

TITLE 5: PUBLIC WORKS

Chapter

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CHAPTER 50: SEWERS

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§ 50.01 DEFINITIONS.

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

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C. expressed in milligrams per liter.

BUILDING DRAIN. The 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 (one and one-half meters) outside the inner face of the building wall.

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

COMBINED SEWER. A sewer intended to receive both wastewater and storm or surface water.

DIRECTOR. The Executive Director of the Dover-Eyota, St. Charles Area Sanitary District.

DISTRICT. The Dover-Eyota, St. Charles Area Sanitary District.

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DOMESTIC OR SANITARY WASTE. The waste that is primarily produced by residential users as distinct from industrial waste.

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

FLOATABLE OIL. Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE. The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

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

INDUSTRIAL USERS.

(1) (a) Any non-governmental, nonresidential user of a publicly-owned treatment works which discharges more than the equivalent of 25,000 gallons per day of domestic or sanitary wastes and which is identified in the *Standard Industrial Classification Manual, 1972*, Office of Management and Budget, as amended and supplemented under one of the following divisions:

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

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

1. BOD₅: 200 mg/l; and
2. Suspended solids: 250 mg/l.

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

INDUSTRIAL WASTES. Wastewater discharged by industries.

MAY. Is permissive. (See **SHALL.**)

NATURAL OUTLET. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

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

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

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch (1.27 centimeters) in any dimension.

PUBLIC SEWER. A common sewer controlled by a governmental agency of public utility.

RESIDENTIAL/COMMERCIAL USERS. All non-industrial users.

SANITARY SEWER. A sewer that carries liquid- and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

SEWAGE. The spent water of a community. The preferred term is **WASTEWATER.**

SEWER. A pipe or conduit that carries wastewater or drainage water.

SHALL. Is mandatory. (See **MAY.**)

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

STORM DRAIN (sometimes termed **STORM SEWER**). A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

SUPERINTENDENT. The Superintendent of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control of the city, or his or her authorized deputy, agent, or representative including agents of the District.

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

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

WASTEWATER. The spent water of a community. It may consist of a combination of liquid- and water-carried wastes from all types of land uses including, but not limited to residences, commercial buildings, industrial plants, and institutions. It shall not include any groundwater, surface water, or stormwater runoff.

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

WASTEWATER TREATMENT WORKS. An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with **WASTE TREATMENT PLANT**, **WASTEWATER TREATMENT PLANT**, or **WATER POLLUTION CONTROL PLANT**.

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

(Ord. 40, passed 12-7-1977; Ord. 43, passed 5-2-1979; Ord. 114, passed 4-12-2007)

§ 50.02 USE OF PUBLIC SEWER REQUIRED.

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

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

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

(D) Providing treatment capacity is available, the owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at the owner or owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so; provided, that said public sewer is within 100 feet (30.5 meters) of the property line and

the improvement to be served is reasonably close to the property line where tracts larger than a normal municipal lot are to be served.

(Ord. 40, passed 12-7-1977) Penalty, see § 50.99

§ 50.03 PRIVATE WASTEWATER DISPOSAL.

(A) Where a public sanitary or combined sewer is not available under the provisions of § 50.02(D), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(B) Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee shall be paid to the city at the time the application is filed.

(C) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent or his or her representative. The Superintendent or his or her representative shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection and before any underground portions are covered, the inspection shall be made within 48 hours of the receipt of notice by the Superintendent.

(D) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the State Department of Public Health. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in § 50.02(D), a direct connection shall be made to the public sewer within 60 days in compliance with this chapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

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

(G) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the State Department of Health or the Pollution Control Agency. (Ord. 40, passed 12-7-1977) Penalty, see § 50.99

§ 50.04 BUILDING SEWERS AND CONNECTIONS.

(A) *Prohibitions generally.* Building sewer construction shall meet the pertinent requirements of the Minnesota State Building Code, which is those chapters of Minn. Rules referenced in Minn. Rules

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part 1300.0050, as they may be amended from time to time, and the Minnesota Plumbing Code, Minn. Rules Ch. 4715, as it may be amended from time to time. The applicant shall notify the City Clerk-Treasurer when the building sewer and connection is ready for inspection. The connection shall be made under the supervision of the Building Official or the Building Official's representative. If the city does not have a Utilities Superintendent, an licensed installer shall certify that the building sewer and connection comply with the State Building Code. No backfill shall be placed until the work has been inspected and approved, or until the certification has been received.

(B) *Sewer permits.*

(1) There shall be two classes of building sewer permits:

- (a) For residential and commercial service; and
- (b) For service to establishments producing industrial wastes.

(2) In either case, the owner or his or her agent(s) shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the city at the time the application is filed.

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

(D) *Independent building sewer.* A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer. But the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

(E) *Size, slope, and the like.* The size, slope, alignment, and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

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

(G) *Water discharge into sanitary sewer system.*

(1) *Generally.* The discharge of water from any roof, surface, ground, sump pump, footing tile, or swimming pool or other natural precipitation into the city sanitary sewer collection system has the potential to cause damage to residential property and overload the Wastewater Treatment Plant (WWTP). Such damage can be caused by the backup of sewage into the living quarters of residential homes creating a potential health hazard and exceeding the capacity of the WWTP. Therefore, the city finds it essential to the maintenance of health, minimization of damage to property, and to maintain the life and capacity of the WWTP that the provisions of this section be strictly enforced to avoid and minimize these problems in the future.

(2) *Restrictions and definitions.* No water from any roof, surface, ground, sump pump, footing tile, swimming pool, or other natural precipitation shall be discharged into the sanitary sewer collection system. Dwellings, including new housing construction or houses under construction, and other buildings and structures which require, because of the infiltration of water into basements, crawl spaces, and the like, a sump pump system to discharge water shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer collection system. A **PERMANENT INSTALLATION** shall be one which provides for a year-round discharge connection to the city sub-drain/storm sewer system. If there is no sub-drain available, the surface discharge point shall be located no closer than four feet from the curb or as approved by the city. It shall consist of a rigid discharge line inside the structure, without valving or quick connections for altering the path of discharge and, if connected to the city sub-drain/storm sewer line, include a check valve.

(3) *Disconnections ordered.* Any person, firm, or corporation having a roof, surface, ground, sump pump, footing tile, or swimming pool now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove the same. Any disconnects or openings in the sanitary sewer shall be closed or repaired in a manner as approved by the City Engineer or his or her representative.

(4) *Inspections.*

(a) Every person owning improved real estate or contractors/builders who are building a house within the city that discharges into the city's sanitary sewer system or on the ground shall allow an employee of the city or his or her designated representative to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. This requirement may also be met by having the property owner contract with a licensed plumber to perform the inspection. The plumber must inspect the property and the sump pump system and complete and return an inspection form provided by the city documenting the results of the inspection. All costs associated with an inspection by a privately retained plumber shall be the responsibility of the property owner.

(b) Any property owner or contractor/builder of a new home refusing to allow their property to be inspected within 14 days of the date city employees or their designated representatives are denied admittance to the property shall immediately become subject to the daily surcharge noted in § 50.99(B)(4) unless the property owner or contractor/builder of a new home pays the monthly surcharge in lieu of inspection as noted in § 50.99(B)(5). Any owner of property or contractor/house builder found to violate this chapter shall make the necessary changes to comply with the chapter and furnish proof of the changes to the city within one hundred and 120 days from the date the city mailed notice of the violation to the owner or contractor/builder.

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(5) *Future inspections.* At any future time, if the city has reason to suspect that an illegal connection may exist in a premises, the owner, after written notice, shall allow city representatives to inspect the building.

(H) *Conformity.* The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gas-tight and water-tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent or his or her representative before installation.

(I) *Inspections.* The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his or her representative.

(J) *Excavations.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. 40, passed 12-7-1977; Ord. 114, passed 4-12-2007) Penalty, see § 50.99

§ 50.05 USE OF PUBLIC SEWERS.

(A) No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer, except stormwater runoff from limited areas, which stormwater may be polluted and could be discharged to the sanitary sewer by permission of the Superintendent.

(B) Stormwater and other unpolluted drainage shall be discharged to storm sewers or to a natural outlet approved by the Superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged upon approval of the Superintendent to a storm sewer or natural outlet. Discharges to a storm sewer or natural outlet may require a national pollutant discharge elimination system permit.

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

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

(2) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to ensure or interfere with any waste treatment process, constitutes a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant;

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

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders.

(D) (1) The following described substances, materials, water, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process, or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than limitations established in the regulations below if, in his or her opinion, such more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment plant, and other pertinent factors.

(2) The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

(a) Wastewater having a temperature higher than 150°F (65°C);

(b) Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin;

(c) Wastewater from industrial plants and commercial establishments containing floatable oils, fat, or grease;

(d) Any garbage that has not been properly shredded (see § 50.01). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purposes of consumption on the premises or when served by caterers;

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials;

(f) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent;

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

(h) Quantities of flow, concentrations, or both which constitute a slug as defined herein. (See § 50.01);

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(i) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed;

(j) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes; or

(k) Any waste which will cause the District to be in violation of its national pollutant discharge elimination system (NPDRS) permit.

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

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

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

(d) Require payment to cover added cost of handling the wastes not covered by existing taxes or sewer charges.

(2) If the city and/or the District permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the city and the District.

(F) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in division (D)(2)(c) above, 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 a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal 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 Superintendent. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

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

(H) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure 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 accessible and safely located and shall be constructed in accordance with plans approved by the Superintendent and the executive director of the Dover-Eyota, St. Charles Area Sanitary District. The structure shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

(I) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Superintendent and the executive director of the Dover-Eyota, St. Charles Area Sanitary District. Reference is made to 40 C.F.R. pt. 136, Guidelines for Establishing Test Procedures for Analysis of Pollutants, dated October 16, 1973.

(J) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for transport.

(K) Reference is made to the 40 C.F.R. pt. 403, and Federal Guidelines titled "Pretreatment of Pollutants Introduced into Publicly-Owned Treatment Works", as published by the U.S. Environmental Protection Agency, October, 1973.

(Ord. 40, passed 12-7-1977; Ord. 114, passed 4-12-2007) Penalty, see § 50.99

§ 50.06 DESTRUCTION OF STRUCTURES, EQUIPMENT, AND THE LIKE.

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities.

(Ord. 40, passed 12-7-1977) Penalty, see § 50.99

§ 50.07 POWERS AND AUTHORITY OF INSPECTORS.

(A) The Superintendent and other duly authorized employees of the city and the District bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observations, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this chapter.

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

(C) While performing the necessary work on private properties, the Superintendent or duly authorized employees of the city and/or the District shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the

city and/or the District employees and the city and/or the District shall indemnify the company against loss or damage to its property by city and/or District employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 50.08(H).

(D) (1) The Superintendent and other duly authorized employees of the city and/or the District bearing proper credentials and identification shall be permitted to enter all private properties through which the city and/or the District 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.

(2) All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
(Ord. 40, passed 12-7-1977)

§ 50.08 RATES.

(A) Each user of sewer service shall pay a monthly service charge in an amount fixed by the Council by resolution.

(B) The volume rate to be charged shall be per 1,000 gallons of water used and set by resolution.

(C) Each additional or new connection with said sanitary sewer shall be set by the Council.
(Ord. 40, passed 12-7-1977)

§ 50.99 PENALTY.

(A) (1) Any person found to be violating any provision of this chapter, except § 50.06, shall be served by the city with a written notice stating the nature of the violation and providing a maximum of ten days grace; provided, however, that in case of serious danger to public health, or potential damage to the sewer system, a forthwith notice to cease the violation may be served, which notice shall have immediate effect.

(2) Any person who shall continue any violation beyond the time limit provided for in division (A)(1) above, shall be guilty of a misdemeanor offense. Each day in which any such violation occurs shall be deemed to be a separate offense.

(3) Any person violating any of the provisions of this chapter shall become liable to the city and/or the District for any expense, loss, or damage occasioned the city and/or the District by reason of such violation.

(B) Whoever shall violate any provision of § 50.04(G) for which no specific penalty is provided may be punished as set forth below.

(1) Any person found to be violating any provision of § 50.04(G), shall be served by the city with written notice stating the nature of the violation and providing at least 120 days for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in division (B)(1) above shall be guilty of a misdemeanor, and shall be punished as provided by law. Each day in which any such violation occurs shall be deemed a separate offense.

(3) Any person violating any of the provisions of § 50.04(G) shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation. The city will also retain any and all civil remedies including, but not limited to, injunction or abatement actions to remedy a violation.

(4) In addition to the criminal penalties noted above, a civil surcharge may be imposed by invoice and/or added to every sewer billing mailed to property owners or to the contractor/builder of a new house which are found not to be in compliance herein. The surcharge will be levied daily against those properties found not to be in compliance with § 50.04(G) until the property has been certified by the City Engineer or his or her representative that the property is in compliance. The surcharge will be levied against the property owner and/or contractor/builder of a new house on the thirty-first day after notice of the violation has been provided to the owner/contractor/builder. Should an individual who has been notified of noncompliance with, and has corrected that noncompliance, be found out of compliance with § 50.04(G) a second time, will be subject to a fine, as set out by the city, per day commencing upon the day he or she is found to be in noncompliance. There shall be no grace period for bringing the system into compliance.

(5) A property owner or the contractor/builder of a new home can pay a monthly surcharge as set out by the city in order to avoid a viewing of the property to determine if the property is engaged in an illegal discharge into the sanitary sewer system. This surcharge shall commence on the first day of the month following the month when either the property owner or contractor/builder provides written notice to the city of their intent to act pursuant to this provision or 30 days after the city provides written notice to the property owner or contractor/builder of the need to permit access for inspection and the property owner or builder/contractor fails to permit inspection regardless of whether written notice is given to the city. This surcharge shall continue to accrue as long as the property owner or contractor/builder continues to own the property without providing the information noted above. This surcharge is intended to offset the added cost associated with having the wastewater treatment facility process clear water unnecessarily when the status of a property's connection to the sanitary sewer system cannot be ascertained.

(C) Any person violating § 50.06 shall be subject to immediate arrest under charge of disorderly conduct.

(Ord. 40, passed 12-7-1977; Ord. 114, passed 4-12-2007; Ord. 127, passed 1-12-2012)

CHAPTER 51: WATER

Section

General Provisions

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- 51.32 Water system check valves
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- 51.34 Authorized employees to turn water on and off
- 51.35 Use of water from fire hydrants; temporary connections
- 51.36 Water deficiency, shut off and use restrictions

Cross-reference:

Sewers, see Ch. 50

Subdivisions, see Ch. 152

Zoning, see Ch. 153

GENERAL PROVISIONS**§ 51.01 WATER RENTAL.**

For the purpose of providing funds to pay for the operation, repair, additional construction, and administrative expenses of the city municipal water system, a water rental is hereby levied and assessed against each lot, parcel of land, building, or premises situated in the corporate limits of the city, now, or hereafter having any connection with the municipal water system of said city, either directly or indirectly.

(Ord. 17-3, passed 4-2-1969)

§ 51.02 RATES.

(A) *Rates generally.* For the purposes as provided in § 51.01, there is hereby levied and assessed against each lot, parcel of land, building, or premises having a connection with the municipal water system of said city, whether directly or indirectly, a water service charge or rental payable as hereinafter provided, and in an amount fixed and determined as follows.

(1) The volume rate to be charged shall be per 1,000 gallons used and set by resolution.

(2) A flat charge shall be made against each business occupying a structure or portion thereof, and against each family occupying a multiple-dwelling unit.

(3) A 10% late fee will be charged after the twentieth day of the month if payment has not been made.

(4) No more than one housing unit or building shall be supplied from one service connection except by permission of City Council. Each unit served shall have a separate water meter.

(5) In all cases in which multiple business or multiple-family units occupy a building, the owner shall be sent a bill of the water rental charges, and a copy thereof shall be sent to the individual business or the individual family units of said premises upon request. Should notices be sent in any other manner than herein provided, a request therefor shall be delivered to the City Council in writing, and said writing placed on file.

(6) In all cases where a tenant fails to pay the water service charge, the land owner shall be responsible for the payment thereof.

(B) *Future rates.* Future rate changes and additions to the water supply system shall be established by resolution of the City Council, and users shall be notified, via their utility bill, as to these changes at least 60 days in advance of same.

(Ord. 17-3, passed 4-2-1969; Ord. 66, passed 4-17-1991)

§ 51.03 PAYMENT AND COLLECTION.

(A) The rental rates or charges set forth herein shall be payable on the twentieth of the month. If such rental charge as herein set forth is not paid for which said charge is due and payable, the City Clerk-Treasurer may certify the same to the County Auditor who shall collect the same, and the collection thereof enforced in the same manner in all respects as county and state taxes, and said water rental charge shall be added to said taxes, subject to like penalty, cost, and interest, just as said state and county taxes. The County Treasurer shall, when said water rental charges are collected by him or her, forthwith pay them to the City Clerk-Treasurer.

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

(1) That all bills are due and payable on or before the date set forth on the bill;

(2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(C) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(D) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a reconnection charge as set by Council.

(Ord. 17-3, passed 4-2-1969)

§ 51.04 ENTER UPON PREMISES.

The City Council or its duly authorized representative shall have the right and privilege of entering in or upon any premises from which connection is made to its water system for the purpose of inspection relative to the connection and use of said water system, and water therefrom, at all reasonable hours.

(Ord. 17-3, passed 4-2-1969)

§ 51.05 EXTENSIONS TO NEW DEVELOPMENTS.

The total costs of extending sewer and water mains to new developments shall not be the responsibility of the city, but rather, the owner shall assume and pay for all costs incurred.
(Ord. 17-3, passed 4-2-1969)

INSTALLATION AND MAINTENANCE OF CITY-OWNED WATER METERS**§ 51.20 APPLICATION FOR SERVICE.**

Any person desiring a connection with the water system of this city shall apply therefor on a form provided by the city. Such application shall state a description of the property to be served and the uses to which the water is to be put.
(Ord. 17-4, passed 4-2-1969)

§ 51.21 CONSIDERATION FOR APPLICATION.

The City Council shall pass upon and accept or reject the application. No application will be accepted unless the property where the service is desired abuts on a street or alley where there is already installed a water main from which the service desired may be secured,
(Ord. 17-4, passed 4-2-1969)

§ 51.22 ALL SERVICE TO BE METERED.

All water shall be measured by meters furnished by the city for that purpose, unless the Council shall otherwise determine.
(Ord. 17-4, passed 4-2-1969)

§ 51.23 SEPARATE CONNECTION FOR EACH PREMISES.

Unless special permission is granted by the Council, each premises shall have a separate and distinct service connection, and where permission is granted for branch service system, each must have its own separate meter and separate switch or curb cock, as the case may be.
(Ord. 17-4, passed 4-2-1969)

§ 51.24 COST OF INSTALLATION.

Any person desiring a connection with the water system shall pay to the Clerk-Treasurer a Water Works Improvement Fund charge. The cost of installation of all plumbing from the property line to the point of use by the consumer, as well as all repairs to the same, shall be borne entirely by the consumer.

All plumbing shall, at all reasonable times, be subject to inspection by the duly authorized representative of the City Council. Any repairs found to be necessary by such representative shall be made promptly or the city will discontinue service.

(Ord. 17-4, passed 4-2-1969)

§ 51.25 METERS TO BE CITY OWNED.

Every water meter shall be owned and maintained by the city. The consumer shall pay the city for the initial meter.

(Ord. 17-4, passed 4-2-1969)

§ 51.26 TESTING.

If, at any time, the consumer desires to have the meter tested for accuracy, the city shall test such meter, and the test fee shall be charged to the consumer if the meter registers 98% or more accurate on a full flow test, or 90% or more on a slow flow test, which slow flow test shall be one-fourth gallon per minute flow. If the meter registers less than the percentages as herein set forth, whether full flow or slow flow, no fee shall be charged, and the meter shall be replaced or repaired by the city at no cost to the consumer, except as provided for in § 51.27.

(Ord. 17-4, passed 4-2-1969)

§ 51.27 DAMAGING METERS PROHIBITED.

No person shall damage or knowingly or negligently permit damage to be done to a water meter on his or her premises or elsewhere. Any person damaging any such meter or knowingly or negligently permitting the same to be damaged, shall pay all cost of making the required repairs to said meter upon demand, therefore, by the City Council. Damage from freezing shall be presumed to be due to the negligence of the consumer.

(Ord. 17-4, passed 4-2-1969) Penalty, see § 10.99

§ 51.28 USE OF WATER WITHOUT AUTHORITY.

It shall be unlawful for any person to use water from any premises without the consent of the owner. No person, except the consumer regularly supplied, shall draw water except through a meter installed by the city. No person, except an authorized representative of the city, shall turn on or off or tamper with any curb cock.

(Ord. 17-4, passed 4-2-1969) Penalty, see § 51.99

§ 51.29 DEFECTIVE SERVICE.

All claims for defective service shall be in writing and filed with the City Clerk-Treasurer within 30 days of the discovery of such defective service, or deemed waived by the claimant. It shall be the

duty of the Council to have every such claim investigated and an amount to be refunded determined by reason of such defective service. When the amount has been set and approved by the City Council, the same shall be refunded to the consumer in cash.

(Ord. 17-4, passed 4-2-1969)

§ 51.30 DISCONTINUANCE OF SERVICE.

The city reserves the right to discontinue service to any or all consumers of the water system without notice, when necessary, for repairs, or for nonpayment of bills, or for disregard of rules and regulations affecting utility service. When service has been discontinued for nonpayment of bills or for disregard of regulations, it shall not be resumed except upon payment of the bills, full compliance with the regulation, and the payment to the Clerk-Treasurer for turning service on again.

(Ord. 17-4, passed 4-2-1969)

§ 51.31 WATER SYSTEM CURB STOP AND WASTE COCKS.

There shall be a curb cock in every service line attached to the water mains, the same to be placed as near as possible to the curb, if on a street, or within one foot of the alley line if the main is located in the alley. Curb cocks shall be supplied with strong and suitable "T" handles, and shall be enclosed in a substantial iron case covered with a tight fitting iron lid, with the letter "W" cast upon it. There shall be one or more stop and waste cocks attached to every supply pipe, at some point between the curb cock and the meter, so that the water can be shut off, and the meter and the house plumbing entirely drained. There shall be another such stop and waste cock in the pipe on the house side of the meter.

(Ord. 17-4, passed 4-2-1969)

§ 51.32 WATER SYSTEM CHECK VALVES.

Check valves are hereby required on all water connections to steam boilers or on any other connections deemed by the Superintendent of Utilities to require one. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of 50 pounds per square inch.

(Ord. 17-4, passed 4-2-1969)

§ 51.33 CONSENT TO REGULATIONS.

Every person applying for water service from the city system, and every owner of property for which such application is made, shall be deemed by such application to consent to all the rules, regulations, or rates duly adopted.

(Ord. 17-4, passed 4-2-1969)

§ 51.34 AUTHORIZED EMPLOYEES TO TURN WATER ON AND OFF.

No person, except an authorized city employee, shall turn on or off any water supply at the curb

stop box.

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

(A) *Use of fire hydrants.* Except for extinguishment of fires, no person, unless authorized by the Public Works Director or Public Utilities Department, shall operate fire hydrants or interfere in any way with the water system without first obtaining a permit to do so from the city as follows.

(1) Authorization to use a fire hydrant shall be required for each individual job or contract as the city shall determine.

(2) The user shall make an advance cash deposit to guarantee payment for water used and to cover breakage and damage to the hydrant and meter, which shall be refunded upon expiration of the permit, less applicable charges for use.

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

(4) The user shall pay a rental charge as established by the city for each day including Sundays and legal holidays, and a fee as established by the Ordinance Establishing Fees and Charges adopted pursuant by the city, as that ordinance may be amended from time to time, for each 1,000 gallons of water used.

(5) Connections to a public water supply to fill tankers must follow backflow prevention standards. The connection will have a reduced pressure zone backflow device.

(B) *Temporary connection to fire hydrants.* An owner of a private water system may make a temporary above ground connection to a fire hydrant, subject to the time periods, conditions, and payments. In addition, the method of connection to the private system shall conform to all existing requirements of this chapter and city ordinance and the type of meter used shall meet the approval of the Utilities Superintendent.

§ 51.36 WATER DEFICIENCY, SHUT OFF AND USE RESTRICTIONS.

(A) *Generally.* The city shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections or from any other cause whatsoever. In case of fire, or alarm of fire, or in making repairs of construction of new works, water may be shut off without notice at any time and kept off as long as necessary. In addition, the City Council shall have the right to impose reasonable restrictions on the use of the city water system in emergency situations. For non-payment of charges, water service may be discontinued.

(B) *Restricted hours.* Whenever the Council determines that a shortage of water supply threatens the city, it may, by resolution, limit the times and hours during which city water may be used for sprinkling, irrigation, car washing, air condition, or other specified uses. After publication of the

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resolution, no person shall use, or permit water to be used, in violation of the resolution, and any customer who does so shall be charged a fee set by resolution of the Council for each day of violation and the charge shall be added to his or her next water bill. If the emergency requires immediate compliance with terms of the resolution, the Council may provide for the delivery of a copy of the resolution to the premises of each customer, and any customer who has received such notice and thereafter uses or permits water to be used in violation of the resolution shall be subject to the charge provided above. Continued violation shall be cause for discontinuance of water service.

CHAPTER 52: GARBAGE AND RUBBISH

Section

- 52.01 Effectiveness
- 52.02 Definitions
- 52.03 Sanitation collection service required
- 52.04 Container required; placement
- 52.05 Meddling with trash receptacles prohibited
- 52.06 Containers to be kept sanitary and secure
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- 52.08 Sanitation service: city options.
- 52.09 Removal of building materials
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- 52.11 Nonresidential customers; container types; collection schedules
- 52.12 Manner of collection and transportation
- 52.13 Licensing for collection
- 52.14 Collection of leaves, trees or tree limbs

§ 52.01 EFFECTIVENESS.

The provisions of this chapter are not effective until the City Council has complied with the notice and hearing requirements of M.S. § 115A.94, as it may be amended from time to time.

§ 52.02 DEFINITIONS.

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

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

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

§ 52.03 SANITATION COLLECTION SERVICE REQUIRED.

Every person owning, managing, operating, leasing or renting any premises or any place where garbage or rubbish accumulates shall subscribe to a sanitation collection service.

Penalty, see § 10.99

§ 52.04 CONTAINER REQUIRED; PLACEMENT.

(A) It shall be the duty of every person whose garbage and refuse is collected by the sanitation collection service to provide a container or containers for garbage and refuse, sufficient in size and number to accommodate and securely keep all garbage and refuse that may accumulate between collections. Garbage containers shall be watertight and constructed of a solid and durable grade of metal, plastic, or paper material.

(B) It shall be the duty of every person whose garbage and refuse is collected by the sanitation collection service to place their garbage containers directly behind the curblin of the street abutting their property or in the absence of a curb directly behind the ditch line abutting their property. In no event shall containers be placed in the street or on the sidewalk or in any manner placed where the containers will interfere with vehicular or pedestrian traffic. It shall be the responsibility of the subscriber to place the containers no earlier than 6:00 p.m. of the afternoon preceding the collection day.

Penalty, see § 10.99

§ 52.05 MEDDLING WITH TRASH RECEPTACLES PROHIBITED.

(A) It shall be unlawful to meddle with garbage cans, trash or rubbish receptacles or in any way pilfer, search or scatter contents of garbage cans or rubbish receptacles in or upon any street or alley within the city limits.

(B) This section shall not apply to persons authorized by the city or persons authorized by state or federal law to search or otherwise meddle with trash receptacles.

Penalty, see § 10.99

§ 52.06 CONTAINERS TO BE KEPT SANITARY AND SECURE.

All containers shall be kept clean and free from accumulation of any substance remaining attached to the inside of the container which would attract or breed flies, mosquitoes, or other insects. The area surrounding garbage containers shall be maintained in a clean and sanitary condition. The contents of all receptacles shall be protected so that the wind cannot scatter the contents over the streets, alleys or other property within the city. All containers shall be securely closed in a manner as to prevent the scattering of the contents and to make them inaccessible to insects, rodents and other animals.

Penalty, see § 10.99

§ 52.07 UNAUTHORIZED PRIVATE COLLECTIONS PROHIBITED.

(A) It shall be unlawful for any person to transport garbage or refuse for hire which has been collected from any premises within the city over any public street within the city.

(B) This section shall not apply to any person who at the time of the activity is operating under a valid contract or franchise granted by the city which authorizes that person to use the public streets to conduct that activity.

Penalty, see § 10.99

§ 52.08 SANITATION SERVICE: CITY OPTIONS.

The City Council may provide for sanitation collection services within the city by use of city employees and vehicles, or it may grant licenses under the terms and conditions of § 52.13, or it may contract with one or more contractors for the provision of these services under the terms and conditions negotiated with the contractors, except that the provisions for insurance under § 52.13(E) shall always apply. Where the city provides for collection by use of city employees and city vehicles, the city shall establish a price structure consistent with § 52.13(I) except as provided by M.S. § 115A.9301 subd. 3, as it may be amended from time to time.

§ 52.09 REMOVAL OF BUILDING MATERIALS.

Waste from building operations, rock waste, building materials or other refuse resulting from building or remodeling operations or resulting from a general cleanup of vacant or improved property shall be removed by the building contractor, owner or occupant of the building at his or her own expense. It shall be unlawful for any person to place those materials in any dumpster or other trash receptacle for disposal by the city or any agent or contractor of the city.

Penalty, see § 10.99

§ 52.10 PROHIBITED ACTS.

(A) It shall be unlawful for any person to sweep, throw or deposit any garbage, trash, debris, stagnant water or dead animal into, upon or along any public property or private property of another, except as may be specifically provided by this chapter.

(B) It shall be unlawful for any person owning or otherwise in control of any premises within the city to permit any of the conditions described in division (A) to exist upon property owned or controlled by him or her after having actual or constructive notice thereof.

(C) It shall be unlawful for any person to place in any container any material other than as specifically provided in this chapter.

(D) It shall be unlawful for any person to deposit or maintain garbage or trash except as provided for by this chapter.

(E) It shall be unlawful for any person to deposit any burning match, charcoal, ember, or other material in any container used for the disposal of garbage.

Penalty, see § 10.99

§ 52.11 NONRESIDENTIAL CUSTOMERS; CONTAINER TYPES; COLLECTION SCHEDULES.

(A) It shall be the duty of the owner or person otherwise in charge of multi-family, institutional or industrial premises within the city to cause all garbage and trash accumulated on the premises to be placed in disposable containers, or commercial-type containers. Commercial-type containers may be used and may be placed at a location on the premises as arranged between the customer and the collector, but subject to review by the city at any time.

(B) Disposable containers shall be placed at a location on the premises which is readily accessible to the collector.

(C) (1) The amount and character of garbage shall be considered in establishing size of commercial containers and frequency of pickup. The city shall have final authority to establish the size and frequency based on the history of amount and type of garbage generated by the customer.

(2) The collection and removal of garbage and trash from premises used for commercial, institutional, or industrial purposes shall be made as often as necessary in order to maintain the premises free of accumulations. Garbage, except dry trash in contractor-supplied containers, shall be collected not less than one time each week, except for roll-off containers which shall not be subject to this provision so long as they are used solely for brush and dry trash.

Penalty, see § 10.99

§ 52.12 MANNER OF COLLECTION AND TRANSPORTATION.

(A) The collection, removal and disposal of all garbage, trash and brush shall be carried on in a systematic, efficient manner to keep the city in a clean and sanitary condition.

(B) All vehicles used for the collection and transportation of garbage and trash shall be equipped with suitable covers which shall be used to prevent blowing or scattering of refuse while garbage and trash are being transported for disposal.

Penalty, see § 10.99

§ 52.13 LICENSING FOR COLLECTION.

(A) *Purpose.* In order to provide for a continuous system of refuse collection and disposal in a manner which meets the needs and conveniences of the residents of the city and in order to protect the area from the problems of uncoordinated, unsanitary and improper solid waste disposal, the City Council may determine that it is in the best interests of the residents of the city to require licenses of persons collecting or hauling garbage and rubbish for hire, reserving to the city the right and authority

to contract with one or more operators to provide these services.

(B) *Licensing.* No person may collect or haul garbage or rubbish within the city without first obtaining a written license from the City Council. An application for a license shall be submitted in writing to the City Clerk, and shall contain the following information:

- (1) Name and address of the applicant;
- (2) Description of the equipment which will be used within the city by the applicant;
- (3) A schedule of the rate that will be charged by the applicant for the various categories of customers within the city;
- (4) Evidence of compliance with the other applicable sections of this chapter.

(C) *Franchise.* The City Council may exercise its reserved right to contract with one or more operators for the collection of garbage and rubbish within the city.

(D) *Suspension of license or contract.* A contract or license issued under the provisions of this section may be revoked or suspended for a violation of this chapter or other applicable regulations of law upon a showing that the contractor or licensee has failed to comply with that regulation.

(E) *Financial responsibility.* The licensee or contractor shall show financial responsibility or a certificate of insurance coverage prior to obtaining the license or franchise whereby each vehicle to be used by the licensee or contractor shall be covered against loss or injury in the following amounts: \$500,000 when the claim is one for death by wrongful act or omission and \$500,000 to any claimant in any other case; \$1,500,000 for any number of claims arising out of a single occurrence. The licensee or contractor shall hold the city harmless and agrees to defend and indemnify the city, and the city's employees and agents, for any claims, damages, losses, and expenses related to the work under the license or contract. The city shall be named as an additional insured under that insurance for the services provided under the license or contract. The licensee's or contractor's insurance shall be the primary insurance for the city and the licensee or contractor shall provide a certificate of insurance on the city's approved form which verifies the existence of the insurance required, including provisions to hold the city harmless and defend and indemnify the city. The licensee or contractor shall also provide evidence of workers compensation insurance for employees. These insurance policies shall be for the full term of the license or franchise and shall provide for the giving of ten days prior notice to the city of the termination or cancellation of these policies. In case any policies are terminated or cancelled, the license or contract shall be automatically revoked upon receipt by the City Clerk-Treasurer of the termination or cancellation.

(F) *Design of equipment.* All trucks or motor vehicles used by the licensee or contractor shall be water-tight so as not to allow the leakage of liquids or refuse while hauling the same and shall be covered with a covering to prevent the scattering of its contents upon the public streets or private properties in the city.

(G) *Inspections.* All vehicles used for garbage or rubbish shall be made available for inspection within the city at the times and places as the City Council may designate.

(H) *Bond.* The contractor or licensee may be required to furnish a surety bond in an amount as the City Council deems necessary running to and approved by the City Council, guaranteeing the franchisee's or licensee's faithful and continuous performance of the terms of the franchise, license or contract and of this chapter.

(I) *Licensee requirements.*

(1) Licensees must impose charges for the collection of garbage or rubbish consistent with M.S. § 115A.93 subd. 3, as it may be amended from time to time, that increase with the volume or weight of the garbage or rubbish collected.

(2) Licensees must not impose any additional charges on customers who recycle.

(3) Where a licensee imposes charges by volume instead of weight, the licensee must establish a base unit size for an average small quantity household and offer a multiple pricing system that ensures that the amounts of waste generated in excess of the base unit amount are priced higher than the base unit price.

§ 52.14 COLLECTION OF LEAVES, TREES OR TREE LIMBS.

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