

TITLE V: PUBLIC WORKS

Chapter

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CHAPTER 50: GENERAL PROVISIONS

Section

- 50.01 Definitions
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' 50.01 DEFINITIONS.

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

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

CONSUMER and CUSTOMER. Any user of a utility.

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

PUBLIC UTILITIES COMMISSION. The Public Utilities Commission of the city, and certain specific references herein to the Acity@ shall include the city acting through the Public Utilities Commission where the language or context clearly indicates that reference.

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

UTILITY. All utility services, whether the same be public municipally-owned facilities or furnished by private utility companies.
(1994 Code, ' 3.01)

' 50.02 FIXING RATES AND CHARGES FOR MUNICIPAL UTILITIES.

(A) All rates and charges for water services, including, but not by way of limitation, rates for service, deposits, connection fees, disconnection fees and reconnection fees shall be fixed, determined and amended by the Public Utilities Commission and referred by it immediately to the Council together with a suggested effective date.

(B) No increase at that rate, fee or charge shall become effective for a period of 30 days following the date at the rate change. Except as otherwise provided by ordinance, all the rates and charges for sewerage and refuse service shall be fixed by resolution of the Council. The resolutions, containing the effective date thereof, shall be kept on file and open to inspection in the office of the City Clerk, and shall be uniformly enforced.

(1994 Code, ' 3.02)

' 50.03 CONTRACTUAL CONTENTS.

Provisions of this chapter relating to municipal utilities shall constitute portions of the contract between the city and all consumers of municipal utility services, and every consumer shall be deemed to assent to the same. All contracts between franchisees and consumers of utility services other than municipal shall be in strict accord with the provisions of this chapter.

(1994 Code, ' 3.03)

' 50.04 RULES AND REGULATIONS.

(A) *Billing, payment and penalty.*

(1) All municipal utilities shall be billed monthly or quarterly, except that the billing period may be shortened or lengthened to adjust for a read-out or new connection period, as the case may be, and a utility statement shall be mailed to each consumer.

(2) All municipal utility charges shall be delinquent if they are unpaid at the close of business on the fifth day of the month following the billing, provided that if the fifth day shall fall on a Saturday, Sunday or legal holiday, the time shall be extended to the close of business on the next succeeding day on which business is normally transacted.

(3) A penalty of 10% shall be added to all delinquent bills. If service is suspended due to delinquency, it shall not be restored at that location until a disconnection and reconnection fee have been paid in addition to the amounts due and owing for service, other fees and charges, and penalties.

(B) *Application, connection and sale of service.*

(1) Application for municipal utility services shall be considered made when the Public Utilities Department receives written or oral notification of the date an applicant will be occupying premises.

(2) No connection shall be made until consent has been received from the city to make the same.

(3) All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of the utilities taken as metered or ascertained in connection with those rates.

(4) Application for service shall be denied by the city if the applicant has a past due utility bill with the city, or until satisfactory arrangements are made with the Public Utilities Department to pay the past due utility account.

(C) *Discontinuance of service.*

(1) All municipal utilities may be shut off or discontinued whenever it is found that:

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

(b) Any charge for a municipal utility service, or any fees or charges in connection therewith, imposed on the present owner or occupant of the premises served, remains delinquent for more than 30 days after due notice of discontinuation of service; or

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

(2) The Public Utilities Department shall determine what accounts are delinquent and shall then forward the accounts to the Water Superintendent or the City Clerk for approval, and, thereafter, services shall be discontinued as hereinafter set forth. Customers who fail to pay their utilities or pay for only one municipal utility and fail to pay others shall, after 30 days= notice, have their water and/or other services discontinued. The customers shall have the right to appeal disputes or discrepancies in their bill. The hearings shall be before the Public Utilities Commission during the delinquency period.

(3) A 30-day notice shall be given to all delinquent customers stating the amount due and the due date. A shut off notice shall be given if unpaid after 30 days, allowing two business days to pay the full amount or the water service will be disconnected. The city may add the cost of preparation and service of the notice to all delinquent accounts.

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

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

(F) *Meter test.* Whenever a consumer shall request the city to test any utility meter in use by him or her, the request shall be accompanied by a cash deposit of \$25 for each meter to be tested. If any meter is found to be inaccurate the same shall be replaced with an accurate meter and the deposit thereon

refunded. If the meter shall be found to be accurate in its recordings or calculations it shall be reinstalled and the \$5 deposit shall be retained by the city to defray the cost of the test.

(G) *Unlawful acts.*

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

(2) It is unlawful for any person to make any connection with any municipal utility system without first having applied for and received permission from the city to make the same.

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

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

(H) *Municipal utility services and charges a lien.*

(1) Payment for all municipal utility (as that term is defined in ' 50.01) service and charges shall be the primary responsibility at the owner of the premises served and shall be billed to him or her, unless otherwise contracted for and authorized in writing by the owner and the tenant, as agent for the owner, and consented to by the city. The city may collect the same in a civil action or, in the alternative and at the option of the city, as otherwise provided in this division.

(2) Each account is hereby made a lien upon the premises served. All accounts which are more than 45 days past due may, when authorized by resolution of the Council, be certified by the City Clerk of the city, to the County Auditor, and the City Clerk in so certifying shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against the premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the city along with other taxes.

(I) *Damage to municipal utility equipment.* It is unlawful for any person to intentionally cause any damage to any municipal utility equipment or appurtenances, including, but not limited to, meters, street lights, water hydrants and curb cocks. Anyone intentionally causing the damage shall pay the reasonable value thereof to the city, including labor for renewal and installation of any equipment and shall be, in effect, an insurer of any equipment in his or her possession or with which he or she comes in contact.

(J) *Municipal utility service outside the city.* Premises located outside the city shall not be connected to or served by any municipal utility, except the premises as are publicly owned, presently served or by private line or contract. Persons needing municipal utility service whose property is located outside the corporate limits must initiate and complete annexation proceedings in advance prior to being

provided with the service or services.

(K) *Landlords and tenants.* As to all premises occupied by someone other than the owner, the owner guarantees payment of the charges for services, installation and repair made in accordance with the rules of the Public Utilities Department or ordinances herein.

(1994 Code, ' 3.04) (Ord. 61, passed 6-19-1987) Penalty, see ' 10.99

CHAPTER 51: REFUSE COLLECTION; RECYCLABLES

Section

Refuse Collection

- 51.01 Definitions
- 51.02 Deposit of refuse and garbage restricted
- 51.03 Storage of garbage and other refuse
- 51.04 Collection of garbage and other refuse
- 51.05 Disposal of refuse
- 51.06 Service charges

Recyclables

- 51.20 Definitions
- 51.21 Residential pre-collection and collection
- 51.22 Recyclables
- 51.23 Recyclables, container requirements
- 51.24 Collection
- 51.25 Collection rates
- 51.26 Conflict of law

REFUSE COLLECTION

51.01 DEFINITIONS.

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

AUTHORIZED GARBAGE BAGS. Only those bags designated by the city for use in the deposit of garbage by residential customers into the city-supplied containers for garbage collection.

GARBAGE. All putrescible wastes including animal offal and carcasses of dead animals, but excluding human excreta, sewage and other water-carried wastes.

OTHER REFUSE. Ashes, glass, crockery, tin cans, paper, boxes, rags, old clothing and all similar non-putrescible wastes; but does not include any material, such as earth, sand, brick, stone, plaster or other similar substances, that may accumulate as a result of construction operations.
(1994 Code, ' 3.60.1)

' 51.02 DEPOSIT OF REFUSE AND GARBAGE RESTRICTED.

It is unlawful for any person to deposit or cause to be deposited any garbage or other refuse upon any street, alley, vacant lot or upon any ground appurtenant to any building except in the manner provided by this section. It is also unlawful for any person, except a duly authorized City Collector, to transport garbage or other refuse over any street or alley or to disturb, collect or in any manner interfere with garbage and other refuse placed in containers for collection or interfere in any manner with containers for garbage and other refuse. It is also unlawful for any person to place garbage or refuse that is not entirely contained in a city authorized garbage bag in any city supplied container.
(1994 Code, ' 3.60.2) Penalty, see ' 10.99

' 51.03 STORAGE OF GARBAGE AND OTHER REFUSE.

(A) Except as otherwise provided in this section, all garbage and other refuse shall be placed and kept in those containers provided by the city, which shall be the only kind and type permitted for the keeping, storage and holding of garbage and other refuse.

(B) All garbage and other refuse shall be drained of liquid so far as practical and placed into impervious bags of a kind and type that are authorized by the city by motion, from time to time, and the bags shall be closed and sealed prior to being placed in the city-supplied containers. The city-supplied containers shall be placed in those portions of the streets or alleyways as the city may deem necessary and proper, or upon private property, pursuant to the agreement with the property owner.

(C) Any person who is supplied a container by the city for keeping, storage and holding of garbage or other refuse shall be responsible for the container, and the person shall be responsible for replacement at his or her own cost.

(D) Any person shall remove all existing garbage or trash stands located in the streets, alleys or other public ways, within 60 days following passage of this section.

(E) Any container provided by the city to any person which becomes damaged so as to not be fit for keeping, storage and holding of garbage or other refuse shall be replaced at the person=s expense, ordinary wear and tear excepted.

(F) Disposable items such as brush, tree cuttings and other articles which do not consist of garbage or other refuse shall be compacted and bundled and placed outside of the container, but the size of the bundles shall not exceed three feet in length and 50 pounds in weight and shall only be placed alongside the city container at times as the city may designate, pursuant to notice for collection thereof.

(G) It is unlawful for any person to construct, locate or place any garbage or trash stand in any street, alley or other public ways.

(H) All residential garbage shall be placed in city designated containers in city authorized garbage bags. Any garbage deposited in city containers that is not in city garbage bags shall be unlawful and subject to sanctions designated under this section and criminal prosecution and penalties.

(1994 Code, ' 3.60.3) Penalty, see ' 10.99

' 51.04 COLLECTION OF GARBAGE AND OTHER REFUSE.

(A) The Street and Alley Department shall provide for the collection of all garbage and other refuse from all premises. Except for the occurrence of holidays, collections shall be made at least three times each week from restaurants, hotels and other establishments except those which, in the judgment of the City Clerk, would not create a health menace or other nuisance if less frequent collection were provided. The frequency of collection from other premises shall be at the discretion of the Council.

(B) All garbage or other refuse shall be transported on the streets or alleys only in vehicles with leak-proof bodies of easily cleanable construction and completely covered with metal or heavy canvas. Vehicles shall be so operated that contents do not spill or drip upon streets or alleys or otherwise create a nuisance.

(C) No person, except such as may be specifically licensed by the city, shall collect or dispose of garbage or other refuse except through the city collection system or through a garbage grinder or incinerator installed or maintained under permit by the City Clerk. The permit for collection and disposal of garbage or other refuse shall be issued pursuant to application submitted to the office of the City Clerk with license to meet the necessary health and sanitary regulations as are specified by the rules and regulations as propounded by the Council. The licensee shall further be required to submit a bond for just and faithful performance of the regulations and rules in an amount deemed, adequate and appropriate by the Council. The permit shall be issued on an annual basis for which an annual charge of \$500 shall be required. The license may be cancelled for just cause pursuant to notice and hearing thereon. The hearing is to be held before the Council at either a special or regular meeting thereof.

(1994 Code, ' 3.60.4) Penalty, see ' 10.99

' 51.05 DISPOSAL OF REFUSE.

The Street and Alley Department shall provide for the disposal of garbage and other refuse collected by the city in a sanitary manner so as not to cause a public health nuisance, the attracting of rats and flies or other conditions detrimental to public health or comfort.

(1994 Code, ' 3.60.5)

' 51.06 SERVICE CHARGES.

(A) There is hereby imposed upon each household and business or other establishment from which garbage or other refuse is collected by the city a monthly charge for the service in accordance with the schedule established from time to time by resolution of the Council.

(B) Service charges shall be charged to the owner or occupant of the premises served and shall be payable on or before the fifth day of each month for the preceding month at an office as the Council may by resolution establish. When any charges remain unpaid after the due date, a penalty of 10% shall be added thereto. Receipts from service charges shall be credited to the General Fund when received, from which fund expenses for the collection, transportation and disposal of garbage shall be paid.

(C) In addition to securing the approval of the City Clerk as herein provided, it is unlawful for any person to hereafter install an incinerator without first securing permission of the Council, which permission may be withheld if, in the opinion of the Council, the incinerator would create an unhealthy, noxious or undesirable condition. At the time of the granting of the permission, the Council shall establish a service charge for each incinerator and shall after the passage of this section establish by resolution appropriate service charges for incinerators now in operation.

(1994 Code, ' 3.60.6) (Ord. 41, passed 5-21-1983)

RECYCLABLES**' 51.20 DEFINITIONS.**

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

ALUMINUM RECYCLABLES. Disposable containers, fabricated primarily of aluminum for soda, beer and other beverages.

CAN RECYCLABLES. All disposable ferrous food and beverage cans.

DESIGNATED RECYCLABLES. The following recyclable materials; aluminum recyclables, can recyclables, glass recyclables, newspaper recyclables and plastic recyclables.

GLASS RECYCLABLES. Unbroken jars and bottles primarily used for packing and bottling of various matter.

MIXED MUNICIPAL SOLID WASTE. Garbage, refuse and other solid waste from residential activities which is generated and collected in aggregate.

NEWSPAPER RECYCLABLES. Newsprint only.

PLASTIC RECYCLABLES. Milk, pop and laundry bottles fabricated from plastic, known as No.1 and 2 plastic.

RESIDENTIAL DWELLING. Any structure used as a residence and consisting of one, two or three dwelling units with individual kitchen facilities for each.
(1994 Code, ' 3.71.1)

' 51.21 RESIDENTIAL PRE-COLLECTION AND COLLECTION.

For all persons who are owners, lessees or occupants of any residential unit buildings wherein there are three or fewer housing units, recyclable materials shall be separated from mixed municipal waste in accordance with rules, regulations and procedures adopted by the city, for the separation of recyclable materials from the mixed municipal waste.
(1994 Code, ' 3.71.2) Penalty, see ' 10.99

' 51.22 RECYCLABLES.

(A) Newspaper recyclables shall be bundled separately and/or secured in a manner so as to prevent them from being blown or scattered and shall be maintained in as dry a condition as practicable free of any other substances and shall be placed in the bottom of the recycling container.

(B) Aluminum recyclables shall be clean of all contents and the recyclables shall be placed in the recycling container.

(C) Can recyclables shall be clean of all contents and the recyclables shall be placed in the recycling container.

(D) Glass recyclables shall be clean of all contents and the recyclables shall be placed in the recycling container.

(E) Plastic recyclables shall be unbroken and clean of all contents and the recyclables shall be placed in the recycling container.
(1994 Code, ' 3.71.3) Penalty, see ' 10.99

' 51.23 RECYCLABLES, CONTAINER REQUIREMENTS.

Containers provided by the city in order to meet the requirements of this section shall be: maintained in a clean and sanitary condition in accordance with all pertinent health statutes, city code provisions and rules and regulations; and located in a manner so as to prevent them from being overturned or obstructing pedestrian or motor vehicle traffic or being in violation of any statute, city code provisions and rules and regulations; and all containers for recyclable materials shall be kept in an enclosed area except on the day of collection; and on the day of collection all containers used for collection of recyclable materials shall

be placed in a location accessible to collectors by 7:00 a.m. or at a time designated by notice by the Council.

(1994 Code, ' 3.71.4)

' 51.24 COLLECTION.

(A) The collection, removal and disposal of designated recyclables shall be supervised by the city which shall have the power to establish the time, method and routes of service.

(B) Collection provisions shall include, but not be limited to, the following:

(1) Notice of dates and times of collection will be published or otherwise made available to persons affected herein;

(2) The city may establish drop-off or collection sites where any person may deposit recyclables at times and locations as determined;

(3) It is unlawful for any person other than employees of the city, or authorized persons, collectors or haulers to distribute, collect, remove or dispose of recyclable materials after the materials have been placed or deposited for collection;

(4) Nothing in this section shall abridge the right of any person to give or sell the recyclable materials to any recycling program or redemption location lawfully operated; and

(5) Nothing in this section shall abridge the right of any authorized recycling program to lawfully operate within the city, subject to other licenses or other regulations as may be required by law.
(1994 Code, ' 3.71.5)

' 51.25 COLLECTION RATES.

The Council shall, by resolution, establish rates to be paid for the services and provide for the time and manner for collecting those rates, and may make needful rules and regulations relative to the ultimate disposal of recyclables.

(1994 Code, ' 3.71.6)

' 51.26 CONFLICT OF LAW.

This section shall control the disposal of all defined recyclables and any conflicts with the rules and regulations relating to refuse collection in the city shall be resolved in favor of recycling.

(1994 Code, ' 3.71.7)

CHAPTER 52: WATER SERVICE

Section

- 52.01 Deficiency of water and shutting off water
- 52.02 Repair of leaks
- 52.03 Abandoned services penalties
- 52.04 Service pipes
- 52.05 Private water supplies
- 52.06 Restricted hours for sprinkling
- 52.07 Private fire hose connections
- 52.08 Opening hydrants

' 52.01 DEFICIENCY OF WATER AND SHUTTING OFF WATER.

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

(1994 Code, ' 3.20.1)

' 52.02 REPAIR OF LEAKS.

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

(1994 Code, ' 3.20.2)

' 52.03 ABANDONED SERVICES PENALTIES.

All service installations connected to the water system that have been abandoned or, for any reason, have become useless for further service shall be disconnected at the main. The owner of the premises,

served by this service, shall pay the cost of the excavation. The city shall perform the actual disconnection and all pipe and appurtenances removed from the street right-of-way shall become the property of the city. When new buildings are erected on the site of old ones, and it is desired to increase the old water service, a new permit shall be taken out and the regular tapping charge shall be made as if this were a new service. It is unlawful for any person to cause or allow any service pipe to be hammered or squeezed together at the ends to stop the flow of water, or to save expense in properly removing the pipe from the main. Also, the improper disposition thereof shall be corrected by the city and the cost incurred shall be borne by the person causing or allowing the work to be performed.

(1994 Code, ' 3.20.3) Penalty, see ' 10.99

' 52.04 SERVICE PIPES.

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

(1994 Code, ' 3.20.4)

' 52.05 PRIVATE WATER SUPPLIES.

No water pipe of the city water system shall be connected with any pump, well, pipe, tank or any device that is connected with any other source of water supply, and when such are found, the city shall notify the owner or occupant to disconnect the same and, if not immediately done, the city water shall be turned off. Before any new connections to the city system are permitted, the city shall ascertain that no cross-connections will exist when the new connection is made. When a building is connected to Acity water@ the private water supply may be used to serve outside hose connections only. The private water supply may be used to serve air conditioning where ten-ton or more capacity has been installed, provided the piping service the units is color-coded.

(1994 Code, ' 3.20.5) Penalty, see ' 10.99

' 52.06 RESTRICTED HOURS FOR SPRINKLING.

Whenever the city shall determine that a shortage of water threatens the city, it may limit the times

and hours during which water may be used from the city water system for lawn and garden sprinkling, irrigation, car washing, air conditioning and other uses, or either or any of them. It is unlawful for any water consumer to cause or permit water to be used in violation of the determination after public announcement thereof has been made through the news media specifically indicating the restrictions thereof.

(1994 Code, ' 3.20.6) Penalty, see ' 10.99

' 52.07 PRIVATE FIRE HOSE CONNECTIONS.

Owners of lumber yards, factories, stores, elevators, warehouses, hotels and other buildings, if they are regular municipal water consumers, may apply for and obtain permission to connect the street mains with hydrants, large pipes and hose couplings, for use in case of fire only and free of charge for that use, but at their own installation expense.

(1994 Code, ' 3.20.7)

' 52.08 OPENING HYDRANTS.

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

(1994 Code, ' 3.20.8) Penalty, see ' 10.99

CHAPTER 53: PUBLIC AND PRIVATE SEWERS

Section

Public and Private Sewers, Generally

- 53.01 Use of public sewers required
- 53.02 Private sewage disposal
- 53.03 Building sewers and connections
- 53.04 Use of the public sewers
- 53.05 Protection of sewage works from damage
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PUBLIC AND PRIVATE SEWERS, GENERALLY

53.01 USE OF PUBLIC SEWERS REQUIRED.

(A) It is 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 other objectionable waste.

(B) It is unlawful to discharge to any natural outlet within the city, or in 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 section and the NPDES permit.

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

(D) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located any public sanitary sewer of the city is hereby required at his or her expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this section, within 90 days after date of official notice to do so, provided that the public sewer is within ten feet of the property line. (1994 Code, ' 3.30.1) Penalty, see ' 10.99

' 53.02 PRIVATE SEWAGE DISPOSAL.

Private sewage collection and disposal systems will not be permitted within the city corporate limits except individual disposal systems which may be permitted by special permit in outlying rural areas not served by the city sanitary sewer system. (1994 Code, ' 3.30.2)

' 53.03 BUILDING SEWERS AND CONNECTIONS.

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

(B) All disposal by any person into the sewer system is unlawful except those discharges in compliance with federal standards promulgated pursuant to the Federal Act, being 33 U.S.C. ' ' 1251 et seq. and more stringent state and local standards.

(C) (1) There shall be two classes of building sewer permits:

- (a) For residential and commercial service; and
- (b) For service to establishments producing industrial wastes.

(2) In either case, the owner or his or her agent shall make application on a special form furnished by the Council.

(a) The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Council.

(b) The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.

(D) A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

(E) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(F) A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(G) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the city, to meet all requirements of this section.

(H) 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 rules and regulations of the Council. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, *Water Pollution Control Federation Manual of Practice No. 9*, the City Engineer=s *Specifications for Water and Sewer Main Construction in Minnesota* shall apply.

(I) 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 a means which is approved in accordance with division (H) above, and discharged to the building sewer.

(J) It is unlawful for any person to make connection of roof down spouts, 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.

(K) The connection of the building sewer into the public sewer shall conform to the requirements and applicable rules and regulations of the Council, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, *Water Pollution Control Federation Manual of Practice No. 9*, and City Engineer=s specifications for Water and Sewer Main Construction in Minnesota. All those connections shall be made gas-tight and water-tight.

(L) 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.

(1994 Code, ' 3.30.3) Penalty, see ' 10.99

' 53.04 USE OF THE PUBLIC SEWERS.

(A) It is unlawful for any person to discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(B) Stormwater and all other unpolluted drainage shall be discharged to sewers as are specifically designated as storm sewers, or to a natural outlet approved by the city. Industrial cooling water or unpolluted process waters may be discharged on approval of the city, to a storm sewer or natural outlet.

(C) It is unlawful for any person to 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 waters 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 sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant;

(3) Any waters or wastes 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 sewage works; or

(4) Solid or viscous substances in quantities or of a size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, mild containers and the like, either whole or ground by garbage grinders.

(D) It is unlawful for any industrial user to discharge sewage into any public sewer until the city has adopted an industrial cost recovery system which:

(1) Meets the requirements of ' 204(b)(1)(B) of the Federal Water Pollution Control Act Amendments of 1972 being 33 U.S.C. ' 204(b)(10)(B) and applicable federal regulations; and

(2) Has been approved by the Agency in accordance with the conditions of any grant made to the city by the U.S. Environmental Protection Agency for the construction of any part of the sewer system or sewage treatment works of the city.

(E) It is unlawful for any person to discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the city that the wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property or constitute a nuisance. In forming the opinion as to the acceptability of these wastes, the city will give consideration to such factors as the quantities of subject wastes in relation to the flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and maximum limits established by regulatory agencies. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150°F (65°C);

(2) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150°F and (0 and 65°C);

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the city;

(4) Any waters or wastes containing strong, acid, iron pickling wastes or concentrated plating solutions whether neutralized or not;

(5) Any waters or wastes containing iron, chromium, copper, zinc or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to a degree that any like material received in the composite sewage at the sewage treatment works exceeds the limits established by the city for the materials;

(6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the city BPA as necessary after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for the discharge to the receiving waters;

(7) Any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations;

(8) Any waters or wastes having a pH in excess of 9.5;

(9) Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the city in compliance with applicable state and federal regulations;

(10) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the city in compliance with applicable state and federal regulations;

(11) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; or

(d) Unusual volume of flow or concentrations of wastes constituting Aslugs@ as used within the waste industry.

(12) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to a degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

(F) 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 (E) above, and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, Subchapter D, Water Programs Part 12 8 Pretreatment Standards, Federal Register volume 38, No. 215, Thursday, November 8, 1973 and any amendments thereto, and which in the judgment of the city may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may: reject the wastes; require pretreatment to an acceptable condition for discharge to the public sewers; require control over the quantities and rates of discharge; and/or require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of division (K) below. 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 and subject to the requirements of all applicable codes, city code provisions and laws.

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

(H) Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(I) Each industry shall be required to install a control manhole and when required by the city, the owner of the property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the city. The

manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

(J) The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests and analyses of waters and wastes to illustrate compliance with this section and any special conditions for discharge established by the city or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the city, but no less than once per year 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 times and in a manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses and reporting required by the city. At times as deemed necessary, the city reserves the right to take measurements and samples for analysis by an outside laboratory service.

(K) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.)

(L) No statement contained in this division shall be construed 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 therefor, in accordance with ' ' 53.20 through 53.24, by the industrial concern, provided the payments are in accordance with federal and state guidelines for user charge system and industrial cost recovery system.

(M) Each residential household, commercial complex, commercial business or industry shall pay to the city the established amount set forth by EPA user charge system or industrial cost recovery for the proper operation of the sewage treatment plant.

(1) Any building which is privately owned, whether occupied or not, shall be subject to this payment.

(2) Any established multi-dwelling shall make payment in the amount established by the user charge system.

(3) The payment shall be made unless the water service is discontinued and the service valve closed.

(1994 Code, ' 3.30.4)

' 53.05 PROTECTION OF SEWAGE WORKS FROM DAMAGE.

It is unlawful for any unauthorized person to maliciously, willfully or negligently break, damage, destroy or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(1994 Code, ' 3.30.5) Penalty, see ' 10.99

' 53.06 WASTEWATER BACK-UPS.

All building drains which have back-up problems shall have a back water valve installed at the owner=s expense and it shall be the owner=s responsibility to see that the back water valve is kept clean and workable. The city will assume no liability for any damages resulting from back-up.

(1994 Code, ' 3.30.6)

WASTEWATER SERVICE CHARGES AND INDUSTRIAL WASTE COST RECOVERY**' 53.20 WASTEWATER SERVICE CHARGES.**

(A) *Basis for wastewater service charges.* The wastewater service charge for the use of and for service supplied by the wastewater facilities of the city shall consist of a basic user charge for operation and maintenance plus replacement, a debt service charge and a surcharge, if applicable.

(1) The debt service charge shall be computed by dividing the annual debt service of all outstanding loans by the number of users. Through further divisions, the monthly debt service charges can be computed.

(2) The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations:

(a) A five-day, 20°C biochemical oxygen demand (BOD) of 200 mg/l; and

(b) A suspended solids (SS) content of 250 mg/l.

(3) It shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

(a) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all works categories;

(b) Proportion the estimated costs to wastewater facility categories by volume, suspended solids and BOD, if possible;

(c) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated;

(d) Proportion the estimated costs to non-industrial and industrial users by volume, suspended solids and BOD;

(e) Compute costs per 1,000 gallons for normal sewage strength; and

(f) Compute surcharge costs per 1,000 gallons per mg/l in excess of normal sewage strength for BOD and SS.

(4) A surcharge will be levied to all users whose waters exceed the normal concentrations for BOD (200 mg/l) and SS (250 mg/l). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 200 mg/l and 250 mg/l concentration for BOD and SS respectively. Division (F) below specifies the procedure to compute a surcharge.

(5) The adequacy of the wastewater service charge shall be reviewed annually by the City Clerk for the city in his or her annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in operation and maintenance costs including replacement costs. All waste service charges shall be by Council resolution.

(B) *Measurement of flows.* The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to lowest even increments of 100 gallons.

(1) If the person discharging wastes into the public sewers procures any part, or all, of his or her water from sources other than the public waterworks system, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his or her expense, water meters of a type approved by the city for the purpose of determining the volume of water obtained from these other sources.

(2) Devices for measuring the volume of waste discharged may be required by the city if these volumes cannot otherwise be determined from the metered water consumption records.

(3) Metering devices for determining the volume of waste shall be installed, owned and maintained by the person. Following approval and installation, the meters may not be removed, unless service is cancelled, without the consent of the city.

(C) *Debt service charge.* A debt service charge of \$0.00 per month to each user of the wastewater facility of the city is hereby established.

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(D) *Basic user rate.* There shall be and there is hereby established a minimum charge and a basic user rate for the use of and for service supplied by the wastewater facilities of the city. A minimum charge of \$18.27 per month shall be applied to all users whose water consumption does not exceed 2,300 gallons per month.

(1) A basic user charge of \$7.84 per 1,000 gallons shall be applied to all users for water consumption in excess of 2,300 gallons per month.

(2) All non-metered residential users of the wastewater facilities shall pay a minimum flat rate charge per month adequate to cover the costs of the minimum debt service charge, the minimum service charge and the basic user rate of \$30.00 per 1,000 gallons. The flat rate charge of \$50.00 per month will allow a maximum usage of 2,300 gallons per month.

(3) In the event use of wastewater facilities is determined by the city to be in excess of 2,300 gallons per month, the city may require the flat rate user to install metering devices on the water supply or sewer main to measure the amount of service supplied.

(E) *Surcharge rate.* The rates of surcharges for BOD₅ and SS shall be as follows:

$$CS = [Bc(B) + Sc(s)] Vu$$

(F) *Computation of surcharge.* The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the city and shall be binding as a basis for surcharges.

(G) *Computation of wastewater service charge.* The wastewater service charge shall be computed by the following formula:

$$CW - CD + CM + (Vu - X) CU + CS$$

Where CW = Amount of wastewater service charge (\$) per billing period.

CD = Debt service charge (division (C) above)

CM = Minimum charge for operation, maintenance and replacement (division (D) above).

Vu = Wastewater volume for the billing period.

X = Allowable consumption in gallons for the minimum charge (division (D) above).

Cu = Basic user rate for operation. Maintenance and replacement (division (D) above).

CS = Amount of surcharge (divisions (E) and (F) above).

$$Bc = \$0.127/\#BOD_5.$$

Sc = \$0.102/#suspended solids.

B - BOD₅ - 200 mg/l.

C = SS = 250 mg/l.

(1994 Code, ' 3.31.1)

' **53.21 INDUSTRIAL COST RECOVERY.**

When an industrial user, as defined in 40 C.F.R. ' 35.905-8, requests connection to the public sewage collection and disposal system, an industrial cost recovery system must be developed in accordance with 40 C.F.R. ' 35.928.

(1994 Code, ' 3.31.2)

' **53.22 GENERAL PROVISIONS.**

(A) *Bills.* The rates or charges for service shall be payable quarterly. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to the premises and the service is furnished to the premises by the city only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefor to the city. Bills for sewer service shall be sent out by the City Clerk on the last day of each quarter succeeding the period for which the service is billed. All sewer bills are due and payable 30 days after being sent out. A penalty of 10% shall be added to all bills not paid by the fifteenth day after they have been rendered.

(B) *Delinquent bills.* It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill; and

(2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his 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.

(4) Requests for delays or waiver of payment will not be entertained; only questions of proper

and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(5) 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 in the sum of \$20.

(C) *Lien; notice of delinquency.* Whenever a bill for sewer service remains unpaid for 45 days after it has been rendered, the City Clerk-Treasurer shall file with the County Recorder a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the city claims a lien for this amount as well as for all charges subsequent to the period covered by the bill. If the user whose bill is unpaid is not the owner of the premises and the City Clerk-Treasurer has notice of this, notice shall be mailed to the owner of the premises if his or her address be known to the Clerk-Treasurer, whenever the bill remains unpaid for the period of 45 days after it has been rendered. The failure of the City Clerk-Treasurer to record the lien or to mail the notice or the failure of the owner to receive the notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in division (B) above.

(D) *Foreclosure of lien.* Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. The foreclosure shall be by bill-in-equity in the name of the city. The City Attorney is hereby authorized and directed to institute the proceedings in the name of the city in any court having jurisdiction over the matters against any property for which the bill has remained unpaid 45 days after it has been rendered.

(E) *Revenues.* There shall be maintained by the city two funds; one entitled ASewage Fund@ and the other ASewage Permanent Improvement and Replacement Fund@. The gross revenue from the operation of the sewage plant and department shall be divided as follows.

(1) Each month not less than 10% of the gross revenues from the operation and revenues from the sewage plant and sewage system shall be placed into the Sewage Permanent Improvement and Replacement Fund for use as hereinafter provided.

(2) The balance of the monies shall be placed into the Sewage Fund of the city.

(3) All the revenues and monies shall be held by the City Clerk-Treasurer separate and apart from their private funds and separate and apart from other funds of the city.

(4) Out of the Sewage Fund of the city shall be paid the cost of operation of the Sewage Department, including salaries, maintenance and repairs, plant lines and other ordinary expenses.

(5) Out of the Sewage Permanent Improvement and Replacement Fund shall be paid out the cost of the purchase, construction, expansion, extension and replacement of the sewage plant, lines and system hereafter acquired, established or operated. There shall also be paid out of the fund the cost of replacements, permanent improvements, other than ordinary repairs, maintenance or supplies. The

Council may direct, if funds are not available in the Sewage Fund, that a part of the funds of the Sewage Permanent Improvement and Replacement Fund may be used for the cost of replacement of repairs, maintenance, supplies or labor, provided, however, that no resolution authorizing any expenditures from the Sewage Permanent Improvement and Replacement Fund shall expend the funds, unless carried by a five to six vote of the Council.

(6) The City Clerk-Treasurer shall administer the funds in every respect in a manner as provided by laws and statutes in that case made and provided by the state, the city, its Charter and city code provisions. The City Clerk-Treasurer shall keep a separate account for each of the funds as hereinabove provided for.

(F) *Accounts.* The City Clerk-Treasurer shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system, and at regular annual intervals he or she shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system. In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

- (1) Flow data showing total gallons received at the wastewater plant for the current fiscal year;
- (2) Billing data to show total number of gallons billed;
- (3) Debt service for the next succeeding fiscal year;
- (4) Number of users connected to the system;
- (5) Number of non-metered users; and
- (6) A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.

(G) *Notice of rates.* A copy of this section properly certified by the City Clerk-Treasurer shall be filed in the office of the County Recorder, and shall be deemed notice to all owners of real estate of the charges of the sewerage system of the city on their properties.

(H) *Access to records.* The U.S. Environmental Protection Agency, or its authorized representative, shall have access to any books, documents, papers and records of the city which are applicable to the city system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transactions thereof to ensure compliance with the terms of the special and general conditions to any federal grant.

(1994 Code, ' 3.31.3)

' **53.23 EFFECTIVE DATE OF RATES.**

The rates and service charges established for user charges in ' 53.20(C) through (G), shall be effective as of the next fiscal year beginning January 1, 1980 and on bills to be rendered for the next billing cycle as may be determined by Council resolution.
(1994 Code, ' 3.31.4)

' **53.24 POWERS AND AUTHORITY OF ENFORCING AGENTS.**

(A) The approving authority shall be permitted to gain access to properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing, in accordance with provisions of these regulations.

(B) 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.

(C) Any person who shall continue any violation beyond the time limit shall be guilty of violation of the service contract and shall be summarily disconnected from the sanitary sewer and/or water service.

(D) The disconnection and reconnection would be at the total expense of the customer.

(E) Where acids and chemicals damaging to sewer lines or treatment processes are released to the sewer causing rapid deterioration of these structures or interfering with proper treatment of sewage, the approving authority is authorized to immediately terminate services by measures as are necessary to protect the facilities.
(1994 Code, ' 3.31.5)

SEWER LATERALS

' **53.35 DEFINITIONS.**

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

BACKFLOW VALVE. A check valve specifically designed to prevent the reverse flow of sewage in a lateral.

BUILDING SEWERS. Sewer, soil pipe and drain pipes constructed within and under buildings.

CITY ENGINEER. The City Engineer of the city, in the city engineer=s absence, a qualified

engineering firm acting as City Engineer of the city.

PREMISES. A lot, parcel of land, building or establishment.

SEWAGE. All water or combination of liquid and water-carried solid or semi-solid waste conducted away from residences, business buildings, institutions and other sources, which is known as domestic sewage, together with liquid or water-carried solid or semi-solid waste resulting from a manufacturing process employed in industrial establishments, including the washing, cleaning or drainwater from such process, which is known as industrial waste.

SEWER or SEWER MAIN. Any city-owned sewer pipe within a city street or public right-of-way receiving or intended to receive the discharges of more than one sewer lateral. No sewer main constructed henceforth shall be less than eight inches in diameter nor be laid or constructed in any city street, easement or right-of-way or street, easement or right-of-way under the control of the city, except to the lines, grades and specifications approved by the proper city authority.

SEWER LATERAL or LATERAL. A privately-owned pipeline connecting a building sewer to a sewer main.
(Ord. 113, passed 7-25-2006)

‘ **53.36 CLERK=S AUTHORITY TO ENFORCE.**

The City Clerk shall be charged with the administration of the sewerage system and the enforcement of the provisions of this subchapter.
(Ord. 113, passed 7-25-2006)

‘ **53.37 SEWER LATERALS, CLEANOUTS AND CONNECTIONS.**

(A) All laterals from the building wall to the connection to the sewer main are the property of the owner of the connected building. All property owners whose properties are connected to a sewer main or are otherwise connected to the city=s sewer system by sewer lateral shall at their own expense maintain the sewer lateral in a fully functioning condition and ensure the lateral is free of cracks, leaks, inflow or infiltration of extraneous water, root intrusion or open joints. Property owners shall ensure that laterals drain freely to the sewer main without excessive sags that collect grease and sediment.

(B) No person, firm or corporation shall break or cut into or connect to any sewer in any street, easement or right-of-way in the city or under the control of the city without first securing a permit so to do from the City Engineer. Prior to beginning work, detailed plans describing the work to be done shall be submitted to and approved by the City Engineer or his or her designee.

(C) Each property utilizing the city's sewer system shall have a separate lateral connected to the sewer main. Notwithstanding the foregoing sentence, branched or common laterals shall be permitted only in the following instances:

(1) Where a lateral is maintained by a homeowner=s association or other entity that is party to a formal, recorded lateral maintenance agreement.

(2) Where more than one building or other structure is situated upon the same lot, in which case all buildings and structures may, by permit authorized by the City Engineer, be joined in the use of one connecting sewer; provided that the connection conforms in all other respects to the provisions of this chapter and a drawn plan of the joint connection be first submitted to and approved by the City Engineer. As a further condition of obtaining such a permit, all buildings and structures shall be owned by the same person.

(3) Where, in the opinion of the City Engineer, it is impossible or impractical to connect a building on a single lot to the main sewer except in conjunction with the connection of a building or buildings on other lots, a joint connection may be allowed, provided that the connection conforms in all other respects to the provisions of this chapter and a drawn plan of the joint connection be first submitted to and approved by the City Engineer. A permit for each individual lot covering the identification of the responsible party for maintenance and liability for maintenance and overflow damages shall be required.

(4) Where two or more structures on separate parcels are connected to a branched or common lateral, each property shall be disconnected from the branched or common lateral and a new separate lateral shall be constructed upon the transfer of title of either property by sale.

(D) A cleanout approved by the City Engineer shall be installed and maintained, at the sole expense of the property owner, on all laterals. The installation of the devices shall be required as follows:

(1) When building a new structure on property with an existing lateral, or when otherwise proposing to connect a previously unconnected structure to an existing lateral;

(2) As a condition of approval of any major building remodel project. A major building remodel project is one that is estimated by the city to cost \$50,000 or more;

(3) Prior to the close of escrow when the property is transferred via sale or other transfer of ownership by deed, instrument or writing;

(4) Whenever the city finds that a sewage spill emanating from a lateral has reached public property, including but not limited to a city street or the city storm drain system, or has flowed onto private property owned by another property owner;

(5) Whenever the city finds that a sewage spill emanating from a lateral presents a threat to public health, even if it has not flowed across a property line.

(E) (1) On laterals serving properties where the outlet of a trap for a plumbing fixture is installed or located at an elevation which is less than two feet above the rim of the nearest manhole or other sewer access point uphill from the point of connection of the lateral to the public sewer in any new or existing drainage system, approved types of backflow valves may be required by the City Engineer. The installation of the devices shall be required under the same circumstances as set forth in subsections

(D)(1) through (5) of this section.

(2) Where a backflow valve is required, the valve shall be installed in the lateral at the point of lowest elevation of the ground surface along the alignment of the lateral, or at such other location as is permitted by the city, providing that at any such location, the elevation of the ground surface is not less than two feet below the lowest trap served by the building sewer.

(3) The backflow valve shall have cleanouts directly upstream and downstream of the valve. The cleanouts shall be connected to the lateral by means of wye fittings. The backflow valve shall be accessible from the surface and protected by the use of a precast access box of concrete or heavy-duty plastic approved by the City Engineer.

(4) The cleanouts shall be positioned at an elevation at least three inches above the ground in order to prevent the obstruction of the vent opening or the inflow of surface water.

(F) Any owner whose property meeting the elevation criteria of this section that has no backflow valve, or has a defective or improperly installed backflow valve, shall be responsible for all damage that results from the lack of such a device, or the failure of the defective or improperly installed device to prevent such damage.

(Ord. 113, passed 7-25-2006) Penalty, see ' 10.99

' 55.38 INSPECTIONS AND REPAIRS OF SEWER LATERALS.

(A) (1) Property owners shall inspect, and provide to the city a report of the results of an inspection of, the laterals on their property prepared by a licensed plumber or a city employee using closed circuit television (CCTV) inspection or other inspection or test method approved by the City Engineer, and if found defective, repair the lateral, as follows:

(a) When building a new structure on property with an existing lateral, or when otherwise proposing to connect a previously unconnected structure to an existing lateral;

(b) As a condition of approval of any major building remodel project. A major building remodel project is one that is estimated by the city to cost \$50,000 or more;

(c) Prior to the close of escrow when the property is transferred via sale or other transfer of ownership by deed, instrument or writing;

(d) Whenever the city finds that a sewage overflow emanating from a lateral has reached public property, including but not limited to a city street or the city storm drain system, or has flowed onto private property owned by another property owner;

(e) Whenever the city finds that a sewage overflow emanating from a lateral presents a threat to public health, even if it has not flowed across a property line.

(2) In the absence of a specific deadline, all inspection and testing work shall be completed within 60 days of notification by the city that such inspection is required. Existing laterals shall not be

used if they are found to be defective by the inspection or if they fail city mandated tests or if they were constructed of materials deemed unacceptable by the City Engineer.

(B) As part of its periodic construction and maintenance of sewer mains, the city may discover defective laterals. The city may order the property owner to conduct an inspection, repair or replacement of any lateral that the city knows or reasonably suspects to be defective.

(C) The lateral shall be considered defective if it has any of the following conditions: displaced joints, root intrusion, substantial deterioration of the lines, damaged clean-out, defective clean-out, inflow, infiltration of extraneous water, or other conditions likely to substantially increase the chance for a lateral blockage, or if, within a period of one year, a lateral suffers two or more blockages resulting in overflows.

(D) Whenever defective laterals are found, the property owner, at the sole expense of the property owner, shall repair or replace the lateral. The City Engineer shall determine the extent of repair required, and more limited repair than complete replacement of the lateral may be permitted at the sole discretion of the city engineer. The following requirements shall be met.

(1) A replaced or repaired lateral shall not be covered or backfilled until it has been inspected by a representative of the city.

(2) All new and repaired laterals must pass an air pressure test as specified by the City Engineer.

(3) All repaired or replaced laterals shall be brought into compliance with the requirements of ' 55.03. Backflow valves may be required to be installed on laterals meeting the criteria of ' ' 53.06 and 55.03.

(E) In the absence of a specific deadline established by the responsible authority of the city, all repair or replacement work shall be completed within 60 days of notification by the city that such repair or replacement is required. Repair or replacement shall consist of but not be limited to the sewer and water utilities, sidewalk, curb, street, grading and seeding.

(F) When a lateral is completely replaced, the property owner is not required to inspect the lateral upon sale of the property for ten years following the date of complete replacement of the lateral.

(G) Roots, grease or other material which have accumulated in a lateral cleaned or maintained shall be prevented from entering the sewer main during the maintenance or repair of the lateral. In the event that material is permitted to enter the main causing or contributing to the cause of a sewage spill, the property owner and/or contractor performing such maintenance work, in addition to any criminal penalties imposed, shall be held civilly liable to the city for any fines or other expenses incurred by the city resulting from the spill.

(H) The city shall have the authority to recover from a property owner, the city=s expenses incurred in responding to sewer overflows on private property. In addition to any actual expenses incurred by the city resulting from an overflow, the city may impose civil administrative penalties against a property

owner who fails to perform any act required in this section, which failure results in an overflow reaching public or private property other than the property owner=s property, according to the following schedule:

(1) Up to \$500 for the first violation.

(2) Up to \$1,000 for a second violation occurring within three years after the first violation.

(3) Up to \$2,500 for each additional violation within a three-year period exceeding two violations.

(I) The City Clerk shall have the authority to establish, waive, suspend or otherwise modify any civil administrative penalty imposed by this section that exceeds the direct costs of the city upon a showing by the property owner of severe financial hardship, or upon a showing that the property owner has satisfactorily repaired the lateral to a degree sufficient to ensure avoidance of further violations.

(J) The provisions of this section shall not be construed to require or obligate the city to enter into a reimbursement agreement if, in the sole discretion of the City Council, to so enter into the agreement would not be in the best interests of the city or would be detrimental to the health, safety or welfare of the city.

(K) (1) Where buildings are to be demolished, the following actions shall be required:

(a) Determine if the service is to be abandoned or reused in the future; and

(b) Have the service (lateral) line televised, if records are not on file showing it televised in the past ten years. A city official shall review the video recording and records on file with the city to determine the condition of the sewer lateral. (Typically, the Building Official, City Engineer or Public Works Superintendent).

(2) (a) If the service line is to be abandoned but is in good condition with no apparent inflow and infiltration issues (typically either PVC or cast iron pipe), remove or abandon service line to the property line. Expose the sewer lateral at the lot or curb line and seal/cap the open end to the satisfaction of the authorized city official.

(b) If the service line is to be abandoned and is in poor or failing condition and the street is in poor or failing condition, remove or abandon the service line to the main line in the street. Then remove the wye or tee connection at the main line, and repair the main sewer line in the street as determined by authorized city official.

(c) If the service line is to be abandon, and is in poor or failing condition but the street is in fair to good condition, remove or abandon the service line from the building to the property line, or as near as possible to the back of the curb, and do either of the following alternative actions with the remainder of the sewer line to the sewer main.

1. Dig down to the lateral, exposing the line at the lot line or close to the curb and install, a city approved membrane liner through the remaining service stub. Seal both ends of the liner,

and install a seal/cap on the open end at the property or curb line to the satisfaction of the authorized city official.

2. Or, install a city-approved plug in the service line as near the main line pipe as possible. Fill the remaining service stub with a non-permeable grout or sealant and install a seal/cap on the open end of the pipe at the property or curb line to the satisfaction of the authorized city official.

(d) If the service line is needed in the future and the service line is in good condition (typically either PVC or cast iron pipe) regardless of the street condition, remove or abandon the service line to the property line. Dig down to the lateral, exposing the line at the lot line or close to the curb and install a cap, or seal the open end of pipe at the property or curb line to the satisfaction of the authorized city official. Provide location (ties - minimum of two) to the city official.

(e) If the service line is needed in the future, but is in poor or failing condition and the street is in poor or failing condition, remove or abandon the service line from the building to the mainline. Remove the old connection at the main line, and install a new wye and pipe from the main sewer line to the lot line and install a cleanout access at the property line as determined by the authorized city official.

(f) If the service line is needed in the future, but the old line is in poor or failing condition and the street is in good to fair condition, the service line shall be removed or abandon to the property line or curb. Install a sewer cleanout at the property line or near the curb. Connection to the remaining sewer service stub between the sewer cleanout and the main line sewer pipe shall either:

1. Have a city-approved membrane liner installed and have the line capped at the lot line below the cleanout; or

2. Have a city-approved plug installed in the service pipe as near the main line pipe as possible, then filled with a non-permeable, but removable, grout or sealant.

(Ord. 113, passed 7-25-2006; Ord. 128, passed 6-12-2007; Ord. 150, passed 5-11-2010; Ord. 113, passed 5-10-2011) Penalty, see ' 10.99

CHAPTER 54: STORMWATER UTILITY

Section

- 54.01 Purpose
- 54.02 Establishment of stormwater drainage utility
- 54.03 Stormwater utility rates

- 54.04 Other land uses
- 54.05 Adjustment of charges
- 54.06 Exemptions
- 54.07 Payment of charge
- 54.08 Establishment of tax lien
- 54.09 Recalculation of charges

' 54.01 PURPOSE.

(A) The purpose of this chapter is to establish a city stormwater utility.

(B) The following are the objectives of this special utility:

- (1) Maintain and improve the present stormwater management system;
 - (2) Improve the quality of water runoff to lakes which helps recharge aquifers, control lake levels and decrease erosion and sediment to lakes;
 - (3) Operate and maintain stormwater facilities to protect people and property;
 - (4) Provide the resources to respond to small scale emergency drainage issues affecting residents;
 - (5) Acquire land and/or construct stormwater detention and retention sites;
 - (6) Direct water from street surfaces which reduces street maintenance costs; and
 - (7) Encourage local watershed stormwater management improvement projects by supplementing funding from city and other sources.
- (Ord. 101, passed 9-24-2002)

' 54.02 ESTABLISHMENT OF STORMWATER DRAINAGE UTILITY.

The city stormwater utility shall be operated as a public utility pursuant to M.S. ' 444.075, as it may be amended from time to time. Pursuant thereto, the city establishes a storm water utility and authorizes the imposition of just and reasonable charges for the use and availability of storm sewer facilities subject to the provisions of this section and state statutes.

(Ord. 101, passed 9-24-2002)

' 54.03 STORMWATER UTILITY RATES.

(A) *Residential equivalent unit.* Rates and charges for the use and availability of the system shall be determined through the use of a Residential equivalent unit@ (REU). For the purposes of this section,

one **REU** is defined as a single contiguous property that is a residential land use with three or fewer units, or a commercial, industrial, general business, mining area up to 0.25 acres.

(B) Stormwater drainage charges.

(1) In determining charges the City Council shall by resolution establish a basic system rate to be charged against one-fourth of an acre of land having an REU of one. The charge to be made against each parcel of land shall then be determined by multiplying the REU for the parcel=s land use and size times the basic system rate. For land uses identified as ABusiness 4@ below, the charge to be made shall be determined using the impervious rate method, in which the impervious area of the parcel times the impervious rate identifies the monthly charge. The REF=s for land uses within the city and the billing classifications for the land uses are as follows:

| <i>Classification</i> | <i>Land Uses/Size</i> | <i>REU</i> |
|-----------------------|--|--|
| Residential | Up to three residential units, residential lots which are undeveloped | 1 |
| Business 1 | Commercial, industrial, general business, mining, 4 + residential units, > 0.00 acres and # 0.25 acres | 1 |
| Business 2 | Commercial, industrial, general business, mining, 4 + Residential Units, > 0.25 acres and # 0.50 acres | 2 |
| Business 3 | Commercial, industrial, general business, mining, 4 + residential units, > 0.50 acres and # 0.75 acres | 3 |
| Business 4 | Commercial, industrial, general business, mining, 4 + residential units, > 0.75 acres and # 1.00 acres | 4 |
| Business 5 | Commercial, industrial, general business, mining, 4 + residential units, > 1.00 acres | Calculate using impervious rate method |

(2) The basic system rate and the impervious rate shall be determined by resolution of the City Council from time to time, and will be reviewed at the first regular meeting of the City Council on an annual basis.

(Ord. 101, passed 9-24-2002)

54.04 OTHER LAND USES.

Other land uses not listed in the foregoing table shall be classified by the City Clerk or his or her designee by assigning them to classes most nearly like the listed uses, based upon contributing area of the property. An appeal from the City Clerk=s determination of the property classification may be made to the City Council.

(Ord. 101, passed 9-24-2002)

‘ **54.05 ADJUSTMENT OF CHARGES.**

The City Council may, by resolution, adopt policies providing for the adjustment of charges for parcels or groups of parcels, based upon land use data supplied by affected property owners, which data demonstrates classification or category substantially different from that being used for the parcel or parcels. The adjustment shall be made only upon recommendation of the City Clerk and shall not be made effective retroactively.

(Ord. 101, passed 9-24-2002)

‘ **54.06 EXEMPTIONS.**

Public street rights-of-way, public parks, public works facilities and other city property are exempt from stormwater utility charges.

(Ord. 101, passed 9-24-2002)

‘ **54.07 PAYMENT OF CHARGE.**

(A) *Billing.* Statements for charges for stormwater utility use and service for a quarterly period shall be mailed to each property owner or user with other utility billings, and on a schedule concurrent with other utility billings of the city and City Public Utilities Commission.

(B) *Delinquencies.* After the last day of the month in which payment is due, a penalty of 10% of the unpaid account balance will be assessed and added to the amount due on the account.

(Ord. 101, passed 9-24-2002)

‘ **54.08 ESTABLISHMENT OF TAX LIEN.**

Any past due stormwater drainage fees in excess of 90 days past due on October 1 of any year may be certified to the County Auditor for collection with real estate taxes in the following year pursuant to M.S. ' 444.075(3), as it may be amended from time to time. In addition, the city shall have the right to bring a civil action or pursue legal remedies to collect unpaid charges.

(Ord. 101, passed 9-24-2002)

‘ **54.09 RECALCULATION OF CHARGES.**

(A) If a property owner or person responsible for paying the stormwater drainage charge questions the correctness of such a charge, the person may, upon application and documentation including submission of a property survey, have the determination of the charges re-computed by written request to the City Clerk or his or her designee.

(B) The request shall be made within 30 days of the mailing of the billing in question.
(Ord. 101, passed 9-24-2002)