wastewater disposal system. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24 hour concentrations, quantities, or flow of the user during normal operation.

11. **Inert Solids.** Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that they would cause disruption with the wastewater disposal system.

12. **Waste Strength.** Any wastewater having a concentration greater than normal domestic strength unless expressly allowed as part of a discharge permit condition.

13. **Categorical Standards.** Any wastewater having a concentration or amount greater than a National Categorical Standard promulgated and established by the U.S. Environmental Protection Agency pursuant to the Act.

14. **Objectionable Materials.** Any wastewater having a waste or chemical concentration greater than the amount indicated in Appendix A unless expressly allowed as part of a Discharge Permit condition and does not exceed a National Categorical pretreatment Standard established by the U.S. Environmental Protection Agency.

15. **Roof Drains, Etc.** It is unlawful for any person to discharge or cause to be discharged any unpolluted waters such as storm water, ground water, roof runoff, subsurface drainage, or cooling water to any sanitary sewer.

16. Stormwater. Storm water and all other unpolluted waters shall be discharged to such sewers as are specifically designed as combined sewers or storm sewers to a natural outlet approved by the Council, the Superintendent, and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Council or the Superintendent, to a storm sewer, or natural outlet.

17. Sludges Generated. Sludges, floats, skimmings, etc., generated by industrial or commercial pretreatment system shall not be placed into the wastewater disposal system. Such sludges shall be contained, transported, and disposed of in accordance with all Federal, State, and local regulations. (Ord. 905, 10-1-84)

18. 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 the National Pretreatment Standards, or any State requirement. (Ord. 7, Second Series, 2-6-92)

C. Unauthorized Connections. No connection shall be made to the sewerage system without the supervision of the Superintendent and the issuance of a permit by the City as provided herein and any connection to the system or opening made in the system in violation hereof is unlawful.

Subd. 3. Control of Prohibited and Limited Waste.

A. Authorization for Special Permits/Agreements. The City hereby reserves and decrees the right to issue special permits and/or agreements with any person for the controlled discharge of limited waste. Such permits and/or agreements may be issued only by an order of the Council and shall be in written form.

B. Regulatory Actions. If wastewaters containing any substance described as "Prohibited Discharges" or containing substances described as "Limited Discharges" without a valid permit or agreement or in case of an agreement in excess of the limits of said agreement are discharged or proposed to be discharged into the wastewater system, the City may take any action necessary to:

1. Prohibit the discharge of such wastewater.
2. Mandate the discharges to demonstrate that in plant modifications will reduce or eliminate the discharge of such substances so as to cease violations. (Ord. 905, 10-1-84)

3. Mandate pretreatment, pursuant to Section 307(b) of the Act and all addendums thereof, including storage facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations. (Ord. 7, Second Series, 2-6-92)

4. Mandate the person making, causing or allowing such discharges to pay any expense for additional treatment cost, any expense incurred to reestablish proper operation of the City facility and/or any loss, damage or expense imposed upon the City by any person or agency as a result of the discharge.

C. Submission of Plans. Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater treatment system is required, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall first be submitted to the Superintendent for review and approval by the Council. Such approval shall not exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to the Superintendent and prior approval of the Council.

D. Pretreatment Facilities Operations. If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at their own cost and expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances, and laws.

E. Admission to Property. Whenever it shall be necessary for the purposes of these rules and regulations, the Superintendent, the Minnesota Pollution Control Agency, and the U.S. Environmental Protection Agency, upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of (1) copying any records required to be kept under the provisions of this Section, (2) inspecting any monitoring equipment or method, and (3) sampling any discharge of wastewater to the treatment works. The Superintendent may enter upon the property at any hour under emergency circumstances.

3.20, Subd. 3 F

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

G. Industry Held Harmless. While performing the necessary work on private properties referred to in Subparagraph E above, the Superintendent shall observe all safety rules applicable to the premises established by the industry, and the industry shall be held harmless for injury or death to the City employees, and the City shall indemnify the industry against loss or damage to its property by City employees and against liability claims and demands for personal injury, or property damage asserted against the industry to maintain safe conditions.

H. Protection From Accidental or Slug Discharge. Each industrial user shall provide protection from accidental discharge or prohibited materials or other wastes regulated by this Section. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review, and shall be approved by the Council before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify user's facility as necessary to meet the requirements of this Section.

I. Reporting of Accidental or Slug Discharge. If, for any reason, a facility does not comply with or will be unable to comply with any prohibition or limitations in this Section, the facility responsible for such discharge shall immediately notify the Superintendent so that corrective action may be taken to protect the wastewater treatment system. In addition, a written report addressed to the Superintendent detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within five days of the occurrence of the non-complying discharge.

3.20, Subd. 3 J

J. Grease, Oil, Mud, Etc., Interceptors Required. Grease, oil and mud interceptors shall be provided when, in the opinion of the Council or the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Subdivision 2 hereof, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters, or dwelling units. All interceptors shall be of the type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintenance of these interceptors the users shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Council or the Superintendent. Any removal and hauling of the collected materials not performed by users' personnel must be performed by currently licensed waste disposal firms.

Subd. 4. Sewer Connections, Sewer Extensions, and House Connections.

A. Authority for Making Sewer Connections.

1. It is unlawful for any person to make any sewer connections to the sanitary sewer main or laterals of the City, except on written application filed with the Council and written acceptance thereof by the Council.

2. No new sewer connections will be made unless adequate capacity is available in downstream sewers, lift stations, force mains and wastewater treatment plants, including capacity for treatment of 8005 and Total Suspended Solids.

B. Application for Sewer Connections. Sewer connection to the sanitary sewer mains and laterals of the City located within the City shall be made by application filed with the Council as above provided and accepted by the Council in writing. The applicant for such sewer connection shall pay all costs of labor and materials for installing the sewer connection and installation may be made only after the issuance by the Council of a permit authorizing the sewer connection and specifying the size, grade and material thereof. Such sewer connection shall impose liability for a periodic sewer charge to be initially billed the owner at the next regular billing time after sewer service is rendered. The permit fee for such sewer connection shall be as provided for in this Chapter. After notification by letter, newspaper or public posting the property owner has 90 days in which to complete their tap-in.

C. Extensions and Sewer Connections to Extensions.

1. Applicants who are owners of the premises not abutting on the sewer mains or laterals of the City who desire sewer service from the City shall install at their expense, sewer main or lateral extensions so as to provide sewer facilities for their premises. No person shall make any extension to a sanitary sewer main or lateral of the City except as provided in this Section.

2. All extensions to the sewer mains or laterals of the City shall be made only after written application filed with the Council, approval as to size, grade and materials by the consulting engineers of the City and issuance by the City of a permit authorizing the same to be constructed and attached to the existing sewer mains or laterals of the City and thereupon said extensions shall become part thereof. There shall be no special permit fee for the construction of an extension to the City sewer main or laterals.

3. After completion and acceptance of a sewer main or lateral extension, title to it shall be transferred and conveyed to the City by the owner (or owners) free and clear of any and all liens and encumbrances, without cost to the City, and thereafter the City shall assume all costs of maintenance and repair of such extension.

4. Applicants making sewer connections to sewer main extensions or lateral extensions under the provisions of this Section, shall pay all costs of labor and materials for installing the same.

5. The permit fee for any sewer connection to a sewer main or lateral extension constructed under the provisions of this Section shall be the same as is provided for in other provisions of this Chapter.

6. Each sewer connection originating from an extension shall impose liability for a periodic sewer charge to be billed the owner with the next regular billing after such sewer service is rendered to the premises.

7. Performance Bond for Sewer Connection shall conform with the requirements of this Section.

8. Insurance for Sewer Connection shall conform to the requirements of this Section.

D. Requirements of Sewer Connections.

1. Persons Required to Connect to Wastewater Facilities. Shall conform with this Chapter and rules and regulations as contained herein.

2. Authority for Making and Repairing Sewer Connections. It is unlawful for any person to make, install, repair, alter, disturb, uncover, open or break into any sewer connection to the sanitary sewerage system of the City without first obtaining an application filed with the Council, a written permit therefor issued by the Council.

3. Costs Borne by Owner. All costs and expenses incidental to the installation of a sewer connection shall be borne by the owners. The owners shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer connection.

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

5. Wye or Tee Connections to Public Sewer Required. The sewer connection into the public sewer shall be made at the "Wye" or "Tee" branch designated for that property, if available. Where "Wye" or "Tee" branches are not available, connections shall be made using approved drilled or sawed tap and saddle. Breaking of sanitary sewer will not be allowed. Procedures set forth in appropriate specifications of A.S.T.M. and W.P.C.F. Manual of Practices No. 9 shall be followed at all times. All such connections shall be made gastight and the prescribed procedures and materials must be approved by the Council and the Superintendent before installation.

6. Changes in Ownership of Premises. Irrespective of any change in ownership of premises, each parcel of real estate for which application for sewer connection has been filed and accepted by the City shall be liable for the payment of the periodic sewer charge hereinbefore provided.

7. Size, Slope, Alignment, Materials and Construction Procedures. The size, slope, alignment, and materials of construction of a sewer connection and the methods to be used in excavating and placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the City.

(a) Size, Slope and Alignment of Sewer Connections. The sewer connection shall be at least four inches in internal diameter, the slope or grade shall be at least one-eighth (1/8) inch to one foot. Alignment shall be in a straight line from the "Building Drain" to the "Tee" or "Wye" at the public sewer.

(b) Materials. The sewer connections shall be of extra heavy cast iron soil pipe (ASTM Specification A74), extra strength vitrified clay sewer pipe with pre-cast joints (ASTM Specification C700 w/ C425 joints), or PVC pipe (ASTM Specification D3034), all of latest specification issue date. Joints shall be made gas-tight and waterproof. If installed in filled or unstable ground, the sewer connection shall be of extra heavy cast iron soil pipe.

(c) Trenching and Backfilling - Sewer Connections. All excavations shall be open trench work unless otherwise authorized by the Council or the Superintendent. The foundation in the trench shall be formed to prevent any subsequent settling of the pipes. If the foundation is of firm earth, the earth shall be pared or molded to give a full support to the lower quadrant of each pipe. Bell holes shall be dug to provide ample space for joints. Sand shall be used for all backfill within street rights-of-way and alleys and any other areas on City property as directed by the Superintendent. Care must be exercised in backfilling below the center line of the pipe in order to give it proper support. Backfilling shall be placed in layers and solidly tamped one foot above the pipe.

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

8. Unlawful Connection to Sewer Connections.

(a) It is unlawful for any person to make connections of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a sewer connection or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such a connection is approved by the Council or the Superintendent.

(b) **Septic Tanks and Cesspools.** It is unlawful for any septic tank or cesspool to be connected to any portion of a sewer connection, and it is also unlawful for any owner or person in control of premises to install, construct, maintain or use a septic system or cesspool on premises from the time such premises commenced to use the sanitary sewerage system of the City.

9. One Sewer Connection Per Building. A separate and independent sewer connection shall be provided for every residence, commercial building, public building or apartment building. However, where one such building stands in the rear of another such building located on an interior lot, the sewer connection from the front building may be extended to the rear building upon issuance of a written permit by the Council.

10. Use of Old Sewer Connections for a New Building. Old sewer connections may be used in connection with new buildings only when they are found, on examination and test by the Council or the Superintendent, to meet all requirements of this Section. The owner shall bear the cost for these tests.

11. Defective Sewer Connections. Whenever a sewer connection is obstructed, or if found to be broken or defective so that sewage escapes therefrom into surrounding soil or adjacent premises, repair or replacement may be ordered by the Council or the Superintendent. Such repairs shall be at the expense of the owner or person in control of such property. When a part of a sewer connection is found to be broken or broken into, such break or leak shall be properly repaired by replacing the broken part with a corresponding new part. Patching of such break or leak is prohibited.

12. Inspection and Approval of Sewer Connection. The applicant for a sewer connection permit shall notify the City when the sewer connection installation or repair is ready for inspection and connection to the sanitary sewerage system of the City. The connection shall be made only under the supervision of the Council or the Superintendent. It is unlawful for a sewer connection to be covered or backfilled without prior inspection and approval by the Council or the Superintendent. The Council or the Superintendent shall have access at all reasonable times to all premises in the City for the purpose of inspecting or examining sewer connections.

13. Performance Bond for Sewer Connections. After the date of completion of the sanitary sewer system, no permit for a sewer connection or a sewer extension shall be issued by the Council unless the person applying therefor or the contractor shall have filed in the office of the City Clerk, a performance bond with corporate surety thereon in the sum of \$1,000.00 for a sewer connection; and for a sewer extension, a sum equal to one and one-half (1-1/2) times the estimated cost of the work to be done. Such performance bond shall be approved by the Council, conditioned upon the applicant or contractor completing the sewer connection or sewer extension in a proper and workmanlike manner and indemnifying and saving harmless the City for any and all damage to any property of the applicant or to the sewer mains or laterals of the City and from any failure to restore any road, ditch, pavement, or portion thereof damaged during the construction of the sewer connection, or the sewer extension so as to insure that such property of said sewerage system or such property of the applicant, together with such road, ditch, pavement, or portion thereof damaged are left in as good condition as said applicant or contractor found them.

14. Liability Insurance. No permit for a sewer connection or a sewer extension shall be issued by the Council unless the person applying therefor or the contractor shall have first procured public liability insurance in an amount not less than \$5,000.00 for injuries, including accidental death, to any one person and subject to the same limit for each person in an amount not less than \$100,000.00 on account of one accident, and property damage insurance in an amount not less than \$50,000.00. The persons to be indemnified and saved harmless in said insurance policy shall be the City and the applicant for sewer connection or sewer extension. A certificate of said insurance shall be filed with the City Clerk. In the event that an applicant proposed to personally install or repair their own sewer connection, no permit to install or repair such sewer connection shall be issued to applicant unless applicant has first procured insurance in the amounts aforesaid issued by an insurance company or companies approved by the Council indemnifying the City as aforesaid. Certificates of all insurance provided for in this Section shall be filed with the City Clerk prior to issuance of a permit.

E. Adoption of Minnesota State Plumbing Code. The minimum code of standards promulgated by the Department of Public Health of the State of Minnesota and the Minnesota State Plumbing Code Law are hereby incorporated by reference thereto as provided by "An Act authorizing municipalities to incorporate by reference and the provisions of nationally recognized technical codes and public records", approved July 16, 1953, as heretofore or hereinafter amended. Any part of this Section which is found to be in conflict with the Minnesota State Plumbing Code is hereby amended and superseded by said Code.

1. Pipe Connection Prohibited. No steam, exhaust, blow-off, or drip pipe shall be connected with the sanitary sewer, storm sewer, house drain, soil or waste pipe; such pipes shall be discharged into a tank or condenser from which suitable outlets into the sewer shall be provided.

2. Refrigerator Drains. Refrigerator drains shall not be connected directly to the sewer, but shall be trapped and drained into an open fixture, which shall in turn be connected to the sewer.

3. Floor Drains. Floor drains shall be of the deep seal pattern no less than a two and one-half (2-1/2) inch seal.

4. Traps Required. Every water closet, urinal, sink, basin, wash tray, bathtub and all other fixtures that require a waste connection to the sewer shall be separately trapped and vented above the highest fixture.

5. Cistern Overflow. The overflow from a cistern or well shall not be connected to the sanitary sewer system.

Subd. 5. Industrial Wastewater Discharge Permit.

A. Wastewater Discharge Permits Required. All significant industrial users proposing to connect to or discharge into any part of the wastewater treatment system must first obtain a Wastewater Discharge Permit. All existing significant industrial users connected to or discharging into any part of the City system must obtain a Wastewater Discharge Permit within 90 days from and after the effective date of this Section, except those users that have existing valid wastewater discharge contract.

B. Permit Application.

1. Users seeking a Wastewater Discharge Permit shall complete and file with the City Clerk an application on the form prescribed by the Council and accompanied by the required fee. In support of this application, the user shall submit the following information:

3.20, Subd. 5 B 1 (a)

(a) Name, address, and location (if different from the address).

(b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.

(c) Volume of wastewater to be discharged.

(d) Wastewater constituents and characteristics including, but not limited to, those set forth in Appendix A of this Section as determined by a reliable analytical laboratory.

(e) Time and duration of discharge.

(f) Average and minute peak wastewater flow rates, including daily, monthly or seasonal variations, if any.

(g) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.

(h) Description of activities, facilities and plant processes on the premises including all materials and type of materials which are, or could be discharged.

(i) Each product produced by type, amount, and rate of production.

(j) Number and type of employees, and hours of work.

(k) Any other information as may be deemed by the Council to be necessary to evaluate the permit application.

2. The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

3.20, Subd. 5 C

C. Permit Conditions. Wastewater Discharge Permits shall be expressly subject to all provisions of this Section and all other regulations, user charges and fees established by the City. The conditions of Wastewater Discharge Permits shall be uniformly enforced in accordance with this Section, and applicable State and Federal regulations. Permit conditions shall include the following:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the system.

2. The average and maximum wastewater constituents and characteristics.

3. Limits on rate and time of discharge or requirements for flow regulations and equalization.

4. Requirements for installation of inspection and sampling facilities, and specifications for monitoring programs.

5. Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges.

6. Daily average and daily maximum discharge rates, or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge.

7. Compliance schedules.

D. Duration of Permits. Permits shall be issued for a specified time period, not to exceed five years. A permit may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modification and change by the Council during the life of the permit, as limitations or requirements in the National Pollutant Discharge Elimination System (NPDES) Permit for the City are modified and changed.

E. Transfer of a Permit. Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

(2-1-05)

3.20, Subd. 5 F

F. Revocation of Permit. Any user who violates the following conditions of their permit or of this Section, or of applicable State and Federal regulations, is subject to having their permit revoked. Violations subjecting a user to possible revocation of user's permit include, but are not limited to, the following:

1. Failure of a user to accurately report the wastewater constituents and characteristics of their discharge;

2. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,

4. Violation of conditions of the permit.

G. Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this Section and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Section. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes. All records relating to compliance with pretreatment standards shall be made available by the City to officials of the EPA or MPCA upon request. Any user subject to a National Categorical Pretreatment Standard, after the Compliance date of such pretreatment standard, or, in the case of the commencement of a new discharge to the wastewater disposal system, shall submit to the City during the months of June and December, unless required more frequently in the pretreatment standard or by the City, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. The City may agree to alter the months during which the above reports are to be submitted.

H. Permit Modification.

(2-1-05)

3.20, Subd. 5 H 1

1. Any permit issued under this Section can be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standards or limitation issued or approved under Sections 301 (b)(2)(c) and (d), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:

(a) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or,

(b) Controls any pollutant not limited in the permit.

2. The permit as modified or reissued under this Subparagraph shall also contain any other requirements of the Act then applicable. The user shall be informed of any proposed changes in this permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

I. Confidential Information.

1. Information and data on a user obtained from applications, permits, monitoring programs and inspections shall be available to the public or other government agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

2. When requested by the person furnishing a report, and until such time as the information is determined not to be confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Section, the City's NPDES Permit, State Disposal System Permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "Confidential Business Information" on each page containing such information. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Superintendent as confidential, shall not be transmitted to any governmental agency or to the general public by the City until and unless a ten day notification is given to the user.

Subd. 6. Industrial Wastewater Monitoring and Reporting.

A. Discharge Reports.

1. Every significant industrial user shall file a periodic Discharge Report at such intervals as are requested by the Council. The Council may require any other industrial users discharging or proposing to discharge into the wastewater treatment system to file such periodic reports.

2. The discharge report shall include information if requested, as follows:

(a) Nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operation, concentrations of controlled pollutants or other information which relates to the generation of waste.

(b) Chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged.

(c) Wastewaters discharge peak rate and volume over a specified time period.

(d) Chemical analyses of wastewaters.

(e) Information on raw materials, processes, and products affecting wastewater volume and quality.

(f) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.

(g) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.

(h) Details of wastewater pretreatment facilities.

(i) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

3. In addition to discharge reports, the Council may require information in the form of Industrial Discharge Permit Application or self-monitoring reports or both.

3.20, Subd. 6 A 4

4. All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this Section shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Superintendent. Each industrial user shall be responsible for the cost of monitoring, testing, analyzing, and reporting as required herein.

B. Industrial Wastes Control Manhole. When required by the Council or the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Council, or its authorized representative. The structure shall be installed by the user at user's expense and shall be maintained by user so as to be safe and accessible at all times.

C. Records and Monitoring.

1. All industrial users who discharge or propose to discharge wastewaters to the wastewater treatment system shall maintain such records of production and related factors, effluent flows, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this Section and any applicable State or Federal pretreatment standards or requirements.

2. Such records shall be made available upon request by the City or the Superintendent. All such records relating to compliance with pretreatment standards shall be made available to officials of the U.S. Environmental Protection Agency upon demand. A summary of such data indicating the industrial user's compliance with this Section shall be prepared quarterly and submitted to the Superintendent.

3. Upon request by the Council or the Superintendent for discharge reports, the owner or operator of any premises or facility discharging industrial wastewater into the system shall install at his own cost and expense suitable monitoring equipment to facilitate the accurate observation, sampling, and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times. The monitoring equipment shall be located and maintained on the industrial user's premises outside of the building.

4. When more than one user can discharge into a common sewer, the Council may require installation of separate monitoring equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single matter, the Council may require that separate monitoring facilities be installed for each separate discharge.

D. Inspection, Sampling and Analysis.

1. **Compliance Determination.** Compliance determination with respect to prohibitions and limitations may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a 24 hour period, or over a longer or shorter time span, as determined necessary by the City to meet the needs of specific circumstances.

2. **Analysis of Industrial Wastewaters.** Laboratory analysis of industrial wastewater samples shall be performed in accordance with the current edition of "Standard Methods, Methods for Chemical Analysis of Water and Waste", published by the U.S. Environmental Protection Agency or the "Annual Book of Standards, Part 23, Water, Atmospheric Analysis", published by the American Society for Testing and Materials. Analysis of those pollutants not covered by these publications shall be performed in accordance with current procedures established by the Minnesota State Department of Environmental Health.

3. **Sampling Frequency.** Sampling of industrial wastewater for the purpose of compliance determination with respect to prohibitions and limitations will be done at such intervals as the City may designate. However, it is the intention of the Council to conduct sampling for all industrial users at least once in every year.

4. The Superintendent and other authorized employees of the City, MPCA and EPA shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the wastewater treatment system in accordance with the provisions of this Section.

Subd.7. Revocation of Permit and Termination of Service.

A. Notification of Violation. Whenever the City finds that any person has violated or is violating the provisions of this Section, or requirements of that person's Wastewater Discharge Permit, the City may serve upon such person or by mail a written notice stating the nature of the violation and providing a reasonable time, not to exceed 30 days, for the satisfactory correction thereof.

B. Show Cause Hearing.

1. If the violation is not corrected by timely compliance, the City may order any person who causes or allows an unauthorized discharge to show cause before the Council why service should not be terminated or Wastewater Discharge Permit not be revoked. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the Council regarding the violation, and directing the offending party to show cause before the Council why an order should not be made directing the termination of service or revocation of permit. The notice of hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

2. The Council shall itself conduct the hearing and take the evidence.

3. At any public hearing, testimony taken before the hearing authority must be under oath. If a transcript is recorded, it will be made available to any member of the public or any party to the hearing upon payment of costs for the production of the transcript.

4. After the Council has reviewed the evidence, it may issue an order to the party responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.

Subd. 8. Unlawful Acts. It is unlawful for any person to maliciously, willfully, negligently or otherwise break, damage, destroy, uncover, deface, tamper or trespass upon any structure, equipment or other which is part of the City's wastewater system.

Subd. 9. Legal Action. Any discharge in violation of the substantive provisions of this Section or an Order of the Council is unlawful. If any person discharges sewage, industrial wastes or other wastes into the City treatment system contrary to the substantive provisions of this Section or any Order of the Council, the City Attorney shall commence an action for appropriate legal and equitable relief in the District Court of Goodhue County.

Subd. 10. City's Right of Revision. The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this Section.

Subd. 11. Falsifying Information. It is unlawful for any person to knowingly make any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Section or Wastewater Discharge Permit, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this Section.

Subd. 12. Filing. A copy of this Section, properly certified by the City Clerk, shall be filed in the office of the County Recorder of Goodhue County and shall be deemed notice to all owners of real estate of their liability for service supplied to any user of the service of the sewerage system of the City on their properties, and it shall be the duty of the Mayor and such other officers of the City to take all action necessary or required by the laws of the State of Minnesota thereunto enabling to file all claims for money due to the City and to prosecute and enforce such claims in the manner, form and time as permitted by the laws of the State of Minnesota. (Ord. 905, 10-1-84)

SEC. 3.21. WASTEWATER SERVICE CHARGES.

CODIFIER'S NOTE: The Appendices referred to in this Section are on file in the office of the City Administrator and open for inspection by the public.

Subd. 1. Connection Charges. It is unlawful for any person to connect any premises with the sanitary sewer system of the City except upon the granting of a permit therefor by the Council or its authorized representative after submission of a written application. Said application shall be accompanied by a cash connection fee which fee shall be returned to the applicant should the permit be refused. (7-1-90)

Subd. 2. Sewer Use and Service Charges.

A. Basis for Wastewater Service Charges.

1. The wastewater service charges for the use of and for service supplied by the wastewater facilities of the City shall consist of a basic user charge and a surcharge, if applicable. The cost for treating Infiltration/Inflow will be recovered on the same basis as flow component of the user charge. Through further divisions, the monthly and quarterly debt service charges can be computed. The basic user charge shall be based on water usage as recorded by water meters and/or sewage meter for wastes having the following normal concentrations:

3.21, Subd. 2 A 1 (a)

(a) A five day, 20 degree centigrade (20 degree C) biochemical oxygen demand (BOD⁵) of 250 mg/l.

(b) A total suspended solids (TSS) content of 375 mg/l.

(c) A total phosphorus solids (P) content of 10 mg/l. (Ord. 7, Second Series, 2-6-92)

1A. By approval of the Council, water which is separately metered and does not, nor has any potential to, enter the wastewater system of the City, shall not be subject to the Basic User or Debt Service Charges herein provided for. (Ord. 3, Second Series, 4-1-90)

B. Basis for Wastewater Surcharge Service Charges. A surcharge will be levied to all users whose waters exceed the normal concentrations for BOD₅ (250 mg/l), TSS (375 mg/l), and Total Phosphorus (P) (10 mg/l). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 250 mg/l, 375 mg/l, and the 10 mg/l concentrations for BOD₅, TSS, and P, respectively. The surcharge will be computed as follows (See Sewer Service Charge System Report).

1. Proportion the estimated costs to wastewater facility categories by Volume, Total Suspended Solids, BOD₅, and P, if possible.

2. Compute surcharge costs per 1,000 gal, per mg/l in excess of normal sewage strength for BOD₅, TSS, and P. (Ord. 7, Second Series, 2-6-92)

C. Measurement of Flow. The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of 100 gallons.

1. If the person discharging wastes into the public sewers procures any part, or all, of their water from sources other than the Public Waterworks System, all or a part of which is discharged into the public sewers, the person shall install and maintain, at their expense, water meters of a type approved by the City for the purpose of determining the volume of water obtained from these other sources.

2. Devices for measuring the volume of waste discharged may be required by the City if these volumes cannot otherwise be determined from the metered water consumption records.

3.21, Subd. 2 D

3. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed unless service is cancelled, with the consent of the City.

D. Industrial Users. Where applicable, sewer use and sewer service charges may be determined by special agreement or permit. However, no such charges shall be less than those provided for herein which are calculated on a proportionate basis and Section 204 (b) of the Clean Water Act.

E. Debt Service Charge. Debt Service for non-industrial users is based on water meter size. Debt Service for industrial users is based on plant capacity allowed through special permit. (7-1-90)

F. Surcharge Rate. The rates of surcharges for TSS, and P shall be shown in Sewer Service Charge System Report. Initial surcharge rate shall be as adopted by resolution. For annual calculations of above items, see Sewer Service Charge System Report.

G. Computation of Surcharge. The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the City and shall be binding as a basis for surcharges. The formula used for surcharge computation is as shown in Sewer Service Charge System Report.

H. Computation of Wastewater Service Charge. The wastewater service charge shall be computed by the formula in Sewer Service Charge System Report. (Ord. 7, Second Series, 2-6-92)

I. Unusual Sewage. In the case of any user disposing sewage of unusual strength or quantity, the Council shall cause an investigation to be made and upon a determination of facts shall establish charges that are consistent with other sewer service charges and which reflect the cost associated with the treatment of such unusual sewage. These charges may be embodied in a special agreement or may be provided for within the ordinance. (7-1-90)

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

K. Free Service. No free service of the sewerage system of the City shall be furnished to any person, firm, organization or corporation, public or private. (Ord. 7, Second Series, 2-6-92)

3.21, Subd. 3

Subd. 3. Sewer Fund. There is hereby created a separate account with the Proprietary Fund of the City to be designated the Sewer Fund. This Fund shall have accounts appropriate for the collection of all charges of the wastewater facility. This Fund shall also contain expenditure accounts for all cost associated with the wastewater facility. All surplus monies of the Fund shall be maintained within said Fund and shall not be used for any other purposes. (7-1-90)

(Sections 3.22 through 3.98, inclusive, reserved for future expansion.)

SEC. 3.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when they perform an act thereby prohibited or declared unlawful, or fail to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof. (7-1-90)