

## **TITLE V: PUBLIC WORKS**

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## CHAPTER 50: GENERAL PROVISIONS

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## **GENERAL PROVISIONS**

### **§ 50.01 TOILET INSTALLATION REQUIRED.**

(A) It is the duty of every owner or occupant of any property within the city, having a dwelling house or business building situated thereon, which property is within 100 feet of any municipal water and sewer mains, to install a toilet in the dwelling or business building and make connection thereof with water and sewer mains.

(B) The city shall serve written notice upon the owner or occupant requiring the installation of toilet facilities upon premises described in the notice, and connection thereof with the sewer and water mains, all of which shall be done within 30 days after service of the written notice.

(C) Whenever any owner or occupant shall default in compliance with the written notice, the Council may, by resolution, direct that a toilet be installed and connection made with the water and sewer mains and that the actual cost of the installation be paid in the first instance out of the General Revenue Fund and assessed against the property so benefitted.

(D) After the installation and connection is completed by order of the Council, the city shall serve a written notice of intention to make an assessment therefor.

(E) If the assessment is not paid within ten days, the city shall certify the amount thereof to the County Auditor in the same manner as with other special assessments; provided that, the Council may, by resolution, provide that the assessment be spread over a term of five years upon written request by the owner of the property.

(Prior Code, § 10.02)

### ***UTILITIES; RATES, CHARGES AND COLLECTIONS***

#### **§ 50.15 DEFINITIONS.**

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

***COMPANY, GRANTEE and FRANCHISEE.*** Any public utility system to which a franchise has been granted by the city.

***CONSUMER and CUSTOMER.*** Any user of a utility.

***MUNICIPAL UTILITY.*** Any city-owned utility system, including, but not by way of limitation, water, sewerage and electric service.

***SERVICE.*** Providing a particular utility to a customer or consumer.

***UTILITY.*** All utility services, whether the same be public city-owned facilities or furnished by public utility companies.

(Prior Code, § 3.01)

#### **§ 50.16 FIXING RATES AND CHARGES FOR MUNICIPAL UTILITIES.**

(A) All rates and charges for municipal utilities, including, but not by way of limitation, rates for service, permit fees, connection and meter reading and checking fees, disconnection fees, reconnection fees including penalties for non-payment if any, shall be fixed, determined and amended by the Council or Water and Light Board, as the case may be, and adopted by resolution.

(B) The resolution, containing the effective date thereof, shall be kept on file and open to inspection in the office of the City Administrator and shall be uniformly enforced.

(Prior Code, § 3.02)

**§ 50.17 FIXING RATES AND CHARGES FOR PUBLIC UTILITIES.**

(A) All rates and charges for public utility franchisees, not regulated by an agency of the state, shall be fixed and determined by the Council and adopted by ordinance. Upon adoption, the rates and charges shall become provisions of this title.

(B) Public utility company rates and charges may be fixed and determined by the respective franchisees in compliance with this section, as follows.

(1) No rate or charge involving an increase thereof shall become effective until approved by the Council. To request the increase, the franchisee shall prepare its written petition setting forth the then current and proposed rates and charges, the effective date of the proposed increases (which may not be within 90 days of filing the petition), and the reason or reasons necessitating the proposed increase or increases. The petition shall be filed with the Council by serving the same on the City Administrator in person or by certified mail, return receipt requested.

(2) Within 30 days of the filing, the Council shall adopt a resolution and serve the same upon the resident superintendent of the franchisee in like manner as the petition may be served either approving the proposed increases or ordering a hearing thereon to be held within 60 days thereof. If no action is taken by the Council, the increase or increases shall take effect on the date stated in the franchisee's petition as though approved by the Council.

(3) Prior to the hearing date, the franchisee shall, without delay, comply with the city's reasonable requests for examination and copying of all books, records, documents and other information, relating to the subject matter of the petition. Should the franchisee unreasonably delay, fail or refuse the requests, the same shall be grounds for a continuance of the hearing date.

(4) Notice of hearing shall be in the form and manner stated in the resolution. At the hearing, all persons wishing to be heard thereon shall be afforded a reasonable opportunity. Findings and a decision shall be made by the Council within 15 days after the hearing and served upon the franchisee. (Prior Code, § 3.03)

**§ 50.18 CONTRACTUAL CONTENTS.**

(A) Provisions of this title relating to municipal utilities shall constitute portions of the contract between the city and all consumers of municipal utility services and every consumer shall be deemed to assent to the same.

(B) All contracts between franchisees and consumers of utility services other than municipal shall be in strict accord with the provisions of this title. (Prior Code, § 3.04)

**§ 50.19 RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITIES.**

(A) *Billing, payment and delinquency.* All municipal utilities shall be billed monthly or quarterly and a utilities statement or statements shall be mailed to each consumer each month. All utilities charges shall be delinquent if they are unpaid at the close of business on the fifteenth day following the billing; provided that, if the fifteenth day shall fall on a Saturday, Sunday or legal holiday, the time shall be extended to the close of business on the next succeeding day on which business is normally transacted. A penalty shall be added to, and become part of, all delinquent utility bills. If service is suspended due to delinquency, it shall not be restored at that location until a reconnection charge has been paid for each utility reconnected in addition to amounts owed for service and penalties.

(B) *Connection and sale of service.* No utility connection shall be made until consent has been received from the city to make the same. All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of the utilities taken as metered or ascertained in connection with the rates.

(C) *Discontinuance of service.* All municipal utilities may be shut off or discontinued whenever it is found that:

(1) The owner or occupant of the premises served or any person working on any connection with the municipal utility systems, has violated any requirement of the city code relative thereto, or any connection therewith;

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

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

(D) *Ownership of municipal utilities.* Ownership of all municipal utilities, plants, lines, mains, extensions and appurtenances thereto shall be and remain in the city and no person shall own any part or portion thereof; provided, however, that, private facilities and appurtenances constructed on private property are not intended to be included in municipal ownership.

(E) *Right of entry.* The city has the right to enter in and upon private property, including buildings and dwelling houses, in or upon which is installed a municipal utility, or connection therewith, at all times reasonable under the circumstances, for the purpose of reading utility meters, for the purpose of inspection and repair of meters or a utility system, or any part thereof, and for the purpose of connecting and disconnecting service.

(F) *Meter accuracy.* All water and electric utilities service shall be supplied through a meter which shall accurately measure the amount thereof supplied to any consumer. The consumer shall supply a safe and proper place for the installation of the meters. Meters may be tested for accuracy by the city upon

the request of any consumer who believes his or her meter to be inaccurate. If, upon test, it appears that the meter overruns to the extent of 3% or more, the city shall pay the cost of the tests and shall make a refund for overcharges collected since the last known date of accuracy, but for not longer than six months, on the basis of the extent of the inaccuracy found to exist at the time of the tests. If, upon test, it appears that the meter is slow to the extent of 3% or more, the consumer shall pay for undercharges since the last known date of accuracy, but for not longer than six months on the basis of the extent of the inaccuracy found to exist at the time of the test. If, when any meter is tested upon the demand of a consumer, it is found to be accurate or slow or less than 3% fast, the consumer shall pay the reasonable cost of the testing.

(G) *Unlawful acts.*

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

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

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

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

(H) *Municipal utility charges a lien.*

(1) Payment for all municipal utility (as that term is defined in § 50.15) service and charges shall be the primary responsibility of the fee owner of the premises served and shall be billed to the owner unless otherwise contracted for and authorized in writing by the fee owner and any other person (such as a tenant, contract purchaser, manager and the like), as agent for the fee owner, and consented to by the city. If the utility service and charges are for a single metered multi-unit rental residential building, the owner of the building shall be the customer of record and this responsibility shall not be waived by contract or otherwise. The city may collect the same in a civil action or, in the alternative and at the option of the city, as otherwise provided in this division (H)(1).

(2) Each charge is hereby made a lien upon the premises served. All charges which are on September 30 of each year more than 30 days past due, shall be certified by the City Administrator to

the County Auditor between October 1 and October 10 of each year, and the City Administrator, in so certifying the charges to the County Auditor, shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against the premises in the same manner as other taxes, collected by the County Treasurer and paid to the city along with other taxes.

(I) *Damage to municipal utility equipment.* It is unlawful for any person to intentionally cause any damage to any municipal utility equipment or appurtenance, including, but not limited to, meters, street lights, water hydrants and curb cocks. Anyone intentionally causing the damage shall pay the reasonable value thereof to the city, including labor for renewal and installation of any equipment and shall be, in effect, an insurer of any equipment in his or her possession or with which he or she comes in contact. (Prior Code, § 3.05) (Ord. 103, 2nd Series, eff. 7-29-1998) Penalty, see § 50.99

#### **§ 50.20 CONNECTION OR TAPPING PROHIBITED; DELINQUENT ASSESSMENTS OR CHARGES.**

No permit shall be granted to tap or connect with sewer or water mains when any assessment or connection charge for the sewer or water main against the property to be connected is in default or delinquent. If the assessment or connection charges are payable in installments, no permit shall be granted unless all installments then due and payable have been paid.

(Prior Code, § 3.06)

#### **§ 50.99 PENALTY.**

Every person violates a section, division, paragraph or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when the failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when the failure is prohibited or declared unlawful by a code adopted by reference by this chapter and, upon conviction thereof, shall be punished as for a misdemeanor, except as otherwise stated in specific provisions hereof.

(Prior Code, § 3.99)

## CHAPTER 51: SOLID WASTE MANAGEMENT AND RECYCLING

### Section

- 51.01 Purpose
- 51.02 Definitions
- 51.03 Mandatory collection of recyclables and garbage
- 51.04 Littering
- 51.05 Minimum standards

### § 51.01 PURPOSE.

This chapter is enacted for the purpose of authorizing and providing for the city solid waste management, establishing powers and duties in the connection therewith, establishing standards for and regulating the collection of solid waste; embodying minimum standards and requirements established by the regulation of the State Pollution Control Agency and the county; providing for enforcement of the requirements; requiring the separation, collection of recyclable materials and solid waste disposal; requiring the control of litter; and to promote the health, welfare and safety of the public and to protect resources of water, air and land pursuant to M.S. Chs. 115, 116 and 400, as amended from time to time, and the County Solid Waste Ordinance.

(Prior Code, § 10.03) (Ord. 77, 2nd Series, eff. 11-26-1992)

### § 51.02 DEFINITIONS.

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

#### ***HOUSEHOLD HAZARDOUS WASTE.***

- (1) Includes household chemicals that have the potential to pollute the environment.
- (2) The characteristics of these substances will be considered hazardous if one or more of the following could occur: catch fire; become acidic or caustic; toxic, long- and short-term from exposure; produces toxic leachate; explosive or reactive; potential to initiate fires.

**LITTERING.** The unlawful placing of refuse, debris, waste or similar materials hereinafter referred to as litter materials on public or private lands, shorelands, roadways or waterways, and public rights-of-way.

**PUTRESCIBLE MATERIAL OR GARBAGE.** Solid waste which is capable of becoming rotten or which may reach foul state of decay or decomposition.

**RECYCLABLES.** Those materials defined as recyclables under the County Solid Waste Ordinance.

**RECYCLING COLLECTION SERVICE.** Any commercial or business established to collect, transport, process, store, redeem or dispose of recyclables.

**REFUSE.** Putrescible and non-putrescible solid wastes, including, but not limited to, garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, market and industrial solid wastes, and sewage treatment wastes which are in a dry form.

**RESIDENTIAL PROPERTY.** All occupied single-family residences, multiple residential homes, apartments, mobile homes, mobile home parks and residential nursing homes.

**SOLID WASTE.** Garbage, refuse and other discarded solid materials, including solid waste materials resulting from industrial, commercial, agricultural operations, residential, commercial, agricultural operations, residential uses and community activities, but does not include earthen fill, boulders, rock and other materials normally handled in construction operations, animal waste used as fertilizer, any permitted materials disposed of as soil amendment, solids or dissolved material in digestic sewage or other significant pollutants in water resources, such as silt, wastewater effluent, dissolved materials, suspended solids in irrigation return flows or other water pollutants.

**SOLID WASTE COLLECTION SERVICE.** The collection and transporting of solid waste generated in the city by a county-licensed and permitted solid waste collection service.

**TOXIC OR HAZARDOUS WASTES.** Substances, whether in liquid, gaseous or solid form, which, when collected, stored, transported or disposed of, may be acutely toxic to humans, or other animals, or plant life, or be directly damaging to property including, but not limited to, pesticides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar noxious substances.

**WHITE GOODS.** Includes such household items as stoves, refrigerators, washers, dryers, hot water heaters, furnaces, air conditioners, dishwashers and freezers.

**YARD WASTE.** Includes leaves, trees (branches, twigs, stumps, roots, trunks), garden waste and grass clippings.

(Prior Code, § 10.03) (Ord. 77, 2nd Series, eff. 11-26-1992)

**§ 51.03 MANDATORY COLLECTION OF RECYCLABLES AND GARBAGE.**

(A) Commencing 1-1-1993, the occupants of each residence and residential unit to include, but not limited to, single-family residences, multiple residential unit apartments, mobile homes, mobile home parks and residential nursing homes shall participate in mandatory collection or solid waste.

(B) All recyclable material shall be separated from other garbage and refuse.

(C) All non-recyclable material (i.e., mixed municipal solid waste) shall be grouped together and placed in one or more containers provided by each residential unit, for mandatory collection by a county permitted and licensed solid waste collection service. Non-recyclable material shall be distinguished as being identical to the State Pollution Control Agency's definition of solid waste refuse, putrescibles and garbage.

(D) Each residential unit shall have a contract for collection services. The city will exempt a residential unit from the requirement to have solid waste collection service if the residential unit ensures that an environmentally sound alternative is used.

(E) Mixed municipal solid waste excludes tires, oil, batteries, white goods, yard waste, household hazardous waste, infectious waste, hazardous waste and industrial waste, as defined by the State Pollution Control Agency (MPCA). It is unlawful for any person to put the above items in containers used for collection of mixed municipal solid waste.

(F) All recyclable materials and solid waste placed for collection shall be owned by, and be the responsibility of, the occupants of the residential properties (residents) until they are collected by the contractor, at which time they shall become the responsibility of the licensed contractor and the licensing authority. The recyclable materials become the responsibility of the county upon the county's acceptance and collection of the items. Theft of this property will be considered a misdemeanor.

(G) The city may name a party responsible for enforcement of this chapter by resolution. (Prior Code, § 10.03) (Ord. 77, 2nd Series, eff. 11-26-1992) Penalty, see § 10.99

**§ 51.04 LITTERING.**

(A) In order to promote public safety, health, peace and welfare by regulating the hauling and transportation of garbage and other waste material:

(1) It is unlawful for anyone to litter within the city, and vehicles used to transport shall be loaded and moved in a manner that the litter will not fall, leak or spill therefrom, and shall be covered to prevent the blowing of material. Where spillage does occur, the material shall be picked up immediately by the transporter and returned to the vehicle and/or container, and the area properly cleaned; and

(2) All vehicles and containers used for the collection and transportation of toxic or hazardous wastes shall be durable, enclosed and leakproof and shall be constructed, loaded, moved and unloaded in a safe manner and in compliance with the applicable regulations of federal, state and city governments and their regulatory agencies.

(B) Violation of this section shall be subject to the litter penalties and damages provided for in M.S. § 115A.99, as amended from time to time.  
(Prior Code, § 10.03) (Ord. 77, 2nd Series, eff. 11-26-1992) Penalty, see § 10.99

### **§ 51.05 MINIMUM STANDARDS.**

Where the conditions imposed by any provisions of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter or any other applicable law, ordinance, rule and regulation, the provision which establishes the higher standards for the promotion and protection of the public health, safety and general welfare shall prevail.  
(Prior Code, § 10.03) (Ord. 77, 2nd Series, eff. 11-26-1992)

## CHAPTER 52: CITYWIDE CLEANUP SERVICES

### Section

- 52.01 Purposes and intent
- 52.02 Definitions
- 52.03 Parties affected
- 52.04 Rates
- 52.05 Billing and collection
- 52.06 Application of collections to budget
- 52.07 Effective date

### § 52.01 PURPOSES AND INTENT.

This chapter is adopted for the purpose of authorizing the city to charge residential customers a monthly fee to offset the expenses that the city incurs when conducting the annual citywide cleanup service.

(Ord. 131, 2nd Series, passed 2-3-2009)

### § 52.02 DEFINITIONS.

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

***CITYWIDE CLEANUP.*** The annual citywide pickup of unwanted household goods, furniture, mattresses or other items too bulky to be placed in normal trash receptacles. Items that are not included in the cleanup are hazardous waste, appliances, electronics, lead acid batteries, used oil, fluorescent tubes, liquid waste, auto bodies, tires, paints, concrete, leaves, tree branches, grass clippings or dirt.

***CITYWIDE CLEANUP MONTHLY CHARGE.*** The monthly charge imposed by the City Council for every residential property receiving utility (water, electric or sewer) service from the city.

***RESIDENTIAL.*** Any single- or multi-family dwelling located in the city.  
(Ord. 131, 2nd Series, passed 2-3-2009)

**§ 52.03 PARTIES AFFECTED.**

Parties affected are hereby designated to include owners of residential property within the city who receive utility service (water, electric or sewer) from the city.  
(Ord. 131, 2nd Series, passed 2-3-2009)

**§ 52.04 RATES.**

Owners of residential property within the city who receive utility service (water, electric or sewer) from the city will be billed at a rate as approved from time to time by the City Council.  
(Ord. 131, 2nd Series, passed 2-3-2009)

**§ 52.05 BILLING AND COLLECTION.**

The citywide cleanup monthly charge will be included on the monthly utility billings. If the citywide cleanup service monthly charge remains unpaid for 30 days after the notice of delinquency is sent, the City Council may also, on or before October 15 of each year, certify the unpaid service charge to the county for collection with property taxes. The County Auditor is responsible for remitting to the city all charges collected on behalf of the city. The city must give the property owner notice of its intent to certify the unpaid service charge by September 15.  
(Ord. 131, 2nd Series, passed 2-3-2009)

**§ 52.06 APPLICATION OF COLLECTIONS TO BUDGET.**

All collected citywide cleanup service charges will be city funds and used to offset the expenses of the city in providing annual citywide cleanup services.  
(Ord. 131, 2nd Series, passed 2-3-2009)

**§ 52.07 EFFECTIVE DATE.**

This chapter shall be published in the *Cottonwood County Citizen* and shall be effective immediately upon publication.  
(Ord. 131, 2nd Series, passed 2-3-2009)

## CHAPTER 53: ELECTRICITY

### Section

- 53.01 Code requirement
- 53.02 Map
- 53.03 Electrical installations
- 53.04 Replacing or converting to underground
  
- 53.99 Penalty

### **§ 53.01 CODE REQUIREMENT.**

All wiring, connections and appurtenances shall be installed and performed strictly in accordance with the National Electrical Code. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the city, be an additional ground for termination of electrical services to any consumer.

(Prior Code, § 3.20) Penalty, see § 53.99

### **§ 53.02 MAP.**

The city maintains a map designating overhead and underground electric service areas. In an area designated "Overhead", if the consumer requests underground service, the consumer shall pay for the wire and excavate the trench in which it is to be laid.

(Prior Code, § 3.20)

### **§ 53.03 ELECTRICAL INSTALLATIONS.**

All electrical installations shall comply with the following, where applicable.

(A) Motors of 20 HP or more must have line compensators on same; provided, however, that, the city may, at its option, make an exception if the total connected motor load required is smaller than the consumer connected load, and the motor starting current is less than the current corresponding to the consumer's total connected load.

(B) Any establishment having a total motor load of 125 HP or more is required to have 440 volts for its motor load.

(C) (1) All motor circuits of 30 amps or less shall be supplied with 240 volt single-phase energy, except:

(a) Motors of one HP or smaller may be 120 volt; or

(b) All motor circuits 35 amps or larger must be served from existing secondary three-phase circuits where only service wires and meters are required.

(2) Where three-phase is not existing, the city may permit single-phase installation upon request.

(D) The city shall make an installation charge for extraordinary expenses required by a consumer. (Prior Code, § 3.20) (Ord. 49, 2nd Series, eff. 12-15-1988)

#### **§ 53.04 REPLACING OR CONVERTING TO UNDERGROUND.**

(A) *Converting to underground.* The city may, at its option and at its expense, convert any present service where no change is otherwise required by the consumer, from overhead to underground. Where this is done, the city shall only cover and refill the trench and other ditching maintenance or repair, and all subsequent changing and repairing of the service shall be the obligation of the consumer.

(B) *Replacing.* Nothing herein shall prevent the city from replacing an overhead service with the same type.

(C) *Meters and placement service.* Placement of services and meters shall be determined by the city. (Prior Code, § 3.20)

#### **§ 53.99 PENALTY.**

Every person violates a section, division, paragraph or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when the failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when the failure is prohibited or declared unlawful by a code adopted by reference by this chapter and, upon conviction thereof, shall be punished as for a misdemeanor, except as otherwise stated in specific provisions hereof.

(Prior Code, § 3.99)

## CHAPTER 54: WATER

### Section

- 54.01 Deficiency of water and shutting off water
- 54.02 Repair of leaks
- 54.03 Replacement services
- 54.04 Service pipes
- 54.05 Private water supplies
- 54.06 Restricted hours for sprinkling
- 54.07 Private fire hose connections
- 54.08 Opening hydrants
- 54.09 Unmetered service
- 54.10 Code requirement
- 54.11 Connection fees
  
- 54.99 Penalty

### **§ 54.01 DEFICIENCY OF WATER AND SHUTTING OFF WATER.**

The city is not liable for any deficiency or failure in the supply of water to customers, whether occasioned by shutting the water off for the purpose of making repairs or connections or by any other cause whatever. In case of fire, or alarm of fire, water may be shut off to ensure a supply for firefighting. In making repairs or construction of new works, water may be shut off at any time and kept off so long as may be necessary.

(Prior Code, § 3.30)

### **§ 54.02 REPAIR OF LEAKS.**

It is the responsibility of the consumer or owner to maintain the service pipe from the curb stop into the house or other building. In case of failure upon the part of any consumer or owner to repair any leak occurring in his or her service pipe within 24 hours after oral or written notice has been given the owner or occupant of the premises, the water may be shut off and will not be turned on until a reconnection charge has been paid and the water service has been repaired. When the waste of water is great or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately.

(Prior Code, § 3.30)

**§ 54.03 REPLACEMENT SERVICES.**

When new buildings are erected on the site of old ones, and it is desired to increase the old water service, a new permit shall be taken out and the regular tapping charge shall be made as if this were a new service. It is unlawful for any person to cause or allow any service pipe to be hammered or squeezed together at the ends to stop the flow of water, or to save expense in improperly removing the pipe from the main. Also, the improper disposition thereof shall be corrected by the city and the cost incurred shall be borne by the person causing or allowing the work to be performed.

(Prior Code, § 3.30) Penalty, see § 54.99

**§ 54.04 SERVICE PIPES.**

Every service pipe must be laid in a manner as to prevent rupture by settlement. The service pipe shall be placed not less than six feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing. Frozen service pipes between the curbstop and the building shall be the responsibility of the owner. Service pipes must extend from the curb stops to the inside of the building; or, if not taken into a building, then to the hydrant or other fixtures which they are intended to supply. A valve, the same size as the service pipe, shall be placed close to the inside wall of the building, ahead of the meter and well protected from freezing. Joints on copper tubing shall be flared and kept to a minimum. Not more than one joint shall be used for a service up to 70 feet in length. All joints shall be left uncovered until inspected. Minimum size connection with the water mains shall be three-fourths inch in diameter.

(Prior Code, § 3.30) Penalty, see § 54.99

**§ 54.05 PRIVATE WATER SUPPLIES.**

No water pipe of the city water system shall be connected with any pump, well, pipe, tank or any device that is connected with any other source of water supply and when such are found, the city shall notify the owner or occupant to disconnect the same and, if not immediately done, the city water shall be turned off. Before any new connections to the city system are permitted, the city shall ascertain that no cross-connections will exist when the new connection is made. When a building is connected to city water, the private water supply may be used only for purposes as the city may allow.

(Prior Code, § 3.30) Penalty, see § 54.99

**§ 54.06 RESTRICTED HOURS FOR SPRINKLING.**

Whenever the city shall determine that a shortage of water threatens the city, it may limit the times and hours during which water may be used from the city water system for lawn and garden sprinkling, irrigation, car washing, air conditioning and other uses, or either or any of them. It is unlawful for any

water consumer to cause or permit water to be used in violation of a determination after public announcement thereof has been made through the news media specifically indicating the restrictions thereof.

(Prior Code, § 3.30) Penalty, see § 54.99

#### **§ 54.07 PRIVATE FIRE HOSE CONNECTIONS.**

Owners of structures with self-contained fire protection systems may apply for and obtain permission to connect the street mains with hydrants, large pipes and hose couplings, for use in case of fire only, at their own installation expense and at rates as the Council may adopt by resolution as herein provided.

(Prior Code, § 3.30)

#### **§ 54.08 OPENING HYDRANTS.**

It is unlawful for any person, other than members of the Fire Department or other person duly authorized by the city, in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the same or in any manner interfere therewith. It is also unlawful for any person so authorized to deliver or suffer to be delivered to any other person any hydrant key or wrench, except for the purposes strictly pertaining to their lawful use.

(Prior Code, § 3.30) Penalty, see § 54.99

#### **§ 54.09 UNMETERED SERVICE.**

Unmetered service may be provided for construction, flooding skating rinks and any other purpose. The service shall be at a duly adopted rate. Where it is difficult or impossible to accurately measure the amount of water taken, unmetered service may be provided and the unmetered rate applied; provided, however, that, by acceptance thereof the consumer agrees to have the city estimate the water used. In so estimating, the city shall consider the use to which the water is put and the length of time of unmetered service.

(Prior Code, § 3.30)

#### **§ 54.10 CODE REQUIREMENT.**

All piping, connections and appurtenances shall be installed and performed strictly in accordance with the State Plumbing Code. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections, shall, upon discovery by the city, be an additional ground for termination of water service to any consumer.

(Prior Code, § 3.30)

**§ 54.11 CONNECTION FEES.**

Service shall be furnished only after proper application has been made and connection fees paid in full.

(Prior Code, § 3.30)

**§ 54.99 PENALTY.**

Every person violates a section, division, paragraph or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when the failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when the failure is prohibited or declared unlawful by a code adopted by reference by this chapter and, upon conviction thereof, shall be punished as for a misdemeanor, except as otherwise stated in specific provisions hereof.

(Prior Code, § 3.99)

## CHAPTER 55: SEWERS

### Section

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**GENERAL PROVISIONS****§ 55.01 PURPOSE AND POLICY.**

(A) This chapter sets forth uniform requirements for discharges into the city's wastewater disposal system and enables the city to comply with all state and federal laws. The objectives of this section are:

(1) To prevent the introduction of pollutants into the wastewater disposal system which will interfere with the operation of the system or the use or disposal of the sludge;

(2) To prevent the introduction of pollutants into the wastewater disposal system which will pass through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system; and

(3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system.

(B) This chapter provides for the regulation of discharges into the city's wastewater disposal system through the issuance of permits to certain users and through enforcement of the general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(C) This chapter shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the city wastewater disposal system. Except as otherwise provided herein, the Superintendent of the wastewater disposal system shall administer, implement and enforce the provisions of this chapter.

(Prior Code, § 3.40)

**§ 55.02 DEFINITIONS.**

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

**ACT.** The Federal Water Pollution Control Act; also known as the **CLEAN WATER ACT**, as amended, 33 U.S.C. §§ 1251 et seq.

**BIOCHEMICAL OXYGEN DEMAND (BOD<sub>5</sub>).** 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 weight and concentration (milligrams per liter (mg/l)).

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

**INDUSTRIAL USER.** A person who discharges to the wastewater disposal system liquid wastes resulting from the processes employed in industrial, manufacturing, trade or business establishments, or from the development of any natural resource.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT.** Any permit or requirements issued by the State Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. §§ 1251 et seq.); for the purpose of regulating the discharge of sewage, industrial wastes or other wastes under the authority of 33 U.S.C. § 1342.

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

**PRETREATMENT.** The process of reducing the amount of pollutants, eliminating pollutants or altering the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing the pollutants into the wastewater disposal system. The reduction, elimination or alteration may be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by § 55.16.

**SIGNIFICANT INDUSTRIAL USER.** Any industrial user of the wastewater disposal system which:

- (a) Has a discharge flow of 50,000 gallons or more per average work day;
- (b) Has a flow greater than 5% of the flow in the wastewater disposal system;
- (c) Has in its wastes toxic pollutants as defined pursuant to 33 U.S.C. § 1317 or state statutes and rules; or
- (d) Has a significant impact, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality or air emissions generated by the system.

**STATE DISPOSAL SYSTEM PERMIT.** Any permit (including any terms, conditions and requirements thereof), issued by the MPCA pursuant to M.S. § 115.07, as amended from time to time, for a disposal system, as defined by M.S. § 115.01, Subd. 8, as amended from time to time.

**STORM WATER.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.

**SUPERINTENDENT.** The Superintendent of the wastewater disposal system of the city or his or her duly authorized representative.

**SUSPENDED SOLIDS.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by a standard glass fiber filter.

**USER.** Any person who discharges, causes or permits the discharge of wastewater into the wastewater disposal system.

**WASTEWATER.** The liquid- and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any ground water, surface water and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the wastewater disposal system.

**WASTEWATER DISPOSAL SYSTEM or SYSTEM.** Any devices, facilities, structures, equipment or works owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation of industrial and domestic wastewater or necessary to recycle or reuse water, including intercepting sewers, outfall sewers, sewage collection system, 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, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from the treatment.

**WATERS OF THE STATE.** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

(B) Terms not otherwise defined herein shall be as given in M.S. Chs. 115 and 116, as amended from time to time.

(Prior Code, § 3.40)

### § 55.03 FEES.

(A) *Purpose.* It is the purpose of this section to provide for the recovery of costs from users of the city's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the schedule of charges and fees, to be prepared and, from time to time, adopted by resolution of the Council.

(B) *Charges and fees.* The Council shall adopt, by resolution, charges and fees which may include:

- (1) Fees for monitoring, inspections and surveillance procedures;
- (2) Fees for permit applications;
- (3) Appeal fees; and

(4) Other fees as the Superintendent may deem necessary to carry out the requirements contained herein.

(Prior Code, § 3.40)

#### **§ 55.04 UNLAWFUL ACTS AND COSTS OF DAMAGE.**

(A) *General.* It is unlawful for any user to violate an order of the Council or to fail to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by an appropriate action against the person found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

(B) *Costs of damage.* Any user violating any of the provisions of this chapter or who has a discharge which causes a deposit, obstruction, damage or other impairment to the wastewater disposal system shall become liable to the city for any expense, loss or damage caused by the violation or discharge. The Superintendent may add to the user's charges and fees the costs assessed for any cleaning, repair or replacement work caused by the violation or discharge. Any refusal to pay the assessed costs shall constitute a violation of this chapter.

(C) *Falsifying information.* It is unlawful for any person to knowingly make any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater discharge permit, or to falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this chapter.

(Prior Code, § 3.40) Penalty, see § 55.99

### ***DISCHARGES***

#### **§ 55.15 GENERAL DISCHARGE PROHIBITIONS.**

It is unlawful for any user to discharge or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or to any public sewer:

(A) Any liquids, solids or gases which, by reason of their nature or quantity, are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system, be more than 5%, nor any single reading over 10%, of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha,

benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides;

(B) Solid or viscous substances which will or may 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 one-half 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, gas tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;

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

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

(E) 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;

(F) Any substance which may cause the wastewater disposal system's effluent or any other product of the wastewater treatment process such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the wastewater disposal system cause the system to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under § 405 of the Act, being 33 U.S.C. § 1345; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, being 42 U.S.C. §§ 6901 et seq., the Clean Air Act, being 42 U.S.C. §§ 7401 et seq., the Toxic Substances Control Act, being 15 U.S.C. § 2601 et seq. or state standards applicable to the sludge management method being used;

(G) Any substance which will cause the wastewater disposal system to violate its NPDES and/or state disposal system permit or the receiving water quality standards;

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

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

(J) 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);

(K) Any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BOD and the like), released in a discharge of a volume or strength as to cause interference in the wastewater disposal system. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24-hour concentration, quantities or flow during normal operation;

(L) Any unpolluted water including, but not limited to, cooling water, storm water or ground water;

(M) Any wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of 50 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 50 mg/l, whether emulsified or not;

(N) 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 they would cause interference with the wastewater disposal system; and

(O) Any wastewater having a BOD<sub>5</sub> greater than 300 mg/l or having a suspended solids concentration of greater than 350 mg/l.  
(Prior Code, § 3.40) Penalty, see § 55.99

## § 55.16 LIMITATIONS ON WASTEWATER STRENGTH.

(A) *Federal pretreatment standards.*

(1) Federal pretreatment standards promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users which are subject to these standards in any instance where they are more stringent than the limitations in this chapter unless the Superintendent has applied for, and obtained from, the MPCA approval to modify the specific limits in the federal pretreatment standards.

(2) When requested, an application for modification of the federal pretreatment standards will be considered for submittal by the Superintendent when the wastewater treatment system achieves consistent removal of the pollutants.

(3) **CONSISTENT REMOVAL** shall mean reduction in the amount of pollutant or alteration of the nature of a pollutant which is in the influent to the wastewater treatment system to a less toxic or harmless state by the time it is discharged in the effluent.

(4) The reduction or alteration must be achieved in 95% of the samples taken when measured according to the procedures set forth in 40 C.F.R. § 403.7(c)(2) of the *General Pretreatment Regulations for Existing and New Sources of Pollution*.

(B) *State requirements.* State requirements and limitations on discharges shall be met by all users which are subject to standards in any instance in which they are more stringent than federal requirements and limitations or those in this chapter.

(C) *City's right of revision.* The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 55.01(A).

(D) *Dilution.* It is unlawful for any user to increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained herein, contained in the federal pretreatment standards, or contained in any state requirements.

(E) *Supplementary limitations.* It is unlawful for any person to discharge wastewater containing in excess of:

0.05 mg/l	cadmium
1.0 mg/l	copper
1.0 mg/l	cyanide
0.1 mg/l	lead
0.05 mg/l	mercury
1.0 mg/l	nickel
3.0 mg/l	total chromium
5.0 mg/l	zinc

(Prior Code, § 3.40) Penalty, see § 55.99

### § 55.17 ACCIDENTAL DISCHARGES.

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Where necessary facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Superintendent for review and shall be approved by the Superintendent before construction of the

facility. Review and approval of the plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. (Prior Code, § 3.40) Penalty, see § 55.99

### ***ADMINISTRATION***

#### **§ 55.30 USER REPORTS.**

The Superintendent may require that any person discharging or proposing to discharge wastewater to the wastewater disposal system file a periodic discharge report. The discharge report may include, but not be limited to, nature of process, rates of flow, mass discharge rate, raw material and production quantities, hours of operation, number and classification of employees, compliance status with any state or federal pretreatment standards, or other information which relates to the generation of waste, including wastewater constituents and characteristics in the wastewater discharge. The reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on site, even though they may not normally be discharged. At a minimum, a summary of the data indicating each industrial user's compliance with this chapter shall be prepared quarterly and submitted to the Superintendent. In addition to discharge reports, the Superintendent may require information in the form of wastewater discharge permit applications, self-monitoring reports and compliance schedules.

(Prior Code, § 3.40)

#### **§ 55.31 WASTEWATER DISCHARGE PERMITS.**

(A) *Mandatory permits.* All significant industrial users proposing to connect or to commence a new discharge to the wastewater disposal system shall obtain a wastewater discharge permit before connecting to or discharging into the wastewater system. All existing significant industrial users or industrial users subject to federal pretreatment standards under 33 U.S.C. § 1317(b) and (c) § 307(b) and (c) connected to or discharging into the wastewater disposal system shall obtain a wastewater discharge permit within 90 days after the effective date of this chapter.

(B) *Permit application.*

(1) Users required to obtain a wastewater discharge permit shall complete and file with the Superintendent, an application in the form prescribed by the Superintendent, and accompanied by the permit fee. Existing users shall apply for a wastewater discharge permit within 90 days after the effective date of this chapter, and proposed new users shall apply at least 90 days prior to connecting or discharging to the wastewater disposal system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

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

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

(c) Wastewater constituents and characteristics including, but not limited to, those governed by §§ 55.15 through 55.17 as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to 33 U.S.C. § 1314(g) and contained in 40 C.F.R. part 136, as amended;

(d) Time and duration of discharge;

(e) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

(f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;

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

(h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards, and (for an existing discharge) a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

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

(j) Type and amount of raw materials processed (average and maximum per day);

(k) Number of full- and part-time employees, and hours of work; and

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

(2) The Superintendent will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Superintendent may issue a wastewater discharge permit subject to terms and conditions provided herein.

(C) *Permit conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

(1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the wastewater disposal system;

- (2) Limits on the average and maximum wastewater constituents and characteristics;
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (4) Requirements for installation and maintenance on inspection and sampling facilities;
- (5) Requirements for installation, operation and maintenance of pretreatment facilities;
- (6) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;
- (7) Compliance schedules;
- (8) Requirements for submission of technical reports or discharge reports;
- (9) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Superintendent, and affording the Superintendent access thereto;
- (10) Requirements for notification to the Superintendent of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (11) Requirements for notification of slug discharges as provided herein; and
- (12) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(D) *Permit duration.*

(1) Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Superintendent during the term of the permit as limitations or requirements as identified in §§ 55.15 through 55.17 are modified or other just cause exists. The user shall be informed of any proposed changes in his or her permit at least 30 days prior to the effective date of change.

(2) Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(E) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner,

new user, different premises or a new or changed operation without the approval of the Superintendent. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. (Prior Code, § 3.40)

### **§ 55.32 MONITORING FACILITIES.**

(A) Monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems shall be provided and operated by all industrial users. The monitoring facility should normally be situated on the user's premises, but the Superintendent may, when a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

(B) There shall be ample room in or near the sampling manhole or facility to allow accurate sampling and compositing of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(C) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Superintendent's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Superintendent, unless a time extension is otherwise granted by the Superintendent. (Prior Code, § 3.40)

### **§ 55.33 INSPECTION AND SAMPLING.**

(A) The Superintendent shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Superintendent ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties.

(B) The Superintendent, MPCA and EPA shall have the right to set up on the user's property devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

(C) Where a user has security measures in force which would require proper identification and clearance before entry into his, her or their premises, the user shall make necessary arrangements with any security guards so that upon presentation of suitable identification, the Superintendent, MPCA and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(Prior Code, § 3.40)

**§ 55.34 PRETREATMENT.**

Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the Superintendent shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent before construction of the facility. The review of the plans and operating procedures will, in no way, relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Superintendent under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Superintendent prior to the user's initiation of the changes. All records relating to compliance with pretreatment standards shall be made available by the Superintendent to officials of the EPA or MPCA upon request.  
(Prior Code, § 3.40)

**§ 55.35 CONFIDENTIAL INFORMATION.**

(A) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Superintendent that the release of the information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this chapter, the NPDES permit, state disposal system permit and/or the pretreatment programs; provided, however, that, the portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(C) Information accepted by the Superintendent as confidential shall not be transmitted to any governmental agency or to the general public by the Superintendent until and unless a ten-day notification is given to the user.  
(Prior Code, § 3.40)

**§ 55.36 SLUDGES GENERATED.**

(A) Sludges, floats, skimmings and the like generated by an industrial or commercial pretreatment system shall not be placed into the wastewater disposal system.

(B) The sludges shall be contained, transported and disposed of by haulers in accordance with all federal, state and local regulations.  
(Prior Code, § 3.40)

### ***ENFORCEMENT***

#### **§ 55.50 SLUG OR ACCIDENTAL DISCHARGES.**

(A) Users shall notify the Superintendent immediately upon having a slug or accidental discharge of substances or wastewater in violation of this chapter in order to enable countermeasures to be taken by the Superintendent to minimize damage to the wastewater disposal system and the receiving waters. The notification will not relieve users of liability for any expense, loss or damage to the wastewater disposal system or treatment process, or for any fines imposed on the city on account thereof under any state or federal law.

(B) The Superintendent may suspend the wastewater treatment service and/or a wastewater discharge permit when the suspension is necessary, in the opinion of the Superintendent, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment or to the wastewater disposal system, or would cause the city to violate any condition of its NPDES or state disposal system permit.

(C) Any user notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the Superintendent shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater disposal system or endangerment to any individuals. The Superintendent shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the slug or accidental discharge and the measures taken to prevent any future occurrence shall be submitted to the Superintendent within 15 days of the date of occurrence.  
(Prior Code, § 3.40)

#### **§ 55.51 REVOCATION OF PERMIT.**

In accordance with the procedures of §§ 55.50 through 55.55, the Superintendent may revoke the permit of any user which fails to factually report the wastewater constituents and characteristics of his or her discharge; which fails to report significant changes in wastewater constituents or characteristics; which refuses reasonable access to the user's premises for the purpose of inspection or monitoring; or for violation of conditions of its permit, this chapter or applicable state and federal regulations.  
(Prior Code, § 3.40)

**§ 55.52 NOTIFICATION OF VIOLATION.**

Whenever the Superintendent finds that any person has violated or is violating this chapter, wastewater discharge permit or any prohibition, limitation or requirement contained herein, the Superintendent may serve upon the person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.

(Prior Code, § 3.40)

**§ 55.53 SHOW CAUSE HEARING.**

(A) *Notice of hearing.* If the violation is not corrected by timely compliance, the Superintendent may order any user which causes or allows an unauthorized discharge to show cause before the Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 30 days before the hearing. Service may be made on any agent or officer of a corporation.

(B) *Hearing officials.* The Council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the city to:

- (1) Issue in the name of the Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearings;
- (2) Take the evidence; and
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Council for action thereon.

(C) *Transcripts.* At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

(D) *Issuance of orders.* After the Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(Prior Code, § 3.40)

**§ 55.54 LEGAL ACTION.**

If any person discharges sewage, industrial wastes or other wastes into the wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements or any order of the city, the City Attorney may, following the authorization of the action by the Council, commence an action for appropriate legal and/or equitable relief.

(Prior Code, § 3.40)

**§ 55.55 ANNUAL PUBLICATION.**

A list of the users which were not in compliance with any pretreatment requirement or standard at least once during the 12 previous months shall be annually published in a local newspaper. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

(Prior Code, § 3.40)

**§ 55.99 PENALTY.**

Every person violates a section, division, paragraph or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when the failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when the failure is prohibited or declared unlawful by a code adopted by reference by this chapter and, upon conviction thereof, shall be punished as for a misdemeanor, except as otherwise stated in specific provisions hereof.

(Prior Code, § 3.99)

## CHAPTER 56: INDIVIDUAL SEWAGE TREATMENT SYSTEMS

### Section

- 56.01 Intent
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### § 56.01 INTENT.

The objectives of this chapter are to provide non-sewered areas of the city with adequate and safe means of sewage disposal. The improper design, location, installation, use and maintenance of individual sewage treatment systems adversely affects the public health, safety and general welfare by discharge of inadequately treated sewage to surface and ground waters. Therefore, the city, in accordance with authority granted in state statutes, does hereby provide the minimum standards and criteria for the design, location, installation, use and maintenance of individual sewage treatment systems, and thus protect the surface and ground waters of the city, and promote the public health and general welfare. (Prior Code, § 4.20)

### § 56.02 SCOPE.

Where differences in requirements between this chapter and other federal, state or city code provisions or regulations exist, the most restrictive requirements shall apply. (Prior Code, § 4.20)

**§ 56.03 PERMITS REQUIRED.**

It is unlawful for any person to install, alter or extend any individual sewage disposal system in the city without first obtaining a permit therefor from the Council, or its authorized representative, for the specific installation, alteration or extension; and, at the time of receiving the permit, shall pay a fee therefor as determined by Council resolution.

(Prior Code, § 4.20) Penalty, see § 56.99

**§ 56.04 PERMIT APPLICATION PROCEDURES.**

(A) *Submission.* The applicant shall provide to the Building Official two copies of all materials and information as required in §§ 56.05 and 56.06, and all additional material as may be required in other state, federal or special district regulations and city code provisions.

(B) *Referral to staff.* Upon payment of the permit fee by the applicant, the Building Official shall forward to the City Engineer a copy of all required plans, materials and information concerning the proposed installation, alteration or extension of the individual sewage treatment system.

(C) *Technical review.* The City Engineer shall review the information. As provided in § D.2. of the WPC-40 Regulations, he or she may require that a field evaluation be made. The City Engineer shall make a recommendation to the Building Official within 15 days after the Engineer receives all required information. Failure on the part of the applicant to supply information as mandated in this chapter shall constitute grounds for denial of the permit.

(D) *Affirmative recommendation.* Upon a recommendation by the City Engineer constituting full approval of the permit application, the Building Official shall issue the permit for the construction, alteration or expansion of the individual sewage treatment system.

(E) *Negative recommendation.* If the City Engineer recommends denial of the permit, no permit shall be issued. A written statement by the Engineer explaining the reasons for denial of the permit shall be provided with the recommendation and forwarded by the Building Official to the applicant. The applicant may reapply for a permit or make an appeal before the Council.

(Prior Code, § 4.20)

**§ 56.05 PERMIT APPLICATION REQUIREMENTS.**

(A) *Application form.*

(1) Applications for permits shall be made in writing upon printed forms furnished by the city and shall be signed by the applicant. Application shall be made to the Building Official.

(2) Each application for a permit shall have thereon the correct legal description of the property on which the proposed installation, alteration or extension is to take place.

(B) *Plot plan.* Each application for a permit shall be accompanied by two copies of a plot plan showing:

(1) The location of any proposed or existing buildings on the subject property;

(2) The boundary lines of the property;

(3) The location of water supply facilities;

(4) The location and ordinary high water mark of streams, lakes and ponds within 150 feet of the proposed structure;

(5) All legal setback requirements from existing and proposed buildings, property lines, sewage tanks, soil treatment systems, water supply wells and buried pipes and utility lines;

(6) The existence of low lands, local surface depressions and rock outcrops;

(7) Topographic contours at two-foot intervals; and

(8) The location of all soil treatment systems and water supply wells on adjoining lots within 150 feet of the proposed soil treatment systems.

(C) *Conditions data.* Each application for a permit shall also include information on:

(1) Soil conditions, properties and permeability;

(2) Depth to the highest known or calculated ground water table or bedrock; and

(3) Surface water flooding probability.

(D) *System design data.* Each application for a permit shall include a complete plan showing the design, size and location of all parts of the individual sewage treatment system. Where application is made for a building permit for a structure to be built within 150 feet of any stream or body of water the design for the sewage disposal system must be approved prior to issuance of a building permit for the structure.

(E) *Percolation and soil boring tests.* When required by the City Engineer, soil borings and percolation tests shall be conducted in accordance with the requirements specified in § D-3 of the Pollution Control Agency's WPC-40 regulations.

(F) *Other data.* The applicant shall be required to submit any other data requested by the City Engineer or by other regulations or city code provisions applicable to individual sewage treatment systems.

(Prior Code, § 4.20)

### § 56.06 DESIGN REQUIREMENTS.

The design requirements of WPC-40 are adopted in full with the following amendment to § A2-b-(3) Table IV:

<i>Minimum Setback Distances (Feet)</i>		
<i>Feature</i>	<i>Sewage Tank</i>	<i>Soil Treatment Area</i>
Any other water supply well or buried water suction pipe	50	50
Buildings	10	25 in front yard and 10 in side yard
Buried pipe distributing water under pressure	10	25
Large trees	10	10
The ordinary high water mark of:		
General development lakes and streams	50	50
Natural environment lakes and rivers	150	150
Recreational development lakes and streams	75	75
Recreational rivers and designated tributaries of wild scenic and recreational rivers	75	75
Scenic rivers	100	100
Wild rivers	150	150
Water supply well less than 50 feet deep and not encountering at least 10 feet of impervious material	50	100

(Prior Code, § 4.20)

### § 56.07 NON-CONFORMING USES.

Any individual sewage disposal system or pertinent part thereof, irrespective of the date of original installation, which is not located, constructed or installed in accordance with the state's WPC-40

regulations, as amended, or is less than 50 feet from any water supply well or buried water suction pipe, shall be so relocated, reconstructed and reinstalled as to comply with the standards of those requirements. (Prior Code, § 4.20)

**§ 56.08 ADMINISTRATION.**

The Building Official or Wastewater Superintendent shall be responsible for the administration and enforcement of this chapter. (Prior Code, § 4.20)

**§ 56.09 INSPECTION.**

*(A) General.*

(1) The Building Official or Wastewater Superintendent shall make inspection or inspections as are necessary to determine compliance with this chapter for new installations or reconstruction of existing systems.

(2) No part of the system shall be covered until it has been inspected and accepted by the Building Official.

(3) It shall be the responsibility of the applicant for the permit to notify the Building Official that the job is ready for inspection or reinspection.

(4) It shall be the duty of the Building Official to make the indicated inspection within 48 hours after the notice has been given.

(5) It shall be the duty of the owner or occupant of the property to give the Building Official or other authorized representative or professional consultants free access to the property at reasonable times for the purpose of making the inspections.

*(B) Substandard systems.*

(1) If, upon inspection, the Building Official discovers that any part of the system is not constructed in accordance with the minimum standards provided in this chapter, he or she shall give the applicant written notification describing the defects.

(2) The applicant shall pay an additional fee for each reinspection that is necessary, according to Council resolution provisions.

(3) The applicant shall be responsible for the correction or elimination of all defects, and no system shall be placed or replaced in operation until all defects have been corrected or eliminated. (Prior Code, § 4.20)

**§ 56.10 CONTRACTOR QUALIFICATIONS.**

It is unlawful for any person to engage in the business of installing and constructing or providing maintenance to sewage disposal systems within the city unless the person is specifically licensed by the state under the provisions of the state statutes.

(Prior Code, § 4.20) Penalty, see § 56.99

**§ 56.11 MAINTENANCE PROCEDURES.**

(A) *General.* To ensure safe and efficient operation of individual sewage systems, the following maintenance procedures shall be complied with. Failure to perform the maintenance inspections may result in the sewage disposal system discharging effluent directly to a surface body of water, well or ground surface.

(B) *Septic tank maintenance.* At least once a year, the owner of any septic tank or his or her agent shall measure or arrange for measurement of the depth of sludge and scum in the septic tank. When as a result of the measurements, the top of the sludge layer in the septic tank or any compartment of the tank is found to be less than 12 inches below the bottom of the outlet baffle or submerged pipe, or if the bottom of the scum layer is less than three inches above the bottom of the septic tank outlet baffle or submerged pipe, the owner or agent shall arrange for the removal and sanitary disposal of sludge and scum from the tank. This removal shall take place within two weeks following the date of inspection.

(C) *Distribution box maintenance.* At least once a year the owner of any system equipped with a distribution box shall arrange for the opening of the distribution box and the removal of any settled solids therein. The material shall be disposed of to the septic tank or by other acceptable means.

(D) *Seepage pit maintenance.*

(1) At least once between May 1 and July 30 of each year the depth of liquid in each seepage pit shall be measured.

(2) When, as a result of the measurement, it is found that the liquid level in the pit is less than one foot below the inlet, a second measurement shall be made eight to 12 hours after the first measurement, during which time no liquid shall be discharged to the seepage pit.

(3) If, as a result of the second measurement, it is found that the liquid level in the pit has not lowered at least two feet during the indicated period of time, an additional seepage pit or other acceptable soil absorption system shall be provided within four months of the date of inspection.

(E) *Compliance.* It is unlawful to fail to comply with these maintenance procedures, as determined by the Building Official.

(Prior Code, § 4.20) Penalty, see § 56.99

**§ 56.12 FUTURE SEWER HOOKUP PROVISIONS.**

In all new construction, provision shall be made in front of the house for possible future hookup to the city sanitary sewage collection system when required by the Council or its authorized representative. (Prior Code, § 4.20)

**§ 56.13 VARIANCES.**

(A) *General.* Where existing lot sizes, topography and/or site conditions create a hardship in adhering to these minimum dimensions, the applicant for permit may apply for a variance to these requirements from the Council.

(B) *Procedures.*

(1) Requests for a variance or appeal shall be filed with the City Administrator. The application shall be accompanied by a fee as established by Council resolution. The application shall also be accompanied by ten copies of detailed written and graphic materials necessary for the explanation of the request.

(2) Upon receiving the application, the City Administrator shall refer the application, along with all related information, to the City Engineer and the Building Official for reports and recommendations to the Council.

(3) Upon receiving the reports and recommendations of the city staff, the Council shall make a recorded finding of fact and impose any condition it considers necessary to protect the public health, safety and welfare. The Council may grant a variance if it is adequately demonstrated by the applicant, that:

(a) There are special circumstances or conditions affecting the property so that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his or her land; or

(b) The granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.

(4) The Council shall decide whether to approve or deny a request for a variance or an appeal within 30 days after the request is first heard by the Council.

(5) A variance of this chapter or grant of an appeal shall be by majority vote of the full Council.

(6) The City Administrator shall notify the originator of the variance request or appeal of the Council's decision in writing. (Prior Code, § 4.20)

**§ 56.99 PENALTY.**

Every person violates a section, division, paragraph or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when the failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when the failure is prohibited or declared unlawful by a code adopted by reference by this chapter and, upon conviction thereof, shall be punished as for a misdemeanor, except as otherwise stated in specific provisions hereof.

(Prior Code, § 4.20)