CHAPTER 53: PUBLIC AND PRIVATE SEWERS

Section

PUBLIC AND PRIVATE SEWERS

53.01 PURPOSE

The Chisholm City Council finds that the discharge of water from roofs, downspouts, surfaces, groundwater, sump pumps, footing tiles, swimming pools, air conditioning systems, area drains, or other means of transmitting natural precipitation into the City sanitary sewage system will, and has on numerous occasions in the past, flooded and overloaded the sanitary sewage system to such an extent as

to cause significant and grave damage to the waste treatment plant and sanitary sewer collection system. Such damage is caused by the backup of sewage into the plant, private properties, and pressure damage to collection lines. The Council, therefore, finds it essential, for the minimization of damage to property and to meet Minnesota Pollution Control Agency and Chisholm City Code requirements, that the provisions of this ordinance be strictly enforced.

53.02 PROHIBITION AGAINST DISCHARGE INTO THE SANITARY SEWER SYSTEM

No water from any roof, surface, ground water, sump pump, foundation drain/footing tile, swimming pool, or other natural precipitation shall discharge, or cause to be discharged, into the municipal sanitary sewer system due to inflow, infiltration, pumps, defective plumbing, a defective sewer service lateral or by any other means.

53.03 APPLICABILITY

This ordinance shall apply to all water entering the sanitary sewer system unless explicitly exempted by the City. The City and its representatives are authorized to administer, implement, and enforce the provisions of this ordinance.

53.04 DEFINITIONS

1. "Administrator", when used herein, refers to the City Administrator of the City of Chisholm.
2. "Backflow valve", when used herein, refers to a check valve specifically designed to prevent the reverse flow of sewage in a lateral.
3. "Building sewers", as used herein, refers to sewer, soil pipe and drain pipes constructed within and under buildings.
4. "City", when used herein, refers to the City of Chisholm.
5. "City Building Official", when used herein, refers to the Building Official of the City of Chisholm or, in the Building Official's absence, a qualified Consulting Building Official acting as the Building Official of the City of Chisholm.
6. "City Engineer", when used herein, refers to the City Engineer of the City of Chisholm or, in the City Engineer's absence, a qualified engineering firm acting as City Engineer for the City of Chisholm.
7. "Clear Water", when used herein, means storm water, natural precipitation, melting snow, ground water, roof drainage, ground surface and subsurface drainage, down spout, yard drain, sump pump, foundation drain, yard fountain, pond, swimming pool, cistern overflow, or any other water that is not required to be treated by state and federal law. Swimming pool water that is required to be treated in accordance with city, county or state regulations shall not be considered clear water.
8. "Premises", when used herein, refers to a lot, parcel of land, building or establishment.
9. "Public Works Supervisor", when used herein, refers to the City Public Works Supervisor or their designated department employee.
10. "Sewage," when used herein, means 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 drain-water from such process employed in industrial establishments, including the washing, cleaning or drain-water from such process, which is known as industrial waste.
11. "Sewer" or "sewer main", when used herein means 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. Hence forth, any sewer main constructed in any city street easement or right-of-way under the control of the city shall be eight inches (8") or greater in diameter and shall be laid or constructed, to the lines, grades and specifications approved by the proper city authority.

12. "Sewer lateral" or "lateral", when used herein, means a privately owned pipeline connecting a building sewer to a sewer main.

53.11 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, garage, 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) 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 if public sewer is available within one hundred (100) feet of the property line.

(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 one hundred (100) feet of the property line. (1994 Code, '3.30.2) Penalty, see' 10.99

53.12 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)

53.13 SEWER LATERALS 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 Building Official or their 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 lateral sewer permits:
(a) For residential and commercial services; and
(b) For service to establishments producing industrial wastes.

(2) In either case, the owner or his or her agent shall make all application on a special form approved by the City Council, and available at the office of the City Building Official.
(a) The permit application shall be supplemented by any plans, specifications, or other

information considered pertinent in the judgment of the City Building Official and /or the City Engineer.

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

(D) A sewer lateral permit will only be issues and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewer pipes, 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 incidental to the installation and connection of the sewer lateral 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 sewer lateral. A separate and independent sewer lateral is not required for accessory buildings.

(F) 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.

(G) The size, slope, alignment and materials of construction of a sewer lateral, 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 City. In the absence of code provisions or in amplification thereof, the material and procedures set forth in appropriate specifications of the American Society of Testing Materials, *Water Pollution Control Federation Manual of Practice No. 9* and the *City Engineer's Specifications for Water and Sewer main Construction in Minnesota* shall apply.

(H) Wherever possible, the sewer lateral 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 (G) above, and discharged to the building sewer or sewer lateral.

(I) It is unlawful for any person to make connection of roof down spouts, exterior foundation drains, area 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.

(J) The connection of the sewer lateral into the public sewer shall conform to the requirements and applicable rules and regulations of the City, 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 the *City Engineer's Specifications for Water and Sewer Main Construction in Minnesota* shall apply. All those connections shall be made gas-tight and water-tight.

(K) All excavations for sewer lateral installations 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

53.14 USE OF 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 of 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 of 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 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 fleshing's, entrails and paper dishes, cups, milk 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 the sewer and/ or sewage treatment process and/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, material 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 degrees (F) (65 degrees 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 degrees F and 150 degrees F (0 degrees C and 65 degrees C);
(3) Any garbage that has not been property 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 chorine 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 building permit application 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 which 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 biochemical oxygen demand BOD 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 process employed, or are amendable 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 contains 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 128 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 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 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, sands, 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 of 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 of 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 sewer lateral carrying industrial wastes shall install a suitable control manhole together with necessary meters and other appurtenances in the building sewer and/or sewer lateral to facilitate observation, sampling and measurement of 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 sewer lateral 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, but at the expense of the owner.

(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 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 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)

53.15 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 criminal damage to property M.S.A. 609-595.

53.16 WASTEWATER BACK-UPS.

All building drains which have back-up problems shall have a back flow valve installed at the owner's expense and it shall be the owner's responsibility to see that the back glow valve is kept clean and workable. The city will assume no liability for any damages resulting from back-up.
(1994 Code, '3.30.6)

WASTERWATER 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 use 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 degree C biochemical oxygen demand (BOD) of 200 mg/l; and

(b) A suspended solid (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 or Administrator 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 monthly debt service charge, as set annually by the City Council in its'

"City of Chisholm Rate Schedule", is hereby established to each user of the wastewater facility of the city.

(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 monthly charge, as set annually by the City Council in its' "City of Chisholm Rate Schedule", shall be applied to all users whose water consumption does not exceed 2,330 gallons per month.

(1) A basic user charge, as set annually by the City Council in its' "City of Chisholm Rate Schedule" shall be applied to all users for water consumption in excess of 2,330 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 as set annually by the City Council in its' "City of Chisholm Rate Schedule. The flat rate charge will allow a maximum usage of 2,330 gallons per month.

(3) In the event use of wastewater facilities is determined by the city to be in excess of 2,330 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 BOD_5 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 - BOD_5 - 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 monthly. 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/Administrator on the last day of each month 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 refer the matter to the Public Utility Commission for a recommendation to be forwarded to the City Council for a final determination.

(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 as set annually by the City Council in its' "City of Chisholm Rate Schedule".

(C) *Lien; notice of delinquency.* Whenever a bill for sewer service remains unpaid for 45 days after it has been rendered, the City Clerk/Administrator 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/Administrator has notice of this, notice shall be mailed to the owner of the premises if his or her address be known to the Clerk/Administrator, whenever the bill remains unpaid for the period of 45 days after it has been rendered. The failure of the City Clerk/Administrator 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 Sewage Fund and the other Sewage 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-Administrator 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/Administrator 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/Administrator shall keep a separate account for each of the funds as hereinabove provided for.

(F) *Accounts.* The City Clerk-Administrator 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/Administrator 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 and on bills to be rendered for the next billing cycle as may be determined by Council resolution.
(1994 Code, '3.31.4)

Where two (2) or more occupied buildings are situated on adjoining parcels of land, with or without all parcels being under the same ownership, and where it is physically impossible and/or economically unfeasible to provide separate and independent sewer lateral lines to each occupied building, the City Building Official and/or City Engineer may permit the use of a joint/ combined sewer lateral service

provided the parties have entered into a mutual agreement for the future maintenance, repair, replacement, and billing of the lateral service line.

53.24 POWERS AND AUTHORITY OF ENFORCING AGENTS.

(A) The City shall be permitted to gain access to properties via consent to from the property owner or an administrative warrant to enter 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 in accordance with the provisions of Section 53.22.

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

(E) Where acids and chemicals which are 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 city is authorized to immediately terminate services by measures as are necessary to protect the facilities.
(1994 Code, ' 3.31.5)

SEWER LATERALS

53.31 ADMINSTRATORS AUTHORITY TO ENFORCE.

The City Administrator or their designated representatives 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)

53.32 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 to do so from the City Engineer and/or the City Building Official. Prior to beginning work, detailed plans describing the work to be done shall be submitted to and approved by the City Building Official and/or 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 occupied 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 and/or Building Official, 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/ and or Building Official. As a further condition of obtaining such a permit, all buildings and structures shall be owned by the same person. A sewer lateral is not required for accessory buildings.

(3) Where, in the opinion of the City Engineer and/or Building Official, 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 and/or Building Official. A mutual agreement for the future maintenance, repair, replacement and billing of the lateral service line will be required of all involved parties and filed with the City Building Official.

(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 and/ or Building Official 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) Backflow valves approved by the City Building Official and/ or the City Engineer may be required to be installed and maintained, at the sole expense of the property owner, on sewer laterals if the following conditions exist:

(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. 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 Building Official and/or 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 meets 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

53.33 SUMP PUMP/ FOUNDATION DRAIN TILE REGULATIONS.

Any dwelling, structure or building, that has a sump pump or gravity flow discharge system to removed groundwater from its foundation drain, must have a permanently installed discharge line.

A "permanently installed discharge line" shall be one which provides for year – around discharge capability to either the outside of the dwelling, building or structure, or is connected to the city storm sewer. In no event shall the discharge be outlet or allowed to flow across public property including street boulevard areas, or property owned by others. It shall consist of a solid (or closed)

discharge line, without valving or quick connections for altering the path of discharge and, if connected to the city storm sewer line, include a check valve. It shall not be capable of connection or reconnection to the municipal sanitary sewer system.

Any person, firm, or corporation having a roof surface, groundwater, sump pump, footing tile or swimming pool now connected and/or discharging into the sanitary sewer system shall immediately disconnect and/ or remove same. Any disconnects or opening in the sanitary sewer shall be closed in an effective, workmanlike manner, as approved by the City Engineer, the City Building Official, the Public Works Supervisor or their designee.

Upon notice that the discharge of clear water on a property is not in compliance with this ordinance, the owner or occupant of the property shall cease from discharging clear water in violation of this ordinance and shall make the necessary repairs and corrections to discharge the clean water in accordance with this ordinance. Discharge of clear water in compliance with this ordinance shall be completed within 60 days of the date of notice of non-compliance, or as determined by the City Engineer and/ or City Building Official. A second inspection of the property will be performed within 60 days following the notice of non-compliance.

53.34 INSPECTION OF SEWER LATERALS.

The purpose of the inspection shall be to confirm that sanitary sewer lateral is fully tight and operational and not allowing inflow, infiltration, roots, debris, etc., to enter as well as to confirm that no sump pump or other prohibited discharge is being conveyed to the lateral. A certificate of compliance shall be issued by the city upon successful completion of an inspection or following successful repairs of a failing lateral line or sump pump discharge location. A certificate of compliance shall be valid for ten (10) years from its date of issuance.

Unless the property owner already has a valid certificate of compliance issued by the City for the property, the owner or owner's representative is required to complete and obtain a certificate of compliance issued by the City for the following circumstances/reasons/conditions;

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. Before such property is offered for sale, gifted or transferred, and before the owner or owner's representative enters into any contract for deed or other transaction changing the party responsible for the property, provided however that transfers by order of a court having jurisdiction over the property or transfers between family members made as part of a bona fide estate plan without consideration or as a transfer out of a probate shall not be included within this section;

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. In the absence of a specific deadline, all inspection and testing work shall be completed within sixty (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 and/ or the City Building Official;

F. 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;

G. In conjunction with the City's infrastructure replacement project, those properties not possessing a valid certificate of compliance shall be required to obtain a sewer lateral / sump pump inspection within sixty (60) days of notification from the City. If repairs of the sump pump connections and/ or the sanitary sewer lateral lines are required, they shall be performed and assessed in conjunction with the project.

Any building may be re-inspected on a yearly basis in conjunction with yearly water meter or other inspections.

All new homes will be required to have their sump pump system inspected and be in compliance with this Chapter prior to issuance of a certificate of occupancy.

53.35 REPAIR OF SEWER LATERALS

A. 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 and/or the City Building Official shall determine the extent of the repair required. More limited repair than complete replacement of the lateral may be permitted at the sole discretion of the City Engineer and/or the City Building Official. 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 and/or the City Building Official.

(3) All repaired or replaced laterals shall be brought into compliance with the requirements of this chapter. Backflow valves may be required to be installed on laterals meeting the criteria of Section 53.32

B. In the absence of a specific deadline established by the City Engineer, and/or the City Building Official, all repair or replacement work shall be completed within sixty (60) days of notification by the City that such repair or replacement is required.

C. When a lateral is completely replaced, the property owner is not required to inspect the lateral upon sale of the property for ten (10) years following the date of complete replacement of the lateral.

D. Roots, grease, or other material which have accumulated in a lateral being 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 of any fines

or other expenses incurred by the City resulting from the spill.

E. 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 $500.00 for the first violation

(2) Up to $1,000.00 for the second violation occurring within three years after the first violation.

(3) Up to $25,000.00 for each additional violation within a three-year period exceeding two violations.

F. The city 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 showing that the property owner has satisfactorily repaired the lateral to a degree sufficient to ensure avoidance of further violations.

G. 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.

53.36 LATERAL SEWER REQUIREMENTS ASSOCIATED WITH BUILDING DEMOLITION

A. Where buildings are to be demolished, the following actions shall be required:

1. Determine if the service is to be abandoned or reused in the future; and

2. Have the service (lateral) line televised if records are not on file showing it to have been televised in the past ten (10) 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).

B. Sewer Lateral to be Abandoned

1. 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.

2. If the service line is to be abandoned but 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.

3. If the service line is to be abandoned, 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.

a. 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.

b. 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 authorized city official.

C. Sewer Lateral to be Reused

1. 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 the 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.

2. 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.

3. 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:

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

b. 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

53.37 WAIVERS

The City Council shall have the power and duty of hearing and deciding requests for waiver from the applicability of the provisions of the chapter 53 where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration or cause a safety problem. This may also include cases where it would not be practical or feasible to correct

a clear water discharge problem.

Application for waivers pursuant to the Chapter 53 shall be addressed in writing to the City Administrator. The applications shall, at a minimum, identify the subject property, the name of the property owner/ applicant, and describe in detail specific characteristics of the subject property that create an undue hardship. Within a reasonable time, the Council shall make its decision on the matter and send a copy of such decision to the applicant by regular mail. Upon approval of an application for a waiver, a property owner shall be allowed to discharge directly into the sanitary sewer system for a limited time specified in the Council's written decision and in accordance with the other terms and conditions specified by the council. The applicant will be required to agree to pay an additional fee for the additional sewer service, along with the regular monthly charge. Fees for this service will be based on estimated yearly average amounts discharged to the sanitary sewer.

53.35 SURCHARGES AND PENALTIES

A surcharge of $100.00 per month is added to every sewer bill sent to property owners who have not obtained a required property inspection or who are not in compliance with this Chapter 53. The surcharge shall be added every month thereafter for properties not complying with this Chapter 53. All properties found during any inspection to have violated this Chapter 53, will be subject to the $100.00 per month charge for all months between the two most recent inspections, and for each month thereafter until the property owner submits proof to the City that that the property is brought into full compliance. If the surcharge is not paid, the City reserves the right assess the property owner the unpaid balance pursuant to Minnesota Statute 429.101. In addition to the $100.00 per month charge, a property owner or other person who is not in compliance with the Chapter 53, may be mailed by regular mail, a notice that such violation must cease and desist within a time limit established (set) by the Council. If such violation does not cease and desist within a time limit, the owner of the property or other person violation Chapter 53, shall be guilty of a misdemeanor.

53.39 SEVERABILITY AND VALIDITY

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances be declared by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of other provisions or application of this ordinance.

EFFECTIVE DATE

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

All other provisions of Chisholm City Code Chapter 53: PUBLIC AND PRIVATE SEWERS shall remain as currently in existence and not amended except as specifically added herein and said amendment shall be effective immediately upon its passage.

The most significant changes/additions to this chapter are paragraphs F, G, and the last paragraph in Section 53.33- "Sump Pump/Foundation Drain Tile Regulations". They require the televising inspection of all sanitary sewer laterals within our infrastructure replacement project assessment area and, if found to be failing between the building and property line, are required to be replaced or repaired in conjunction with that project.

Moved by Councilor Vake and seconded by Councilor Mikkola-Rahja that the foregoing ordinance be adopted.

Voting Aye: Councilors Fountain, Halverson, Lantz, Mikkola-Rahja and Vake

Voting No: None

Absent: Mayor Champa

Ordinance declared adopted this 11th day of May, 2022.

CITY OF CHISHOLM

By:_____
Its Mayor, **John A. Champa**

Attest:_____
Its Administrator, **Stephanie Skraba**

1st Reading: April 27, 2022
2nd Reading: May 11, 2022
Published in the Mesabi Tribune: May 18, 2022