

TITLE V: PUBLIC WORKS

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CHAPTER 50: GARBAGE AND RUBBISH

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Cross-reference:

Health and Safety; Nuisances, see Chapter 94

§ 50.01 DEFINITIONS.

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

GARBAGE. Organic refuse resulting from the preparation of food, and decayed and spoiled food from any source.

RUBBISH. All inorganic refuse matter such as tin cans, glass, paper, ashes and the like.

§ 50.02 SANITATION COLLECTION SERVICE REQUIRED.

Every person owning, managing, operating, leasing or renting any premises or any place where garbage or rubbish accumulates shall subscribe to a sanitation collection service.
Penalty, see § 10.99

§ 50.03 CONTAINER REQUIRED; PLACEMENT.

(A) It shall be the duty of every person whose garbage and refuse is collected by the sanitation collection service to provide a container or containers for garbage and refuse, sufficient in size and number to accommodate and securely keep all garbage and refuse that may accumulate between collections. Garbage containers shall be watertight and constructed of a solid and durable grade of metal, plastic, or paper material.

(B) It shall be the duty of every person whose garbage and refuse is collected by the sanitation collection service to place their garbage containers directly behind the curblin of the street abutting their property or in the absence of a curb directly behind the ditch line abutting their property. In no event shall containers be placed in the street or on the sidewalk or in any manner placed where the containers will interfere with vehicular or pedestrian traffic. It shall be the responsibility of the subscriber to place the containers no earlier than 6:00 p.m. of the afternoon preceding the collection day.

Penalty, see § 10.99

§ 50.04 MEDDLING WITH TRASH RECEPTACLES PROHIBITED.

(A) It shall be unlawful to meddle with garbage cans, trash or rubbish receptacles or in any way pilfer, search or scatter contents of garbage cans or rubbish receptacles in or upon any street or alley within the city limits.

(B) This section shall not apply to persons authorized by the city or persons authorized by state or federal law to search or otherwise meddle with trash receptacles.

Penalty, see § 10.99

§ 50.05 CONTAINERS TO BE KEPT SANITARY AND SECURE.

All containers shall be kept clean and free from accumulation of any substance remaining attached to the inside of the container which would attract or breed flies, mosquitoes, or other insects. The area

surrounding garbage containers shall be maintained in a clean and sanitary condition. The contents of all receptacles shall be protected so that the wind cannot scatter the contents over the streets, alleys or other property within the city. All containers shall be securely closed in a manner as to prevent the scattering of the contents and to make them inaccessible to insects, rodents and other animals.

Penalty, see § 10.99

§ 50.06 UNAUTHORIZED PRIVATE COLLECTIONS PROHIBITED.

(A) It shall be unlawful for any person to transport garbage or refuse for hire which has been collected from any premises within the city over any public street within the city.

(B) This section shall not apply to any person who at the time of the activity is operating under a valid contract or franchise granted by the city which authorizes that person to use the public streets to conduct that activity.

Penalty, see § 10.99

§ 50.07 SANITATION SERVICE: CITY OPTIONS.

The City Council may provide for sanitation collection services within the city by use of city employees and vehicles, or it may grant licenses under the terms and conditions of § 50.13, or it may contract with one or more contractors for the provision of these services under the terms and conditions negotiated with the contractors, except that the provisions for insurance under § 50.13(E) shall always apply.

**§ 50.08 RATES AND CHARGES;
COLLECTION AND LATE PAYMENT.**

If the city collects charges for the collection, removal and disposal of garbage and trash within the city, the following provisions apply.

(A) *Generally.* The monthly charge for the collection, removal and disposal of garbage and trash from residences and businesses within the corporate limits of the city shall be as established by ordinance of Council, as it may be amended from time to time.

(B) *Collection of charges.* The charges fixed herein for the collection, removal and disposal of all garbage and trash shall be entered in their respective amounts on the utility bill. The city may discontinue all utility services, including water, sewer, and garbage and trash services, for failing to pay any assessed charges and until the charges have been paid in full under conditions and procedures detailed in division (C) of this section.

(C) *Disconnection for late payment.*

(1) 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:

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

(b) 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

(c) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(2) 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.

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

(D) *Cold weather rule.* Pursuant to M.S. § 216B.097, as it may be amended from time to time, no service of a residential customer shall be

disconnected if the disconnection affects the primary heat source for the residential unit when the disconnection would occur during the period between October 15 and April 15, the customer has declared inability to pay on forms provided by the city, the household income of the customer is less than 185% of the federal poverty level as documented by the customer to the city, and the customer's account is current for the billing period immediately prior to October 15 or the customer has entered into a payment schedule and is reasonably current with payments under the schedule. The City Clerk/Administrator shall, between August 15 and October 15, of each year, notify all residential customers of these provisions.

§ 50.09 REMOVAL OF BUILDING MATERIALS.

Waste from building operations, rock waste, building materials or other refuse resulting from building or remodeling operations or resulting from a general cleanup of vacant or improved property shall be removed by the building contractor, owner or occupant of the building at his or her own expense. It shall be unlawful for any person to place those materials in any dumpster or other trash receptacle for disposal by the city or any agent or contractor of the city.

Penalty, see § 10.99

§ 50.10 PROHIBITED ACTS.

(A) It shall be unlawful for any person to sweep, throw or deposit any garbage, trash, debris, stagnant water or dead animal into, upon or along any public property or private property of another, except as may be specifically provided by this chapter.

(B) It shall be unlawful for any person owning or otherwise in control of any premises within the city to permit any of the conditions described in division (A) to exist upon property owned or controlled by him or her after having actual or constructive notice thereof.

(C) It shall be unlawful for any person to place in any container any material other than as specifically provided in this chapter.

(D) It shall be unlawful for any person to deposit or maintain garbage or trash except as provided for by this chapter.

(E) It shall be unlawful for any person to deposit any burning match, charcoal, ember, or other material in any container used for the disposal of garbage. Penalty, see § 10.99

§ 50.11 NON-RESIDENTIAL CUSTOMERS; CONTAINER TYPES; COLLECTION SCHEDULES.

(A) It shall be the duty of the owner or person otherwise in charge of multi-family, institutional or industrial premises within the city to cause all garbage and trash accumulated on the premises to be placed in disposable containers, or commercial-type containers. Commercial-type containers may be used and may be placed at a location on the premises as arranged between the customer and the collector, but subject to review by the city at any time.

(B) Disposable containers shall be placed at a location on the premises which is readily accessible to the collector.

(C) The amount and character of garbage shall be considered in establishing size of commercial containers and frequency of pickup. The city shall have final authority to establish the size and frequency based on the history of amount and type of garbage generated by the customer. The collection and removal of garbage and trash from premises used for commercial, institutional, or industrial purposes shall be made as often as necessary in order to maintain the premises free of accumulations. Garbage, except dry trash in contractor-supplied containers, shall be collected not less than one time each week, except for roll-off containers which shall not be subject to this provision so long as they are used solely for brush and dry trash.

Penalty, see § 10.99

§ 50.12 MANNER OF COLLECTION AND TRANSPORTATION.

(A) The collection, removal and disposal of all garbage, trash and brush shall be carried on in a systematic, efficient manner to keep the city in a clean and sanitary condition.

(B) All vehicles used for the collection and transportation of garbage and trash shall be equipped with suitable covers which shall be used to prevent blowing or scattering of refuse while garbage and trash are being transported for disposal.

Penalty, see § 10.99

§ 50.13 LICENSING FOR COLLECTION.

(A) *Purpose.* In order to provide for a continuous system of refuse collection and disposal in a manner which meets the needs and conveniences of

the residents of the city and in order to protect the area from the problems of uncoordinated, unsanitary and improper solid waste disposal, the City Council may determine that it is in the best interests of the residents of the city to require licenses of persons collecting or hauling garbage and rubbish for hire, reserving to the city the right and authority to contract with one or more operators to provide these services.

(B) *Licensing.* No person may collect or haul garbage or rubbish within the city without first obtaining a written license from the City Council. An application for a license shall be submitted in writing to the City Clerk/Administrator, and shall contain the following information:

(1) Name and address of the applicant;

(2) Description of the equipment which will be used within the city by the applicant;

(3) A schedule of the rate that will be charged by the applicant for the various categories of customers within the city; and

(4) Evidence of compliance with the other applicable sections of this chapter.

(C) *Franchise.* The City Council may exercise its reserved right to contract with one or more operators for the collection of garbage and rubbish within the city.

(D) *Suspension of license or contract.* A contract or license issued under the provisions of this section may be revoked or suspended for a violation of this chapter or other applicable regulations of law upon a showing that the contractor or licensee has failed to comply with that regulation.

(E) *Financial responsibility.* The licensee or contractor shall show financial responsibility or a certificate of insurance coverage prior to obtaining the license or franchise whereby each vehicle to be used by the licensee or contractor shall be covered against loss or injury in the following amounts: \$300,000 when the claim is one for death by wrongful act or omission and \$300,000 to any claimant in any other case; \$1,000,000 for any number of claims arising out of a single occurrence. The licensee or contractor shall hold the city harmless and agrees to defend and indemnify the city, and the city's employees and agents, for any claims, damages, losses, and expenses related to the work under the license or contract. The city shall be named as an additional insured under that insurance for the services provided under the license or contract. The licensee's or contractor's insurance shall be the primary insurance for the city and the licensee or contractor shall provide a certificate of insurance on the city's approved form which verifies the existence of the insurance required, including provisions to hold the city harmless and defend and indemnify the city. The licensee or contractor shall also provide evidence of workers compensation insurance for employees. These insurance policies shall be for the full term of the license or franchise and shall provide for the giving of a ten-day prior notice to the city of the termination or cancellation of these policies. In case any policies are terminated or cancelled, the license or contract shall be automatically revoked upon receipt by the City Clerk/Administrator of the termination or cancellation.

(F) *Design of equipment.* All trucks or motor vehicles used by the licensee or contractor shall be water-tight so as not to allow the leakage of liquids or refuse while hauling the same and shall be covered with a covering to prevent the scattering of its contents upon the public streets or private properties in the city.

(G) *Inspections.* All vehicles used for garbage or rubbish shall be made available for inspection within the city at the times and places as the City Council may designate.

(H) *Bond.* The contractor or licensee may be required to furnish a surety bond in an amount as the City Council deems necessary running to and approved by the City Council, guaranteeing the franchisee's or licensee's faithful and continuous performance of the terms of the franchise, license or contract and of this chapter.

§ 50.14 COLLECTION OF LEAVES, TREES OR TREE LIMBS.

Nothing in this chapter shall be construed to prevent the collection for hire by other persons of leaves, trees or tree limbs.

CHAPTER 51: ELECTRICITY AND POWER

Section

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| 51.01 | Small power production; cogeneration | (d) Sell to the customer all power and energy requested by the customer. |
| 51.02 | Underground service connections | |
| 51.03 | Application for service | |
| 51.04 | Deposits | (2) The utility intends that these service rules and regulations be in compliance with the requirements of the applicable federal and state laws, rules and orders. |
| 51.05 | Rates and charges | |
| 51.06 | Shut-off for nonpayment | |
| 51.07 | Collection with taxes | |
| 51.08 | Aggregation of retail customer demand response | |
| 51.09 | Ancillary services provided by demand response resources | (B) Qualification requirements, interconnection requirements, electrical requirements, rates and metering, insurance requirements, avoided cost date, miscellaneous requirements and sample agreements are on file at the City Clerk/Administrator's office. (Ord. 487, passed 12-17-1984) |
| 51.10 | On-site renewable energy systems | |

§ 51.01 SMALL POWER PRODUCTION; COGENERATION.

(A) (1) The utility, consistent with its policy of encouraging innovation in the energy field and with the requirements and objectives of the Public Utility Regulatory Policies Act of 1979 or PURPA, asserts its willingness to:

(a) Interconnect with qualifying customer-owned generation facilities (qualifying facility or QF);

(b) Operate in parallel with the QF;

(c) Purchase all power and energy generated by the QF which the customer may make available to the utility; and

§ 51.02 UNDERGROUND SERVICE CONNECTIONS.

(A) Any customer may, after approval by the city, obtain an underground service connection to the city's overhead distribution lines by installing an approved underground service entrance. It shall be understood that all underground service costs, including installations, maintenance and relocation, are to be paid by the customer, even though the relocation of the service entrance may be caused by relocation of the city-owned pole.

(B) At locations where one customer only is being served or is likely to be served, the customer shall install the underground service from the meter devices at a point six feet, plus one foot above the

earth line on the outside of his or her building underground and up the pole to a point on the pole approximately one foot above the secondary rack.

(C) Conductors shall be of sufficient length to permit proper connections to be made in the meter devices and to the secondary conductors after proper drip loops have been formed. The underground service conductors shall be insulated to comply with the insulation and protection requirements of the wiring regulations in effect in the area. The requirements of the National Electrical Code shall prevail.

(D) All conductors shall be in conduit for their full length from a point just below the earth surface to a location on the pole approximately one foot above the necessary rack and from a point just below the earth surface to the meter devices at a point on the outside of the customer's building six feet, plus one foot above the earth surface. The conduit and/or cable shall be buried to a minimum depth of 18 inches.

(E) The customer shall install and maintain the fuses as the city may require.

(F) The customer's grounding shall be installed in the same manner as that used on overhead service installations.

(G) The conductors from the meter devices to the customer's service switch shall be installed in the same manner as that used on overhead service installations.

(H) Underground conductors shall never be placed in the same trench with water pipes or gas pipes.

(Ord. 308, passed 9-3-1968)

§ 51.03 APPLICATION FOR SERVICE.

(A) Application for electric service installation and for electric service shall be made to the city office on forms prescribed by the city office and furnished by the city. Every person applying for electric service from the municipal electric system, and every owner of property for which the application is made, shall be deemed by the application to consent to all ordinances, rules and regulations of the city relating to the municipal electric system.

(B) All accounts for utility services provided to any premises by the city shall be carried in the name of the owner of the premises who personally, or by his or her agent, has applied or shall apply for the services until the owner or agent notifies the city of the name of the tenant or tenants who will henceforth be responsible for the utility charges while in possession of the premises and the tenant or tenants have complied with the requirements of § 51.04. When a tenant or tenants terminate the lease or vacate the premises or cease to be in possession of the premises, the accounts for municipal utility services shall again be carried in the name of the owner of the premises. The provisions of this section are applicable to all leases, initial and/or subsequent, of all premises receiving utility services from the city. (Ord. 95-600, passed - -1995)

§ 51.04 DEPOSITS.

(A) There is hereby required a deposit on all new electric service connections within the city, when the user of the property being serviced is not the fee title owner. The deposit shall also be required of all new service connections in the electrical distribution area outside the city limits. When any of the above users has been disconnected for non-payment, the user

shall be considered a new service before reconnection under this section. The deposit charge shall be paid in full and will be as follows:

- (1) Apartments without electric heat, \$50. Apartments with electric heat, \$100;
- (2) Mobile homes without electric heat, \$100. Mobile homes with electric heat, \$200; and
- (3) Single-family residences without electric heat, \$100. Single-family residences with electric heat, \$200.

(B) The electrical user required to pay a deposit pursuant to this provision may exempt himself or herself from the payment of the deposit if he or she can show that for the past 12 calendar months he or she has maintained a good credit history with an electric utility. A good credit history shall be that credit history over the past 12 months which will indicate no late payments by the user, late payment constituting any payment made after the assessment of late charges, if any, or grace period determined by the particular utility.

(C) If the customer is delinquent in his or her electric account, his or her deposit shall be applied on the delinquent account and an additional deposit shall immediately be required to bring the deposit up to the amount originally required and if the additional deposit is not immediately made, the customer shall be subject to the shut-off provisions of § 51.06. (Ord. 95-600, passed - -1995)

§ 51.05 RATES AND CHARGES.

(A) The rates for the supply of electric power to the customer shall be as established by resolution of the City Council from time to time.

(B) (1) Electric water heaters and electric heating systems qualify for the dual meter electric rate.

(2) All buildings, new or otherwise, for which a dual meter rate is applied for, shall have installed a second electric meter (dual meter) to measure the electrical usage of the electric water heater and/or electric heating system. The city’s electric utility will provide the dual meter at no cost to the customer and will pay a maximum of \$50 towards the cost of installation of the dual meter.

(3) The electric water heater and/or electric heating system must be connected to the electric utility’s load management system and must have been approved by the Electric Utility Superintendent.

(4) Customers applying for the dual meter electric rate must have signed a statement of assurances before the dual meter electric rate will be received.

(C) (1) All the rates under division (A) above are net, subject to a 10% penalty if not paid by the twelfth of the month immediately following the monthly billing.

(2) If payment is not received or satisfactory arrangements made by the specified date on the second notice, service will be discontinued until the total amount of the bill has been paid and a charge of \$10 for reconnecting the electricity must be paid before service will be continued. (Ord. 95-600, passed - -1995)

§ 51.06 SHUT-OFF FOR NONPAYMENT.

(A) (1) The city shall endeavor to collect delinquent accounts promptly. In any case where

satisfactory arrangements for payment have not been made, the Utility Department may, after the procedural requirements of division (B) have been complied with, discontinue service to the delinquent customer by shutting off the electricity at the stop box.

(2) When electric service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent amounts due, plus a fee as may be established by resolution of the City Council from time to time.

(B) (1) Electricity shall not be shut off under division (A) above until notice and an opportunity for a hearing have first been given the occupant of the premises involved.

(2) The notice shall be personally served and shall state that if payment is not made before a date stated in the notice but not less than five days after the date on which the notice is given, the electric supply to the premises will be shut off. The notice shall clearly inform the customer of the available opportunities to present to the city his or her objections to the bill, and shall identify the telephone number, address and officer or employee who will handle the customer's complaint and who has the authority to review the facts and files, to correct any errors in the billing and to arrange for credit terms. The notice shall also state that the occupant may, before the date, demand a hearing on the matter, in which case the supply will not be cut off until after the hearing is held.

(3) If, before the date specified, the customer requests a hearing, the Mayor shall appoint a panel of three impartial residents of the city who shall hold a hearing on the matter at least one week after the date of the appointment of the last of the three members of the panel.

(4) If as a result of the hearing, the three-member panel finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the electric supply of the delinquent customer may not be shut off in accordance with this section, the city may shut off the supply. (Ord. 95-600, passed - -1995)

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

§ 51.07 COLLECTION WITH TAXES.

Delinquent accounts contracted for by a property owner or by anyone acting as the owner's agent or carried in the name of the owner shall be certified to the City Clerk/Administrator who shall prepare an assessment roll each year providing for assessment of the delinquent amount against the respective properties served. Upon the adoption, the City Clerk/Administrator shall certify the assessment roll to the County Auditor for collection along with taxes. (Ord. 95-600, passed - -1995)

§ 51.08 AGGREGATION OF RETAIL CUSTOMER DEMAND RESPONSE.

(A) The city or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers served by the city's electric utility directly into any Commission-approved independent system operator's or regional transmission organization's organized electric markets.

(B) Retail customers served by the city wishing to bid their demand response into a Commission-approved independent system operator's or regional transmission organization's organized electric markets may do so by participating in the program established by the city or its authorized designee. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of the city.

(Ord. 09-08, passed 7-6-2009)

§ 51.09 ANCILLARY SERVICES PROVIDED BY DEMAND RESPONSE RESOURCES.

(A) The city or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers served by the city directly into any Commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional transmission organization's tariff).

(B) Retail customers served by the city wishing to bid their demand response into a Commission-approved independent system operator's or regional transmission organization's organized

markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional transmission organization's tariff) may do so by participating in the program established by the city or its authorized designee. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of the city.

(Ord. 09-08, passed 7-6-2009)

§ 51.10 ON-SITE RENEWABLE ENERGY SYSTEMS.

(A) *Purpose.*

(1) It is the goal of the city to provide a sustainable quality of life for the city's residents, making careful and effective use of available natural resource to maintain and enhance this quality of life. Cities are enabled to regulate land use under M.S. Ch. 394 and Ch. 462 for the purpose of promoting health, safety, morals, and general welfare of the community.

(2) As part of this regulatory power, Ortonville believes it is in the public interest to encourage renewable energy systems that have a positive impact in energy conservation, with limited adverse impact on the community. While Ortonville strongly encourages increased energy conservation and improved energy efficiency, the city also finds that increased use of appropriate renewable energy systems will be an important part of improving urban sustainability.

(3) The renewable energy regulations are intended to supplement existing zoning ordinances and land use practices, and ensure these systems are appropriately designed, sited and installed. These regulations are in place to balance the need to improve energy sustainability through increased use of renewable energy systems with concerns for preservation of public health, welfare, and safety, as well as environmental quality, visual and aesthetic values, and existing neighborhood social and ecological stability.

(B) *Solar energy sources and systems.*

(1) Solar energy systems (SES) shall be allowed with approval of a conditional use permit in all zoning districts as outlined in the conditional use permit procedures in current ordinances.

(2) *Placement and design.*

(a) *Height.*

1. Roof or building mounted SES shall not exceed the maximum allowed height in any zoning district. For the purposes for height measurement, solar systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices.

2. Ground mounted SES shall not exceed the height of an allowed accessory structure within the zoning district when oriented at maximum tilt.

(b) *Placement.*

1. Ground mounted SES must meet the accessory structure setback for the zoning district in which it is installed.

2. *Roof or building mounted SES.*

The collector surface and mounting devices for roof or building mounted SES shall not extend beyond the required setbacks of the building on which the system is mounted.

(c) *Coverage.* Ground mounted SES may not exceed the area restrictions placed on accessory structures within the subject zoning district.

(d) *Visibility.*

1. SES shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.

2. *Building-integrated solar systems.* These systems shall be allowed regardless of visibility, provided the building component in which the system is integrated meets all required setbacks, land use, or performance standards for the zoning district in which the building is located.

3. Ground mounted SES shall be screened from view to the extent possible without reducing their efficiency. Screening may include walls, fencing or landscaping.

(3) *General standards.*

(a) *Notification.* Prior to the installation or erection of a SES, the operator must provide evidence showing their regular electrical service provider has been informed of the customer's intent to install an interconnected, customer-owned SES. Off-grid systems shall be exempt from this requirement.

(b) *Feeder lines.* Any lines accompanying a SES, other than those attached to onsite structures by leads, shall be buried within the interior of the subject parcel, unless there are existing in the area to which the lines accompanying an SES can be attached.

(c) *Commercial.* All SES shall be limited to the purpose of on-site energy production, except that any additional energy produced above the total on-site demand may be sold to the operator's regular electrical service provider in accordance with any agreement provided by the same or applicable legislation.

(d) *Restrictions on SES limited.* No homeowners agreement, covenant, common interest community, or other contract between multiple property owners within a subdivision of the city shall restrict or limit solar systems to a greater extent than the city's renewable energy ordinance. The city encourages solar access to be protected in all new subdivisions and allows for existing solar to be protected consistent with Minnesota Statutes. Any solar easements filed must be consistent with M.S. § 500.30.

(4) *Abandonment.* A SES that is allowed to remain in a nonfunctional or inoperative state for a period of 12 consecutive months, and which is not brought in operation within the time frame specified by the city, shall be presumed abandoned and may be declared a public nuisance subject to removal at the expense of the operator.

(C) *Geothermal energy sources and systems.*

(1) Ground source heat pump systems (GSHPS) shall be deemed an accessory structure, permissible in all zoning districts.

(2) *Placement and design.*

(a) *Placement.*

1. All components of GSHPS including pumps, borings and loops shall be set back at least five feet from all lot lines.

2. GSHPS shall not encroach on any easement.

3. GSHPS are prohibited in surface waters, except for storm water ponds where they are permitted.

(b) *Design.*

1. Only closed loop GSHPS utilizing Minnesota State Department Health approved heat transfer fluids are permitted.

2. Ground source heat pumps are considered mechanical equipment and subject to the requirements of the city's zoning ordinances.

(c) *General standards - noise.* GSHPS shall comply with the standards of the Minnesota Pollution Control Agency outlined in Minn. Rules Ch. 7030.

(d) *Abandonment.* A GSHPS that is allowed to remain in a nonfunctional or inoperative state for a period of 12 consecutive months, and which is not brought in operation within the time frame specified by the city after notification to the owner or operator of the GSPHS, shall be presumed abandoned and may be declared a public nuisance subject to removal at the expense of the owner or operator.

(Ord. 21-02, passed 2-16-2021)

CHAPTER 52: GENERAL WATER AND SEWER PROVISIONS

Section

- 52.01 Water and Collection System Department
- 52.02 Use of system restricted
- 52.03 Application for service
- 52.04 Charges for connections
- 52.05 Accounting, billing and collecting
- 52.06 Public and city protection

Cross-reference:

Infrastructure Committee, see § 31.09

§ 52.01 WATER AND COLLECTION SYSTEM DEPARTMENT.

Under the provisions of the City Charter, a Public Works Department has been created which includes waste collection and disposal system and public waterworks. The Divisions of Water and Waste Treatment shall be responsible for the management, maintenance, care and operation of the waterworks and sanitary sewage collection system of the city.

(Ord. 474, passed 11-7-1983)

§ 52.02 USE OF SYSTEM RESTRICTED.

No person shall make or use any water or sewer installation connected to the city water or collection

system except pursuant to application and permit as provided in this chapter. No person shall make or use any installation contrary to this chapter.

(Ord. 474, passed 11-7-1983)

§ 52.03 APPLICATION FOR SERVICE.

(A) *Procedure.* Application for water or sewer service installation and for water service shall be made to the City Clerk/Administration on forms prescribed by the Water and Waste Superintendent and furnished by the city. By his or her signature, the applicant shall agree to conform to this chapter and to rules and regulations that may be established by the city as conditions for the use of water.

(B) *Fees.* Application for a service installation shall be made by the owner of the property to be served or by his or her agent. The applicant shall, at the time of making application, pay to the city the amount of the fees required for the installation of the service connection as provided in this chapter. When a water service connection has been installed, application for water service may be made either by the owner or his or her agent or by the tenant or occupant of the premises.

(Ord. 474, passed 11-7-1983)

§ 52.04 CHARGES FOR CONNECTIONS.

(A) *Permit and fee.* No connection shall be made to the city water or sanitary sewer system without a permit received from the City's Clerk/Administrator. The fee for each permit for a water main connection permit and for a sewer connection permit shall be as established by resolution of the City Council from time to time. These fees shall be in addition to any fees required under divisions (B) through (D).

(B) *Connection fees.* When a connection requires installation of a service line from the main to the property line, the applicant for a permit shall pay to the city an amount not less than the cost of making the necessary connections, taps and installation of pipe and appurtenances to provide service to the property and the necessary street repairs. These costs will be an amount established by resolution of the City Council from time to time for water on an unimproved street for a one-inch service, and an amount established by resolution of the City Council from time to time for an improved street. The sewer cost for a four-inch sewer service will be an amount established by resolution of the City Council from time to time for an unimproved street and an amount established by resolution of the City Council from time to time for an improved street. Larger services will be billed at cost of materials and labor. For connections where no installation is required but water must be turned on, there will be a fee of an amount established by resolution of the City Council from time to time for each turn on and turn off.

(C) *Certification.* No permit shall be issued to connect with any water or sanitary sewer main unless the City Clerk/Administrator certifies to the truth of one of the following or the payment required under division (D) is made:

(1) The lot or tract to be served has been assessed for the cost of construction of the main with which the connection is made or that proceedings for levying the assessment have been or will be commenced in due course;

(2) The cost of construction of the main has been paid by the developer or builder plotting the lot or tract; or

(3) If neither of the foregoing is true, a sum equal to the portion of the cost of constructing the main which would be assessable against the lot or parcel has been paid to the city.

(D) *Additional connection.* If no certificate can be issued, the applicant shall pay an additional connection fee equal to the portion of the cost of construction of the main attributable to the property upon the same basis as any assessment previously levied against other property for the main. The determination shall be made by the City's Clerk/Administrator. If no assessment has been levied, the assessable cost shall be determined upon the basis of the uniform charge which may have been or will be charged for similar connection with the main. The amount shall be determined on the basis of the total assessable cost of the main allocated on the basis of frontage. Where the assessable cost cannot be determined, the charge shall be fixed at \$6 a foot for water and \$10 a foot for sewer per front foot of the property to be served. In no event shall the connection charge made under this division exceed the increase in value of the property attributable to the main.

(E) *Notice and hearing.* Before the City Clerk/Administrator makes a final determination of the additional connection fee under division (D), he or she shall submit a written notice to the applicant

stating the amount of the proposed connection fee and the basis of its calculation. The notice shall also state that the applicant may, within ten days of receipt of the notice, demand a hearing on the matter. If the applicant requests a hearing within that time, a hearing shall be held on the matter by the City Council at least one week after the date on which the request is made. If, as a result of the hearing, the City Council finds that the proposed connection fee complies with the requirements of this section, they shall so determine. If they determine that the proposed fee is in excess of the amount that would have been assessed had the property been assessed for the main, or in excess of the increase in the market value attributable, to the construction of the main, they shall make a determination of the proper amount of the fee within the limits specified in division (D). No connection shall be made without payment of the connection fee determined after the hearing or determined after the expiration of ten days from receipt of the notice when there has been no request within that time for a hearing.

(Ord. 474, passed 11-7-1983)

§ 52.05 ACCOUNTING, BILLING AND COLLECTING.

(A) All accounts shall be carried in the name of the resident. The owner shall be liable for water supplied to his or her property, whether he or she is occupying the property or not, and any charges unpaid shall be a lien upon the property.

(B) Water bills shall be mailed to the customer quarterly on light bills and shall specify the amount of water consumed and water charges in accordance with the rates set out in this chapter. Sewer will be billed monthly on the light bills and show amount for treatment plant and collecting system.

(C) All charges for water and sewer shall be due on their respective due dates specified by the city for the respective account and shall be delinquent if not paid on or before the twelfth day of the month. A 10% late charge shall be added to delinquent accounts. The city shall endeavor to collect delinquent accounts promptly. In any case, where satisfactory arrangements for payment have not been made, the Water and Waste Divisions may, after the procedural requirements of division (D) have been complied with, discontinue service to the delinquent customer by shutting off the water at the stop box. When water service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent bills and a fee of \$10.

(D) (1) Water shall not be shut off under division (C) or for violation of rules and regulations affecting utility service until notice and an opportunity for a hearing have first been given the occupant of the premises involved.

(2) The notice shall be personally served and shall state that if payment is not made before a day stated in the notice but not less than ten days after the date on which the notice is given the water supply to the premises will be shut off. The notice shall also state that the occupant may, before the date, demand a hearing on the matter, in which case the supply will not be cut off until after the hearing is held.

(3) If, before the date specified, a hearing is requested by the customer, the Mayor shall appoint a panel of three impartial residents of the city, who shall hold a hearing at least one week after the date of the appointment of the last of the three members of the panel.

(4) If, as a result of the hearing, the hearing panel finds that the amount claimed to be

owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with the chapter, the city may shut off the supply.

(Ord. 474, passed 11-7-1983)

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

§ 52.06 PUBLIC AND CITY PROTECTION.

(A) *Permit and bond.* A permit for construction and connection of the extension between a building drain and the sewer stub, herein called the building sewer, or between the building water service pipe and the water stub, herein called the water service, shall be issued only upon application by a qualified plumber or homeowner who has furnished a bond to the City Clerk/Administrator to do the work. The bond shall be in the amount of \$2,000, conditioned so as to secure compliance by the principal with the provisions of this chapter and to further secure performance by him or her of all work undertaken within the city.

(B) *Liability insurance.* Before undertaking the construction work authorized by the permit, the plumber or homeowner shall secure and maintain a policy of insurance against damages to property or injury or death to persons. The policy shall indemnify and save harmless the city and its personnel against any claim, damages or cause of action arising out of the work and from any expense of defending same.

(C) *Apportionment of costs.* The owner shall bear the costs and expenses incident to the installation and connection of the building sewer or extension of the water service to private property. He or she shall indemnify the city for any loss or damage directly or indirectly caused by its installation and connection. The city will bring all services of water and sewer as near as possible to the property line.

(Ord. 474, passed 11-7-1983)

CHAPTER 53: WATER

Section

- 53.01 Discontinuance of service
- 53.02 Supply from one service; connection
- 53.03 Tapping mains
- 53.04 Repair of leaks
- 53.05 Use of hydrants
- 53.06 Private water supply
- 53.07 Restricted hours
- 53.08 Permitting use by others
- 53.09 Nonresident service
- 53.10 Meters
- 53.11 Plumbing regulations
- 53.12 Water rates

Cross-reference:

General Water and Sewer Provisions, see Chapter 52

§ 53.01 DISCONTINUANCE OF SERVICE.

The city may discontinue service to any water consumer without notice for necessary repairs, upon notice as provided in § 53.04, for nonpayment of charges, or for violation of rules and regulations affecting utility service.

(Ord. 474, passed 11-7-1983)

§ 53.02 SUPPLY FROM ONE SERVICE; CONNECTION.

(A) No more than one house or building shall be supplied from one service connection except by special permission of the City Council.

(B) Whenever two or more parties are supplied from one pipe connecting with a service main, each building or part of building separately supplied shall have a separate stop box and a separate meter. (Ord. 474, passed 11-7-1983)

(C) (1) All residents of the city whose real property abuts the streets of the city in which municipal water lines are located shall connect to the water lines.

(2) Any resident of the city presently owning real property not connected to the municipal water system shall connect to the water system in accordance with these regulations.

(D) (1) Minimum charges for the availability of water service may be imposed for all premises with structures, both residential and commercial, abutting on streets or other places where city water pipes and lines are located, whether or not connected to them. This availability charge shall not apply to (1) properties without structures; (2) properties with uninhabitable residential structures unless the uninhabitability is expected to be temporary and last for less than one year; (3) or other properties that do not use water.

(2) In determining the charges to be imposed for the availability of water service, the city may give consideration to all costs of the establishment, operation, maintenance, depreciation, and necessary replacements of the waterworks system,

and of improvements, enlargements, and extensions necessary to serve adequately the territory of the city including the principal and interest to become due on obligations issued or to be issued.

(Ord. 99-02, passed 8-2-1999; Am. Ord. 09-09, passed 10-5-2009)

§ 53.03 TAPPING MAINS.

No person, except an authorized city employee, shall turn on or shut off any water supply at the stop box or tap any distributing main or pipe of the water supply system or insert a stopcock or other appurtenance therein.

(Ord. 474, passed 11-7-1983) Penalty, see § 10.99

§ 53.04 REPAIR OF LEAKS.

(A) The consumer or owner shall be responsible for maintaining the service pipe from the curb box into the building served. If the shut-off valve is located in the city right-of-way, the city will determine what, if any, costs the city will pay to maintain the service pipe in the right-of-way.

(B) If he or she fails to repair any leak in the service pipe within 24 hours after notice by the city, the city may turn the water off. The water shall not then be turned on again until the leak is repaired and a sum of \$30 has been paid to the city.

(C) When the waste of water is great or damage is likely to result from the leak, the city shall turn the water off immediately upon the giving of notice if repair is not commenced immediately.

(Ord. 474, passed 11-7-1983; Am. Ord. 18-03, passed 6-4-2018) Penalty, see § 10.99

§ 53.05 USE OF HYDRANTS.

No person other than an authorized city employee shall operate a fire hydrant or interfere in any way

with the city water system without first obtaining authority in writing to do so from the Water and Waste Superintendent.

(Ord. 474, passed 11-7-1983) Penalty, see § 10.99

§ 53.06 PRIVATE WATER SUPPLY.

No water pipe of the city water supply system shall be connected with any pump, well or tank that is connected with any other source of water supply. When any connection is found, the Public Water and Light Division shall notify the owner to sever the connection, and if this is not done immediately the city shall turn off the water supply forthwith. Before any new connection to the city water system is permitted, the Division shall ascertain that no cross connection will exist when the new connection is made.

(Ord. 474, passed 11-7-1983)

§ 53.07 RESTRICTED HOURS.

(A) Whenever the Council determines that a shortage of water supply threatens the city, it may, by resolution, limit the times and hours during which the city water may be used for sprinkling, irrigation, car washing, air conditioning or other specified uses. Publication of the resolution shall be by publishing it in the official newspaper for the city, or mailing of the resolution to each customer, or by any other means of mass communications.

(B) No person shall use or permit water to be used in violation of the resolution, and any customer who does so shall be charged \$5 for each day of the violation, and the charge shall be added to his or her next water bill.

(C) In emergency situations where the City Council cannot act in time to remedy the problems caused by the shortage of water supply, a special

meeting of the Utility Committee may be called, and the Utility Committee, by resolution, may declare a water emergency, which the resolution shall be binding upon water users in the city and subject the person to the same penalties and provisions as if passed by the City Council. The Utility Committee shall direct the Public Works Director to enforce the emergency provisions of this section, and the emergency restrictions passed by the Utility Committee shall be subject to the final action taken by the City Council at their next scheduled meeting.

(D) Continued violation shall be cause for discontinuance of water service.

(Ord. 474, passed 11-7-1983) Penalty, see § 10.99

§ 53.08 PERMITTING USE BY OTHERS.

No person shall permit city water to be used for any purpose except upon his or her own premises except in an emergency, and then only if written permission is first obtained from the Water and Waste Superintendent. Anyone wishing to obtain water from a hydrant for construction purposes shall make application to the City Clerk/Administration for the services.

(Ord. 474, passed 11-7-1983) Penalty, see § 10.99

§ 53.09 NONRESIDENT SERVICE.

The city will furnish water or sewer service to residents outside the city limits provided that all terms and conditions established by the city are complied with and the non-resident executes a contract with the city setting forth the terms and conditions.

(Ord. 474, passed 11-7-1983; Am. Ord. 03-01, passed 6-2-2003)

§ 53.10 METERS.

(A) Except for the extinguishment of fires, no person other than an authorized city employee shall use water from the city supply system or permit water to be drawn therefrom unless the water passes through a meter supplied by the city. No person not authorized by the Water and Light Division shall connect, disconnect, take apart or in any manner change or interfere with any meter or its use.

(B) Meters shall be installed by the city at the homeowner's expense, after which the city retains ownership and the meter will be kept with the property it is installed on.

(C) The city shall maintain and repair at its expense any meter that has become unserviceable through ordinary wear and tear, and shall replace it if necessary. Where repair or replacement is made necessary by act or neglect of the owner or occupant of the premises that it serves, the city expense caused thereby shall be a charge against and collected from the water consumer, and water service may be discontinued until the cause is corrected and the amount charged is paid.

(D) When a consumer complains that the bill for any past service period is excessive, the city shall have the meter reread on request of the consumer. If the consumer remains dissatisfied, he or she may, on written request and the deposit of \$30, have the meter tested. If the test shows an error in the city's favor exceeding 5% of the water consumed, the deposit shall be refunded, an accurate meter shall be installed, and the bill shall be adjusted accordingly. The adjustment shall not extend back more than one service period from the date of the written request.

(E) Water meters shall be the property of the city and may be removed or replaced as to size and type when deemed necessary.

(F) (1) Authorized city employees shall have access at reasonable hours of the day to all parts of every building and premises connected with the water supply system in order to make inspections.

(2) All customers, residential, commercial and industrial, connected to the city water supply system shall be responsible for reading their water meter on a monthly basis. The water reading shall be submitted by the customer to the city before the twelfth of each month.

(3) (a) For the purpose of this section, seasonal cottage means a structure such as a lake cottage, cabin or mobile home connected to the city water supply system which is occupied only during the warm weather or tourist season.

(b) The owner of a seasonal cottage shall be exempt from the provisions of subsection (2) above, except they shall be charged a monthly water distribution system charge and a sewer collection system charge, as these charges may be established by resolution of the City Council from time to time. The owner of a seasonal cottage, at the time of the closing of the seasonal cottage in every calendar year, shall contact the city to have the water meter read and to have the water service disconnected. Access to the water meter must be provided to the city to render the service.

(Ord. 474, passed 11-7-1983; Am. Ord. 96-601, passed 11-7-1995)

§ 53.11 PLUMBING REGULATIONS.

(A) *Service pipes.*

(1) Every service pipe shall be laid with sufficient bend to allow not less than one foot of extra length and in a manner as to prevent rupture by settlement. The service pipe shall be placed not less than six feet below the surface and be arranged to

prevent rupture by freezing. A shut-off of the size and strength required shall be placed close to the inside wall of the building and be protected from freezing.

(2) Copper tubing shall be used for all services of 1½ inches or less. Joints on copper tubing shall be as few as possible, and not more than one joint shall be used for service up to 70 feet in length. Each joint shall be left uncovered until inspected by the city. Every service over 1½ inches shall be cast iron or Class 160 or greater PVC. Connections with the mains for domestic supply shall be not less than one inch.

(B) *Water meter setting.* Every water meter shall be installed in accordance with the following provisions:

(1) The service pipe from the water main to the meter shall be brought through the floor in a vertical position where the pipe enters the building. The stop valve shall be 12 inches above the floor;

(2) The bottom of the meter shall be 12 inches or more above the finished floor line. The meter shall be set not more than 12 inches horizontally from the inside line of the basement wall unless a different position is approved by the Water Division. A suitable bracket shall be provided to support the meter in a proper horizontal position and prevent noise from vibration;

(3) Each meter installation shall have a stop valve on the street side of the meter. In no case shall more than 12 inches of pipe be exposed between point of entrance through the basement floor and the stop valve. A stop valve shall also be installed on the house side of the meter;

(4) The water pipe connection with the main shall not exceed two feet under the basement floor from the inside of the basement wall to the water

meter connection, unless otherwise approved by the Water Department; and

(5) Meter setting devices for $\frac{5}{8}$ -inch through 1½-inch meters shall be of copper pipe or tubing from the terminus of the service pipe up to and including the stop valve on the building side.

(C) *Location of stop box.*

(1) Curb stop boxes shall be placed as near as possible to the property line on a street or within one foot of the alley line if the main is located in the alley. They shall be installed at a depth of six feet below the established grade and shall be left in accurate vertical position when back filling is completed.

(2) If bent or broken when lawn work is being done, the contractor or homeowner shall pay for replacement.

(Ord. 474, passed 11-7-1983)

§ 53.12 WATER RATES.

(A) *Service charge.* Each water user shall pay a service charge each month during which water service is furnished, in an amount as may be determined by City Council resolution from time to time.

(B) *Rate schedule.*

(1) In addition, each water user shall pay for water used each quarter at the rates as they may be established by City Council resolution from time to time.

(2) All revenues derived from charges imposed under this section shall be credited to the Water and Light Fund.

(Ord. 474, passed 11-7-1983)

CHAPTER 54: SEWERS

Section

General Provisions

- 54.01 Definitions
- 54.02 Special agreements

Use Regulations

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GENERAL PROVISIONS

§ 54.01 DEFINITIONS.

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

BOD or BIOCHEMICAL OXYGEN DEMAND.

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C. expressed in milligrams per liter. Laboratory procedures shall be in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

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

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

CITY. The area within the corporate boundaries of Ortonville, as presently established or as amended by ordinance or other legal actions at a future time. **CITY**, when used herein, may also be used to refer to the City Council and its authorized representatives. Also, **CITY**, when used herein, may mean the municipal corporation itself established by the Charter of the City of Ortonville, Section 1.01.

COD or **CHEMICAL OXYGEN DEMAND.** The quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedures as set out in the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

COMBINED SEWER. A sewer originally designated to receive both surface water runoff and sewage.

EQUIVALENT RESIDENTIAL USER. The average billable flow per connection, and shall have BOD and suspended solids concentration 200 mg/l and 250 mg/l respectively.

INDUSTRIAL WASTES. The solid, liquid or gaseous wastes resulting from industrial or manufacturing processes, trade or business, or from the development, recovery or processing of natural resources.

MAY. The act is permissive.

NPDES PERMIT or **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT.** The system for issuing, conditioning and denying permits for the discharge of pollutants from point

sources into the navigable waters, the contiguous zone, and the oceans by the Environmental Protection Agency pursuant to the Federal Water Pollution Control Act of 1972, Sections 402 and 405.

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

NORMAL DOMESTIC STRENGTH WASTES. Wastes which are characterized by BOD₅ and TSS concentrations of 200 mg/l and 250 mg/l respectively.

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

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROCESS WATER. Any water used in the manufacturing, preparation or production of goods, materials or food. **PROCESS WATER** is an industrial waste.

PUBLIC SEWER. Any sewer owned or operated by a unit or agency of government.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.

SANITARY WASTE. The liquid and water carried wastes discharged from plumbing facilities.

SEWAGE or **WASTEWATER.** The water carried waste products from residences, public

buildings, institutions, industrial establishments or other building including the excrementitious or other discharge from the bodies of human beings or animals, together with ground, surface and storm waters as may be present.

SEWER. A pipe or conduit for carrying sewage, industrial wastes or other waste liquids.

SEWER SYSTEM. Pipelines or conduits, pumping stations, force mains and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes or other wastes to a point of ultimate disposal.

SHALL. The act is mandatory.

SLUG. Any discharge of water, wastewater or industrial waste which in concentration of any given constituent, or in quantity of flow exceeds for any period or duration longer than 15 minutes more than five times the average 24-hour concentration of flows during the normal operation.

STATE DISPOSAL SYSTEM PERMIT or SDS. Any permit, including any terms, conditions and requirement thereof, issued by the MPCA, pursuant to M.S. § 115.07, as it may be amended from time to time, for a disposal system, as defined by M.S. § 115.01 (8), as it may be amended from time to time.

STORM SEWER or STORM DRAIN. A sewer which carries storm or surface water and drainage, but excludes sewage and industrial waste, other than unpolluted cooling or process water.

SUSPENDED SOLIDS. Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by

laboratory filtering in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

UNPOLLUTED WATER. Clean water uncontaminated by industrial waste, other wastes or any substance which renders such water unclean or noxious or impure so as to be actually or potentially harmful or detrimental, or injurious to public health, safety or welfare to domestic, commercial, industrial or recreational uses; or to livestock, wild animals, birds, fish or other aquatic life.

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

WASTEWATER TREATMENT WORKS or TREATMENT WORKS. An arrangement of devices and structures for treatment of wastewater, industrial waste and sludge. Sometimes used as synonymous for “wastewater treatment plant,” “waste treatment plant,” “water pollution control plant,” “sewage works,” “treatment woks,” “wastewater treatment works” or “sewage treatment plant.”
(Ord. 477, passed 12-19-1983; Am. Ord. 488, passed 1-21-1985)

§ 54.02 SPECIAL AGREEMENTS.

No statement contained herein 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 therefore by the industrial concern, in accordance with applicable ordinances and any

supplemental agreements with the city and providing the national categorical pretreatment standards and the city's NPDES/SDS permit limitations are not violated. (Ord. 477, passed 12-19-1983; Am. Ord. 488, passed 1-21-1985)

USE REGULATIONS

§ 54.15 PROTECTION FROM DAMAGE.

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

(Ord. 477, passed 12-19-1983; Am. Ord. 488, passed 1-21-1985) Penalty, see § 10.99

§ 54.16 AUTHORITY OF INSPECTORS.

(A) Duly authorized employees of the city shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. Those employees shall have no authority to inquire into processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries except as is necessary to determine the kind and source of the discharge to the public sewer.

(B) While performing the necessary work on private property as referred to in division (A) above, the authorized employees of the city shall observe all safety rules applicable to the premises.

(C) Duly authorized employees of the city shall be permitted to enter all private properties through which the city holds easements for the purpose of, but not limited to inspection, observation, maintenance and construction of public sewers.

(Ord. 477, passed 12-19-1983; Am. Ord. 488, passed 1-21-1985)

§ 54.17 DISCHARGES.

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

(B) No person shall discharge or cause to be discharged directly or indirectly any storm water, groundwater, roof runoff, subsurface drainage, waste from on-site disposal system, unpolluted cooling or processing water to any sanitary sewer except as permitted by the city or other local unit of government.

(C) Storm water and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or processing water shall only be so discharged upon approval by the city or other unit of local government.

(D) No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewer:

(1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(2) Any water or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the wastewater treatment works;

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

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

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

(E) (1) No person shall discharge or cause to be discharged directly or indirectly the following unless in the opinion of the city, the discharge will not harm the wastewater facilities, nor cause obstruction to the flow in sewers, nor otherwise endanger life, limb or public property, nor constitute a nuisance. In

forming its opinion as to the acceptability of the wastes, the city may give consideration to such factors as the quantities of the subject wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, the city's NPDES and/or SDS permit, and other pertinent factors. The city may make determinations either on a general basis or as to discharges from individual users or specific discharges and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur.

(2) The substances prohibited are:

(a) Any liquid or vapor having a temperature in excess of 150° F., or 65° C.;

(b) Any water or waste containing fats, wax, grease or oils whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° and 150° F., or 0° and 65° C.;

(c) Any garbage that has not been ground or comminuted to a degree that all particles will be carried freely in suspension under flows normally prevailing in the public sewers, with no particles greater than ½-inch in any dimension;

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

(e) Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the

structures, equipment or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the state or federal government, or any other public agency with proper authority to regulate the discharge from the sewage treatment plant;

(f) Any radioactive wastes or isotopes of a half-life or concentration that they are not in compliance with regulations issued by the appropriate authority having control over their use or may cause damage or hazards to the treatment works or personnel operating it;

(g) Any water or wastes having a pH in excess of 9.5; and

(h) Materials which exert or cause:

1. Unusual concentrations of suspended solids, (such as, but not limited to Fuller's earth, lime slurries and residues) or of dissolved solids (such as, but not limited to sodium chloride or sodium sulfate);

2. Excessive discoloration (such as, but not limited to dye waste and vegetable tanning solutions);

3. Unusual BOD, chemical oxygen demand or chlorine requirements in quantities as to constitute a significant load on the wastewater treatment works;

4. Unusual volume of flow or concentration of wastes constituting a slug; and

5. Water 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 the NPDES and/or SDS permit, or requirements of other governmental agencies having jurisdiction over discharge from the sewage treatment plant.

(F) (1) If any water or wastes are discharged, or are proposed to be discharged directly or indirectly to the public sewers, which water or wastes do not meet the standards set out in or promulgated under this section, or which in the jurisdiction of the city may have a deleterious effect upon the treatment works, processes, equipment or receiving waters and/or soil vegetation and ground water or which otherwise create a hazard to life, or constitute a public nuisance, the city may take all or any of the following steps:

(a) Refuse to accept the discharges;

(b) Require control over the quantities and rates of discharge;

(c) Require pretreatment to an acceptable condition for the discharge to the public sewers; and

(d) Require payment to cover the added cost of handling or treating the wastes.

(2) The design and installation of the plant and equipment for pretreatment or equalization of flows shall be subject to the review and approval of the city, and subject to the federal requirements of 40 CFR 403 and the Minnesota Pollution Control Agency requirements.

(Ord. 477, passed 12-19-1983; Am. Ord. 488, passed 1-21-1985) Penalty, see § 10.99

§ 54.18 GREASE, OIL AND MUD INTERCEPTORS.

(A) Grease, oil and mud interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in § 54.17, 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.

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

(C) (1) When required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with the necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes.

(2) The structure and equipment, when required, shall be constructed at the owner's expense in accordance with plans approved by the city and shall be maintained by the owner so as to be safe and accessible at all times.

(Ord. 477, passed 12-19-1983; Am. Ord. 488, passed 1-21-1985) Penalty, see § 10.99

§ 54.19 MEASUREMENTS, TESTS AND ANALYSES.

(A) (1) All measurements, tests and analyses of the characteristics of water and waste to which reference is made in this chapter shall be determined in accordance with 40 CFR 136, *Guidelines Establishing Test Procedures for the Analysis of Pollutants*, the latest edition of *Standard Methods for the Examination of Water and Wastewater*, and shall be determined at the control structure provided, or upon suitable samples taken at the control structure.

(2) In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected.

(3) Sampling shall be carried out by customarily accepted methods to reflect the effluent constituents and their effect upon the treatment works and to determine the existence of hazards to life, health and property. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the city.

(B) (1) The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the city, be required to provide laboratory measurements, tests and analyses of waters or wastes to illustrate compliance with this chapter and any special condition for discharge established by the city or regulatory agencies having jurisdiction over the discharge.

(2) The number, type and frequency of sampling and laboratory analyses to be performed by

the owner shall be as stipulated by the city. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the federal, state and local standards is being met.

(3) (a) The owner shall report the results of measurements and laboratory analyses to the city at a time and in a manner as prescribed by the city.

(b) The owner shall bear the expense of all measurements, analyses and reporting required by the city.

(4) At times as deemed necessary the city reserves the right to take measurements and samples for analysis by an outside laboratory.
(Ord. 477, passed 12-19-1983; Am. Ord. 488, passed 1-21-1985)

§ 54.20 PRIVATE SEWAGE DISPOSAL.

(A) Where a public sanitary sewer is not available herein, the building sewer shall be connected to a private sewage disposal system complying with the rules and regulations of the city, and Minn. Rules Chapter 7080, as it may be amended from time to time.

(B) No new private sewer systems or sewer system extensions shall be constructed within the city without first obtaining written approval of the system plan and the materials to be used in the construction of the system.
(Ord. 477, passed 12-19-1983; Am. Ord. 488, passed 1-21-1985) Penalty, see § 10.99

CONNECTION REQUIREMENTS

§ 54.35 INSTALLATIONS; LICENSE REQUIRED.

(A) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage if adequate and feasible city facilities are available.

(B) The owner of any building or property which is located within the city and from which wastewater is discharged shall be required to connect to a public sewer at his or her expense within 180 days of the date the public sewer is operational, provided that the public sewer is within 150 feet of the structure generating the wastewater and the public sewer is located in a public right-of-way or easement for sewer purposes adjacent to the property. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not being made pursuant to this division, an official 90-day notice shall be served instructing the affected property owner to make the connection.

(C) In the event an owner shall fail to connect to a public sewer in compliance with a notice given under division (B) above, the city may undertake to have the connection made and shall assess the cost thereof against the benefitted property. The assessment shall be a lien against the property. The assessment, when levied, shall bear interest at the legal rate for local improvements and shall be certified to the County Auditor and shall be collected and remitted to the city in the same manner as assessments

for local improvements. The rights of the city shall be in addition to any remedial or enforcement provisions of this chapter.

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

(E) Only state licensed plumbers shall engage in the work or business of installing private sewer service lines and appurtenances for others. (Ord. 477, passed 12-19-1983; Am. Ord. 488, passed 1-21-1985) Penalty, see § 10.99

§ 54.36 APPLICATION PROCEDURE.

(A) No person, unless authorized by a written permit from the city shall make, install, repair, alter, disturb, uncover, open or break any sewer connection to the sanitary sewer system of the city. Permits for connection of a new sewer service or repairs to an existing service shall be issued by the city after consideration of the application for the permit with regard to compliance with other sections of this chapter.

(B) Permits shall be issued in the following manner:

(1) Application for permit to perform work on a sewer service connection within the city shall be made on a form supplied by the city by the person or firm who will be performing the work to the city along with a fee of \$10 for the installation of a new connection. The city may waive the fee requirements for repair work. The person or firm performing the work shall be licensed to perform the work by the city.

(2) After approval of the permit application by the city, the applicant shall furnish to the city a performance bond in the amount of \$2,000. The performance bond shall be for the good and faithful performance of all work on public and private property relative to the work being performed. The bond shall be payable to the city and the owner of the property on which the work is being performed. The bond shall warrant the work for a period of one year from the date of completion.

(3) The City Clerk/Administrator shall issue a permit for the work after the application is approved and the bond is received. (Ord. 477, passed 12-19-1983; Am. Ord. 488, passed 1-21-1985)

§ 54.37 OWNER RESPONSIBILITY.

All costs and expenses incidental to the installation and connection of the building sewer or repairs to an existing connection shall be borne by the owner. The owner shall defend, indemnify and hold harmless the city from any loss or damage to the public sewer that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 477, passed 12-19-1983; Am. Ord. 488, passed 1-21-1985)

§ 54.38 BUILDING SEWERS.

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

(B) Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the city, to meet all the requirements of this chapter.

(C) Unused septic tanks, cesspools, leaching pits and similar devices and structures shall be backfilled or made safe and unuseable in a manner acceptable to the city.

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

(E) 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, the building drain shall be provided with a lifting device by an approved means and discharged to the building sewer.

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

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

(Ord. 477, passed 12-19-1983; Am. Ord. 488, passed 1-21-1985) Penalty, see § 10.99

§ 54.39 EXCAVATIONS; PUBLIC PROTECTION.

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

(Ord. 477, passed 12-19-1983; Am. Ord. 488, passed 1-21-1985) Penalty, see § 10.99

§ 54.40 INSPECTIONS.

Employees of the city shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the city when the work is ready for final inspection and no underground portions shall be covered before the final inspection is complete. The connection shall be made under the supervision of the city or its representative. (Ord. 477, passed 12-19-1983; Am. Ord. 488, passed 1-21-1985)

§ 54.41 CONSTRUCTION REQUIREMENTS.

(A) No person, unless authorized, shall uncover, make any connection with or opening into, use, alter or disturb any sanitary or storm sewer within the city or any part of the city wastewater facilities.

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

(C) The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling and other work connected with the construction of sewers shall conform to the requirements of the city. (Ord. 477, passed 12-19-1983; Am. Ord. 488, passed 1-21-1985) Penalty, see § 10.99

RATES AND CHARGES

§ 54.55 DEFINITIONS.

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

ACCOUNTS. The following separate and distinct accounts are numbered in their order of priority in accordance with the sewerage revenue bond ordinances.

(1) **OPERATION AND MAINTENANCE ACCOUNT.** An amount sufficient to pay the reasonable expenses of the routine operation and maintenance of the wastewater treatment facilities.

(2) **DEPRECIATION ACCOUNT.** The accumulated funds to be used for replacements and repairs to the system in order to maintain the system at design capacity for its useful life.

(3) **BOND ACCOUNT.** An amount for paying the maturing principal and interest accruing on all bonds.

(4) **BOND RESERVE ACCOUNT.** Additional monies to be used for payment of principal and interest when the Bond Account accumulations are insufficient.

(5) **SURPLUS ACCOUNT.** Funds remaining after all other accounts are satisfied and may be used to call and redeem revenue bonds of the city, and for repairing, improving, enlarging or extending the wastewater treatment facilities.

ACT. The Federal Water Pollution Control Act as amended October 18, 1972, Public Law 92-500.

ADMINISTRATOR. The administration of the U.S. Environmental Protection Agency.

APARTMENTS. Structures containing two or more dwelling units.

AVERAGE DOMESTIC WASTE. A production rate of 80 gallons per day capita, have BOD₅ and suspended solids concentrations of 200 and 250 mg/l respectively.

COLLECTOR SEWER. Those sewers which receive the flow from laterals and submains of the sanitary sewer system.

COMBINATION COMMERCIAL AND DWELLING UNITS. Structures containing both commercial units and dwelling units.

COMPATIBLE POLLUTANT. The biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned treatment facilities were designed to treat the pollutants and in fact does remove the pollutants to a substantial degree. Additional **COMPATIBLE POLLUTANTS** may include chemical oxygen demand, total organic carbon, phosphorous and phosphorous compound, nitrogen and nitrogen compounds, fats, oils and grease of animal or vegetable origin except as prohibited under ordinances.

CONTROL MANHOLE. An observation and sampling point before the discharge to the public sewer system for use by the Superintendent. If a point is not readily available, the first downstream public sewer system manhole shall be the **CONTROL MANHOLE**.

DEBT SERVICE. Charges levied on users for repayment of principal and interest on outstanding sewerage revenue bond issues.

DIRECTOR. The City Clerk/Administrator of the Minnesota Pollution Control Agency.

EQUIVALENT CLASS A UNIT. The average water use (177 g.p.d.) of all Class A water users. Class A water users are those which consume less than 10,000 CF/year.

FEDERAL GRANTS. A contractual obligation of the United States for the payment of the federal share of the allowable project costs, as determined by the Regional Administrator.

FISCAL YEAR. From January 1 to December 31.

INTERCEPTOR SEWER. The portion of the sanitary sewer system which receives flows from laterals, submains, mains and collector sewers and transports the flows to the wastewater treatment works.

MAJOR CONTRIBUTING INDUSTRY. An industrial user of the publicly owned treatment facilities that:

- (1) Has a flow of 50,000 gallons or more per average workday;
- (2) Has a flow greater than 5% of the flow carried by the municipal system receiving the wastes;
- (3) Has in its waste a toxic pollutant in toxic amounts as defined in Standards issued under Section 307 (a) of the Act; or
- (4) Is found by the Permit Issuance Authority, in connection with the issuance of a NPDES permit to the publicly owned treatment facilities receiving the wastes to have significant impact, either singly or in combination with other contributing industries, on that treatment facility or upon the quality of effluent from that treatment facility.

MILLIGRAMS PER LITER or *mg/l*. A measure of the concentration of pollutants in wastewater in terms of weight per unit volume.

OPERATION, MAINTENANCE AND REPLACEMENT COSTS. All costs necessary to provide adequate wastewater collection, transport and treatment on a continuing basis to produce effluent for discharge to the receiving waters and conform with all related federal, state and local requirements.

PRETREATMENT. The treatment of industrial waste from privately owned industrial sources prior to introduction to a public treatment facility.

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment facility to maintain the capacity and performance for which the facilities were designed and constructed.

SEWER SERVICE CHARGE. The same as wastewater service charge.

USEFUL LIFE. The estimated period during which a component of the wastewater system will be operated.

USER. Any person who discharges or causes or permits the discharge of wastewater into the city's wastewater disposal system.

USER CHARGE. A charge levied on users of treatment facility for the cost of operation and maintenance and replacement of the facilities, pursuant to Section 204 (b) of the Act.

USER CLASS. The division of the wastewater users by volume of water consumed on an annual basis in the user charge system (UCS).

CLASS A. Residential or commercial establishment which uses less than 10,000 CF of water per year.

CLASS B. Commercial, institutional or light industrial establishment which uses in excess of 10,000 CF of water per year.

WASTEWATER SERVICE CHARGE. The total charge levied on users including user charges and debt service charges.

(Ord. 479, passed 12-19-1983; Am. Ord. 489, passed 1-21-1985; Am. Ord. 96-602, passed 1-8-1996)

§ 54.56 BASIS FOR CHARGES.

(A) (1) 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 surcharge, if applicable. The debt service charge shall be computed by dividing the annual debt service of all outstanding bonds by the number of equivalent Class A units (ECAUs). The basic user charge shall be based on equivalent Class A units and by water meter readings 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.

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

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

(b) Determine wastewater volume, according to water meter readings during the winter quarter. Classify according to amount of water used by projecting the winter quarter usage as an annual usage rate.

(3) The adequacy of the wastewater service charge shall be reviewed annually by the city. 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.

(B) The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of ten cubic feet, or by the Equivalent Class A Unit Method.

(C) An annual debt service charge shall be established for each user to cover the costs of all bond payments for the wastewater treatment facility.

(D) An annual base user charge shall be established for each user to cover costs for administration of the system and the costs for treatment of infiltration/inflow of the wastewater system, to be shared equally by all users of the treatment facilities.

(E) An annual user charge shall be established for each residential equivalent user and user class to cover the costs of operation, maintenance and replacement fund for the wastewater treatment facilities of the city.

(F) The wastewater service charge shall be computed as set forth in the *Sewer Service Charge System Report and Rate Resolution* for the city, 1984.

(G) (1) Minimum charges for the availability of sewer service may be imposed for all premises with structures, both residential and commercial, abutting on streets or other places where city sewer pipes and lines are located, whether or not connected to them. This availability charge shall not apply to (1) properties without structures; (2) properties with uninhabitable residential structures unless the uninhabitability is expected to be temporary and last for less than one year; (3) or other properties that do not use water.

(2) In determining the charges to be imposed for the availability of sewer service, the city may give consideration to all costs of the establishment, operation, maintenance, depreciation, and necessary replacements of the sewer system, and of improvements, enlargements, and extensions necessary to serve adequately the territory of the city including the principal and interest to become due on obligations issued or to be issued.

(Ord. 479, passed 12-19-1983; Am. Ord. 489, passed 1-21-1985; Am. Ord. 96-602, passed 1-8-1996; Am. Ord. 09-09, passed 10-5-2009)

§ 54.57 BILLS, DELINQUENCIES AND CHARGES.

(A) The owner of the premises, the occupant thereof and user of the service shall be jointly and severally liable to pay for the service on the premises and the service is furnished to the premises by the city, only upon condition that the owner of the premises, occupant and user of the service are jointly and severally liable therefor to the city. All bills for

service shall be rendered on a monthly or quarterly basis succeeding the period for which the service was rendered and shall be payable not later than the twelfth day of the billing month which is hereinafter referred to as the "due date." When the due date shall fall on a Saturday, Sunday or a legal holiday, then the bills for service shall be due and payable no later than 1:00 p.m. on the next succeeding secular day. A penalty of 10% shall be added to all bills not paid on or before the due date.

(B) In the event the charges for service are not paid within 45 days after rendition of the bill for the service, the charges shall be deemed and are hereby declared to be delinquent.

(C) In the event the charges for the service become delinquent, the City Clerk/Administrator shall be authorized and directed by the City Council to follow collection procedures as provided in the Administrative Code.

(D) No free service of the wastewater system of the city shall be furnished to any person, firm, organization or corporation, public or private.

(E) It is hereby made the duty of the City Clerk/Administrator to render bills for sanitary sewer service and all other charges in connection therewith and to collect all moneys due thereon.

(F) All revenue and moneys derived from the operation of the wastewater system shall be accounted for by the City Clerk/Administrator separate and apart from all other funds of the city.

(G) Separate funds shall be maintained for the operations, maintenance and replacement and debt service.

(H) 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 wastewater system, and at regular annual intervals the City Council shall cause to be made an audit of the books to show the receipts and disbursements of the wastewater system and to analyze the results of the revenue systems and establish the cost of providing services to the various user classes. Upon conclusion of the audit, rates shall be adjusted as necessary, based on actual operating experience to maintain proportionality, as set forth in the annual *Sewer Service Charge System Report and Rate Resolution*, such rates subject to the MPCA.

(I) A copy of these rates properly certified by the City Clerk/Administrator shall be submitted to each user. Annually, the user shall be notified as to the method of financing the wastewater system operation, maintenance, replacement and debt service.

(J) The Minnesota Pollution Control 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 for the purpose of making audit examinations, excerpts and transcriptions thereof to insure compliance with the terms of the special and general conditions to any state grant.

(Ord. 479, passed 12-19-1983; Am. Ord. 489, passed 1-21-1985; Am. Ord. 96-602, passed 1-8-1996)

§ 54.58 AUTHORITY OF INSPECTORS.

(A) The duly authorized employees of the city, the Minnesota Pollution Control Agency and the U.S. Environmental Protection Agency bearing proper credentials and identification shall be admitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to discharges to the wastewater facilities in accordance with the provisions of this subchapter.

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

(C) While performing the necessary work on private properties referred to in division (A) above, the Superintendent, or duly authorized employees of the city, shall observe all safety rules applicable to the premises established by the industry, and the industry shall be held harmless for injury or death to the city employees, and the city shall indemnify the industry against loss or damage to its property by city employees and against liability claims and demands for personal injury, or property damage asserted against the industry to maintain safe conditions as required in this subchapter.

(Ord. 479, passed 12-19-1983; Am. Ord. 489, passed 1-21-1985; Am. Ord. 96-602, passed 1-8-1996)