

CHAPTER 8 - SEWER and WATER REGULATIONS

Section 800 - General

800.01 Definitions. For the purpose of this Ordinance, the following words and terms shall have the meaning set out below, unless the context specifically indicates otherwise.

Subdivision 1 "BOD" (Biochemical Oxygen Demand). "BOD" (Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C expressed in milligrams per liter. Laboratory procedures shall be in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

Subdivision 2 Building Drain. "Building Drain" means that part of the lower 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 (5) feet outside the inner face of the building wall.

Subdivision 3 Building Sewer. "Building Sewer" means the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Subdivision 4 City. "City" is the area within the corporate boundaries of the City of Eagle Bend, as presently established or as amended by Ordinance or other legal actions at a future time. The term "City" when used herein may also be used to refer to the City Council and its authorized representatives.

Subdivision 5 "COD" (chemical oxygen demand). "COD" (chemical oxygen demand) means the quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedures as set out in the latest edition of Standard Methods For The Examination of Water and Wastewater.

Subdivision 6 Combined Sewer. "Combined Sewer" means a sewer originally designated to receive both surface water runoff and sewage.

Subdivision 7 Garbage. "Garbage" means solid waste resulting from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage or sale of meat, fish, fowl, fruit, vegetable or condemned food.

Subdivision 8 Industrial Wastes. "Industrial Wastes" means the solid, liquid, or gaseous wastes resulting from an industrial or manufacturing processes, trade or business, or from the development, recovery, or processing of natural resources.

Subdivision 9 Infiltration. "Infiltration" means water entering the sewage system (including building drain and pipes) from the ground through such means as defective pipes, pipe joints, connections, and manhole walls.

Subdivision 10 Infiltration/inflow (I/I). "Infiltration/inflow (I/I)" means the total quantity of water from both infiltration and inflow.

Subdivision 11. Inflow. "Inflow" means water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

Subdivision 12. "NPDES Permit" (National Pollutant Discharge Elimination System) Permit. "NPDES Permit" (National Pollutant Discharge Elimination System) Permit means 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 1972, Sections 402 and 405.

Subdivision 13 Natural Outlet. "Natural Outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface groundwater.

Subdivision 14. Normal Domestic Strength Wastes. "Normal Domestic Strength Wastes" shall mean wastes which are characterized by 250 mg per liter BOD, and 300 mg per liter suspended solids.

Subdivision 15 Other Wastes. "Other Wastes" shall mean garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil tar, chemicals, offal, and other substances except sewage.

Subdivision 16 Person. "Person" means any individual, firm, company, association, society, corporation, municipal corporation, governmental unit, or group.

Subdivision 17 pH. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Subdivision 18 Process Water. "Process Water" means any water used in the manufacturing, preparation or production of goods, materials or food. Process water is an industrial waste.

Subdivision 19 Public Sewer. "Public Sewer" means any sewer owned or operated by a unit or agency of government.

Subdivision 20 Sanitary Sewer. "Sanitary Sewer" means a sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.

Subdivision 21 Sanitary Water. "Sanitary Waste" means the liquid and water carried wastes discharged from sanitary plumbing facilities.

Subdivision 22 State Disposal System (SDS) Permit. “State Disposal System (SDS) Permit” means any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to Minnesota Statutes 115.07 for a disposal system as defined by Minnesota Statutes 115.01, Subdivision 8.

Subdivision 23 Sewage or Wastewater. “Sewage” or “Wastewater” means the water carried waste products from residences, public buildings, institutions, industrial establishments or other buildings including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground, surface and storm waters as may be present.

Subdivision 24 Sewer. “Sewer” means a pipe or conduit for carrying sewage, industrial wastes or other waste liquids.

Subdivision 25 Sewer System. “Sewer System” means pipelines or conduits, pumping stations, forcemains and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes or other wastes to a point of ultimate disposal.

Subdivision 26 Shall and May. “Shall” is mandatory. “May” is permissive.

Subdivision 27 Slug. “Slug” means any discharge of water, wastewater or industrial waste which in concentration of any given constituent, or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during the normal operation.

Subdivision 28 Storm Sewer (Storm Drain). “Storm Sewer” (sometimes termed “Storm Drain”) means a sewer which carries storm or surface water and drainage, but excludes sewage and industrial waste, other than unpolluted cooling or process water.

Subdivision 29 Suspended Solids. “Suspended Solids” means solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering in accordance with the latest edition of Standard Methods For The Examination of Water and Wastewater.

Subdivision 30 Unpolluted Water. “Unpolluted Water” means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean or noxious or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare to domestic, commercial, industrial or recreational uses; or to livestock, wild animals, birds, fish, or other aquatic life.

Subdivision 31 Wastewater Facilities. “Wastewater Facilities” means the structures, equipment, or processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

Subdivision 32 Wastewater Treatment Works or Treatment Works. "Wastewater Treatment Works" or "Treatment Works" means 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 pollution control plants" or "sewage treatment plant".

800.02 Unlawful Discharges. It shall be unlawful to discharge to any natural outlet within the City or any area under the jurisdiction of the City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.

800.03 Privies, Septic Tanks, Cesspools. 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 sewage if adequate and feasible City facilities are available.

800.04 Mandatory Connection.

Subdivision 1. The owner of any building or property which is located within the City and from which wastewater is discharged shall be required to connect to a public sewer at his expense within 90 days of the date said public sewer is operational, provided that said public sewer is within 150 feet of the structure generating the wastewater and such public sewer is located in a public right-of-way or easement for sewer purposes adjacent to the property. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not being made pursuant to this subdivision, an official 90 day notice shall be served instructing the affected property owner to make said connection.

Subdivision 2. The cost of the original installation of all plumbing between the water main and any service devices maintained by the consumer, and all extensions hereafter made to such service pipes as well as all repairs and replacements to the same shall be borne entirely by the owner of the premises, although such service pipes and devices shall at all reasonable times be subject to inspection by duly authorized officials of the water department. Any repairs found to be necessary by such officials shall be made promptly.

(Ord. 10-14-19-01, passed 4-19-10)

800.05 Assessment for Non-compliance. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under of this section, the City shall undertake to have the connection made and shall assess the cost thereof against the benefitted property. Such assessment, when levied, shall bear interest at the rate determined by the Council and shall be certified to the County Auditor and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City shall be in addition to any penalties or remedial or enforcement provisions of this Chapter.

800.06 Prohibited Discharges.

Subdivision 1 Unpolluted Waters. No person shall discharge or cause to be discharged directly or indirectly any storm water, groundwater, roof runoff, subsurface drainage, waste from on-site disposal systems, unpolluted cooling or processing water to any sanitary sewer. No person may discharge sump pump or tooting drain water into the public sanitary sewer. Storm water and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or process water shall only be so discharged to a storm sewer or natural outlet on approval of the City and upon approval and the issuance of a discharge permit by the MPCA.

Subdivision 2 Harmful Substances. No person shall discharge or cause to be discharged directly or indirectly, any of the following described substances to any public sewer:

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

b) Any water or wastes 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 wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the wastewater treatment works.

A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307A of the Clean Water Act.

c) Any water or waste having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment works.

d) Solid or viscous substances, either whole or ground, in quantities or of such size capable of causing obstruction to the flow in the sewers, or other interference with the proper continuation of the wastewater facilities, but not limited to ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cuttings or polishing wastes, sand, mud, straw, shavings, metal, glass rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, sanitary napkins, paper dishes, cups, milk containers and other paper products.

e) Noxious or malodorous liquids, gases or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repairs.

800.07 Restricted Discharges. No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewer unless in the opinion of the City such discharge will not harm the wastewater facilities, nor cause obstruction to the flow in sewers, nor otherwise endanger life, limb, or public property, nor constitute a nuisance. In forming its opinion as to the acceptability of the wastes, the City may give consideration to such factors as the quantities of the subject wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, the City's NPDES permit, and other pertinent factors. The City may make such determinations either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain

discharges from individual users because of unusual concentrations or combinations which may occur.

The substances prohibited are:

- a) Any liquid or vapor having a temperature in excess of one hundred fifty (150) degrees F. (65 degrees C.)
- b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F. (zero [0] and sixty-five [65] degrees C.).
- c) Any garbage that has not been ground or comminuted to such degree that all particles will be carried freely in suspension under flows normally prevailing in the public sewers, with no particles greater than one-half ($\frac{1}{2}$) inch in any dimension.
- d) Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- e) Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment, or personnel of the wastewater works, or which interfere with the treatment required to meet the requirements of the State or Federal Government, or any other public agency with proper authority to regulate the discharge from the wastewater treatment plant.
- f) Any radioactive wastes or isotopes of such half-life or concentration that they are not in compliance with regulations issued by the appropriate authority having control over their use or may cause damage or hazards to the treatment works or personnel operating it.
- g) Any water or wastes having a pH in excess of 9.5.
- h) Materials which exert or cause:
 - (1) Unusual concentrations of suspended solids, (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works. The BOD discharged to the public sewer shall not exceed 400 mg/l.

- (4) Unusual volume of flow or concentration of wastes constituting a slug.
- (5) Water or water containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of the NPDES Permit, or requirements of other governmental agencies having jurisdiction over discharge from the wastewater treatment plant.
 - i) Any waters or wastes containing the following substances to such degree that any such material received in the composite wastewater at the wastewater treatment works in excess of limits established by the wastewater superintendent: arsenic, cadmium, copper, cyanide, lead, mercury, nickel, silver, total chromium, and zinc.

800.08 City Options for Handling Prohibited and Restricted Discharges. If any water or wastes are discharged, or are proposed to be discharged directly or indirectly to the public sewers, which water or wastes do not meet the standards set out in or promulgated under this Subsection, or which in the jurisdiction of the City may have a deleterious effect upon the treatment works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, or constitute a public nuisance, the City may take all or any of the following steps:

- a) Refuse to accept the discharges.
- b) Require control over the quantities and rates of discharge.
- c) Require pretreatment to an acceptable condition for the discharge to the public sewers pursuant to Section 307(b) of the Act and all addenda thereof.
- d) Require payment to cover the added cost of handling or treating the wastes.

The design and installation of the plant and equipment for pretreatment or equalization of flows shall be subject to the review and approval of the City, and subject to the requirements of 40 CFR 403, entitled "Pretreatment Standards", and the Minnesota Pollution Control Agency.

800.09 Interceptors. Grease, oil and mud interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified this Section, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection.

800.10 Owner Responsibility. Where preliminary treatment flow equalization, or interceptors are required for any water or waste, they shall be effectively operated and maintained continuously in satisfactory and effective condition by the owner at his expense and shall be available for inspection by the City at all reasonable times.

800.11 Control Structures. When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure and equipment, when required, shall be constructed at the owners expense in accordance with plans approved by the City and shall be maintained by the owner so as to be safe and accessible at all times.

800.12 Measurements and Tests. All measurements, tests and analyses of the characteristics of water and waste to which reference is made in this Chapter shall be determined in accordance with 40 CFR 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants"; the latest edition of Standard Methods For The Examination of Water and Wastewater and shall be determined at the control structure provided, or upon suitable samples taken at said control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effluent constituents and their effect upon the treatment works and to determine the existence of hazards of life, health and property. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the City.

800.13 Laboratory Testing for Industrial Wastes. The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the City, be required to provide laboratory measurements, tests and analyses of waters or wastes to illustration compliance with this Chapter and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with 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 in such 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 and City reserves the right to take measurements and samples for analysis by an outside laboratory.

800.14 New Connections. New connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including, but not limited to, capacity for flow, BOD, and suspended solids.

800.15 Increased Use and Diluted Discharges. No user shall increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this Section, or contained in the National Categorical Pretreatment Standards or any State requirements.

800.16 Special Agreements. No statement contained in this Section shall be constructed as preventing any special agreement or arrangements between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern, in accordance with applicable ordinance and any supplemental agreements with the City.

800.17 Private Sewage Disposal.

Subdivision 1 When Allowed. Where a public sanitary sewer is not available under the provisions of this Section, the building sewer shall be connected to a private wastewater disposal system complying with the rules and regulations Minnesota Rules Chapter 7080 entitled Individual Sewage Treatment System Standards or the requirements of the City or other regulatory agencies, whichever is more restrictive.

Subdivision 2 Approval Required. No new private sewer systems or sewer system extensions shall be constructed within the City without first obtaining written approval of the system plan and materials to be used in the construction of said system.

Subdivision 3 Approval Application. Each application for approval of a private system shall be on a form provided by the City and shall state the correct legal description of the property on which the proposed installation, alteration, or extension is to take place and each application for a permit shall be accompanied by a plot plan of the land showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property and complete plans of the proposed system with substantiating data, if necessary, attesting to the compliance with the minimum standards of this Chapter. A complete plan shall include the location, size and design of all parts of the system to be installed, altered or extended. The application shall also show the present or proposed name of the person, firm, or corporation who is to install the system and shall provide such additional information as may be required by the City, the PCA, or other governing body with authority over waste disposal.

Subdivision 4 Testing. The City may require percolation tests when soil absorption capabilities within the proposed system are in doubt. The percolation test shall be administered by the Clerk-Treasurer/Administrator or one of his or her authorized agents. The tests shall be conducted in compliance with the standards as set forth in the Minnesota Department of Health Code. The results shall be evaluated by the City and such conditions necessary to meet minimum Health Code Standards be so attached to sewage permit. The fee for such percolation tests shall be set by the Council.

Subdivision 5 Inspection of Work.

A. The Clerk-Treasurer/Administrator shall cause such inspection or inspections as are necessary to determine compliance with this Section. No part of any system shall be covered until it has been inspected and accepted by the Clerk-Treasurer/Administrator or his or her agent. It shall be the responsibility of the applicant for the permit to notify the Clerk-Treasurer/Administrator that the job will be ready for inspection or re-inspection, and it shall be the duty of the Clerk-Treasurer/Administrator to cause the indicated inspection within forty-eight hours of said notification. It shall be the duty of the owner or occupant of the property to give the Clerk-Treasurer/Administrator or his or her agent, free access to the property at reasonable times for the purpose of making such inspections. Upon satisfactory completion and final inspection of the system, the Clerk-Treasurer/Administrator shall issue to the applicant a certificate of zoning compliance.

B. If upon inspection it is discovered that any part of the system is not constructed in accordance with the minimum standards provided for in this Section, the applicant shall pay an additional inspection fee for each inspection. The applicant shall be responsible for the correction or elimination of all defects, and no system shall be placed in service until all defects have been corrected or eliminated.

C. An applicant for any permit under this Section, by making such application, does thereby give the Clerk-Treasurer/Administrator reasonable right of access to the premises concerned for inspection from time to time, so he or she may carry out his or her duties as specified in this Section.

D. The Clerk-Treasurer/Administrator is hereby authorized to enter upon lands within the City for the purpose of carrying out his or her duties and functions imposed upon him or her under this Section or to make investigations of any violations of this Section and to cause proceedings to be instituted if proofs at hand warrant such action.

Subdivision 6 Maintenance. The owner shall operate and maintain the private sewage disposal facility in a sanitary tanner at all times, at no expense to the City.

Subdivision 7 Compliance with Health and Pollution Control Agencies. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by any officially recognized Health Office or the Minnesota Pollution Control Agency.

800.18 Building Sewers and Connections.**Subdivision 1 License Required.**

- a) It shall be unlawful for any person to engage in the work or business of installing private sewer service lines and appurtenances for others without a license therefore from the City.
- b) Any person desiring to engage in such work shall make application to the City on forms to be supplied by the City together with a fee as set in the fee schedule adopted from time to time by the Council. All licenses issued shall be for one (1) calendar year only, a each renewal shall be made by application together with a fee as set in the fee schedule adopted from time to time by the Council. A plumber licensed by the State Board of Health shall pay no fee to the City, but shall show evidence of the State license before the City issues a license.
- c) Each applicant for license shall sign an agreement on such form as may be delivered by the City agreeing to pay the City the actual cost of repair for any damage caused to the City sewer system by the application, or by any of his employees or agents. This agreement shall accompany the license application.
- d) Each applicant shall accompany his application with a certificate of insurance in a company acceptable to the City showing public liability insurance coverage with limits of at least \$100,000 per person; \$250,000 per occurrence and \$10,000 for property damage. Such certificate shall specifically state that such insurance covers underground construction operations and shall contain a provision that the coverage afforded under the policies will not be canceled or materially changed until at least 15 days prior written notice has been given to the City.

Subdivision 2 Permit Required. No person, unless authorized by a written permit from the City shall make, install, repair, alter, disturb, uncover, open or break any sewer connection to the sanitary sewer system of the City. Permits for connection of a new sewer service or repairs to an existing service shall be issued by the City after consideration of the application for such permit with regard to compliance with other Sections of this Chapter. Permits shall be issued in the following manner:

- a) Application for a permit to perform work on a sewer service connection within the City shall be made on a form supplied by the City by the person or firm who will be performing such work to the City for the installation of a new connection. The person or firm performing such work shall be licensed to perform such work by the City.
- b) The City Clerk-Treasurer/Administrator shall issue a permit for the work after the application is approved and the bond is received.

Subdivision 3 Costs and Expenses. All costs and expenses incidental to the installation and connection of the building sewer or repairs to an existing connection shall be borne by the owner. The owner shall defend, indemnify and hold harmless the City from any loss or damage to the public sewer that may directly or indirectly be occasioned by the installation of the building sewer.

Subdivision 4 Separate Connections. A separate and independent building sewer shall be provided for every building, except where two or more buildings are situated on one parcel such that the parcel may not be subdivided. Such joint use private sewer may be extended to the rear building or buildings and the whole considered as one joint use private sewer provided the buildings are the property of a single owner. Special variances will be considered by the City.

Subdivision 5 Use of Old Sewers. Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the City, to meet all the requirements of this Chapter.

Subdivision 6 Unused Private Systems. Unused septic tanks, cesspools, leaching pits and similar devices and structures shall be backfilled or made safe and unusable in a manner acceptable to the City.

Subdivision 7 Size, Slope, Alignment, and Materials. The size, slope, alignment and materials of construction of a building sewer and the method used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building code and plumbing code; or other applicable rules and regulations. In the absence of code provisions, or in amplifications thereof, the materials and procedures set forth in appropriate specifications of the "Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9" and the American Society for Testing Materials (A.S.T.M.) Standards shall apply.

Subdivision 8 Elevation. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, such building drain shall be provided with a lifting device by an approved means and discharge to the building sewer.

Subdivision 9 Prohibited Connections. No person shall make connection of roof downspouts, roof drains, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

Subdivision 10 State Plumbing Code. The construction of the building sewer and its connection into the public sewer shall conform to the requirements of the State of Minnesota Plumbing Code, the sewer specifications included herein, and other applicable rules and regulations and procedures adopted by the City. All such construction shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City prior to installation.

Subdivision 11 Inspections. Employees of the City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection and no underground portion shall be covered before the final inspection is complete. The connection shall be made under the supervision of the City or its representative.

Subdivision 12 Excavations. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed during the course of the work shall be restored in a manner satisfactory to the City.

800.19 Main and Lateral Sewer Construction.

Subdivision 1 Authorization Required. No person, unless authorized shall uncover, make any connection with or opening into, use, alter or disturb any sanitary or storm sewer within the City or any part of the City wastewater facilities.

Subdivision 2 Professional Engineer Required. No sanitary or storm sewers shall be constructed in the City (except house or building service sewers) except by the City or by others in accordance with plans and specifications approved by a professional engineer. No such sewers shall be constructed or considered to be part of the public sewer system unless accepted by the City.

Subdivision 3 Size, Slope, Alignment, Material. The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling and other work connected with the construction of sewers shall conform to the requirements of the City.

800.20 Protection from Damage. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities.

800.21 Authority of Inspectors.

Subdivision 1 Entry onto Property. Duly authorized employees of the City shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Chapter. Those employees shall have no authority to inquire into processes including metallurgical, chemical, oil, refining, ceramic, paper, or their industries except as is necessary to determine the kind and source of the discharge to the public sewer.

Subdivision 2 Safety Rules. While performing the necessary work on private property as referred to in Subdivision I of this Subsection, the authorized employees of the City shall observe all safety rules applicable to the premises as 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 to 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 this Section.

Subdivision 3 Easements. Duly authorized employees of the City shall be permitted to enter all private properties through which the City holds easements for the purpose of, but not limited to, inspection, observation, maintenance and construction of public sewers.

800.22 Application for Sewer and Water Service.

Subd. 1 Procedure. Application for water and sewer service installation and for water and sewer service shall be made to the Clerk-Treasurer/Administrator on forms prescribed by the Clerk-Treasurer/Administrator and furnished by the City. Every person applying for water service from the municipal water system or sewer service from the municipal sewer system, and every owner of property for which such application is made, shall be deemed by such application to consent to all ordinances, rules and regulations of the City relating to the municipal water and sewer system.

Subd. 2 Deposit. At the time of filing an application for water or sewer service, any applicant who has not had a record of prompt payment of water or sewer service bills for the previous 12 months, must deposit with the City the sum of \$40.00. This deposit must be made whether the applicant owns the property in question or rents the property in question, and shall apply to each rental unit within a multiple unit building. Interest shall be paid on deposits at the rate of 6% per year. Interest shall be paid annually by a credit, which shall be reflected on the July bills. The deposit shall be refunded within 45 days of termination of service. Provided, however, that the deposit made by a renter of premises will be refunded only upon termination of the lease, with all water and sewer bills paid. If the user is delinquent in his or her water or sewer account, his or her deposit shall be applied to the delinquent account, and an additional deposit shall be required to bring the deposit up to the amount originally required.

800.23 Penalties.

Subdivision 1 Notice. Any person found to be violating any provisions of this Section 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 time period stated in such notice permanently cease all violation.

Subdivision 2 Penalty. Any person who shall continue any violation beyond the time limit provided for in said written notice shall be guilty of a misdemeanor and on conviction thereof shall be fined or imprisoned, or both, not to exceed the maximum penalty authorized for a misdemeanor by State law for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 815 - Fees

815.01 Combined Fund. The sewage and waterworks systems shall be operated as a combined system with a joint fund for the system into which shall be deposited all revenues and from which shall be paid all expenses of the system.

815.02 Connection Charges. Connection charges for connecting to the City water system and to the City sewer system shall be as set from time to time in the fee schedule adopted by the Council.

815.03 Use Rates. Charges and rentals for sewage treatment and disposal and water consumption shall be as set from time to time by in the fee schedule adopted by the Council.

815.04 Payment. The statements for total water and sewer charges for each month shall be sent by the City Clerk-Treasurer/Administrator to the customer by the 10th day of the following month, however, if a customer notifies the City Clerk-Treasurer/Administrator to send the City Water and Sewer charges directly to a local bank for payment, the City Clerk-Treasurer/Administrator shall do so. The amount listed on the statement shall be payable by the 5th day of the month following the date of the bill. If payment is not made when due, the customer shall be required to pay a penalty that shall be set from time to time in the fee schedule adopted by the Council.

(Am. Ord. 10-04-19-01, passed 4-19-10)

815.05 Accounts and Names of Owners. All accounts shall be carried in the name of the owner who personally, or by his or her authorized agent, shall apply for such service. The owner shall be ultimately liable for water and sewer service supplied to his or her property. The rates and charges hereby established shall be a charge against the owner, lessee and occupant of the premises, and if such charges shall not be paid when due, the City shall have the right to disconnect sewer and water service to the premises and to collect the delinquent charges by civil action in any court or by certification to the County Auditor to be collected with taxes against the property served. Any unpaid charges shall be a lien upon the property.

815.06 Shutoff for Non-Payment.

Subd 1. The City shall endeavor to collect delinquent accounts promptly. In any case where satisfactory arrangements for payment have not been made, the City may, after the procedural requirements of Subdivision 2 have been complied with, discontinue service to the delinquent customer by shutting off the water or sewer service. When water or sewer service to any premises have been discontinued, service shall not be restored except upon the payment of all delinquent amounts due plus a fee for disconnection and reconnection as set in the fee schedule adopted from time to time by the Council.

Subd. 2 Procedure. Water and sewer service shall not be shut off under Subd. 1 until notice and an opportunity for a hearing have first been given to the occupant of the premises involved. The notice shall be personally served and shall state that if payment is not made before the date stated in the notice, but not less than 10 days after the notice is given, the water supply or sewer service to the premises will be shut off. The notice shall also state that the occupant may, before such date, demand a hearing on the matter, in which case the supply or service shall not be cut off until after the hearing is held. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the Council no later than one week after the date on which the request was made. If as a result of the hearing, the Council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply or sewer service of the delinquent customer may not be shut off in accordance with this Section the City may shut off the supply or service. Service shall not be discontinued if the water service is a part of the property's primary heating service except as provided for in M.S. 216B.095, and 216B.097.

815.07 Collection with Taxes. Delinquent accounts shall be certified by the Clerk-Treasurer/Administrator, who shall prepare an assessment roll each year providing for assessment of delinquent amounts against the respective property served. The assessment rolls shall be delivered to the Council for adoption on or before October 1 of each year. Upon its adoption, the Clerk-Treasurer/Administrator shall certify the assessment roll to the County Auditor for collection along with taxes.

Section 820 - Water Meter

820.01 Deposit. The City shall furnish for each connection a water meter for which the property owner must make a deposit of \$40.00. The water meter shall be the property of the City and shall be serviced and maintained by the City without charge to the consumer, but the consumer shall be liable for damage to the meter.

820.02 Damaging or Tampering. No unauthorized person shall maliciously or willfully break, damage, or tamper with any water meter or any structure, appurtenance or equipment which is a part of the municipal sewer or water system. Any violator shall be guilty of a misdemeanor and shall be fined in an amount not exceeding Seven Hundred Dollars (\$700.00) for each violation.