

TITLE 5: PUBLIC WORKS

Chapter

50. SEWER REGULATIONS

51. WATER REGULATIONS

52. GARBAGE AND RUBBISH

53. RATES AND CHARGES

54. WATER CONSERVATION RESTRICTIONS

Section

General Provisions
CHAPTER 50: SEWER REGULATIONS

- 50.001 Definitions
- 50.002 Control of sewers; administration of chapter
- 50.003 Building sewers; general requirements
- 50.004 Tampering with wastewater facilities
- 50.005 Cost of repairing or restoring sewers

General Regulations

- 50.015 Deposits in unsanitary manner prohibited
- 50.016 Discharge of wastewater or other polluted waters
- 50.017 Restrictions on wastewater disposal facilities
- 50.018 Installation of service connection to public sewer

Private Wastewater Disposal

- 50.035 Public sewer not available
- 50.036 Permits
- 50.037 Type, capacities, location and layout
- 50.038 Direct connection required
- 50.039 Operation and maintenance by owner
- 50.040 Application of subchapter

Building Sewers and Connections

- 50.055 Restrictions on new connections
- 50.056 Building sewer permits
- 50.057 Costs and expenses
- 50.058 Separate building sewers required
- 50.059 Old building sewers; restrictions on use
- 50.060 Conformance to State Building and Plumbing Code requirements
- 50.061 Elevation below basement floor
- 50.062 Surface runoff or groundwater connections prohibited
- 50.063 Excavations
- 50.064 Licenses

Eyota - Public Works*Use of Public Services*

- 50.080 Discharges of unpolluted water
- 50.081 Discharges of waters or wastes
- 50.082 Limited discharges
- 50.083 Discharges hazardous to life or constitute public nuisances
- 50.084 Increasing use of process water
- 50.085 Pretreatment of flow-equalizing facilities
- 50.086 Grease, oil and sand interceptors
- 50.087 Industrial wastes; installations
- 50.088 Industrial wastes; requirements
- 50.089 Measurements, tests and analyses of waters and wastes
- 50.090 Protection from accidental discharge of prohibited materials
- 50.091 Permitting substance or matter to flow or pass into public sewers
- 50.092 Repairing service connection
- 50.093 Catch basin or waste traps required for motor vehicle washing or servicing facilities
- 50.094 Special agreement and arrangement

User Rate Schedule for Charges

- 50.110 Charges generally
- 50.111 Purpose
- 50.112 Definitions
- 50.113 Rates

Powers and Authority of Inspectors

- 50.130 Authorized employees permitted to enter all properties
- 50.131 Authorized employees obtaining information for industrial processes
- 50.132 Authorized employees to observe safety rules
- 50.133 Authorized employees permitted to enter all property with easements

- 50.999 Penalty

GENERAL PROVISIONS

§ 50.001 DEFINITIONS.

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

ACT. The Federal Water Pollution Control Act, also referred to as the Clean Water Act, being 33 USC 1251 et seq., as amended.

ASTM. American Society for Testing Materials.

AUTHORITY. This city or its representative thereof.

BIOCHEMICAL OXYGEN DEMAND (BOD₅). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in terms of milligrams per liter (mg/l).

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

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

CONTROL MANHOLE. A structure specially constructed for the purpose of measuring flow and sampling of wastes.

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

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

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

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

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

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

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

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

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

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

MPCA. The Minnesota Pollution Control Agency.

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

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act (33 USC 1342 and 33 USC 1345).

NATURAL OUTLET. Any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.

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

NORMAL DOMESTIC STRENGTH WASTE. Wastewater that is primarily introduced by residential users with a BOD₅ concentration not greater than 287 mg/l and a suspended solids (TSS) concentration not greater than 287 mg/l.

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

PRETREATMENT. The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works.

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

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

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

(1) **COLLECTION SEWER.** A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.

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

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

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

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

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

SLUG. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

STATE DISPOSAL SYSTEM (SDS) PERMIT. Any permit (including any terms, conditions, and requirements thereof) issued by the MPCA pursuant to M.S. § 115.07, as it may be amended from time to time for a disposal system as defined by M.S. § 115.01 Subd. 5, as it may be amended from time to time.

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

TOXIC POLLUTANT. The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse affects as defined in standards issued pursuant to Section 307(a) of the Act (33 USC 1317(a)).

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

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

UTILITIES SUPERINTENDENT. The person appointed by the City Council to supervise the sewer and water systems of the city.

WASTEWATER. 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 TREATMENT WORKS or TREATMENT WORKS. An arrangement of any devices, facilities, structures, equipment or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from that treatment.

WPCF. The Water Pollution Control Federation.
(Ord. 174, passed 10-22-2020)

§ 50.002 CONTROL OF SEWERS; ADMINISTRATION OF CHAPTER.

The Utilities Superintendent, or other official designated by the City Council shall have control and general supervision of all public sewers and service connections in the city, and shall be responsible for administering the provisions of this chapter to the end that a proper and efficient public sewer is maintained.

(Ord. 174, passed 10-22-2020)

§ 50.003 BUILDING SEWERS; GENERAL REQUIREMENTS.

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 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 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 has adopted the State Building Code. If the city has not adopted the State Building Code, the Utilities Superintendent shall perform the inspection. If the city does not have a Utilities Superintendent, an installer licensed under § 51.064 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.

(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.004 TAMPERING WITH WASTEWATER FACILITIES.

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

(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.005 COST OF REPAIRING OR RESTORING SEWERS.

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

(Ord. 174, passed 10-22-2020)

GENERAL REGULATIONS**§ 50.015 DEPOSITS IN UNSANITARY MANNER PROHIBITED.**

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the city's jurisdiction, any human or animal excrement, garbage or objectionable waste.
(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.016 DISCHARGE OF WASTEWATER OR OTHER POLLUTED WATERS.

It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and the city's NPDES/SDS permit.
(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.017 RESTRICTIONS ON WASTEWATER DISPOSAL FACILITIES.

Except as otherwise provided in this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.
(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.018 INSTALLATION OF SERVICE CONNECTION TO PUBLIC SEWER.

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated within the city and adjacent to any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the city shall be required at the owner's expense to install a suitable service connection to the public sewer in accordance with provisions of this code within 90 days after date of official notice to do so; provided, the 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. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this section, an official ten-day notice shall be served instructing the affected property owner to make the connection.
(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

PRIVATE WASTEWATER DISPOSAL**§ 50.035 PUBLIC SEWER NOT AVAILABLE.**

Where a public sewer is not available under the provisions of § 50.018, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this subchapter and Minn. Rules Ch. 7080, Design Standards for Individual Subsurface Sewage Treatment Systems, as they may be amended from time to time.

(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.036 PERMITS.

(A) *Required.* Prior to commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the city. The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary to the city.

(B) *Inspections.* A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city or its authorized representative. The city or its representative shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the city when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice. The Utilities Superintendent or other duly authorized employees of the city, bearing proper credentials and identification, are authorized, with the permission of the licensee, owner, resident or other person in control of property within the city, to enter all properties for the purpose of inspection in accordance with the provisions of this chapter. If the licensee, owner, resident or other person in control of property within the city does not permit the entrance to the property, the city shall obtain a search warrant as provided for in § 10.20 of this code before entering the property, except in emergency situations.

(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.037 TYPE, CAPACITIES, LOCATION AND LAYOUT.

(A) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of Minn. Rules Ch. 7080, Individual Sewage Treatment Systems Program, as they may be amended from time to time. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(B) *Straight-pipe systems; noncompliance.* A city inspector who discovers the existence of a straight pipe system may issue a noncompliance notice to the owner of the straight-pipe system and

forward a copy of the notice to the Pollution Control Agency. The notice must state that the owner must replace or discontinue the use of the straight pipe system within ten months of receiving the notice. If the owner does not replace or discontinue the use of the straight-pipe system within ten months after the notice was received, the owner of the straight-pipe system shall be subject to a Pollution Control Agency administrative penalty (current allowed amount) per month of noncompliance beyond the ten-month period.

(C) Administrative penalty orders may be issued for violations under this subdivision, as provided in M.S. Chapter 116, as it may be amended from time to time. One-half of the proceeds collected from an administrative penalty order issued for violating this subdivision shall be remitted to the local unit of government with jurisdiction over the noncompliant straight-pipe system.
(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.038 DIRECT CONNECTION REQUIRED.

At the time a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 365 days in compliance with this chapter, and within 365 days any septic tanks, cesspools and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank or pit filled or may be removed.
(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.039 OPERATION AND MAINTENANCE BY OWNER.

The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the city.
(Ord. 174, passed 10-22-2020)

§ 50.040 APPLICATION OF SUBCHAPTER.

No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Minnesota Department of Health.
(Ord. 174, passed 10-22-2020)

BUILDING SEWERS AND CONNECTIONS

§ 50.055 RESTRICTIONS ON NEW CONNECTIONS.

Any new connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including but not limited to capacity for flow, BOD₅ and suspended solids, as determined by the Utilities Superintendent.
(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.056 BUILDING SEWER PERMITS.

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

(B) *Applications.* Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of the building to be connected and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.

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

(D) *Inspection and connection.* The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the Utilities Superintendent or authorized representative thereof.
(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.057 COSTS AND EXPENSES.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.
(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.058 SEPARATE BUILDING SEWERS REQUIRED.

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

(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.059 OLD BUILDING SEWERS; RESTRICTIONS ON USE.

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

(Ord. 174, passed 10-22-2020)

§ 50.060 CONFORMANCE TO STATE BUILDING AND PLUMBING CODE REQUIREMENTS.

(A) The size, slopes, alignment, materials of construction of building sewers and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the State Building and Plumbing Code or other applicable rules and regulations of the city. Cast iron pipe shall be used for a building sewer laid within 50 feet of any well per Minnesota Public Health Department requirements.

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

(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.061 ELEVATION BELOW BASEMENT FLOOR.

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

(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.062 SURFACE RUNOFF OR GROUNDWATER CONNECTIONS PROHIBITED.*(A) 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 § 50.999(C)(4) unless the property owner or contractor/builder of a new home pays the monthly surcharge in lieu of inspection as noted in § 50.999(C)(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.

(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.

(B) *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.

(C) *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.

(D) *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. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.063 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. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.064 LICENSES.

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

Requirement: a person licensed as a plumber by the State of Minnesota, or a person in the ditch installing the pipe who has a card showing that they have completed a program of training that incorporates the Plumbing Code installation requirements, issued by either the Associated Builders and Contractors, Laborers-Employers Cooperation Educational Trust, or Minnesota Utility Contractors Association.

(Ord. 174, passed 10-22-2020)

USE OF PUBLIC SERVICES

§ 50.080 DISCHARGES OF UNPOLLUTED WATER.

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

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

(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.081 DISCHARGES OF WATERS OR WASTES.

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

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

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

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

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system.

(B) A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act (33 USC 1317(a)).
(Ord. 714, passed 10-22-2020) Penalty, see § 50.999

§ 50.082 LIMITED DISCHARGES.

(A) The following described substances, materials, water or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works, treatment process or equipment, will not have an adverse effect on the receiving stream and soil, vegetation and ground water, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Utilities Superintendent may set limitations lower than limitations established in the regulations below if, in his or her opinion, the more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability of wastes, the Utilities Superintendent will give consideration to factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the city's NPDES/SDS permit, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

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

(1) Any wastewater having a temperature greater than 150°F (65.6°C), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104°F (40°C), or having heat in amounts which will inhibit biological activity in the wastewater treatment works resulting in interference therein.

(2) Any wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° F and 150°F (0°C and 65.6°C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not.

(3) Any quantities of flow, concentrations, or both which constitute a slug as defined in § 50.001 of this chapter.

(4) Any garbage not properly shredded, as defined in § 50.001 of this chapter. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food on the premises or when served by caterers.

(5) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.

(6) Any wastewater with objectionable color not removed in the treatment process such as but not limited to dye wastes and vegetable tanning solutions.

(7) Non-contact cooling water or unpolluted storm, drainage or ground water.

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

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

(10) Any waters or wastes containing the following substances to the degree that any material received in the composite wastewater at the wastewater treatment works is detrimental to treatment process, adversely impacts land application, adversely effects receiving waters, or is in violation of standards pursuant to Section 307(b) of the Act (33 USC 1317(b)): arsenic, cadmium, copper, cyanide, lead, mercury, nickel, silver, total chromium, zinc and phenolic compounds which cannot be removed by the city's wastewater treatment system.

(11) Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule, regulation or ordinance of any regulatory agency, or state or federal regulatory body.

(12) Any waters or wastes containing BOD₅ or suspended solids of character and quantity that unusual attention or expense is required to handle the materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of § 50.094. (Ord. 174, passed 10-22-2020)

§ 50.083 DISCHARGES HAZARDOUS TO LIFE OR CONSTITUTE PUBLIC NUISANCES.

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in § 50.082, or which in the judgement of the Utilities Superintendent may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment, receiving waters or soil, vegetation, and ground water, or which otherwise create a hazard to life or constitute a public nuisance, the city and/or the District may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act (33 USC 1317(b)) and all amendments thereof;
- (3) Require control over the quantities and rates of discharge; and
- (4) Require payment to cover the added costs of handling, treating and disposing of wastes not covered by existing taxes or sewer service charges.

(B) If the city and/or the District permits the pretreatment or equalization of waste flows, the design, installation and maintenance of the facilities and equipment shall be made at the owner's expense and shall be subject to the review and approval of the city pursuant to the requirements of the MPCA.

(Ord. 174, passed 10-22-2020)

§ 50.084 INCREASING USE OF PROCESS WATER.

No user shall increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in §§ 50.081 and 50.082, or contained in the National Categorical Pretreatment Standards or any state requirements.

(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.085 PRETREATMENT OR FLOW-EQUALIZING FACILITIES.

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

(Ord. 174, passed 10-22-2020)

§ 50.086 GREASE, OIL AND SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Utilities Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in § 50.082(B)(2), any flammable wastes as specified in § 50.081(A), sand or other harmful ingredients; except that interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Utilities Superintendent. Any removal and hauling of the collecting materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm.
(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.087 INDUSTRIAL WASTES; INSTALLATIONS.

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

(B) The structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the city and 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 the owner to be safe and accessible at all times.
(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.088 INDUSTRIAL WASTES; REQUIREMENTS.

The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the city, be required to provide laboratory measurements, tests or analyses of waters or wastes to illustrate compliance with this chapter and any special condition for discharge established by the city or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the city. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with federal, state and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the city at times and in the manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses and reporting required by the city. At those times as deemed necessary, the city reserves the right to take measurements and supplies for analysis by an independent laboratory.
(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.089 MEASUREMENTS, TESTS AND ANALYSES OF WATERS AND WASTES.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Utilities Superintendent and executive director of the Dover Eyota St. Charles Area Sanitary District.

(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.090 PROTECTION FROM ACCIDENTAL DISCHARGE OF PROHIBITED MATERIALS.

Where required by the city, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this chapter. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Utilities Superintendent for review and approval prior to construction of the facility. Review and approval of the plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. Users shall notify the Utilities Superintendent immediately upon having a slug or accidental enable countermeasures to be taken by the Utilities Superintendent to minimize damage to the wastewater treatment works. The notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the city on account thereof under any state and federal law. Employers shall ensure that all employees who may cause or discover a discharge are advised of the emergency notification procedure.

(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.091 PERMITTING SUBSTANCE OR MATTER TO FLOW OR PASS INTO PUBLIC SEWERS.

No person having charge of any building or other premises which drains into the public sewer shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within 30 days after receipt of written notice from the city, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same, and perform other work as the Utilities Superintendent may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of 30 days, the Utilities Superintendent may cause the work to be completed at the expense of the owner or representative thereof.

(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.092 REPAIRING SERVICE CONNECTION.

Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause the work to be done as the Utilities Superintendent may direct. Each day after 30 days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Utilities Superintendent may then cause the work to be done, and recover from the owner or agent the expense thereof by an action in the name of the city.

(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.093 CATCH BASIN OR WASTE TRAPS REQUIRED FOR MOTOR VEHICLE WASHING OR SERVICING FACILITIES.

The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times a catch basin or waste trap in the building drain system to prevent grease, oil, dirt or any mineral deposit from entering the public sewer system.

(Ord. 174, passed 10-22-2020) Penalty, see § 50.999

§ 50.094 SPECIAL AGREEMENT AND ARRANGEMENT.

No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern; provided, that National Categorical Pretreatment Standards and the city's NPDES/SDS Permit limitations are not violated.

(Ord. 174, passed 10-22-2020)

USER RATE SCHEDULE FOR CHARGES

§ 50.110 CHARGES GENERALLY.

Each user of sewer service shall pay the charges applicable to the type of service, and in accordance with the provisions set forth in this subchapter.

(Ord. 174, passed 10-22-2020)

§ 50.111 PURPOSE.

The purpose of the subchapter is to provide for sewer service charges to recover costs associated with operation, maintenance and replacement to ensure effective functioning of the city's wastewater treatment system, and local capital costs incurred in the construction of the city's wastewater treatment system.

(Ord. 174, passed 10-22-2020)

§ 50.112 DEFINITIONS.

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

ADMINISTRATION. Those fixed costs attributable to administration of the wastewater treatment works such as billing and associated bookkeeping and accounting costs.

CITY. The area within the corporate boundaries of the city as presently established or as amended by ordinance or other legal actions at a future time. When used herein the term **CITY** may also refer to the City Council or its authorized representative.

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

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

INDUSTRIAL USERS or INDUSTRIES.

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

Division A. Agriculture, forestry and fishing;

Division B. Mining;

Division D. Manufacturing;

Division E. Transportation, communications, electric, gas, and sanitary sewers;

Division I. Services.

(b) For the purpose of this definition, domestic waste shall be considered to have the following characteristics: BOD₅ - less than 287 mg/l; Suspended solids - less than 287 mg/l.

(2) Any 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.

OPERATION AND MAINTENANCE. Activities required to provide for the dependable and economical functioning of the treatment works, throughout the design or useful life, whichever is longer of the treatment works, and at the level of performance for which the treatment works were constructed. The term includes **REPLACEMENT**.

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

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

REPLACEMENT COSTS. Expenditures for replacement.

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

SEWER SERVICE CHARGE. The aggregate of all charges, including charges for operation, maintenance, replacement, debt service, and other sewer related charges that are billed periodically to users of the city's wastewater treatment facilities.

SEWER SERVICE FUND. A fund into which income from sewer service charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditure of the sewer service fund will be for operation, maintenance and replacement costs and to retire debt incurred through capital expenditure for wastewater treatment.

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

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

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

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

WASTEWATER TREATMENT WORKS or TREATMENT WORKS. An arrangement of any devices, facilities, structures, equipment or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from the treatment.
(Ord. 174, passed 10-22-2020)

§ 50.113 RATES.

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

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

(C) Each additional or new connection with said sanitary sewer shall be set by the Council. New connection fees due to the District are set by the District.
(Ord. 174, passed 10-22-2020)

POWERS AND AUTHORITY OF INSPECTORS

§ 50.130 AUTHORIZED EMPLOYEES PERMITTED TO ENTER ALL PROPERTIES.

The Utilities Superintendent or other duly authorized employees of the city and the District, bearing proper credentials and identification, are authorized, with the permission of the licensee, owner, resident or other person in control of property within the city, to enter all properties for the purpose of inspection, observations, measurement, sampling and testing pertinent to the discharges to the city's sewer system in accordance with the provisions of this chapter. If the licensee, owner, resident or other person in control of property within the city does not permit the entrance to the property, the city shall obtain an administrative search warrant as provided for in § 10.20 before entering the property, except in emergency situations.
(Ord. 174, passed 10-22-2020)

§ 50.131 AUTHORIZED EMPLOYEES OBTAINING INFORMATION FOR INDUSTRIAL PROCESSES.

The Utilities Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential; however, the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
(Ord. 174, passed 10-22-2020)

§ 50.132 AUTHORIZED EMPLOYEES TO OBSERVE SAFETY RULES.

While performing necessary work on private properties, the Utilities 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 property owner shall be held harmless for injury or death to the city employees and the city and/or the District shall indemnify the property owner 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 may be caused by negligence or failure of the company to maintain safe conditions as required in § 50.087.
(Ord. 174, passed 10-22-2020)

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

The Utilities Superintendent or 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 the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 174, passed 10-22-2020)

§ 50.999 PENALTY.

(A) (1) Any person found to be violating any provisions of §§ 50.001 through 50.094 and §§ 50.130 through 50.133 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in division (A) of this section shall be punished as provided in § 10.99. Each day in which any violation occurs shall be deemed as a separate offense.

(3) Any person violating any of the provisions of §§ 50.001 through 50.094 and §§ 50.130 through 50.133 shall become liable to the city for any expense, loss or damage occasioned by the city by reason of that violation.

(B) (1) Each and every sewer service charge levied by and pursuant to §§ 50.110 through 50.113 is made a lien upon the lot or premises served, and all charges which are on October 31 of each year past due and delinquent shall be certified to the County Auditor by November 29, for collection as provided for in Chapter 54. Nothing in §§ 50.110 through § 50.113 shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected any delinquent or past due sewer service charges.

(2) As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect amounts as are delinquent and due against the occupant, owner or user of the real estate, and shall collect as well all attorney's fees incurred by the city in filing the civil action. Attorney's fees shall be fixed by order of the court.

(3) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate of 8% per annum.

(C) Whoever shall violate any provision of § 50.062 for which no specific penalty is provided may be punished as set forth below.

(1) Any person found to be violating any provision of § 50.062, 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 (C)(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 § 50.062 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 § 50.062(A)(4)(b) 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 § 50.062(A)(4)(b) 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.

(Ord. 174, passed 10-22-2020)

Section

General Provisions
CHAPTER 51: WATER REGULATIONS

- 51.01 General operation
- 51.02 Use of water service
- 51.03 Use to circumvent chapter prohibited
- 51.04 Damage to water system
- 51.05 Connections beyond city boundaries
- 51.06 Connection to system required
- 51.07 Use of water for air conditioning; permits
- 51.08 Use of water from fire hydrants; temporary connections
- 51.09 Water deficiency, shut off and use restrictions

Water Regulations

- 51.25 Supply from one service
- 51.26 Tapping of mains restricted
- 51.27 Repairs
- 51.28 Abandoned or unused services
- 51.29 Disconnection
- 51.30 Service pipes
- 51.31 Excavation and construction requirements
- 51.32 Connection to other water supplies restricted
- 51.33 Water connections; applications and charges
- 51.34 Location of curb stop box
- 51.35 Water meters

Rates and Charges

- 51.50 Extensions to new developments
- 51.51 Cost of installation
- 51.52 Rates, fees and charges generally
- 51.53 Water service billing; change of address
- 51.54 Water rates
- 51.55 Payment of charges; late payment; collection

Administration and Enforcement

- 51.70 Supervision by Utilities Superintendent; licensing
- 51.71 Powers and authority of inspectors
- 51.72 Discontinuance of service
- 51.73 Authorized employees to turn water on and off
- 51.74 Liability for expense, loss or damage

51.99 Penalty

Cross-reference:

Sewer regulations, see Ch. 50

Subdivisions, see Ch. 152

Zoning, see Ch. 153

GENERAL PROVISIONS**§ 51.01 GENERAL OPERATION.**

The city does hereby make provision for the establishment of a municipal water system (hereinafter called the water system) to be operated as a public utility.
(Ord. 175, passed 10-22-2020)

§ 51.02 USE OF WATER SERVICE.

No person other than a city employee shall uncover or make or use any water service installation connected to the city water system except in the manner provided by this chapter. No person shall make or use any installation contrary to the regulatory provisions of this chapter.
(Ord. 175, passed 10-22-2020) Penalty, see § 51.99

§ 51.03 USE TO CIRCUMVENT CHAPTER PROHIBITED.

No person shall permit water from the water system to be used for any purpose to circumvent this chapter.
(Ord. 175, passed 10-22-2020) Penalty, see § 51.99

§ 51.04 DAMAGE TO WATER SYSTEM.

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

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

(Ord. 175, passed 10-22-2020) Penalty, see § 51.99

§ 51.05 CONNECTIONS BEYOND CITY BOUNDARIES.

Water service pipe connections with the water mains of the city, intended to service areas outside the corporate limits of the city are not allowed.

(Ord. 175, passed 10-22-2020) Penalty, see § 51.99

§ 51.06 CONNECTION TO SYSTEM REQUIRED.

(A) Except where municipal water is not available, it shall be unlawful to construct, reconstruct, or repair any private water system which is designed or intended to provide water for human consumption. Private wells, to provide water for other than human consumption, may be constructed, maintained and continued in use after connection is made to the water system; provided, there is no means of cross-connection between the private well and municipal water supply at any time. Hose bibbs that will enable the cross-connection of the two systems are prohibited on internal piping of the well system supply. Where both private and city systems are in use, outside hose bibbs shall not be installed on both systems.

(B) All new homes or buildings shall connect to the municipal water system if water is available to the property. At the time as municipal water becomes available to existing homes or buildings, a direct connection shall be made to the public system within a period of time as determined by the City Council. If the connection is not made pursuant to this chapter, a charge shall be made in an amount established by § 51.52.

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

(D) If a pre-existing well is not to be used after the time a municipal water connection is made:

(1) Within 30 days after the municipal water connection is made, the owner or occupant must advise the City Utilities Superintendent that the well has been sealed.

(2) Notwithstanding the foregoing, all well abandonment shall be done in accordance with M.S. §§ 103I.301 to 103I.345 and Minn. Rules Ch. 4725, Wells and Borings, as it may be amended from time to time. Well abandonment shall also be done in accordance with Olmsted County regulations, as they may be amended from time to time. All well sealing shall be performed by a professional licensed well driller trained in well abandonment.
(Ord. 175, passed 10-22-2020) Penalty, see § 51.99

§ 51.07 USE OF WATER FOR AIR CONDITIONING; PERMITS.

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

(B) Permits shall be required for the installation of all air conditioning systems to the public water system. The fee shall be established pursuant to § 51.52.
(Ord. 175, passed 10-22-2020) Penalty, see § 51.99

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

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 permission to do so from the city as follows:

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

(B) The user shall pay bulk water charges as established pursuant to § 51.52 as may be amended from time to time for each 1,000 gallons of water used.

(C) Connections to a public water supply to fill tankers must follow backflow prevention standards. The connection will have a reduced pressure zone backflow device.
(Ord. 175, passed 10-22-2020) Penalty, see § 51.99

§ 51.09 WATER DEFICIENCY, SHUT OFF AND USE RESTRICTIONS.

(A) The city shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections or from any other cause whatsoever. In case of fire, or alarm of fire, or in making repairs or construction of new works, water may be shut off without notice at any time and kept off as long as necessary. In addition,

the City Council shall have the right to impose reasonable restrictions on the use of the city water system in emergency situations. For non-payment of charges, water service may be discontinued according to the procedures established in § 51.72.

(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 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 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.
(Ord. 175, passed 10-22-2020) Penalty, see § 51.99

WATER REGULATIONS

§ 51.25 SUPPLY FROM ONE SERVICE.

No more than one building or one housing unit shall be supplied from one service connection except by permission of City Council. Each unit served shall have a separate water meter, including office units with separate plumbing facilities.
(Ord. 175, passed 10-22-2020) Penalty, see § 51.99

§ 51.26 TAPPING OF MAINS RESTRICTED.

No person, except persons authorized by the City Council, shall tap any distributing main or pipe of the water supply system or insert valves or ferrules therein.
(Ord. 175, passed 10-22-2020) Penalty, see § 51.99

§ 51.27 REPAIRS.

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

(B) *Thawing of water services.* The city may attempt to thaw water services on request of the resident. If the problem is found within that portion of the service for which the private owner is responsible, the private owner thereafter will be responsible for thawing the service and correction of the problem.

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

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

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

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

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

(D) *Failure to repair.* In case of failure upon the part of any consumer or owner to repair any leak occurring in his or her service pipe within 24 hours after verbal or written notice thereof, the water may be turned off by the city and may not be turned on until the leak has been repaired and a fee pursuant to § 51.52 has been paid to the city.

(Ord. 175, passed 10-22-2020) Penalty, see § 51.99

§ 51.28 ABANDONED OR UNUSED SERVICES.

(A) If the premises served by water have been abandoned, or if the service has not been used for one year, then the service may be shut off at the curb stop box by the city and the water meter will be removed.

(B) When new buildings are erected on the site of old ones, and it is desired to increase or change the old water service, no connections with the mains may be made until all the old service has been removed or properly abandoned and documented and the main taps plugged or yoked connections installed by the city at the owner's expense.

(Ord. 175, passed 10-22-2020)

§ 51.29 DISCONNECTION.

City permission must be obtained to disconnect from the existing water service leads at the curb stop box.

(Ord. 175, passed 10-22-2020) Penalty, see § 51.99

§ 51.30 SERVICE PIPES.

Every service pipe shall be laid so as to allow at least one foot of extra length in order to prevent rupture by settlement. The service pipe must be placed no less than seven feet below the ground and in a manner as to prevent rupture by freezing. Service pipes must extend from the curb stop box to the inside of the building, or if not taken into the building, then to the hydrant or fixtures which it is intended to supply. All tubing, pipes, joints, unions and connections shall conform to the Minnesota Plumbing Code. Connections with the mains for domestic supply shall be at least three-quarter inch up to the curb stop box.

(Ord. 175, passed 10-22-2020) Penalty, see § 51.99

§ 51.31 EXCAVATION AND CONSTRUCTION REQUIREMENTS.

(A) No excavation shall be made until a permit for the connection has been issued by the city.

(B) No water service pipe or water connection shall be installed in the same trench or closer than ten feet horizontally to a sewer trench or drain laid, or to be laid, either in the street or in private property, except that the water pipe on private property may be in a common trench with a sewer drain which is of a material that is in conformance with the current Minnesota Plumbing Code, Minn. Rules Ch. 4715, as it may be amended from time to time.

(C) Where it is desired to lay the water service pipe and the building sewer pipe in the same trench, or in separate trenches less than ten feet apart, the water service pipe shall be above the sewer pipe unless approved by the City Engineer. It shall be placed at least one foot above the sewer and on a solid shelf excavated at one side of the trench. The sewer pipe shall be of a material that is in conformance with the Minnesota Plumbing Code with tested watertight joints. The water service pipe shall be watertight and corrosion resistant. Copper pipe and ductile or cast iron water pipe with specially protected joints is acceptable for this construction. Cast iron pipe shall conform to the American Water Works Association specifications for this pipe. Bell joint clamps with rubber gaskets are provisionally acceptable as extra protection for the joints on cast iron water pipe. In all cases, precautions shall be taken to assure a firm foundation for the pipes. The intervening space between the pipes shall be backfilled with compacted earth.

(D) In case the installation is on a surfaced street, the following shall apply: All backfill materials shall be mechanically compacted in 12-inch layers to the density of the adjacent material in the roadway area and to the existing street grades in accordance with the Minnesota Department of Transportation Standards. Complete surface restoration shall be made. (Ord. 175, passed 10-22-2020) Penalty, see § 51.99

§ 51.32 CONNECTION TO OTHER WATER SUPPLIES RESTRICTED.

No water pipe of the water system shall be connected with any pump, well, tank, or piping that is connected with any other source of water supply except to service municipal systems. (Ord. 175, passed 10-22-2020) Penalty, see § 51.99

§ 51.33 WATER CONNECTIONS; APPLICATIONS AND CHARGES.

(A) Connection applications.

(1) All applications for service installations and for water service shall be made to the City Clerk. All applications for service installations and water service shall be made by the owner or agent of the property to be served and shall state the size and location of service connection required. The applicant shall, at the time of making application, pay to the city the amount of fees shall be set pursuant to § 51.52 and may be amended from time to time.

(2) The size of the water service connections and meter shall be subject to approval of the City Engineer. Water meter sizing for a domestic connection shall be three quarter-inch by one-inch. The standard service line size will be one inch. If the homeowner requests a larger service line the extra cost of the water meter will be charged to the connection owner. The future replacement of the water meter will be billed at the difference between the standard meter cost and meter need to accommodate the larger line at the time of replacement.

(3) Water billing shall start at the time of installation of the water meter, or in the event the meter is not installed, seven days after completion of outside piping, and shall be calculated upon the minimum monthly rate.

(B) Connection charges.

(1) A permit must be obtained to connect to the existing water service leads at the curb stop box. The fee for the permit shall be set pursuant to § 51.52. The city shall install or have installed all service connections from the water main to the curb stop box including the stop box. Payment for service connections must be made before the work is started.

(2) Additional charges shall be paid at the time of making application for tapping and making connections with the water main to where a curb stop box and service lead is not previously installed. The charge shall include the tapping of the water main, corporation cocks, the installation of a service line, the installation of a curb stop box, cost of restoring disturbed areas and all other costs related to the installation.

(3) There shall be a connection charge pursuant to § 51.52 levied by the city to contribute to the payment of the costs of the public water system facilities.

(4) When water services have been stopped because of a violation of this chapter, the city shall collect the fee established pursuant to § 51.52 before service is recommenced.

(5) If a person desires to connect to the system and service a parcel that has not been assessed for the cost of water main and lateral construction, then before a permit is granted, the city shall collect an amount from the applicant that is established pursuant to § 51.52.

(6) Curb stop boxes shall be the property of the city.
(Ord. 175, passed 10-22-2020)

§ 51.34 LOCATION OF CURB STOP BOX.

Curb stop boxes will be installed on the right-of-way line or easement limits at a location as determined by the City Engineer to be best suitable to the property and shall be left in a vertical position when backfilling is completed. Curb stop boxes will be installed at an approximate depth of seven feet below the finished ground elevation and the top of the curb stop box shall be adjusted to be flush with the finished ground elevation. Curb stop boxes must be firmly supported. No person shall erect any fence or plant any tree or other landscaping that would obstruct, or place a structure on, park a motor vehicle on, or otherwise obstruct the use of the curb stop box, or cause damage to the same.
(Ord. 175, passed 10-22-2020)

§ 51.35 WATER METERS.

(A) *Generally.* Except for extinguishment of fires, no person, unless otherwise authorized by the City Council or Public Utilities Department, shall use water from the water system or permit water to be drawn therefrom unless the same be metered by passing through a meter supplied or approved by the city. No person not authorized by the City Council or Utilities Superintendent shall connect, disconnect, take apart, or in any manner change or cause to be changed or interfere with any meter or the action thereof, or break any meter or valve seal.

(1) A charge established pursuant to § 51.52 shall be paid by customers to the city for water meters and radio read devices including installations and check valves and payment for same shall be made at the time of water service application. This payment shall be made only once, subject to the following.

(2) Where a consumer has need for a larger line in addition to his or her domestic line, as in the case of a commercial consumer who needs a one-inch line for normal use and a six-inch or larger line for a fire sprinkler system, he or she will be permitted to run one line into the premises and split off into two lines at the building. When this is done, the meter will be attached to the small or domestic line and a check valve as well as one-inch detection meter shall be put on the large line.

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

(4) (a) 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.

(b) This adjustment shall not extend back more than one billing period from the date of the written request.

(5) All water meters and radio reading devices shall be and remain the property of the city.

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

(b) However, city employees may not enter private property without obtaining the permission of the owner to do so or have obtained a search warrant issued by a court of competent jurisdiction, as provided for in § 10.20.

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

(B) *Water meter setting.* All water meters hereafter installed shall be in accordance with the Minnesota Plumbing Code and any standards established by resolution of the City Council. (Ord. 175, passed 10-22-2020) Penalty, see § 51.99

RATES AND CHARGES

§ 51.50 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. 175, passed 10-22-2020)

§ 51.51 COST OF INSTALLATION.

Any person desiring a connection with the water system shall pay to the city a Water 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. 175, passed 10-22-2020)

§ 51.52 RATES, FEES AND CHARGES GENERALLY.

The City Council shall establish a schedule of all water rates, fees and charges for permits or services adopted by an ordinance establishing fees and charges, as that ordinance may be amended from time to time. In accordance with M.S. § 444.075 Subd. 3, charges made for service rendered shall be as nearly as possible proportionate to the cost of furnishing the service.
(Ord. 175, passed 10-22-2020)

§ 51.53 WATER SERVICE BILLING; CHANGE OF ADDRESS.

All bills and notices shall be mailed or delivered to the address where service is provided. If nonresident owners or agents desire personal notice sent to a different address, they shall so note on the water service application. Any change or error in address shall be promptly reported to the City Clerk. All accounts shall be carried in the name of the owner who personally or by his or her authorized agent, applied for the service. The owner shall be liable for water services supplied to the property whether he or she is occupying the property or not.
(Ord. 175, passed 10-22-2020)

§ 51.54 WATER RATES.

(A) The rate due and payable by each user within the city for water taken from the water system shall be established pursuant to § 51.52.

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

(C) The minimum rates established pursuant to § 51.52 shall begin to accrue after connection of the service pipe with the curb stop box.

(D) A meter and remote reader shall be installed on the water valve in the house regardless of whether inside piping is connected.

(E) In the event a water customer elects to discontinue the use of the municipal water, the monthly flat fee or minimum charge shall continue until the date as service is disconnected at the curb box, the meter removed and piping capped.
(Ord. 175, passed 10-22-2020)

§ 51.55 PAYMENT OF CHARGES; LATE PAYMENT; COLLECTION.

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

(B) If a service charge is not paid when due, then a penalty of 10% shall be added thereto.

(C) In the event a user fails to pay his or her water user fee within a reasonable time following discontinuance of service or notice of discontinuance of service, the fee shall be certified by the City Clerk and forwarded to the County Auditor for collection as provided for in Chapter 53.
(Ord. 175, passed 10-22-2020)

ADMINISTRATION AND ENFORCEMENT**§ 51.70 SUPERVISION BY UTILITIES SUPERINTENDENT; LICENSING.**

(A) All piping connections from the curb stop box to house supply piping shall be made under the supervision of a licensed plumber subject to inspection by the Utilities Superintendent. The piping

connection made to the curb stop box on the house side shall be inspected by the Utilities Superintendent. The water meter installation shall be inspected and tested by the Utilities Superintendent, at which time the remote reading device will be installed by the city.

(B) No person, firm or corporation shall engage in the business of altering, repairing, installing or constructing municipal water connections within the city without first obtaining authorization from the city. A master plumber licensed by the state under the provisions of M.S. § 326B.46, as it may be amended from time to time, is exempt from the provisions of this section. A person in the ditch installing the pipe who has a card showing that they have completed a program of training that incorporates the Plumbing Code installation requirements, issued by either the Associated Builders and Contractors, Laborers-Employers Cooperation Educational Trust, or Minnesota Utility Contractors Association, is not subject to the licensing requirements of this section.
(Ord. 175, passed 10-20-2020)

§ 51.71 POWERS AND AUTHORITY OF INSPECTORS.

The Utilities Superintendent and other duly authorized employees of the city, upon proper identification, are authorized, with the permission of the licensee, owner, resident or other person in control of property within the city, to enter upon all properties for the purpose of inspections, observation and testing in accordance with the provisions of this chapter. If the licensee, owner, resident or other person in control of property within the city does not permit the entrance to the property, the city shall obtain an administrative search warrant as provided for in § 10.20 before entering the property, except in emergency situations.
(Ord. 175, passed 10-20-2020)

§ 51.72 DISCONTINUANCE OF SERVICE.

Water service may be shut off at any connection as provided for in Chapter 53 of this code.
(Ord. 175, passed 10-20-2020)

§ 51.73 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.
(Ord. 175, passed 10-20-2020)

§ 51.74 LIABILITY FOR EXPENSE, LOSS OR DAMAGE.

Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.
(Ord. 175, passed 10-20-2020)

§ 51.99 PENALTY.

Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99
(Ord. 175, passed 10-20-2020)

2020 S-1

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
- 52.07 Unauthorized private collections prohibited
- 52.08 Sanitation service: city options.
- 52.09 Removal of building materials
- 52.10 Prohibited acts
- 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 curbline 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.

Section

53.01	Generally
53.02	Collection of charges
53.03	Disconnection for late payment
53.04	Cold weather rule
53.05	Delinquent charges
53.99	Penalty

CHAPTER 53: RATES AND CHARGES

§ 53.01 GENERALLY.

(A) The monthly charge for water and sewer services for residences and businesses within the corporate limits of the city shall be as established by ordinance, as that ordinance may be amended from time to time.

(B) *Accounts.* All accounts shall be carried in the name of the owner who personally, or by his or her authorized agent, applied for such service. The owner shall be liable for water and sewer services supplied to the property, whether he or she is occupying the property or not, and any unpaid charges shall be a lien upon the property.

(C) *Billing.* 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 ordinance.

(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 on outstanding balances after the twentieth day of the month if payment has not been made.

(4) No more than one building, one housing unit or office unit with separate plumbing facilities 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 landowner shall be responsible for the payment thereof.

(D) *Future rates.* Future rate changes and additions to the water supply system shall be established by 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. 176, passed 10-22-2020)

§ 53.02 COLLECTION OF CHARGES.

(A) The charges fixed herein for water and sewer services shall be entered in their respective amounts on the utility bill. The city may discontinue all utility services for failing to pay any assessed charges and until the charges have been paid in full under conditions and procedures detailed in § 54.03.

(B) 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.

(Ord. 176, passed 10-22-2020)

§ 53.03 DISCONNECTION FOR LATE PAYMENT.

(A) 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.

(B) 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.

(C) 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. 176, passed 10-22-2020)

§ 53.04 COLD WEATHER RULE.

Pursuant to M.S. § 216B.097, as it may be amended from time to time, no service of a residential customer shall be disconnected if the disconnection affects the primary heat source for the residential unit when the disconnection would occur during the period between October 15 and April 15, the customer has declared inability to pay on forms provided by the city, the household income of the customer is at or below 50% of the state median household income as documented by the customer to the city, and the customer's account is current for the billing period immediately prior to October 15 or the customer has entered into a payment schedule and is reasonably current with payments under the schedule. The City Clerk shall, between August 15 and October 15 of each year, notify all residential customers of these provisions.
(Ord. 176, passed 10-22-2020)

§ 53.05 DELINQUENT CHARGES.

As provided for by M.S. § 444.075, Subd. 3e, as it may be amended from time to time, the City Clerk, annually or more frequently as directed by Council, shall prepare a list of delinquent charges to be certified for payment as taxes. The list of delinquent charges shall be delivered to the City Council

for adoption. All persons who have delinquent charges included in the list shall be notified and given a chance to appear before the Council before the list is adopted. In the event the delinquency involves rental property, notice shall be given to the record owner of the property in addition to the tenant or other parties in possession and he or she given a chance to appear before the Council. Upon adoption, the Clerk shall certify the unpaid charges to the County Auditor for collection as other taxes are collected. This action may be optional or subsequent to taking other legal action to collect delinquent charges, and shall not preclude the city or its agents from recovery of the delinquent charges and interest under any other available remedy, and shall not preclude the disconnection for late payment provided for in this chapter.

(Ord. 176, passed 10-22-2020)

§ 53.99 PENALTY.

Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(Ord. 176, passed 10-22-2020)

Section

54.01	Purpose
54.02	Definition
54.03	Application
54.04	Declaration of a critical water deficiency
54.05	Mandatory emergency water conservation measures
54.06	Variances
54.07	Violation
54.08	Enforcement

CHAPTER 54: WATER CONSERVATION RESTRICTIONS

§ 54.01 PURPOSE.

This chapter establishes water conservation restrictions and the plan will be in effect at any time the Governor declares by executive order a critical water deficiency, pursuant to M.S. § 103G.291. (Ord. 172, passed 10-22-2020)

§ 54.02 DEFINITIONS.

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

CLERK. In statutory cities, the person assigned duties pursuant to M.S. § 412.151; or the city manager pursuant to M.S. §§ 412.601 through 412.751 or in charter cities as determined by city charter.

DEPARTMENT. The city Water Department.

EMERGENCY. The declaration of a critical water deficiency by the Governor.

IRRIGATION. The watering of shrubs, trees, sod, seeded areas, gardens, lawns, or any other outdoor vegetation, except outdoor vegetation utilized for agricultural purposes.

NOTIFICATION TO PUBLIC. Notification through local media, including interviews and issuance of news releases.

PUBLIC WATER SUPPLIER. The city or other entity that owns, manages, or operates a public water supply, as defined in M.S. § 144.382, Subd. 4.

RECLAIMED WATER. Water collected from rooftops, paved surfaces, or other collection devices and all water utilized more than once before re-entering the natural water cycle.

WATER RECIRCULATION SYSTEM. Any system which enables a user to reuse water at least once prior to returning the water to the natural water cycle.
(Ord. 172, passed 10-22-2020)

§ 54.03 APPLICATION.

(A) This chapter applies to all customers of public water suppliers who own or control water use on any premises.

(B) No person shall make, cause, use, or permit the use of water received from a public water supply for residential, commercial, industrial, governmental, or any other purpose in any manner contrary to any provision in this chapter.

(C) Mandatory emergency conservation measures shall be implemented based upon the declaration of a critical water emergency by the Governor.
(Ord. 172, passed 10-22-2020)

§ 54.04 DECLARATION OF CRITICAL WATER DEFICIENCY.

Upon the declaration of a critical water deficiency by the Governor, the public water supplier shall immediately post notice of the emergency declaration at the usual meeting place of the City Council, or the official city bulletin board. The city shall provide notification to the public as quickly as possible or through established water supply plans emergency response plans or procedures.
(Ord. 172, passed 10-22-2020)

§ 54.05 MANDATORY EMERGENCY WATER CONSERVATION MEASURES.

Upon declaration of a water emergency and notification to the public, the following mandatory restrictions upon nonessential water use shall be enforced:

(A) Outdoor irrigation of yards, gardens, golf courses, parklands, and other non-agricultural land, except for those areas irrigated with reclaimed water, is prohibited.

(B) Washing or spraying of sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas with water from any pressurized source, including garden hoses, except to alleviate immediate health or safety hazards, is prohibited.

(C) The outdoor use of any water-based play apparatus connected to a pressurized source is prohibited.

(D) Restaurants and other food service establishments are prohibited from serving water to their customers unless water is specifically requested by the customer.

(E) Operation of outdoor misting systems used to cool public areas is prohibited.

(F) The filling of swimming pools, fountains, spas, or other exterior water features is prohibited.

(G) The washing of automobiles, trucks, trailers, and other types of mobile equipment is prohibited, except at facilities equipped with wash water recirculation systems, and for vehicles requiring frequent washing to protect public health, safety, and welfare.
(Ord. 172, passed 10-22-2020)

§ 54.06 VARIANCES.

The City Clerk or his/her designee, is authorized to grant variances to this chapter where strict application of its provisions would result in serious hardship to a customer. A variance may be granted only for reasons involving health or safety. An applicant may appeal the denial of a variance within five days of the decision by submitting a written appeal to the City Clerk. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final.
(Ord. 172, passed 10-22-2020)

§ 54.07 VIOLATION.

(A) Violations shall be determined and cited by the City Clerk or his/her designee. A violator may appeal the citation within five days of its issuance by submitting a written appeal to the City. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final. Violators may be granted an administrative waiver if evidence is provided that equipment failure was the cause of the violation. A letter from a qualified vendor or equipment invoice will be required to show proof of equipment failure.

(B) Upon discovery of a first violation, the violator shall be issued, either personally or by mail, a warning letter that sets forth the violation and which shall describe the remedy and fines for future violations.

(C) Upon subsequent violations at the same location, the violator shall be issued, either personally or by mail, a citation that sets forth the violation and shall describe the remedy. Fines shall be added to the monthly water bill of the owner or current occupant of the premises where the violation occurred. The imposition of the fine shall in no way limit the right of the city to pursue other legal remedies.
(Ord. 172, passed 10-22-2020)

§ 54.08 ENFORCEMENT.

The City Clerk or his/her designee is authorized to designate city employees or law enforcement personnel to enforce the provisions of this chapter.
(Ord. 172, passed 10-22-2020)