

TITLE V: PUBLIC WORKS

Chapter

50. GARBAGE AND REFUSE

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53. SURFACE WATER MANAGEMENT

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§ 50.01 CITY COLLECTION CONTRACTOR.

(A) All garbage accumulation in the city shall be accumulated, conveyed and disposed of by the city through its legally authorized agent, the city collection contractor. No person shall provide single and two family residential refuse collection service over any of the streets or alleys of the city or dispose of any residential garbage accumulation in the city, except the city's duly authorized contractor.

(^74 Code, Chapter 6.02, § 1)

(B) All single and two family residential garbage accumulated in the city shall be collected, conveyed and disposed of by an authorized city collection contractor. No person shall collect, convey over any of the streets or alleys of the city or dispose of any single and two family residential garbage accumulated in the city, except the duly authorized garbage collection contractor, provided that this chapter shall not prohibit the disposal of garbage in dwellings by any device which grinds and deposits the garbage in a sewer nor prohibits by reason of necessity an individual resident conveying refuse from residence to sanitary landfill. The garbage collection contractor and his or her employees shall have the right to enter upon private property at all reasonable hours of the day for the purpose of collecting garbage.

(^74 Code, Chapter 6.02, § 3)

(C) The city garbage collection contractor is authorized along with other commercial haulers permitted under § 50.04, to negotiate for the collection of garbage and refuse with the owners of multi-family residential, commercial establishments and industrial establishments located within the city.

(^74 Code, Chapter 6.02, § 8) (Am. Ord. - -, passed 12-5-05)

§ 50.02 DEFINITIONS.

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

COMMERCIAL ESTABLISHMENT. Any premises where a commercial or industrial enterprise of any kind is carried on.

GARBAGE. Animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

GARBAGE COLLECTION CONTRACTOR. The person with whom the city shall contract for collection of garbage in the city.

MULTIPLE-FAMILY RESIDENTIAL UNIT. Any household wherein more than one family resides.

REFUSE. All wastes (except body wastes), including rubbish, tin cans, paper, cardboard, yard clippings, glass jars and bottles and wood normally resulting from the operation of a household or business establishment but not including garbage.

SINGLE-FAMILY RESIDENTIAL UNIT. Any household with a single family residing therein. (^74 Code, Chapter 6.02, § 2)

§ 50.03 CONTAINERS.

All garbage and refuse accumulated on any premises shall be placed and maintained in containers. Garbage and refuse containers shall be provided by the authorized city collection contractor. The container shall be maintained in a good, clean, neat and sanitary condition at all times. The garbage containers shall be equipped with handles, tight fitting covers and shall be water tight. The garbage containers shall have a capacity agreed upon by the resident and the city collection contractor, but in no event larger than 96 gallons.

(^74 Code, Chapter 6.02, § 4) (Am. Ord. - -, passed 12-5-05)

§ 50.04 LOCATION OF CONTAINERS.

Garbage and refuse containers shall be placed for collection at one place at ground level on the property and accessible to the street or alley from which collection is made.

(^74 Code, Chapter 6.02, § 5)

§ 50.05 COLLECTION.

Garbage and refuse accumulated at residential properties shall be collected at least once each week. The owners of premises upon which garbage or refuse is accumulated who desire personally to collect and dispose of their own garbage and refuse shall use a container provided with a tight cover so operated and maintained as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled from the container. The ownership of garbage and refuse material set out for collection and collected by the garbage collection contractor shall be vested in the city.
(^74 Code, Chapter 6.02, § 6)

§ 50.06 CHARGES.

Each family residential unit shall pay directly to the city collection contractor at the rate determined under the contract with the city for the collection of garbage and refuse. The charges for garbage and refuse collection shall be made and the following three month billing periods:

- (A) January, February and March;
- (B) April, May and June;
- (C) July, August and September;

(D) October, November and December.

(^74 Code, Chapter 6.02, § 7) (Am. Ord. 6.021, passed 4-18-77; Am. Ord. - -, passed 1-21-03; Am. Ord. - -, passed 12-5-05)

§ 50.07 PERMIT FOR COMMERCIAL COLLECTION REQUIRED.

No commercial collection and refuse hauler shall operate on the streets, alleys and rights-of-way of the city without a permit by the City Council. Permit fees shall be in the amount established by § 36.01, as it may be amended from time to time.
(^74 Code, Chapter 6.02, § 8) (Am. Ord. - -, passed 1-21-03)

Section

CHAPTER 11.01 WATER

51.01 Contract

Water Service and Connections

- 51.15 Application for service; accounts in the name of property owner
- 51.16 Issuance of permit and fee for same
- 51.17 Permit required for connection with city water system
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- 51.35 Taking of water without authority
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GENERAL PROVISIONS

§ 51.01 CONTRACT.

The rules and regulations hereinafter named and established by this chapter shall be considered a part of the contract with every person, company or corporation who is supplied with water through the water system of the city; and every person, company or corporation, by taking water, shall be considered as expressing his, her or their assent to be bound thereby.

(^74 Code, Chapter 11.01, § 1)

WATER SERVICE AND CONNECTIONS**§ 51.15 APPLICATION FOR SERVICE; ACCOUNTS IN THE NAME OF PROPERTY OWNER.**

Any person desiring water service from the water system of the city for premises not theretofore connected with the system shall make application therefor to the City Administrator-Clerk-Treasurer on a form provided by the city. The application shall be filed with the City Administrator-Clerk-Treasurer. All accounts shall be carried in the name of the owner who, personally, or by his or her authorized agent, shall apply for the service. The owner shall at all times be liable for water service consumed upon the premises whether he or she is occupying same or not.

(^74 Code, Chapter 11.01, § 2)

§ 51.16 ISSUANCE OF PERMIT AND FEE FOR SAME.

The City Administrator-Clerk-Treasurer shall upon receiving an application as provided in § 51.15, if the same is in proper form, issue a permit to connect with the city water system and the applicant shall thereon pay a fee as set forth in the fee schedule, § 36.01, to the City Administrator-Clerk-Treasurer. Should application and permit involve excavation the provisions of Chapter 93 shall apply in addition to the provisions hereof set forth in this chapter, including the fee to be paid in Chapter 93.

(^74 Code, Chapter 11.01, § 3)

§ 51.17 PERMIT REQUIRED FOR CONNECTION WITH CITY WATER SYSTEM.

It shall be unlawful for any person to connect to the city water system without first obtaining a permit in accordance with the provision of this chapter. If an assessment has not been levied against the benefited property for construction costs of the city water main, an additional hook-up fee as set forth in the fee schedule, § 36.01, shall be paid to the city at the time of approval of the permit. This amount shall be credited against any further assessment for water main improvement against the benefited property.

(^74 Code, Chapter 11.01, § 4) (Am. Ord. 11.015, passed 4-3-00; Am. Ord. - -, passed 12-5-05)
Penalty, see § 10.99

§ 51.18 CONNECTIONS, CHARACTER OF PIPE.

All service pipes connected with the water system from the water mains to the water meter shall be of copper pipe, 3/4 inch or larger inside diameter. For each new connection a service charge as set forth in the fee schedule, § 36.01, for each tapping of the main shall be paid by the owner of the property as

a Water Access Charge (WAC). The property being served shall be responsible for all installation and appurtenance costs starting from connection with the City Water Main Line.

(^74 Code, Chapter 11.01, § 5) (Am. Ord. 11.013, passed 2-22-83; Am. Ord. - -, passed 12-5-05)

§ 51.19 SEPARATE CONNECTIONS.

Unless special permission is granted in writing by the City Council, each premise shall have separate and distinct service connections. Where permission is granted for a branch service pipe each branch pipe must be separately metered and must have its own functioning curb-stop and functioning shut off valve, material and size to be approved by the city, the same to be placed as near as possible to the curb if on a street, or within one foot of the alley line if the main is located in an alley. Every supply pipe shall have one functioning shut off valve immediately before the water meter, so that water can be shut off and meter entirely drained. If discovery is made by the city that the requirements under this section have not been met, the city will have the right to make such installation or repairs and charge any expenses incurred to the property owner.

(^74 Code, Chapter 11.01, § 6) (Am. Ord. - -, passed 12-5-05)

§ 51.20 SUPERVISION OF CITY; COST OF CONNECTIONS.

(A) All connections with any water main, tapping of water mains and the insertion of stop cocks shall be made under the supervision of the city. All such connections shall be made by workmen bounded by satisfactory surety. The cost of all plumbing and service lines and all extensions connecting to the city mains, as well as repairs to same, shall be borne entirely by the consumer. The city shall be authorized to make such installation and/or repairs required and charge any reasonable costs to the property owner.

(B) No water pipes laid under ground shall be covered nor trenches filled until the water has been turned into such pipes and said pipes have been tested and found to be water tight and approved by the City Superintendent.

(C) A four-inch main and a six-inch main shall receive no larger than a one-inch tap; no larger than one-inch shall be inserted into any main larger than above; when larger connections are desired two or more taps shall be used. Any other design must be pre-approved by the city public works department.

(^74 Code, Chapter 11.01, § 7) (Am. Ord. - -, passed 12-5-05)

§ 51.21 RIGHT TO DISCONTINUE SERVICE RESERVED.

The city reserves the right to discontinue service of water without notice when the same is necessary to the repair of the system or any part thereof.

(^74 Code, Chapter 11.01, § 9)

§ 51.22 SPECIAL CONNECTIONS.

(A) *Special connections required.* Every property owner having property abutting a street that is to be paved with concrete or a mat type asphalt treatment shall have a water connection from the water main to the curb cock.

(B) *Special connection notice.* The Council shall notify each such property owner in writing of the intended street improvement and allow such property owner 30 days in which to comply with the requirements of division (A) of this section.

(C) *Special connection by city.* In the event the property owner does not comply with division (A) of this section after the required notice, the Council shall have the water line installed as provided and the cost thereof shall be billed to the property owner to be paid within 30 days. If not so paid, the City Administrator-Clerk-Treasurer shall certify the amount due to the County Auditor and shall cause the same to be spread upon the tax assessment upon such property.

(^74 Code, Chapter 11.01, § 12)

§ 51.23 CONSUMPTION METERED.

(A) All water furnished by the City Water Department shall be measured by meters purchased from the city. The meters will be maintained and kept in repair by the city. The meter shall remain the responsibility of the city. Only in the event of damage from freezing or some other negligence will it become the responsibility of the property owner to repurchase a meter.

(B) Where two or more tenants are in one building the water usage shall be charged to one person only, the property owner, who must pay the full rate charged, provided that when any building shall be designed for use by more than one family as a duplex, flat or apartment building and/or more than one commercial occupant or combination thereof the minimum rate shall apply to each unit.

(C) The payment for water usage is due monthly for water used at a rate determined in accordance with the charge established under § 36.01. Bills shall be sent to property owner of record who shall bear full responsibility for all city utility bills.

(D) If water is used for additional use other than ordinary use, the rates which apply shall be increased a reasonable amount as the Council may at its discretion determine, including seasonal adjustments for water use.

(E) Customer cards for when self reading applies will be mailed to each named account in the month preceding due date of water charges. Accounts for which the cards with meter readings inserted are not returned within 15 days of receipt shall be subject to a fine as determined under § 36.01.

(F) Duly authorized employees or designated agents of the city may legally enter upon any premises for inspection, reading, installation, or repair of meters at any reasonable hour.

(G) It shall be a misdemeanor for any person to tamper with the water meters or attempt to bypass the water meter in their system.

(H) It shall be a misdemeanor for any person, firm or corporation to take water from the city water system except through a meter, provided, however, that the City Council may set a contract user fee.

(I) No water connection permit shall be issued for any building to be served by the Water Department until the consumer pays to the City Administrator-Clerk-Treasurer the sum as set forth in the fee schedule, § 36.01, for a standard $\frac{5}{8}$ inch meter; or justifiable amount for larger meter to cover the cost of the water meter which shall be installed so that it can easily be examined and read and must be suitably protected from frost and other damage.

(J) The City Administrator-Clerk/Treasurer shall have the authority to make adjustments to water utility accounts given reasonable cause. This authority shall be limited in scope to the ability to make one adjustment annually to any properties utility charges. The maximum adjustment shall be limited to no more than 50% of amounts greater than the average normal/historic use for a property. Any further adjustments shall be on recommendation and referral by the Administrator-Clerk/Treasurer to the discretion of the Council.

(^74 Code, Chapter 11.01, § 14) (Am. Ord. 11.012, passed 8-18-75; Am. Ord. 11.014, passed 9-3-85; Am. Ord. - -, passed 1-21-03; Am. Ord. - -, passed 12-5-05) Penalty, see § 10.99

§ 51.24 DELINQUENT ACCOUNTS.

(A) Each charge levied by and pursuant to this chapter is made a lien upon the corresponding lot, land or premises connected to the city water system and all such charges which are more than 30 days past due and having been properly billed to the owner of the premises so served shall be certified by the City Administrator-Clerk-Treasurer to the County Auditor between the fifteenth day and the thirtieth day of November of each year, and the Administrator-Clerk-Treasurer in so certifying such charges shall specify the amount thereof, the description of the premises served, the name of the owner thereof and the amount so certified shall be extended by the County Auditor on the tax rolls against such premises in the same manner as other taxes, collected by the County Treasurer and paid to the City Administrator-Clerk-Treasurer, together with other taxes.

(B) A penalty of 10% shall be added to all bills collected per division (A) of this section.

(C) *Discontinuance of service.*

(1) *Generally.* Water service may be shut off at any connection whenever:

(a) The owner of occupant of the premises served or any person working on any pipes or equipment thereon which are connected with the water system has violated, or threatens to violate, any of the provisions of this chapter.

(b) Any charge for water service, the water meter or any other financial obligations imposed on the present or former owner or occupant served is unpaid.

(c) Fraud or misrepresentation by the owner or occupant of the premises serviced in connection with an application for service.

(2) *Disconnection for late payment.*

(a) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. Any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

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

(c) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge as established in the city fee ordinance.

(d) Nothing herein shall limit the city's authority to levy unpaid utility bills against property as a special assessment.

(3) *Cold weather rule.* Pursuant to M.S. § 216B.097, as it may be amended from time to time, no service of a residential customer shall be discontinued if the disconnection affects the primary heat source for the residential unit when disconnection would occur during the period between October 15 and April 15, the customer has declared inability to pay on forms provided by the city, the household income of the customer is 185% of the federal poverty level as documented by the customer to the city and the customer's account is current for the billing period immediately prior to October 15 or the customer has entered into a payment schedule and is reasonably current with payments under the schedule. The City Clerk shall, between August 15 and October 15, of each year, notify all residential customers of these provisions.

(^74 Code, Chapter 11.01, § 15) (Am. Ord. 11.012, passed 4-18-77; Am. Ord. 11.014, passed 9-3-85; Am. Ord. 06-2004, passed 7-19-04; Am. Ord. - -, passed 12-5-05)

REGULATIONS**§ 51.35 TAKING OF WATER WITHOUT AUTHORITY.**

It is declared a misdemeanor for any person, firm or corporation to take any service herein without proper authority thereof.

(^74 Code, Chapter 11.01, § 8) Penalty, see § 10.99

§ 51.36 TAMPERING WITH WATER SYSTEM.

(A) It shall be a misdemeanor for any person to tamper with, willfully or carelessly break, injure, mar, deface, interfere with or disturb any building, machinery, apparatus, fixture, attachment or appurtenances of the water system or any public hydrant stop cock, meter water supply or service line, or any part thereof, and it shall be unlawful for any person to deposit anything in any stop cock box.

(B) It shall be a misdemeanor for any person to tamper with, turn on or shut off the water shut-off valves of the city water system unless authority is first obtained by written permit from the City Administrator-Clerk-Treasurer unless an emergency condition shall exist. A charge as set forth in the fee schedule, § 36.01, shall be assessed for each shut off or turn on of water made.

(^74 Code, Chapter 11.01, § 10) (Am. Ord. 11.014, passed 9-3-85) Penalty, see § 10.99

§ 51.37 RESTRICTION OF WATER USE.

By resolution of the City Council the use of water for the sprinkling or watering of lawns may be restricted for periods of time when the city water pressure shall become inadequate and become hazardous to the safety and welfare of the city which shall be decided at the sole discretion of the City Council. Any person failing to observe said restrictions when applied shall be subject to a fine as set forth in the fee schedule, § 36.01.

(^74 Code, Chapter 11.01, § 11)

§ 51.38 PUBLIC HYDRANTS.

(A) All the hydrants erected in the city for the purpose of extinguishing fires are declared to be public hydrants, and no person or persons other than a member of the Dassel Fire Department, Dassel Public Works Department or persons authorized by the City Council shall open any of said hydrants or draw water from the same or at any time uncover, remove the caps from nozzles or in any way interfere with said hydrants.

(B) No person authorized to open hydrants shall delegate his or her authority to anyone or let out to any person the wrenches furnished him or her, except for purposes strictly connected with the Fire Department, the maintenance of the hydrants and water system, or as they accompany fire apparatus. (^74 Code, Chapter 11.01, § 13) (Am. Ord. - -, passed 1-21-03) Penalty, see § 10.99

Section

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GENERAL PROVISIONS**§ 52.01 SEWER AS PUBLIC UTILITY.**

The entire city sanitary sewer system shall be operated as a public utility and convenience from which revenues shall be derived, subject to the provisions of this chapter.
(^74 Code, Chapter 11.02, § 1)

§ 52.02 DEFINITIONS.

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

BUILDING SEWER. The extension from the building plumbing to the city sewer or other place of disposal.

CITY SEWER. The sewer in which all owners of abutting properties have dual rights and is controlled and owned by the city.

GARBAGE. Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

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

SEWAGE. The combination of the water-carried wastes from residences, business buildings, institutions and other industrial establishments.

SEWER. The pipe or conduit for carrying sewage.
(^74 Code, Chapter 11.02, § 2)

§ 52.03 WASTEWATER FACILITY CHARGES.

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

BOD (denoting **BIOCHEMICAL OXYGEN DEMAND**). The quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20°C, expressed in milligrams per liter, as determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater."

CITY. Individually or collectively, all parts and facilities of the sewer system and wastewater treatment plant.

CAPITAL COSTS. All reasonable necessary costs and expenses incurred by the city in planning, designing, financing and constructing disposal system facilities, including but not limited to costs and expenses for obtaining necessary permits, licenses, approvals and grants for design and construction costs; fees for legal and consulting services; or the acquisition of such facilities.

COMMERCIAL USERS. All users of the system classified as industrial user in the Standard Industrial Classification Manual, 1972, U.S. Office of Management and Budget, as amended and supplemented under Division A, B, C, E and I but who are excluded from such definition for the purposes of this section, because they discharge primarily segregated domestic wastes or wastes from sanitary conveniences, except that the classification shall not include such exempted users who are otherwise classified in this section as domestic users, governmental users or institutional users.

(B) The fees, rates and charges for using the city shall be, upon the conditions and in the amounts as set forth in the fee schedule, § 36.01, except where this section is declared inapplicable for a particular user by a written contract providing for alternative charges between such user and the city to assure that each user shall pay for its proportionate share of the treatment costs.
(Am. Ord. 11.022, passed - -)

§ 52.04 DELINQUENT ACCOUNTS.

(A) Each charge levied by and pursuant to this chapter is made a lien upon the corresponding lot, land or premises connected to the city sewer system and all such charges which are more than 30 days past due and having been properly billed to the owner or occupant of the premises so served shall be certified by the City Administrator-Clerk-Treasurer to the County Auditor between the fifteenth day and the thirtieth day of November of each year, and the Administrator-Clerk-Treasurer in so certifying such charges shall specify the amount thereof, the description of the premises served, the name of the owner thereof and the amount so certified shall be extended by the County Auditor on the tax rolls against such premises in the same manner as other taxes, collected by the County Treasurer and paid the City Administrator-Clerk-Treasurer, together with other taxes.

(B) A penalty of 10% shall be added to all bills collected per division (A) of this section.
(Ord. 07-2004, passed 7-19-04; Am. Ord. - -, passed 12-5-05)

PRIVATE SECTOR INFILTRATION AND INFLOW SOURCES**§ 52.15 PURPOSE.**

The City Council finds it essential to establish measures to eliminate excess infiltration and inflow into the city's sewerage system, to minimize damage and potential damage to property and to eliminate the violation of governmental standards to the best of the city's ability.

(Am. Ord. 11.025, passed 12-26-95)

§ 52.16 DEFINITION AND METHOD.

(A) No water from any roof, surface water, groundwater, sump pump, footing tile, sanitary sewer lateral pipe, swimming pool or natural precipitation source shall be discharged or caused to be discharged into the city's sanitary sewerage system.

(B) Dwellings and other buildings and structures which require, because of the infiltration of water into basements, crawl spaces and the like, a sump pump and/or footing tile system to discharge excess water shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewerage system, except as provided herein.

(C) For the purposes of this section, a "permanent installation" shall be one which provides for year around discharge capability to either the outside of the dwelling, building or structure or is connected to the city storm sewer or discharges through the curb and gutter to the street. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge and, if connected to the city storm sewer line, shall include a check valve. Infiltration from sanitary sewer lateral pipe which may be cracked, have off-set joints, broken pipe, roots penetrating the pipe or deteriorated pipe must be repaired or replaced. All sanitary sewer lateral pipe which needs repair shall be promptly repaired.

(Am. Ord. 11.025, passed 12-26-95)

§ 52.17 DISCONNECTION.

Before October of the year if a deficiency or violation is found, any person, firm or corporation having a roof, surface ground water, sump pump, footing tile, deteriorated sanitary sewer lateral pipe or swimming pool now connected and/or discharging into the city sanitary sewer system shall disconnect and/or repair same. Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective, workmanlike manner as approved by the city.

(Am. Ord. 11.025, passed 12-26-95)

§ 52.18 INSPECTION; REFUSAL.

(A) Every person owning improved real estate that discharges into the city's sanitary sewer system shall allow an employee of the city or their designated representative to inspect the real estate and structures thereon to confirm that there is no prohibited discharge into the city sanitary sewer system. In lieu of having the city inspect their property, any person may furnish a certificate from a State of Minnesota licensed plumber certifying that their property is in compliance with this chapter.

(B) Any person refusing to allow their property to be inspected or refusing to furnish a plumber's certificate within 14 days of the date city employees or their designated representatives are denied admittance to the property shall immediately become subject to the surcharge hereinafter provided for. Any property found to violate this chapter shall make the necessary changes to comply with this chapter and furnish proof of the changes to the city within 120 days of the notice and to provide the city with a plumber's certification and how and what he or she did to correct the problem.
(Am. Ord. 11.025, passed 12-26-95)

§ 52.19 FUTURE INSPECTIONS.

At any future time if the city has reason to suspect that an illegal connection may exist in a premises, the owner, upon written notice, shall promptly comply with the provisions of § 52.18.
(Am. Ord. 11.025, passed 12-26-95)

§ 52.20 VARIANCES.

(A) The City Council shall have the power and duty of hearing and deciding requests for waivers from the applicability of the provisions of this chapter where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration or cause a health or safety problem.

(B) Application for waivers pursuant to this section must be addressed in writing to the City Council. The application shall at a minimum identify the property for which the waiver is being applied, the name of the property owner/applicant and must describe in detail what characteristics of the subject property create an undue hardship justifying a variance. Within a reasonable time, but not to exceed 60 days, the City Council shall make its order deciding on the matter and serve a copy of such order upon the applicant by mail.

(C) Upon approval of an application for a waiver, a property owner will be allowed to temporarily pump or discharge water from a sump or foundation drain directly into the city sanitary sewer system between October 15 and March 1, provided the applicant agrees to pay an additional fee as set forth in the fee schedule, § 36.01, per month for the additional sewer service, payable in advance on March 1 of the year such pumping is to take place.

(D) The holder of a variance shall employ a licensed plumber to certify prior to March 1 of each subsequent year that their discharge water connection has been removed from the sewer. Failure to provide such certification will place the waiver holder in violation of this chapter and subject them to payment of additional sewer fees for each month the certification is delinquent.
(Am. Ord. 11.025, passed 12-26-95)

§ 52.21 SURCHARGE.

A surcharge as set forth in the fee schedule, § 36.01, per month is imposed and added to every sewer billing mailed on and after March 1, each year, to property owners who are not in compliance with this chapter. The surcharge shall be added every month through October, until the property is in compliance. The surcharge shall continue to be levied monthly for the months of March through October (both inclusive) of every year on properties not complying with this chapter. Interest will be charged on unpaid surcharge balances to the extent allowed by law.
(Am. Ord. 11.025, passed 12-26-95)

§ 52.22 VIOLATIONS.

Each separate violation of this subchapter will be considered a misdemeanor punishable by a fine and/or imprisonment as provided by state law. The city shall also have the right to file a civil action to enforce the provisions of this subchapter in addition to criminal prosecution of violators.
(Am. Ord. 11.025, passed 12-26-95) Penalty, see § 10.99

SEWER USE REGULATIONS

§ 52.35 DEFINITIONS.

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

ASTM. The American Society for Testing Materials.

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

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

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

COMBINED SEWER. A sewer intended to serve as sanitary sewer and a storm sewer or as an industrial sewer and a storm sewer.

DOMESTIC OR SANITARY WASTE. Wastewater that is primarily produced by residential users with BOD concentrations less than 250 milligrams per liter and TSS concentration less than 250 milligrams per liter as distinct from industrial waste and the characteristics as stated in this chapter.

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

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

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

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

INDUSTRIAL USERS or INDUSTRIES.

(1) Entities that discharge into a publicly owned wastewater treatment works, liquid wastes resulting from the process employed in industrial or manufacturing processes or from the development of any natural resources are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions.

Division A	Agricultural, Forestry and Fishing
Division B	Mining
Division D	Manufacturing
Division F	Transportation, Communications, Electric, Gas and Sanitary Sewers
Division I	Services

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

BOD ₅	less than 250 mg/l
Suspended Solids	less than 250 mg/l

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

INDUSTRIAL WASTES. Wastewater discharged by industry that includes solid, liquid or gaseous waste resulting from the industrial or manufacturing process, trade or business or from the development, recovery or processing of natural resources.

INTERCEPTOR SEWER. A sewer whose primary purpose is to transport wastewaters from collector sewers to a treatment facility.

MAY. Permissive.

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

NPDES PERMIT (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT). The system for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans by the Environmental Protection Agency pursuant to the Federal Water Pollution Control Act of 1977, Sections 402 and 405.

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

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than ½ inch (1.27 centimeters) in any dimension.

PUBLIC SEWER. A common sewer controlled by the city.

RESIDENTIAL, COMMERCIAL AND INSTITUTIONAL/GOVERNMENTAL USERS. All nonindustrial users.

SANITARY SEWER. A sewer intended to carry only sanitary or sanitary and industrial wastewater from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

SDS PERMIT (STATE DISPOSAL SYSTEM PERMIT). Any permit, including any terms, conditions or requirement thereof issued by the Minnesota Pollution Control Agency pursuant to M.S.

§ 115.07 for a disposal system as defined by M.S. § 115.01, subd. 8, as they may be amended from time to time.

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

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

SHALL. Mandatory.

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

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

SUPERINTENDENT. The Public Works Director or his or her authorized deputy, agent or representative.

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

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

WASTEWATER. The spent water of a community from the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may be present.

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

WASTEWATER TREATMENT WORKS or **TREATMENT WORKS.** An arrangement of devices and structures for treatment of wastewater, industrial waste and sludge. Sometimes used as synonymous for **WASTEWATER TREATMENT PLANT** or **WASTE TREATMENT PLANT** or **WATER POLLUTANT CONTROL PLANT** or **SEWAGE TREATMENT PLANT**.

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

WPCF. The Water Pollution Control Federation.

(Am. Ord. 11.024, passed 6-3-85; Am. Ord. - -, passed 1-21-03)

§ 52.36 CONTROL BY THE PUBLIC WORKS DIRECTOR.

The Public Works Director shall have control and general supervision of all public sewers and service connections in the city and shall be responsible for administering the provisions of this chapter to the end that a proper and efficient public sewer system is maintained.

(Am. Ord. 11.024, passed 6-3-85; Am. Ord. - -, passed 1-21-03)

§ 52.37 USE OF PUBLIC SEWER REQUIRED.

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

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

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

(Am. Ord. 11.024, passed 6-3-85) Penalty, see § 10.99

§ 52.38 PRIVATE WASTEWATER DISPOSAL.

(A) Where a public sanitary sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this subchapter.

(B) Before construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the city. The application for the permit shall be made to the city on the forms furnished by the city. The applicant or owner shall provide any plans, specifications and other information as deemed necessary by the city. A permit and inspection fee as set forth in the fee schedule, § 36.01, shall be paid to the city at the time the application is filed.

(C) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city or its representative. The city or its representative shall be allowed to inspect the work at any stage of construction and on any event. The permit applicant shall notify the city when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the city.

(D) (1) Every individual sewage treatment system installed, replaced, altered, extended or repaired after the effective date of this subchapter shall comply with the requirements of this section. Systems shall be designed and conform with Minn. Rule. Chapter 7080, as it may be amended from time to time, regulating individual sewage treatment systems and the Meeker County Zoning Ordinance.

(2) Minn. Rules Chapter 7080, as it may be amended from time to time, and all future amendments, along with other related state agency rules referenced in Minn. Rules Chapter 7080 are adopted by reference and declared to be a part of this section.

(E) At such time as a public sewer becomes available to any property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer system within 12 months, unless ordered by any federal or state agency or Meeker County to make the connection earlier, to be in compliance with this subchapter. Within five days after the connection is completed, all septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge. The bottom shall be broken to permit drainage and the tank or pit filled with suitable material.

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

(G) No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the Department of Health or the Pollution Control Agency of the State of Minnesota.

(Am. Ord. 11.024, passed 6-3-85; Am. Ord. 11.026, passed 8-17-98; Am. Ord. 09-2004, passed 10-7-04)

§ 52.39 BUILDING SEWERS AND CONNECTIONS.

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

(B) Applications for permits shall be made by the owner or authorized agent or the party employed to do the work and shall state the location, name of owner, street number of the building to be connected and how occupied. A permit and inspection fee as set forth in the fee schedule, § 36.01, shall be paid to the city at the time the application is filed. No person shall extend any private drain beyond the limits of the building or property for which the service connection permit has been given. Any person who desires to construct, reconstruct, extend or alter a service connection shall before beginning work file with the city a plan showing the whole course of the service connection and all branches, traps and fixtures connected therewith. If the city finds that the plans do not conform to the requirements of this chapter, the city shall not issue a permit for such work.

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

(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 front building sewer may be extended to the rear building and the whole considered as one building sewer. But the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

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

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

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

(H) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or indirectly to a public sanitary sewer. Any existing unauthorized connection to the public sanitary sewer shall be discontinued when ordered to do so by the City Council.

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

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

(K) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city representative.

(L) No person shall make a service connection with any public sewer unless regularly licensed under this chapter to perform such work, and no permit shall be granted to any person except such regularly licensed person.

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(M) Any person desiring a license to make a service connection with public sewers shall apply in writing to the City Council and furnish the Council satisfactory evidence that the applicant or employer is a person trained or skilled in the business and qualified to receive a license. All applications shall be referred to the Superintendent for recommendation to the Council. If approved by the Council, the license shall be issued by the City Administrator-Clerk-Treasurer upon the filing of a bond as hereinafter provided.

(N) No license shall be issued to any person until a bond in the amount of \$1,000 is deposited with the city and approved by the City Council. The bond shall be filed in the office of the City Administrator-Clerk-Treasurer under the condition that the license will indemnify and save harmless the city from any and all suits, accidents and damage that may arise by reason of any opening in any street, alley or public ground made by the licensee or by those in licensee's employment for any purpose whatever. The licensee will replace and restore all streets or alleys to the condition as the licensee found it, keep guard by day and adequate lights by night and maintain the same in good order to the satisfaction of the Superintendent and shall conform in all respects to the rules and regulations of the Council relative thereto and pay all fines that may be imposed on the licensee by law.

(O) The license fee for making service connections is as set forth in the fee schedule, § 36.01, per year. All licenses shall expire on December 31 of the license year unless sooner suspended or revoked by the Council for cause. When a person fails to apply for a license renewal prior to the expiration date thereof, the license fee for the ensuing year shall be as set forth in the fee schedule, § 36.01.

(P) The Council may suspend or revoke any license issued under this chapter for any of the following causes:

- (1) Giving false information in connection with the application for a license;
- (2) Incompetence of the licensee;
- (3) Willful violation of any provisions of this chapter or any rule or regulation pertaining to the making of service connections.

(Q) No licensed person, under this chapter, shall allow his or her name to be used by any other person, either for the purpose of obtaining permits or doing any work under his or her license. Every licensee shall record in the City Administrator-Clerk-Treasurer's office his or her place of business, the name under which the business is transacted and shall immediately notify the City Administrator-Clerk-Treasurer or agents of any change.

(R) Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including but not limited to capacity for flow, BOD and suspended solids.

(Am. Ord. 11.024, passed 6-3-85) Penalty, see § 10.99

§ 52.40 RESPONSIBILITY FOR MAINTENANCE OF LINE.

(A) It shall be the duty and responsibility of every owner or occupant of property upon which a building sewer is placed to maintain the sewer line on his, her or their property. This maintenance shall include a responsibility for repairing any broken tile in said line and for any cleanout or maintenance caused by obstructions in said line. All repair and restoration costs (including the street) shall be paid for by the owner. In addition, the owner or occupant will be responsible for clean out or maintenance due to obstructions caused by said owner or occupant in the line from the main to the property line.

(B) No owner of a tract of land upon which a dwelling is located shall sell or contract to sell by conveyance or contract for conveyance without providing a copy of a Certificate of Sanitary Sewer Compliance to the buyer prior to the sale in accordance with the following requirements:

(1) Time of sale shall mean when a written purchase agreement is executed by the buyer, or, in the absence of a purchase agreement, the time of the execution of any document providing for the conveyance by deed or contract.

(2) The seller must obtain and provide a Certificate of Sanitary Sewer Compliance from the city.

(3) Application for a Certificate of Sanitary Sewer Compliance from the city shall be made to the Public Works Director in a procedure determined by resolution of the City Council and upon forms furnished by the city.

(4) Upon receipt of a properly executed application for a Certificate of Sanitary System Compliance, the Public Works Director shall determine whether the private service line is in compliance with § 52.39, as may be amended from time to time. The Public Works Director shall also determine sump pump compliance, as defined by §§ 52.15 through 52.22.

(5) The proposed purchaser shall not take occupancy of the dwelling or structure prior to the issuance of a Certificate of Sanitary System Compliance by the city, except that upon the filing of an executed written agreement by the present and prospective owners, which agreement sets for the date by which the new owner will complete the necessary corrective action, and which agreement and corrective action dates are approved by the Public Works Director and found to be adequate in his or her discretion, the occupancy may be permitted pending issuance of the Certificate of Sanitary System Compliance.

(6) The fee for the inspection for the Certificate of Sanitary System Compliance is as set forth in the fee schedule § 36.01.

(7) A Certificate of Sanitary Sewer System Compliance issued under this section shall be effective until ownership of the property is transferred.

(Am. Ord. 11.024, passed 6-3-85; Am. Ord. 03-2003, passed 1-21-03; Am. Ord. 05-2003, passed 3-3-03)

§ 52.41 USE OF PUBLIC SERVICES.

(A) No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer.

(B) Stormwater and all other unpolluted drainage shall be discharged into sewers specifically designed as storm sewers or to a natural outlet approved by the city and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged into a storm sewer as approved by the city or natural outlet. Discharges to a storm sewer or natural outlet may require a National Pollutant Discharge Elimination System (NPDES) permit.

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

- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- (2) Any water containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works;
- (3) Any waters or wastes having a pH lower than 5.5 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater facilities and/or wastewater treatment works;
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities, such as but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers and the like, either whole or ground garbage grinders.

(D) The following described substances, materials, water or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, wastewater treatment works, treatment processes or equipment, will not have an adverse effect on the receiving stream and/or soil, vegetation and groundwater or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Superintendent may set limitations lower than limitations established in the regulations below if in his or her opinion such more severe limitations are necessary to meet the above objectives in forming his or her opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment works, the city's NPDES and/or SDS Permits and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

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- (1) Wastewater having a temperature higher than 150°F (65°C);
 - (2) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils or product of mineral oil origin;
 - (3) Wastewater from industrial plants and commercial establishments containing floatable oils, fat or grease;
 - (4) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purposes of consumption on the premises or when served by caterers;
 - (5) Any waters or wastes containing lead, chromium, copper, zinc, mercury, boron and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials;
 - (6) Any waters or wastes containing odor-producing substance exceeding limits which may be established by the Superintendent;
 - (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations;
 - (8) Quantities of flow, concentrations or both which constitute a “slug” as defined herein;
 - (9) Waters or wastes containing substances which are not amendable to treatment or reduction by the wastewater treatment processes employed;
 - (10) Any waters or wastes containing BOD or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment works, except as may be permitted by specific, written agreement with the city, which agreement may provide for special charges, payment or provisions of treating and testing equipment.
- (E) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (C) of this section, and which in the judgment of the superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may:
- (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge; and/or

(4) Reference Federal Register, Volume 43, Number 123, Part IV, Section 128, Part 403 titled "General Pretreatment Regulations for Existing and New Sources of Pollution" as published by the US Environmental Protection Agency, June 26, 1978, and Federal Guidelines pertaining to pretreatment.

(a) If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the city, in accordance with subsection (5) below.

(b) The city will require payment to cover the added cost of handling the wastes not covered by existing taxes or sewer charges subject to the requirements of 40 CFR 403, in accordance with subsection (5) below and Minnesota Pollution Control Agency.

(5) No provision contained in this ordinance shall be construed to prevent or prohibit a separate or special contract or agreement between the city and any user whereby waste and material of unusual strength, character or composition may be accepted by the city for treatment, subject to additional payment therefore by such user; provided, however, that such contract or agreement shall have the prior approval of the superintendent, and the payments for such services meet the requirements of city's ordinances establishing the sewer charge system and provided that the National Categorical Pretreatment Standards and the City's NPDES and/or SDS permit limitation are not violated.

(F) Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in division (E)(3) above any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms.

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

(H) The owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes when required by the city. The structure shall be accessible, safely located and shall be constructed in accordance with plans approved by the city. The structure shall be installed by the owner at his or her expense and be maintained by the owner.

(I) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this subchapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public

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Health Association. Sampling methods, location, times, duration and frequencies are to determine on an individual basis subject to approval by the Superintendent. Reference is made to 40 CFR 136, "Guidelines for Establishing Test Procedures for Analysis of Pollutants" dated October 16, 1973.

(J) Whenever any service connection becomes clogged, obstructed, broken or out of order, detrimental to the use of the public sewer or unfit for the purpose of draining, the owner or person having charge of the service connection shall repair or cause such work to be done as the Superintendent may direct. Each day after three days that a person neglects or fails to so act shall constitute a separate violation of this division, and the Superintendent may then cause the work to be done and recover from such owner or agent the expense thereof, together with 10% damages, by an action in the name of the city.

(K) No person having charge of any building or other premises which drains into a public sewer shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within 10 days after written notice from the city, a person shall install a suitable and sufficient catch basin or waste trap, or if one already exists, clean out, repair or alter the same and perform such other work as the Superintendent may deem necessary to prevent any substance or matter passing into the public sewer which may cause a deposit or obstruction therein. In addition to any penalties that may be imposed for violating this division, if a person refuses or neglects to install a catch basin or waste trap or to clean out, repair or alter the same, if one exists, for a period of five days, the Superintendent may cause such work to be done as deemed necessary at the expense of the owner or person having charge of the premises.

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

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

(N) At the discretion of the city, the owner of any property serviced by a building sewer carrying industrial wastes may be required to provide laboratory measurements, tests and analyses of waters or wastes to illustrate compliance with this subchapter. Any special condition for discharge established by the city or regulatory agencies having jurisdiction over the discharge, the owner shall comply. The number, type and frequency of sampling and laboratory analyses to be performed shall be stipulated by the city. Any industry must supply a complete analysis of the wastewater discharge to assure that compliance with the federal, state and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the city at such times and manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses and reporting required by the city. At such times as deemed necessary, the city reserves the right to take measurements and samples for analysis by an outside laboratory.

(Am. Ord. 11.024, passed 6-3-85) Penalty, see § 10.99

§ 52.42 TAMPERING WITH WASTEWATER FACILITIES.

No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Am. Ord. 11.024, passed 6-3-85) Penalty, see § 10.99

§ 52.43 POWER AND AUTHORITY OF INSPECTIONS.

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

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

(C) While performing the necessary work on private properties, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage of its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 52.42.

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

(E) In lieu of having the city inspect their property, any person may furnish a certificate from a state licensed plumber certifying that their property is in compliance with this chapter. The city may disconnect the sewer service if an inspection is not permitted or the optional certificate is not furnished within 14 days after a request has been made.

(Am. Ord. 11.024, passed 6-3-85)

§ 52.44 USER RATE SCHEDULE OF CHARGES.

(A) Each user of sewer service shall pay the charge(s) applicable to the user class type of service and in accordance with § 52.03.

(B) All users shall be charged monthly for sewer services according to the respective average of the January, February, and March current year water meter readings.

(C) A user minimum charge per month will be established for any user that uses the sanitary sewer service system. The minimum charge will be in accordance with the minimum charge established in § 52.03.

(D) Each charge levied by and pursuant to this chapter is made a lien upon the corresponding lot, land or premises connected to the city wastewater system and all such charges which are more than 30 days past due and having been properly billed to the owner or occupant of the premises so served shall be certified by the City Administrator-Clerk-Treasurer to the County Auditor by the thirtieth day of November of each year, and the Administrator-Clerk Treasurer in so certifying such charges shall specify the amount thereof, the description of the premises served, the name of the owner thereof and the amount so certified shall be extended by the County Auditor on the tax rolls against such premises in the same manner as other taxes, collected by the County Treasurer and paid the City Administrator-Clerk-Treasurer, together with other taxes.

(E) A penalty of 10% shall be added to all bills collected per division (D) of this section. (Am. Ord. 11.024, passed 6-3-85; Am. Ord. - -, passed 1-21-03; Am. Ord. 01-2004, passed 2-2-04; Am. Ord. - -, passed 12-5-05)

§ 52.45 VIOLATIONS.

(A) Any person found to be violating any provision of this subchapter, except § 52.41, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(B) Any person who shall continue any violation beyond the time limit provided for in division (A) of this section shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount determined by § 10.99. Each day in which any such violation occurs shall be deemed a separate offense.

(C) Any person violating any of the provisions of this subchapter shall become liable to the city for any expense, loss, damage, or corrective action occasioned upon the city by reason of such violation.

(Am. Ord. 11.024, passed 6-3-85; Am. Ord. - -, passed 12-5-05) Penalty, see § 10.99

CHAPTER 53: SURFACE WATER MANAGEMENT

Section

- 53.01 Surface water management utility established
- 53.02 Definitions
- 53.03 Certification of delinquent fees—action to collect charges
- 53.04 Surface Water Management Fund

§ 53.01 SURFACE WATER MANAGEMENT UTILITY ESTABLISHED.

Surface water management shall be operated as a public utility pursuant to M.S. § 444.075, as it may be amended from time to time.
(Ord. 11.03, passed 12-17-01)

§ 53.02 DEFINITIONS.

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

SURFACE WATER MANAGEMENT BUDGET. The annual budget approved by the City Council for surface water management including planning, engineering, monitoring, capital expenditures, personnel and equipment and operation of the surface water utility, in accordance with established city policy.

SURFACE WATER MANAGEMENT FEE. A monthly charge, as established under § 36.01, will be included as an added fee to the monthly utility billing, rates will be adjusted as needed by the City Council. The charge developed for each parcel in the city is for the management of surface water.
(Ord. 11.03, passed 12-17-01; Am. Ord. - -, passed 1-21-03)

§ 53.03 CERTIFICATION OF DELINQUENT FEES—ACTION TO COLLECT CHARGES.

A 1.5% penalty will be added each month on the unpaid amount, and each year the amount not paid will be assessed as additional 10% penalty, the City Administrator-Clerk-Treasurer may certify to

Meeker County the amounts due (with penalties) together with the legal descriptions of the premises served, and the county shall thereupon enter such amount as part of the tax levy on the premises to be collected during the ensuing year.

(Ord. 11.03, passed 12-17-01)

§ 53.04 SURFACE WATER MANAGEMENT FUND.

A separate fund shall be maintained for the surface water management fees and expenditures.

(Ord. 11.03, passed 12-17-01)