

TITLE V: PUBLIC WORKS

Chapter

50. GENERAL UTILITIES

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CHAPTER 50: GENERAL UTILITIES

Section

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§ 50.01 GARBAGE AND RECYCLING.

Residents need to go with the city garbage hauler for garbage pickup. Recycling in the city is not mandatory. Commercial is exempt.

§ 50.02 WATER AND SEWAGE RATES.

(A) *Rents/payment schedule.* The water system of the city was installed and in operation effective 6-1-1961 and the sewer system of the city was installed and in operation effective 1-1-1968. Rent for the use of the city water and sewer systems shall be payable on a monthly basis on or before the fifteenth day of each month.

(B) *Rates and charges.* The rate to be charged for water and sewer usage will be based on a base fee and gallons used, which shall be set each year by the City Council per the city fee schedule, which is adopted by resolution each year in January at its first Council meeting. Each single-family dwelling shall be considered one ERU (equivalent residential unit) and each school, church or other public building shall be considered one ERU; apartment buildings will be figured one ERU per apartment unit; each single business establishment, professional or commercial shall be considered one ERU unless water usage is to such an excess that the Council deems it necessary to consider evaluating the ERU per the *Service Availability Charge Procedure Manual*, which is a document from the Metropolitan Council Environmental Services. This document will be a tool for the city to determine what an ERU (an ERU per this manual) is considered (a SAC or sewer availability charge) for users of water and sewer within city limits. This method will determine a more fair and accurate way to be sure that all users of the city's water and sewer services are being charged on an equal basis.

(C) *Accounts in names of property owners.* Application for the use of the city water and sewer service shall be made upon forms provided for that purpose by the Clerk-Treasurer's office of the city. All accounts shall be carried in the name of the fee owner of the premises who personally, or by his or her authorized agent, shall apply for the service. The owner shall at all times be liable for payment of the rent whether he or she is occupying the same or not.

(D) *Separate connections and meters.* Unless special permission is granted in writing by the City Council, every premises served by the city water system shall have a separate and distinct service connection, including a separate water meter. All service connections shall be made and installed according to regulations established therefor; each meter should be set in a suitable place where the meter can be installed and maintained by the city. The city has the right to change the design or method of meters if it deems necessary. The city may also install an outside meter reader to make accessibility to meter readings more available.

(E) *Meter reading and inspection.* City employees assigned for the purpose of meter reading shall have free access at reasonable hours of the day to all parts of every building and premises connected with city water systems for reading meters and inspections. The city may, at its option, use other methods of meter reading, such as mailing requests to users for self-reading and returning the readings to the city for billing. A fee may be charged to users for not returning a meter reading upon request.

(F) *Non-metered water - estimated amount.* If it is not possible to meter water used in certain circumstances such as, but not limited to, temporary disconnected or defective meters or use of water from city hydrants with permission of the city, the city's Clerk-Treasurer may estimate the amount used during that period using any reasonable method for determining the amount. But in no event shall the charge be less than the minimum amount as established by resolution of the City Council.

(G) *Turning on water after service has been disconnected.* A service charge, which is established by resolution of the City Council per the city fee schedule, shall be made for turning on and turning off water where service has been either turned off for non-payment of water charge due to failure to repair a leak or discontinuance for any other cause.

(H) *Restricted hours of use of water supply; violation.*

(1) Whenever the City Council shall determine a shortage of water threatens the city, it may, by resolution, limit the times and hours during which water may be used from the city water supply system for lawn and garden sprinkling, irrigation, car washing, air conditioning or other uses specified therein. The resolution shall state the date upon which it shall become effective and shall be made public through whatever means of communication the City Council deems appropriate and reasonable.

(2) Twenty-four hours after the resolution becomes effective, any water customer who shall cause or permit water to be used in violation of the provisions of the resolution shall be deemed in violation of this section and the resolution and will be guilty of a misdemeanor. Each day the violation continues, it shall be considered a separate and immediate discontinuance of water service without a hearing.

(I) *Repairs of leaks.*

(1) It shall be the responsibility of the consumer or owner of the property to maintain the water and sewer service line that commences from the connection at the curb of the street to the connection at the house or building. In case of failure upon the part of any consumer or owner to repair any leak occurring in his or her service line within 24 hours of written notice which has been given to the

consumer or owner of the premises, the water will be shut off and will not be turned on until repairs are made and the sum as established by resolution of the City Council has been paid.

(2) When the waste of water is great or when damage is likely to result in a leak, the water will be turned off if the repair is not commenced immediately upon the giving of the notice.

(J) *Consent and regulations.* Every person applying for water and sewer service and every owner of property for which application is made shall be deemed by the application to consent to all rules, regulations and rates contained in the ordinances of the city and to all modifications thereof and all new rates, regulations or rules duly adopted.

(K) *Taking water without authority.* It is hereby declared a misdemeanor for any person, firm or corporation to take any service described herein without proper authority therefor. The city may charge for water per the city fee schedule.

(L) *Deficiency in supply of water and shutting off water for emergency or repair.* The city shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting off the water for the purpose of making repairs, connections or from any other cause whatsoever. In case of fire, or alarm of fire or other emergency, water may be shut off to ensure a supply for firefighting or in making repairs or construction of new water works; in such events, water may be shut off at any time and kept off as long as necessary.

(M) *Dates payable and penalties and certification to County Auditor.*

(1) Bills are due when rendered and may be paid without penalty up to and including the fifteenth day of the month in which they are due.

(2) The amount of penalty for non-payment of water and sewer bills within the time limits shall be 10% of the amount of the bill.

(3) By November 1 of each year, the Clerk-Treasurer shall make a complete list of all water and sewer bills remaining delinquent, and shall notify each delinquent customer. This list will be presented to the Council for adoption as part of an assessment roll of delinquent account status, which will be certified to the County Auditor for collection with real estate taxes against the property served.

(4) The Clerk-Treasurer shall prepare and present to the City Council on or before December 1 of each year an assessment roll of all delinquent accounts providing for assessment of delinquent accounts against the respective properties serviced. Upon adoption by the City Council, the Clerk-Treasurer shall certify the assessment roll to the County Auditor to be extended on the property tax lists of the county for collection in the same manner as provided by law for municipal taxes.

(N) *Discontinuance of service.*

(1) The city reserves the right to discontinue water services without notice when the same is necessary to the repair of either the water or sewer system or any part thereof, or for the non-payment

of the bills. The city also reserves the right to place unpaid water and sewer charges on the tax rolls as provided by state statutes. In addition to all other methods of collection delinquent accounts including legal action, the city shall have the right to shut off the water service to any delinquent customer when satisfactory arrangements for payment have not been made. The action shall be taken only after following the procedure set forth in division (O) below.

(2) Whenever water service to any premises has been disconnected, service shall not be restored, except upon the payment of all delinquent amounts due, plus any penalties, interest and reconnection charges.

(O) *Notice and hearing.*

(1) The water shall not be shut off until notice and opportunity for a hearing have first been given the occupant of the premises involved. The notice shall be personally served when possible, or notice shall be served by first class mail and any other means available as approved by City Council. The notice shall state the amount delinquent and any penalty and interest due and that if payment is not made before the date stated in the notice, but not less than ten days after the date on which the notice is given, the water supply to the premises will be shut off.

(2) The notice shall also state that the occupant may, before such date, demand a hearing in writing delivered to the city's Clerk-Treasurer on the matter. If a hearing is requested, the water supply will not be shut off until after the hearing is held. If the owner or customer requests a hearing before the date specified, the hearing shall be held on the matter by the City Council within at least ten days after the date on which the request is made. If, as a result of the hearing, the City Council finds that the amount claimed to be owed is actually due and unpaid, and that there is not legal reason why the water supply of the delinquent owner or customer may not be shut off in accordance with this section, the city may then shut off the water supply.

(P) *Funds and allocation.* Funds received from the collection of the rates and charges herein before provided shall be deposited as received with the city's Clerk-Treasurer, who shall keep the same in a separate fund designed "Water Revenue Funds" and "Sewer Revenue Funds". Moneys in the funds shall be used for the payment of the cost and expense of operation, maintenance repair and management of the water and sewer systems. Any surplus in the funds over and above the requirements hereinbefore mentioned may be used for enlargements of and replacements to the system and parts thereof or transferred to the city's General Fund.

(Ord. 79, passed 1-15-2003)

CHAPTER 51: SANITARY SEWERS

Section

- 51.01 Definitions
- 51.02 Prohibited wastes
- 51.03 Admission of industrial wastes
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§ 51.01 DEFINITIONS.

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

APPROVING AUTHORITY. The City Council of the City of New Germany, or its duly authorized agent or representative.

BOD. The quantity of oxygen expressed in parts per million by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20°C. The laboratory determinations shall be made in accordance with procedures set forth in *Standard Methods*.

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

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal.

CITY. The City of New Germany, Minnesota, or any authorized person acting in its behalf.

CITY ENGINEER. The person or consulting engineering firm employed by the City Council to provide engineering services for the city.

INDUSTRIAL WASTES. The liquid wastes from industrial processes as distinct from domestic sanitary sewage.

INSPECTOR. The person or persons duly authorized by the city to inspect and approve the installation of building sewers and their connection to the public sewer system.

MAY. The act referred to is permissive.

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

OPERATION AND MAINTENANCE COST. Annual expenditures made by the city in the operation and maintenance of its sewage treatment facilities, consisting of and limited to the sums spent for each and all of the following purposes for the 12-month period prior to computing the industrial service charge:

(1) Wages and salaries of operating, maintenance and supervisory personnel, together with premiums paid on the wages and salaries for state worker's compensation coverage;

(2) Actual sums paid for electricity for light and power used for sewage collection and treatment facilities;

(3) Actual sums paid for chemicals, fuel and other operating supplies;

(4) Actual sums paid for repairs to and maintenance of sewage treatment facilities and the equipment associated therewith;

(5) Actual sums paid as premiums for hazard insurance carried on sewage works; and

(6) Actual sums paid as premiums for insurance providing coverage against liability imposed by law for the injury to persons and/or property (including death) of any person or persons resulting from the use and maintenance of the sewerage works.

PARTS PER MILLION. A weight-weight ratio; the parts-per-million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

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

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

SANITARY SEWER. A sewer which carries sewage and to which storm and ground waters are not intentionally admitted.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

SEWAGE TREATMENT FACILITIES. Any city-owned facility, devices and structures used for receiving and treating sewage from the city sanitary sewer system, including sewage pumping station, force main, stabilization ponds and appurtenances.

SEWAGE WORKS. All facilities for collecting, pumping, treating and disposing of sewage.

SEWER. A pipe or conduit for carrying sewage.

SHALL. The act referred to is mandatory.

STANDARD METHODS. The examination and analytical procedure set forth in the latest edition, at the time of analysis, of *Standard Methods for the Examination of Water and Sewage*, as prepared, approved and published by the American Public Health Association.

SUPERINTENDENT. The city's Utility Superintendent.

SUSPENDED SOLIDS. Solids that either float of the surface of, or are in suspension in water, sewage or other liquids, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in *Standard Methods*.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently. (Ord. 42, passed 6-27-1972)

§ 51.02 PROHIBITED WASTES.

(A) No person shall discharge or cause to be discharged any storm water, surface water, ground water, subsurface water, roof runoff, yard drainage, yard fountain, pond overflow, unpolluted industrial or commercial process water, any type or form of clean water or any substance other than sanitary sewage into the sanitary collection system of the city.

(B) No roof drain, sump pump, foundation drain, drain tile, swimming pool discharge or surface water drainage shall be connected to the sanitary sewer system and no building shall hereafter be constructed, nor shall any existing buildings be hereafter altered, in a manner that the roof drainage, foundation drain, drain tile or any other source of the discharge or drainage other than sanitary sewer shall connect with the sanitary sewer system. Building drain and building sewer piping shall be maintained so as to prevent the infiltration of a water of substance other than sanitary sewage into the sanitary collection system of the city.

(C) Any person, firm or corporation having a roof drain, sump pump, foundation drain, drain tile, swimming pool discharge, cistern overflow pipe or surface drain now connected and/or discharging into the sanitary sewer system shall be disconnected and/or removed. Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective, workmanlike manner as described in division (D) below and as approved by the City Engineer.

(D) All sump pumps shall have a discharge pipe installed to the outside wall of the building with one-inch inside minimum diameter. The pipe attachment must be a permanent fitting such as PVC pipe with glued fittings. The discharge shall extend at least three feet outside of the foundation wall and must be directed toward the front yard or rear yard area of the property. All foundation drains, drain tiles and other non-compliant connections to the city sanitary sewer shall be disconnected from the city's collection system, and the disconnection, wye, opening, protruding tap or other method of connection shall be plugged or bulk-headed in a permanent fashion, so as to maintain the continuity of the city's collection piping and as approved by the City Engineer.

(E) Every person owning improved real estate that discharges into the city's sanitary sewer system shall allow an employee or agent of the city the right of entry to inspect the interior of the buildings or structures to confirm that there is no sump pump, foundation drain, drain tile or other prohibited discharge into the sanitary sewer system. Any person refusing to allow his or her property to be inspected shall immediately become subject to the surcharge hereinafter provided for, and will continue to be considered non-compliant until such a time as right of entry is granted and the absence of prohibited connections and/or discharge is certified by an authorized employee or agent of the city.

(F) The owner of record of any property found to violate this section shall be notified by the city in writing by certified mail. Violations found not to comply with this section shall be brought into compliance within 30 days of the notice of violation. No extensions or waivers shall be given. At such time that a non-compliant connection has been disconnected and the necessary steps taken to make the necessary changes to comply with this section, the changes shall be certified by an authorized employee or agent of the city. Following certification, any surcharge shall be discontinued on the next sewer billing.

(G) If the violation(s) is not brought into compliance within 30 days of the notice of violation, a surcharge of \$100 per month is hereby imposed and shall be added to every sewer billing mailed to property owners who are not in compliance with this section. The city shall continue to impose a monthly surcharge to that property until such a time as the violation(s) has been brought into compliance and certified by the city as required by this section. The imposition of the surcharge shall in no way limit the right of the city to seek an injunction in district court ordering the property owner to correct the violation(s) to the sanitary sewer system or from pursuing any other legal remedies available. If the violation(s) is not brought into compliance within 60 days of the notice of violation(s), then the city shall provide a second notice, via certified mail, informing the property owner that water service provided by the city will be disconnected. If the violation(s) is not brought into compliance within 90 days of the notice of violation(s), then the city shall discontinue water service to that property until such time as the violation(s) has been brought into compliance and certified by the city as required by this section.

(H) Certification of violation(s) brought into compliance shall be completed by an authorized city employee or agent. Certification may not be made by any person who is not an approved agent of the city.

(I) Prior to change of ownership of any building(s) within the city, the seller should have the building(s) certified for compliance with this section prior to the closing of the sale or transfer. It is the responsibility of the seller or seller's agent to notify the city of a proposed change of ownership. Any building(s) that has not been certified as compliant shall be assumed to be non-compliant with this section, if a property is found to be non-compliant after a property is transferred, the city shall enforce this section according to the provisions in divisions (F) and (G) above.

(J) Upon verified compliance with this section, the city reserves the right to inspect the property annually to verify continued compliance.

(Ord. 42, passed 6-27-1972; Ord. 101A, passed 12-19-2017) Penalty, see § 10.99

§ 51.03 ADMISSION OF INDUSTRIAL WASTES.

(A) *Treatment of industrial wastes.* The economy and desirability of the combined treatment of industrial wastes and sanitary sewage is recognized. However, not all types and quantities of industrial wastes can be so treated. Hence, it shall be the established policy of the city to admit those types and quantities of industrial wastes that are not harmful or damaging to the structures, process or operation of the sewage works or are not specifically prohibited by this chapter. It is also recognized the cost of which must be born by the industries, which require the additional facilities for their wastes and, therefore, receives its benefits. The types and quantities of industrial waste which may be admitted into the public sewage system of the city without pretreatment shall be established by the City Engineer and approved by the City Council.

(B) *Approval required for industrial wastes.* In order to control the admission of industrial wastes, the discharge into the public sewers of any waters or wastes having:

(1) A five-day, 20°C BOD greater than 400 mg/l;

(2) A suspended solids content greater than 350 mg/l;

(3) A chloride demand greater than 15 mg/l;

(4) An average daily flow greater than 10% of the average daily sewage flow at the sewage treatment works;

(5) Any toxic substance; or

(6) Any wastes, which are considered by the City Engineer to offer possibilities of harm to structures, processes or operation of the plant, shall be subject to the review and approval of the City Council.

(C) *Survey data required.* Any users of the sewage system who will be discharging industrial wastes to the public sewer shall fill in and file with the City Engineer, within 30 days, a questionnaire which shall furnish pertinent data, inclusive of quantity of flow and an analysis of the water discharged to the sewage treatment plant. Similarly, any person desiring to make a new connection to the sewage system for the purpose of discharging industrial wastes to be the public sewers shall fill in and file with the City Engineer an industrial waste questionnaire which shall furnish pertinent or predicted data inclusive of quantity of flow and an analysis of the industrial waste to be discharged into the sewer system.

(D) *Sampling and analysis.* Samples shall be a composite sample collected over a three-day period of operation to as to be a truly representative sample of the actual quality of the wastes. Samples, for analysis, must be collected by the Engineer or his or her representative. An analysis shall be made by a qualified sanitary engineer using the laboratory methods for the examination of industrial waste, as set forth in the latest edition of *Standard Methods for Examination of Water and Sewage*, as published by the American Public Health Services.

(E) *Extension of time.* When, due to the size or complexity of the waste disposal problem of an industry, it can be shown that it is impractical to meet the schedule imposed under division (C) above, a request for an extension of time may be presented to the city.

(F) *Control manholes.* Any establishment discharging industrial wastes into the sewage system shall construct and maintain, at his or her expense, a suitable control manhole, or manholes downstream from any treatment storage, or other approved works, to facilitate observation, measurement and sampling of all wastes, including domestic sewage from the establishment. The control manhole or manholes shall be constructed at suitable and satisfactory locations and built in a manner approved by the Superintendent. The control manhole shall be accessible to the Superintendent or his or her representatives at all times for sampling.

(G) *Pretreatment.* When required in the opinion of the City Council, the user of the city sewer system shall provide, at his, her or its expense, the preliminary treatment or handling as may be necessary to modify the objectionable characteristics or constituents to come within the limits set forth in division (B) above.

(Ord. 42, passed 6-27-1972) Penalty, see § 10.99

§ 51.04 USE OF PUBLIC SEWERS REQUIRED.

(A) It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the city or in any area under the jurisdiction of the city any human or animal excrement, garbage or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.

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

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

(D) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated with the city and abutting any street, alley or right-of-way in which there is not located or may, in the future, be located a public sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so; provided that, the public sewer is within 100 feet of the property line.

(Ord. 42, passed 6-27-1972) Penalty, see § 10.99

§ 51.05 PUBLIC SEWAGE DISPOSAL.

(A) Where a public sanitary sewer is not available under the provisions of § 51.04(D) of this chapter, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the state's Pollution Control Agency, the Metropolitan Sewer Board and the city's Health Officer.

(B) At such times as the public sewer becomes available to a property served by a sewage disposal system as provided in § 51.04(D) of this chapter, a direct connection shall be made within 90 days to the public sewer in compliance with this chapter and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned.

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

(D) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the city's Health Officer.

(Ord. 42, passed 6-27-1972) Penalty, see § 10.99

§ 51.06 BUILDING SEWERS AND CONNECTIONS.

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the city's Clerk-Treasurer. Before a permit may be issued for excavation for plumbing in any public street, way or alley, the person applying for the permit shall have executed unto the city and deposit with the city's Clerk-Treasurer a corporate bond in the sum of \$25,000 conditioned that he or she will perform faithfully all work with due care and skill and in accordance with laws, rules and regulations established under the authority of any ordinances of the city pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the city and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillful ness or negligence on his or her part in connection with plumbing or excavating for plumbing as prescribed in this chapter. The bond shall remain in force and must be executed for a period of one year; except that, on the

expiration, it shall remain in force as to all penalties, claims and demands that may have accrued hereunder prior to the expiration. Copies of insurance shall be filed with the city's Clerk-Treasurer; coverage shall conform to current requirements for construction contracts of the city.

(B) There shall be a building sewer permit and the owner or his or her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Engineer.

(C) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for the owner should indemnify the city from any loss or damage that may direct or indirectly be occasioned by the installation.

(D) 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 as one building sewer. Other exceptions will be allowed only by special permission granted by the City Council.

(E) Old building sewer or portions thereof may be used in connection with new buildings only when they are found on examination and test by the Superintendent to meet all requirements of this chapter.

(F) The building sewer shall be constructed of either vitrified clay sewer pipe or fittings meeting the current A.S.T.M. specifications for standard or extra strength clay sewer pipe or extra heavy cast iron soil pipe meeting the current A.S.T.M. specifications or the Department of Commerce's commercial standards for extra heavy cast soil pipe and fittings. If installed in filled or unstable ground, the building sewer shall be as allowed in the Minnesota Building Code; except that, vitrified clay pipe may be accepted if laid on a suitable improved bed or cradle as approved by the inspector. Other sewer materials may be used if approved by resolution of the City Council.

(G) All joints and connections shall be made gas-tight and water-tight. Vitrified clay sewer pipe joints shall be in conformance with the Minnesota Plumbing Code. Before joining the pipe in the trench, the bell and spigot surfaces shall be wiped free of dirt or other foreign matter. The spigot end shall be positioned into the bell end of the pipe previously laid and shall then be shoved home to assure a tight fit. Joints for cast iron soil pipe shall be rubber ring or equal in conformance with the Minnesota Plumbing Code. PVC sewer pipe shall be solvent weld joint in accordance with the manufacturer's instructions.

(H) The size and slope of the building sewers shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than four inches. The slope of the four-inch pipe shall not be less than one-eighth inch per foot. A slope of one-fourth inch per foot shall be used, wherever practical.

(I) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer should be open trench work unless otherwise approved by the

inspector. Pipe laying and backfill shall be in conformance with the Minnesota Plumbing Code; except that, no backfill shall be placed until the work has been inspected by the Superintendent or his or her representative.

(J) No septic tank discharge will be allowed into the sanitary sewer system. Existing septic tanks may be left in place if the septic tank is first pumped clean and then filled with compacted granular material. The building sewer may be laid across an existing septic tank if the truck is pumped and filled as outlined above and then if the building sewer is constructed of cast iron pipe across the septic tank. No joints will be allowed on the portion of pipe spanning the septic tank.

(K) (1) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the drains shall be lifted by approved artificial means and discharged to the building sewer.

(2) No water-operated sewage injector shall be used.

(L) The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if the branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer shall be made only as directed by the Superintendent.

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

(N) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect 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. 42, passed 6-27-1972) Penalty, see § 10.99

§ 51.07 PROTECTION FROM DAMAGE.

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

(Ord. 42, passed 6-27-1972) Penalty, see § 10.99

§ 51.08 POWERS AND AUTHORITY OF INSPECTORS.

The Superintendent, inspector and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.

(Ord. 42, passed 6-27-1972)

§ 51.09 RATES AND CHARGES.

(A) (1) Any person or owner discharging industrial wastes, which exhibit none of the characteristics of waste prohibited in § 51.02 of this chapter, other than excessive BOD or suspended solids, shall be charged on the following basis for sewer service.

(a) *Operation and maintenance charges.* As its proportionate share of the expenses incurred by the city in the operation and maintenance of the city sewage treatment facilities and the city sanitary sewer system, the person shall pay to the city a monthly sum equal to the total of the two sums computed by the application of the following formulas and sampling procedures established herein:

1. The person's total annual pounds of BOD divided by the total annual pounds of BOD at the city sewage treatment facilities; the result so obtained to be multiplied by the operation and maintenance cost of the sewage treatment facilities, plus the operation and maintenance cost of the sanitary sewer system, and the result so obtained multiplied by one-twenty-fourth; and

2. The person's total annual gallons of sewage divided by the total annual gallons of sewage at the city sewage treatment facilities, the rest so obtained to be multiplied by the operation and maintenance cost of the city sewage treatment facilities, plus the operation and maintenance cost of the city sewage treatment facilities, plus the operation and maintenance cost of the sanitary sewer system and the result so obtained multiplied by one-twenty-fourth.

(b) *Industrial sewer hook-up charges.* The industrial hook-up charge shall be a capital contribution towards the sum that the city has invested in the waste treatment facilities. The person has the option of paying the hook-up charge at the time it is assessed or to allow the charge to be paid in installments with interest on the unpaid balance with the property taxes as provided in division (A)(2)(d) below. The industrial hook-up charge shall be derived by the application of the following formula: the person's total annual gallons of sewage divided by the total annual gallons of sewage at the city sewage treatment facilities: the result so obtained to be multiplied by \$124,000. The **ANNUAL GALLONS OF SEWAGE FOR THE PERSON** shall mean the first full year's operation following the year after which the hook-up to the sewer system is made. One hundred twenty-four thousand dollars represents the total of the city's investment to date in the sewage treatment facilities. The design of the present sewage treatment facilities was governed by the hydraulic load; therefore, the industrial hook-up charge is based on the quantity of sewage only.

(c) *Participation in future construction costs.* The annual rate of capital costs amortization for all improvements necessary to increase the degree of treatment of the sewage at the city sewage treatment facilities, where such improvements are required to meet standards of effluent quality and purity established by the state's Pollution Control Agency, will be apportioned as established herein and extend for a period not to exceed the amortization period of the improvements.

(2) (a) For sewer services and the availability thereof, any person connection to or benefitting from the public sewer agrees to pay the rates and charges established therefor from the time to time by Council resolution. The user charges for service to be paid by any person connecting premises to the

public sewer shall be based upon the existing water user charges. The exact method of determining user charges shall be established by Council resolution. In addition to all other charges, each permit to connect shall be accompanied by a special connection fee equal to a lateral assessment of \$11 per front foot for the sewers in the abutting street or right-of-way, plus a residential equivalent connection charge in the amount of \$350 for each residential dwelling unit, or equivalent, to be connected before 12-31-1972.

(b) After this date, the residential equivalent connection charge will be \$400. The special connection fee shall be reduced by the amount of any special assessments against the premises at the time of construction of sewers in abutting streets and rights-of-way. All such special connection fees shall be paid into the Bond Redemption Fund for payment of principal and interest on bonds outstanding, into the General Fund of the city to reimburse advances made to the sanitary sewer system by the city.

(c) In respect to property which shall be connected with the city sewer system for the discharge and disposal of any waste unusual in either character or amount, then, in addition to all applicable charges hereunder, the City Council reserves the right to impose the supplemental sewage rate charge as the City Council shall determine is reasonable and warranted on the basis of all relevant factors.

(d) The City Council may, by its resolution, provide that any sewer connection as provided by division (A)(2)(a) above, be transmitted to the County Auditor to be payable in not more than 15 annual installments of principal, plus 7% annual interest on the unpaid balance from year to year; and, to provide further that, all connection charges and interest collected by the County Treasurer therefrom shall be paid over to the city's Clerk-Treasurer in the same manner as other municipal taxes.

(e) Any application for connection permit shall state whether the subject premises has paid an assessment and, if so, the amount so assessed and the legal description of the premises as originally assessed.

(f) The charges established pursuant to this chapter shall be a lien on the real estate benefitted thereby and against which same is established, and shall be of equal rank with the liens and taxes levied under the general laws of the state, and shall become due and payable as fixed by the resolution establishing the charges. The charges may also at the option of the city be enforced against the owner, lessee or occupant of the property benefitted by the connection service, or availability of service or against all of them in a civil action without the waiver of other remedies.

(B) Statements for sewer rental charges for the preceding quarterly period shall be mailed to each customer at such dates as prescribed by the Clerk-Treasurer on or before the fifteenth of the month following date of bill.

(C) Any amounts due hereunder for sewage charges may be collected in an action brought for that purpose in the name of the city; or the Clerk-Treasurer may certify to the County Auditor and amounts for sewer charges, including penalty, together with the legal description of the premises served and the

County Auditor shall thereupon enter the amount with the tax levy on the premises collectible with the taxes for the next ensuing year.

(Ord. 42, passed 6-27-1972)

CHAPTER 52: WATER REGULATIONS

Section

Water Usage in a Critical Water Deficiency

- 52.01 Purpose
- 52.02 Definitions
- 52.03 Application
- 52.04 Declaration of critical water deficiency
- 52.05 Mandatory emergency water conservation measures
- 52.06 Variances
- 52.07 Violation
- 52.08 Enforcement

§ 52.01 PURPOSE.

This subchapter 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, as it may be amended from time to time.

§ 52.02 DEFINITIONS.

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

CLERK-TREASURER. The person assigned duties pursuant to M.S. § 412.151, as it may be amended from time to time.

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, as it may be amended from time to time.

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.

§ 52.03 APPLICATION.

(A) This subchapter 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 subchapter.

(C) Mandatory emergency conservation measures shall be implemented based upon the declaration of a critical water emergency by the Governor.
Penalty, see § 10.99

§ 52.04 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.

§ 52.05 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.

Penalty, see § 10.99

§ 52.06 VARIANCES.

The City Clerk-Treasurer or their designee, is authorized to grant variances to this subchapter 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-Treasurer. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final.

§ 52.07 VIOLATION.

(A) Violations shall be determined and cited by the City Clerk-Treasurer 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.

§ 52.08 ENFORCEMENT.

The City Clerk-Treasurer or his/her designee is authorized to designate city employees or law enforcement personnel to enforce the provisions of this subchapter.