

TITLE V. PUBLIC WORKS

- 5.1 PUBLIC IMPROVEMENTS
- 5.2 SOLID WASTE
- 5.3 WATER
- 5.4 SEWER USE REGULATIONS

5.1: PUBLIC IMPROVEMENTS

Part I: Assessable Current Services

Obligation of Property Owners and Occupants

- 5.1.01 Definitions
- 5.1.02 Snow, ice, dirt, and rubbish
- 5.1.03 Weed elimination
- 5.1.04 Public health and safety hazards
- 5.1.05 Installation and repair of water service lines
- 5.1.06 Damage to public property
- 5.1.07 Assessment

Part II: Local Improvement Policy

General Provisions

- 5.1.08 Cut off date for petitions

Classification of Projects

- 5.1.09 Classification rationale
- 5.1.10 Class A
- 5.1.11 Class B
- 5.1.12 Class C

Financing; Assessment Rules

- 5.1.13 Financing class B and C improvements
- 5.1.14 Assessment rules for class B improvements
- 5.1.15 Assessment rules for class C improvements
- 5.1.16 Special rules for corner lots, intersections, and adjusted frontage

Administration

- 5.1.17 Federal, state, and county aid use
- 5.1.18 Branch service lines
- 5.1.19 Partial payment
- 5.1.20 Certification of assessments
- 5.1.21 Permanent improvement revolving fund

PART I: ASSESSABLE CURRENT SERVICES

OBLIGATION OF PROPERTY OWNERS AND OCCUPANTS

' 5.1.01 DEFINITIONS.

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

CURRENT SERVICE. One or more of the following: snow, ice, or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in M.S. " 463.15 through 463.26, as they may be amended from time to time; installation or repair of water service lines; street sprinkling, street flushing, light street oiling, or other dust treatment of streets; repair of sidewalks and alleys; trimming and care of trees and removal of unsound and insect-infected trees from the public streets or private property; and the operation of a street lighting system.

' 5.1.02 SNOW, ICE, DIRT, AND RUBBISH.

(A) **Duty of owners and occupants.** The owner and the occupant of any property adjacent to a public sidewalk shall use diligence to keep such walk safe for pedestrians. No such owner or occupant shall allow snow, ice, dirt, or rubbish to remain on the walk longer than 24 hours after its deposit thereon. Failure to comply with this section shall constitute a violation.

(B) **Removal by city.** The utilities operator may cause removal from all public sidewalks all snow, ice, dirt, or rubbish, as soon as possible beginning 24 hours after any such matter has been deposited thereon or after the snow has ceased to fall. The Clerk-Treasurer shall keep a record showing the cost of the removal adjacent to each separate lot and parcel.

' 5.1.03 WEED ELIMINATION.

(A) **Weeds as a nuisance.** Any weeds, whether noxious as defined by law or not, growing upon any lot or parcel of land outside the traveled portion of any street or alley in the city to a greater height than 12 inches or which have gone or are about to go to seed are a nuisance. The owner and the occupant shall abate or prevent such nuisance on the property and on land outside the traveled portion of the street or alley abutting on the property.

(B) Notice. At all such times as ordered by resolution of the City Council, the Clerk-Treasurer shall publish once in the official newspaper a notice directing owners and occupants of property within the city to destroy all weeds declared in division (A) of this section to be a nuisance and stating that if not destroyed within ten days after publication of the notice, the weeds will be destroyed by city employees at the expense of the owner and that if not paid, the charge for the work will be made a special assessment against the property concerned.

(C) Removal by city. If the owner or occupant of any property in the city fails to comply with the notice within ten days after its publication, or if no owner, occupant, or agent of the owner can be found, city employees may cut and remove the weeds. The Clerk-Treasurer shall keep a record showing the cost of the work attributable to each separate lot and parcel and shall assess the landowner or occupant all attributable costs of clean-up or removal.

' 5.1.04 PUBLIC HEALTH AND SAFETY HAZARDS.

When the city removes or eliminates public health or safety hazards from private property under this chapter, the administrative officer responsible for doing the work shall keep a record of the cost of the removal or elimination against each parcel of property affected and shall promptly deliver the information to the Clerk-Treasurer so that action can be taken to recover those costs and expenses consistent with applicable law.

' 5.1.05 INSTALLATION AND REPAIR OF WATER SERVICE LINES.

Whenever the city installs or repairs water service lines serving private property under this chapter, the Clerk-Treasurer shall keep record of the total cost of the installation or repair against the property so that the owner can be properly assessed for all costs and expenses reasonably incurred.

' 5.1.06 DAMAGE TO PUBLIC PROPERTY.

Any person driving any vehicle, equipment, object, or contrivance upon any street, road, highway, or structure shall be liable for all damages which the surface or structure thereof may sustain as a result of any illegal operation or driving or moving of the vehicle, equipment, object, or contrivance; or as a result of operating, driving, or moving any vehicle, equipment, object, or contrivance weighing in excess of the maximum weight permitted by statute or this code. When the driver is not the owner of the vehicle, equipment, object, or contrivance but is so operating, driving, or moving it with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any such damage. Any person who willfully acts or fails to exercise due

care and by that act damages any public property shall be liable for the amount thereof. The amount shall be collectable by action or as a lien under M.S. ' 514.67, as it may be amended from time to time.

' 5.1.07 ASSESSMENT.

On or before November 1 of each year, the Clerk-Treasurer shall list the total unpaid charges for each type of current service and charges, against each separate lot or parcel to which they are attributable under this chapter. The City Council may then spread the charges against property benefitted as a special assessment under M.S. Ch. 429, as it may be amended from time to time, and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the City Council may determine in each case.

PART II: LOCAL IMPROVEMENT POLICY

GENERAL PROVISIONS

' 5.1.08 CUT OFF DATE FOR PETITIONS.

Petitions for construction of curb and gutter, asphalt surfacing, and sewer or water conduit shall be filed with the Clerk-Treasurer on or before September 1 of the year preceding any requested construction.

CLASSIFICATION OF PROJECTS

' 5.1.09 CLASSIFICATION RATIONALE.

Public improvements are divided into three classes specified in this subchapter according to their respective benefit to the whole city and to property specially served by the improvement and taking into account past city practice consistent with an equitable system of paying and collecting for the costs of improvements.

' 5.1.10 CLASS A.

- (A) Class A improvements are those which are of general benefit to the city at large, including:
 - (1) Public buildings, except a building that is part of an improvement described in one of the following subdivisions;
 - (2) Any public park, playground, or recreational facility;
 - (3) The installation and maintenance of street lighting systems; and
 - (4) Any improvement not described in M.S.' 429.021, Subd. 1, as it may be amended from time to time.
- (B) Any improvement described in division (A) shall be financed from general city funds and not from special assessments.

' 5.1.11 CLASS B.

- (A) Class B improvements are those which are of both general benefit and special benefit to abutting or nearby property.
- (B) Class B improvements include:
 - (1) Trunk water mains larger than six inches;
 - (2) Trunk sanitary sewer mains larger than eight inches;
 - (3) Permanently surfacing arterial streets;
 - (4) Storm sewers; and
 - (5) The construction of off-street parking facilities.

' 5.1.12 CLASS C.

- (A) Class C improvements are those which are primarily if not exclusively of benefit to property abutting or in the area of the improvement.
- (B) Class C improvements include:
 - (1) The construction of sidewalks;
 - (2) The construction of water mains no larger than six inches in diameter;

- (3) The construction of sanitary sewer mains no larger than eight inches in diameter;
- (4) The construction of curbs and gutters;
- (5) Permanently surfacing residential streets; and,
- (6) The abatement of nuisances and the draining of swamps, marshes, and ponds on public or private property and filling the same.

FINANCING; ASSESSMENT RULES

' 5.1.13 FINANCING CLASS B AND C IMPROVEMENTS.

It is the policy of the city to finance Class B and C improvements by the methods prescribed in this subchapter. The apportionment of the cost between benefitted property and the city at large and the method of levying assessments prescribed in this subchapter shall be followed unless the City Council, by resolution, finds that because of special circumstances stated in the resolution, a different policy is necessary or desirable in the particular case. Any local improvement described in M.S. ' 429.021, as it may be amended from time to time, and not placed in Class A, B, or C, shall be financed as the City Council determines to be most feasible and equitable in each case. In each case, the City Council shall examine the assessment role before approval and adjust any assessments which exceed the benefit received by the property assessed.

' 5.1.14 ASSESSMENT RULES FOR CLASS B IMPROVEMENTS.

(A) Trunk water mains and sanitary sewers. When a water or sewer main is laid across or adjacent to un-platted property, the city shall not defer the assessment against the un-platted property if the assessment would be made for such an improvement in the case of platted property, but the city shall make the assessment at the time the assessment against other property is made, apportioning the assessment against the un-platted property on the basis of area or other equitable method. When a trunk sewer or water main is constructed and is also to serve as a lateral sewer or water main for abutting property, the abutting property shall be assessed for the cost of a lateral sewer of eight inches or water main of six inches, plus its proportionate share of the cost of the excess capacity. Other property benefitted by the trunk sewer or water main, but unable to utilize it until lateral connection to the trunk sewer or water main has been built to serve the property, shall not be assessed for its share of the cost of the trunk sewer or water main until the lateral is built. The assessment for the lateral shall then include the property's share of the trunk sewer or water main. The cost of the trunk sewer or water main in excess of the lateral assessment shall be assessed on the basis of area against all

properties benefitted. The cost of a lift station shall be assessed on the basis of area against that property actually benefitted by the lift station.

(B) Arterial street surfacing. When an arterial street is paved with concrete, bituminous mat, or other permanent surface, the cost of the payment on a 32-foot roadway may be assessed against the benefitted property on the basis of frontage on the abutting street. When standards for such paving are higher than those the city would use for a residential street, the cost to be assessed shall be based on the cost of paving residential street of the same width. The rest of the cost shall be paid from general funds.

' 5.1.15 ASSESSMENT RULES FOR CLASS C IMPROVEMENTS.

(A) Sidewalks. The cost of the construction of sidewalks shall be assessed on the basis of frontage against property abutting the side of the street on which the sidewalk is located, or on such other basis as the City Council shall determine to be equitable.

(B) Water and sewer. The cost of lateral water mains not exceeding six inches in diameter and of lateral sanitary sewer main not exceeding eight inches in diameter shall be assessed against abutting property on the basis of frontage. The cost of water mains to be assessed includes the service lines, if furnished, hydrants, and valves. The cost of sewer mains includes lines, if furnished.

(C) Streets. The cost of construction of curbs and gutters on any street or of applying permanent surfaces to residential streets shall be assessed on the basis of frontage or on such other basis as the City Council shall determine to be equitable.

(D) Nuisances. The cost of abating nuisances and draining of swamps, marshes, and ponds on public or private property and filling them shall be assessed in a manner determined by the City Council in each case to measure most equitably the benefit received by property to be assessed. The assessment in any such case may be made against non-abutting property to the extent the property is benefitted by the improvement.

' 5.1.16 SPECIAL RULES FOR CORNER LOTS, INTERSECTIONS, AND ADJUSTED FRONTAGE.

(A) Corner lots.

- (1) In any assessment made on the basis of frontage, except one for water or sanitary sewer, corner lots shall be assessed for footage along the front of the lot, plus one-third of the side footage; the other two-thirds of the side footage shall be spread among all other assessed properties.
- (2) In the case of assessment for a lateral water or sewer main, Class C corner lots shall be assessed for the footage along the front side of the lot and for the footage along the side of the lot if the lot is large enough to accommodate another building which would be benefitted by construction of the second main.

(B) Intersections. The cost of improvements in street intersections shall be included as part of the total assessable cost.

(C) Adjusted frontage. When the amount of an assessment is determined by frontage, an equivalent front footage shall be determined according to the following rules when an irregular lot requires such an adjustment to maintain fairness in the assessment:

- (1) Front footage shall be measured at setback on cul-de-sacs and sharply curved streets and irregularly shaped lots.
- (2) Equivalent front footage shall be determined by dividing the square footage of the lot by the general lot depth of the subdivision for pie-shaped lots and irregularly shaped lots where other rules do not apply.
- (3) Where frontage curves so greatly as to give a general appearance of a corner, the lot shall be considered a corner lot and equivalent front footage, as well as side footage where required, shall be determined on the basis of an irregularly shaped lot.
- (4) Where a lot consists of a combination of rectangular and pie-shaped or irregular portions, the equivalent front footage shall be determined as the sum of the straight front footage plus the remainder in accordance with applicable rules.

ADMINISTRATION

' 5.1.17 FEDERAL, STATE, AND COUNTY AID USE.

If the city receives financial assistance from the federal government, the state, or the county to defray a portion of the cost of a street improvement project, the aid shall be used first to reduce the share of the project cost which would be met from the general city funds according to the assessment formula contained in this chapter, part II. If such aid is more than the amount of the improvement cost to be borne by the city, the remainder may be used to reduce each individual assessment proportionately or for such other purpose as the City Council determines to be proper.

' 5.1.18 BRANCH SERVICE LINES.

Water and sewer lines shall be installed from the main to the front property line of property to be served before any permanent street surfacing is constructed in the street. If any property owner fails to put in such water sewer service lines within 30 days after notice from the Clerk-Treasurer, the City Council may proceed to have water and sewer service installed and to assess the cost against the property.

' 5.1.19 PARTIAL PAYMENT.

After the adoption by the City Council of the assessment roll in any local improvement proceeding, the owner of any property specially assessed in the proceeding may, prior to the certification of the assessment or the first installment to the County Auditor, pay to the City Clerk-Treasurer any portion of the assessment not less than \$100. The remaining unpaid balance shall be spread over the period of time established by the City Council for installment payment of the assessment.

' 5.1.20 CERTIFICATION OF ASSESSMENTS.

After the adoption of any special assessment by the City Council, the Clerk-Treasurer shall transmit a certified duplicate of the assessment roll with each installment, including interest, set forth separately to the County Auditor to be extended on the proper tax lists of the county.

' 5.1.21 PERMANENT IMPROVEMENT REVOLVING FUND.

(A) Establishment. There is hereby established a permanent improvement revolving fund of the city to be held and administered by the Clerk-Treasurer, separate and apart from all other funds of the city for the purpose of financing local improvements.

(B) Source of funds. The fund shall be a permanent fund of the city, and the moneys necessary for its maintenance shall be provided by taxation, by the appropriation of available moneys from other funds of the city and/or by the issuance and sale of permanent improvement revolving fund bonds of the city as deemed necessary from time to time by the City Council.

(C) Disposition of funds. Moneys in the fund shall be used only as directed by resolution of the City Council for the purpose of advancing to local improvement funds the cost of improvements for which assessments are to be levied. All such moneys so advanced to an improvement fund shall be restored as soon as sufficient moneys are received in the improvement fund, together with interest at a rate fixed by the City Council not less than 5 % per annum during the time for which such moneys have been so furnished.

(D) Investments. Whenever there are moneys in the fund not immediately needed for local improvements, such moneys shall be invested by the Clerk-Treasurer under the direction of the City Council in any securities authorized for investment of municipal funds by law.

(E) Transfer of surplus. When the fund accumulates encumbered moneys in excess of any amounts reasonably anticipated to be needed for local improvement fund advances, the City Council may, by resolution adopted by a 4/5 vote, declare any part of the excess to be surplus and transfer it to the general fund.

5.2: SOLID WASTE

Section

General Provisions

- 5.2.01 Purpose
- 5.2.02 Authority
- 5.2.03 Definitions

Waste Preparation, Storage, and Disposal

- 5.2.04 Waste preparation and storage
- 5.2.05 Disposal of recyclable materials
- 5.2.06 Disposition of yard waste; composting
- 5.2.07 Disposal of demolition debris
- 5.2.08 Disposal of major appliances

- 5.2.09 Disposal of waste tires
- 5.2.10 Metal and plastic cans required
- 5.2.11 Container placement; collection time

GENERAL PROVISIONS

' 5.2.01 PURPOSE

A procedure is established for the proper collection and disposal of refuse and recyclable materials, embodying the minimum standards and requirements established by rules of the state Pollution Control Agency. In a manner which meets the needs and conveniences of the residents of this city and in order to protect the area from the problems of uncoordinated, unsanitary, and improper solid waste disposal, and recyclable material disposal, the City Council hereby determines that it is in the best interest of the residents of the city to require licenses of persons collecting and/or hauling garbage, rubbish, and recyclable materials for hire, reserving to the city the right and authority to grant an exclusive refuse collection franchise to a single operator.

' 5.2.02 AUTHORITY.

Solid waste management shall conform to the rules established by the state pollution Control Agency, M.S. Chs. 115, 115A, 116, and 400, as they may be amended from time to time, and Carlton County Ordinance No.7.

' 5.2.03 DEFINITIONS.

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

COMPOSTING. The controlled microbial degradation of organic waste to yield humus-like product.

DEMOLITION DEBRIS. Inert material that includes concrete, brick, bituminous, untreated wood, masonry, glass, rock, and plastic parts resulting from the demolition of buildings, roads, and other man-made structures. **DEMOLITION DEBRIS** does not include solid waste or asbestos waste.

GARBAGE. Discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

HOUSEHOLD HAZARDOUS WASTE. Those waste chemicals and compounds that would be considered hazardous substances and are generated by residential dwelling units.

MAJOR APPLIANCES. Clothes washers, dryers, dishwashers, garbage disposal, trash compactors, conventional ovens, ranges and stoves, air conditioners, refrigerators, freezers, residential furnaces, water heaters, microwave ovens, and dehumidifiers.

OWNER AND OCCUPANT. The person(s) or entity(s) which hold legal or beneficial title to a property and the person(s) or entity(s) which have or exercise possession or occupancy of a property, respectively.

PUTRESCENT MATERIAL. Solid waste which is capable of being rotten or which may reach a foul state of decay or decomposition.

RECYCLABLE MATERIALS. Paper, plastic, glass, metals, automobile oil, and batteries.

REFUSE. Putrescent and non-putrescent solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, market and industrial solid wastes, and municipal treatment waste that do not contain free moisture.

RUBBISH. Non-putrescent solid wastes, including but not limited to ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery, or litter of any kind. RUBBISH does not, however, include recyclable materials.

SOLID WASTE. All garbage, rubbish, and other discarded solid materials, including solid materials, resulting from industrial, commercial, agricultural, and residential uses, but not including recyclable materials, demolition debris, animal waste used as fertilizer, solids, or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, waste water effluent, dissolved materials, suspended solids in irrigation return flows, or other water pollutants.

SOLID WASTE MANAGEMENT. This term shall conform to the applicable state statutes, including M.S. Chs. 115, 115A, 116, and 400, as they may be amended from time to time, and the rules promulgated under them, and to Carlton County Ordinance No.7.

YARD WASTE. The garden wastes, leaves, lawn cuttings, weeds, and clippings generated at residential or commercial properties.

WASTE PREPARATION, STORAGE, AND DISPOSAL

' 5.2.04 WASTE PREPARATION AND STORAGE.

(A) No owner or occupant of private property or business property shall permit the accumulation of solid waste or any similar material or mixture of material upon such property or upon adjoining property, alley, street, sidewalk, or highway, except in proper containers as described in this subchapter.

(B) Every owner or occupant of private property or business property shall provide in good condition watertight and rodent-proof containers sufficient to hold the solid waste that accumulates on such premises during the time between collections. In the case of residential structures containing four or less dwelling units, such containers shall be of a maximum of 32 gallons and shall be provided with handles and a tight and securely fitted cover. All solid waste shall be placed in such containers, which shall not be filled in a manner that prevents closure of the container and, in the case of residential structures containing four or less dwelling units, the contents of which shall not exceed 45 pounds in weight.

(C) Solid waste shall not be stored on public or private property for more than two weeks without the written approval of the Solid Waste Officer designated by the City Council. Non-putrescent wastes suitable for recycling shall not be stored on public or private property in a manner that creates a nuisance, blight, or health hazard.

(D) Every owner or occupant shall separate all automobile oil, motor vehicle batteries, and tires from solid waste and shall transport those items to the facility designated by the county for the handling of such waste. The owner or occupant shall place automobile oil in an unbreakable, leak-proof receptacle. Motor vehicle batteries shall be transported in a manner that will not allow release or escape of their contents.

(E) No person or entity shall place solid waste in any container unless specifically authorized by the owner, occupant, or collector that provides collection services for such container. The disposal in a roadside litter receptacle of garbage or rubbish generated within an automobile shall not violate this provision.

(F) (1) Every owner or occupant shall separate household hazardous waste from other solid waste. Containers with household hazardous waste shall be handled or transported in a manner that will not allow release or escape of the contents.

(2) Household hazardous waste shall be disposed of through and in accordance with the household hazardous waste program of the county or in such other manner as shall be specified by the county.

(G) Hospital waste, pathological waste, infectious waste, medical sharps, hazardous substances, and other unacceptable wastes shall be disposed of in accordance with state law and as required by the district. Industrial solid waste shall be disposed of in accordance with the industrial solid waste management plan of the county and/or district, as the same shall exist at such time.

' 5.2.05 DISPOSAL OF RECYCLABLE MATERIALS.

(A) Every person or entity disposing of solid waste in Carlton County shall separate recyclable materials from solid waste. The owner or occupant of each residence or residential unit and the owner or occupant of each non-residential, commercial, or industrial premises authorized to place solid waste in the various waste receiving facilities of the county, including its sanitary landfill, shall separate recyclable materials prior to collection by a collector.

(B) Persons or entities shall place recyclable material in containers which comply with this chapter for collection, or, in the alternative, shall deliver recyclable materials to the recycling facility of their choice. The county may establish requirements for containers for recyclable materials.

(C) Owners of establishments which are open to the public, including but not limited to public buildings, hotels, motels, retail stores, theaters, college dormitories, and church social halls, shall provide receptacles for recyclable materials alongside their present public receptacles for solid waste. The owners of these establishments shall not be required to separate items that the general public places in receptacles intended for solid waste.

(D) No person or entity other than the owner or occupant of a residential, commercial, or industrial structure, or the licensed collector which provides services to such structure, shall collect or gather recyclable materials (other than automobile oil, tires, and motor vehicle batteries) set out for collection by a licensed collector.

(E) Recyclable materials will not be accepted at the waste receiving facilities of the county, including its sanitary landfill and transfer station. The Solid Waste Officer in his sole discretion may waive this prohibition for solid waste collected under division (C) of this section.

' 5.2.06 DISPOSITION OF YARD WASTE; COMPOSTING.

(A) Effective with the passage of this chapter, any person disposing of yard waste shall have the option of disposing of such waste by one of the following:

- (1) Disposal in a backyard compost site;
- (2) Disposal in a yard waste compost facility operated by the county, a city, or town of the county; or
- (3) Disposal in a privately operated yard waste compost facility.

(B) Yard waste shall not be placed in the waste receiving facilities of the county. Leaf burning is prohibited. Yard waste collected for the purpose of composting shall not be disposed of in any other manner.

' 5.2.07 DISPOSAL OF DEMOLITION DEBRIS.

A person disposing of demolition debris shall transport such waste to a site designated by the state Pollution Control Agency for receipt of the waste or a site or sites designated by the county.

' 5.2.08 DISPOSAL OF MAJOR APPLIANCES.

(A) Any person wishing to dispose of major appliances shall have the following options:

- (1) Contacting an appliance retailer or recycler or waste hauler for proper disposal; or
- (2) Delivering the major appliance to a solid waste facility or recycling center.

(B) Major appliances shall be reconditioned for reuse or recycled. Polychlorinated byphenols (PCB 's) and/or chlorofluorocarbons (CFC 's) must be handled in a manner approved by the agency.

(C) Major appliances shall not be landfilled at a solid waste disposal facility or disposed of by illegal dumping.

' 5.2.09 DISPOSAL OF WASTE TIRES.

The handling, storage, and disposal of waste tires shall comply with Minnesota Rules Ch. 9220, Waste Tire Programs, as they may be amended from time to time. Waste tires shall not be buried in a solid waste disposal facility or disposed of by illegal dumping.

' 5.2.10 METAL AND PLASTIC CANS REQUIRED.

Every household or occupant of any dwelling house, boarding house, restaurant, or any place of business, having garbage to dispose of, who does not otherwise provide for the disposal of garbage in a sanitary manner, shall provide one or more fly-tight metal or plastic cans sufficient to receive all garbage which may accumulate between the times of collection.

' 5.2.11 CONTAINER PLACEMENT; COLLECTION TIME.

Garbage cans shall be kept at the rear of the property if there is an alley and shall be accessible to collectors at all reasonable times.

5.3: WATER

Section

General Provisions

- 5.3.01 Use of water system restricted
- 5.3.02 Connection and disconnection of water service
- 5.3.03 Water service charges, billing, and collections
- 5.3.04 Rates

Water System Regulations

- 5.3.08 Tapping mains
- 5.3.09 Repair of leaks
- 5.3.10 Use of fire hydrants
- 5.3.11 Private water supply
- 5.3.12 Water shortage

Plumbing Regulations

- 5.3.14 Service pipes

Well Construction Permits

- 5.3.16 Requirement
- 5.3.17 Application and fee
- 5.3.18 City Council consideration

GENERAL PROVISIONS

'5.3.01 USE OF WATER SYSTEM RESTRICTED.

No person other than a city employee shall uncover or make or use any water service installation connected to the city water system, except pursuant to application and permit as provided in this chapter. No person shall make or use any such installation contrary to the regulatory provisions of this chapter.

' 5.3.02 CONNECTION AND DISCONNECTION OF WATER SERVICE

- a. Water service to any premises, building or building unit shall not be commenced or restarted until such time as the connection fee is paid to the Clerk, together with any existing delinquent water bills from past service to said building or building unit, and any unpaid or delinquent special assessments.
- b. Where separate water meters are installed to service separate locations or units within the same building, provisions of this section relating to delinquent water bills shall apply only to those locations or units to which such delinquencies exist.
- c. A disconnection fee as set by resolution of the City Council may be charged upon voluntary or involuntary termination of water service at any premises, building, or building unit.
- d. Application for water service must be made to the City Clerk, must state fully the purpose for which the same is to be used, and must contain the description of the premises to which the water service is going to be supplied.
- e. The distribution and quantity of water purchased from the City shall be regulated by the use of water meters under the exclusive control of the City. For purposes of enforcing the provisions of this code, delegated City Officials (upon presentation of proper identification) shall have the authority to enter onto or into any premises during reasonable business hours for inspection, reading, or maintenance of said water meters.
- f. The Cromwell City Maintenance Department shall ensure that every customer and user of city water is provided with a properly installed water meter. No person other than an employee of the City or person authorized by the city shall install any such meter and no customer or user of city water shall be provided water unless such meter has been so installed.

- g. Every water meter installed by the City shall be sealed by an employee of the City at the time of installation. No person shall break or remove said seal provided, however, that a licensed plumber may break said seal for the purpose of making necessary repairs. However, in such an instance any broken seal or removed water meter shall be reported to the City within 24 hours of such action, or as soon thereafter as is discovered.
- h. Each separate building supplied with water must have its own separate water service connection directly with the main except in those circumstances where two or more buildings located on the same lot may, subject to written application of the owner and consent of the City, be supplied through the same connection. This will only be allowed were the buildings are under single ownership and the owner agrees to pay all charges for water service consumed on the entire premises.
- i. No plumber or any other person except City employees or persons authorized by the City will be allowed to tap into any water main.
- j. All water passing through a meter shall be charged for at the rate set by the Council and no allowance can or will be made for any excessive consumption due to leak or waste.
- k. If meters owned by the City of Cromwell are damaged by freezing, hot water, or other causes, either by carelessness or neglect of the owner or occupants of premises or their agents, the owner/occupant must pay for such damage. The cost of ordinary maintenance and repair of said meters shall be borne by the City of Cromwell. In the case of breakage, stoppage, or any other irregularity in the meter, the owner or consumer is to immediately notify the City Maintenance Department so that any necessary repairs can be made.
- l. The use of water for lawn sprinkling purposes or other such uses which the City Council considers non-essential shall at all times be subject to the express conditions set by the City Council. The Council may at any time, when in its opinion the condition of the public water supply demands it, limit the use of water for such other non-essential uses as it deems necessary to protect the water supply of its citizens.
- m. Violation of any of the foregoing rules, regulations, requirements, or for the non-payment of all charges duly imposed by this Ordinance constitutes grounds for the City of Cromwell to shut off water service after reasonable written notice. After the water service has been terminated for any reason

pursuant to this Ordinance, that service will not be reinstated until all charges, penalties, and fines have been paid together with any connection or disconnection fees and all monies owed to the City.

(A) Except where municipal water is not available, it shall be unlawful to construct, reconstruct, or repair any private water system that is designed or intended to provide water for human consumption. Private wells used to provide water for other than human consumption, may be constructed, maintained and continued in use after connection is made to the water system; provided, there is no means of cross-connection between the private well and municipal water supply at any time. Hose bibbs that will enable the cross-connection of the two systems are prohibited on internal piping of the well system supply. Where both private and city systems are in use, outside hose bibbs shall not be installed on both systems.

(B) All new homes or building shall connect to the municipal water system if water is available to the property. At such time as municipal water becomes available to existing homes or buildings, a direct connection shall be made to such public system within a period of time as determined by the City Council. If such connection is not made pursuant to this chapter, a penalty may be levied in an amount set by City Council resolution and/or the owner will be charged a monthly fee based upon the availability of municipal water at a rate to be set by the City Council.

(C) Where new homes or buildings do not have water available to the property, the city shall determine whether and under what conditions the municipal water system will be extended to serve the property.

(D) If the well is not to be used after the time a municipal water connection is made:

- (1) The well pump and tank shall be disconnected from all internal piping;
- (2) The casing shall be filled with sandy soil from the bottom to a point eight feet from the top;
- (3) The remaining eight feet shall be filled with concrete to the floor level and the well casing I cut off as close to the floor level as possible;
- (4) Within 30 days after the municipal water connection is made, the owner or occupant must advise the City that the well has been sealed;

- (5) Notwithstanding the foregoing, all well abandonment shall be done in accordance with M.S. " 1031.301 to 1031.345 and Minnesota Rules Ch. 4725, Wells and Borings, as they may be amended from time to time.

' 5.3.03 WATER SERVICE CHARGES, BILLING AND COLLECTIONS

- a. All water service charges are due and payable monthly to the City Clerk or to such persons or entities as designated by the City Council.
- b. All bills are due and payable on the 10th day of the month following their mailing. Any bill not paid by the 10th day of the month following its mailing is considered delinquent. Any partial payments submitted shall be considered as payment towards the most recent amounts billed. For purposes of this section, bills are presumed to have been received by the person responsible for payment thereon within five days of the mailing of the billing.
- c. If the water bill is delinquent after the 10th day of the month, a notice of delinquency will be sent to the occupant of the metered location. If the bill remains unpaid by the 25th day of the month in which the delinquency notice was sent, a notice of water service discontinuation shall then be sent to the occupant proclaiming that unless full payment is received by the 10th day of the month following the first delinquency notice, service will be discontinued.
- d. Water service may be discontinued any time thereafter subject to the following exceptions:
 1. Service may not be discontinued in this manner for any tenant, lessee, or individual occupant within a multiple dwelling or commercial building which does not have a separate meter for each separate tenant, lessee, or occupant unit.
 2. Service will not be discontinued for any person who has filed with the Clerk-Treasurer a written protest of the amount billed, either in whole or in part, together with the reasons or basis for such protest. However, any such written protest of the amount billed must be received before the notice of discontinuation of service or it will be ineffective. Any written protest of the amount billed will then be considered at the next scheduled monthly City Council meeting at which time the protest will be either upheld or denied. If it is denied, payment is due within 10 days of the City Council meeting. If payment is not received within that period of time, service will be

discontinued as otherwise provided by this Ordinance. If the protest is upheld, the Council has the discretion to fashion the appropriate remedy to the user.

- e. Subject to the foregoing provisions, the obligation for payment of any water bill incurred by any individual tenant, lessee, or occupant shall be the joint and severable responsibility of any person in possession of the premises together with the record landowner of such premises.
- f. In addition to the foregoing provisions, the City will impose a 18% interest penalty monthly on any and all amounts considered delinquent pursuant to these provisions.
- g. The City Council may also authorize the City Assessor to certify unpaid and delinquent water bills to the County Auditor annually for collection pursuant to the provisions of Minnesota Chapter 444.075.

' 5.3.04 RATES; Effective 05-25-08

1. The connection fee to commence water service charged to any premises, building or building unit will be \$600 plus the cost of the meter installed for the water service requested by the user until subsequently modified by the City Council. The City will remain the owner of any water meter installed. This fee must be paid in full together with any existing delinquencies prior to the connection of water service

2. All premises which contain buildings capable of occupation (either for residential or commercial purposes) located within the City of Cromwell which are connected to the municipal water service or to which municipal water service is available (municipal water service is located with 300 feet of any property line of the premises) will be subject to a minimum \$24 monthly water availability fee irrespective of actual water use.

3. All existing "undeveloped buildable lots" as that term is defined in this ordinance will be subject to a \$12 monthly water availability fee until such time as buildings capable of occupation are constructed upon the property or until such time as the premises is connected to the municipal water system.

4. In addition to the foregoing, all users of the municipal water service will pay an additional charge of \$2.50 per 1000 gallons for all or a portion of the first thousand gallons used up to the first three thousand gallons of usage. All users will pay \$2.75 per thousand gallons for all or a portion of each thousand gallons of water usage exceeding three thousand gallons up to six thousand gallons of usage. Each user will pay \$3.00 per

thousand gallons of usage for all or any portion of each thousand gallons of usage exceeding six thousand gallons per month.

The rates set forth herein are intended to replace all rates previously set and will be adjusted on an annual basis hereafter by the City Council upon receipt of the annual audit of the municipal water system account.

(A) Transfer or reconnect fee. No connection shall be made to the city water system without a permit received from the Clerk-Treasurer. The fee for each permit shall be \$75 for a water main connection permit. This fee shall be in addition to any other fees required under this section.

(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.

(C) Certification. No permit shall be issued to connect with any water main unless the Clerk-Treasurer certifies to the truth of one of the following or the payment required under division (D) of this section is made:

- (1) That 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 the levying of such assessment have been or - will be commenced in due course; or
- (2) That the cost of construction of the main has been paid by the developer or builder platting the lot or tract; or
- (3) That if either of the foregoing is true a sum equal to the portion of the cost of constructing the main that would be assessable against the lot or parcel has been paid to the city.

(D) Additional connection fee. If no such certificate can be issued, the applicant shall pay an additional connection fee equal to the portion of the cost of construction of the main upon the same basis as any assessment previously levied against other property for the main. The determination shall be made by the City Council. If no such assessment has been levied, the assessable cost shall be determined upon the basis of the uniform charge that 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 or other equitable means.

(E) Commercial bulk water usage occasioned by commercial business purposes by users not hooked up to the city water and sewer service, shall be charged a bulk rate of \$15.00 per thousand gallons for any portion thereof in usage in addition to an initial \$35.00 usage fee.

WATER SYSTEM REGULATIONS

' 5.3.08 TAPPING MAINS.

No person except an authorized city employee shall turn on any water supply at the stop box or tap any distributing main or pipe of the water supply system or insert a stop cork or other appurtenance therein without a city permit.

' 5.3.09 REPAIR OF LEAKS.

The consumer or owner shall be responsible for maintaining the service pipe from the curb box into the building served. If the consumer 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 be turned on again until the sum of \$50 has been paid to the city. 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 connected immediately.

' 5.3.10 USE OF FIRE 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 to do so from the City Clerk-Treasurer.

' 5.3.11 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 such connection is found, the Clerk-Treasurer 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 system is permitted, city employees shall ascertain that no cross-connection will exist when the new connection is made.

§ 5.3.12 WATER SHORTAGE.

Whenever the City Council determines that a shortage of water supply threatens the city, it may, by resolution, limit the times and hours during which city water may be used for

sprinkling, irrigation, car washing, air conditioning, or other specified uses. After publication of the resolution or two days after the mailing of the resolution to each customer, no person shall use or permit water to be used in violation of the resolution, and any customer who does so shall be charged a sum of \$100 for each day of violation and the charge shall be added to the customer's next water bill. If the emergency requires immediate compliance with terms of the resolution, the City Council may provide for the delivery of a copy of the resolution to the premises of each customer, and any customer who has received such notice and thereafter uses or permits water to be used in violation of the resolution shall be subject to the above charge. Continued violation shall be cause for discontinuance of water service.

PLUMBING REGULATIONS

' 5.3.14 SERVICE PIPES.

Every service pipe shall be laid with sufficient bend to allow not less than one foot of extra length and in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than six feet below the surface and be so arranged as to prevent rupture by freezing. A shut-off or other stop cock with waste valve of the size and strength required shall be placed close to the inside wall of the building and be well protected from freezing. Copper tubing shall be used for all services of two inches or less. Joints on copper tubing shall be as few as possible and not more than one joint shall be used for a service of 70 feet in length. Each joint shall be left uncovered until inspected by the city. Every service over two inches shall be cast iron. Connections with the mains for domestic supply shall be at least 3/4 inch per residential unit, or equivalent.

WELL CONSTRUCTION PERMITS

' 5.3.16 REQUIREMENT.

When the construction or reconstruction of a well is permitted under the provisions of ' 5.2.02, before proceeding within the city with construction or reconstruction of any well which involves drilling or casing insertion, owners of the premises upon which the well is located or to be located shall obtain a permit from the City Council, and comply with all provisions of M.S. Ch. 1031, as it may be amended from time to time, and any rules promulgated under that chapter.

' 5.3.17 APPLICATION FOR SERVICE.

Application for a well permit shall be in writing on a form provided by the Clerk-Treasurer. The application must be fully completed and shall contain the information required thereon. No application can be approved until a fee of \$50 has been paid.

' 5.3.18 CITY COUNCIL CONSIDERATION.

The City Council shall study the proposed well location, design, depth, capacity, cost, and proposed water use and shall consider the impact of the proposed private well upon present and planned public water supply and the health, safety, and welfare of the city and surrounding areas. When the applicant demonstrates that he or she has complied with or will comply with all of the applicable provisions of M.S. Ch. 1031, as it may be amended from time to time, and any rules promulgated under that chapter, then the City Council shall issue the permit unless it finds facts that show and determines by resolution that the health, safety, and welfare of the public require a denial.

5.4: SEWER USE REGULATIONS

Section

General Provisions

5.4.01 Definitions

5.4.02 Control of sewers; administration of chapter

5.4.03 Tampering with wastewater facilities

5.4.04 Cost of repairing or restoring sewers

General Regulations

- 5.4.05 Deposits of unsanitary manner prohibited
- 5.4.06 Discharge of wastewater or other polluted waters
- 5.4.07 Restrictions on wastewater disposal facilities
- 5.4.08 Installation of service connection to public sewer
- 5.4.09 Failure to connect to a public sewer

Private Wastewater Disposal

- 5.4.10 Public sewer not available
- 5.4.11 Permits
- 5.4.12 Type, capacities, location, and layout
- 5.4.13 Direct connection required
- 5.4.14 Operation and maintenance by owner
- 5.4.15 Application of subchapter

Building Sewers and Connections

- 5.4.16 Restrictions on new connections
- 5.4.17 Building sewer permits
- 5.4.18 Costs and expenses
- 5.4.19 Separate building sewers required
- 5.4.20 Old building sewers; restrictions on use
- 5.4.21 Conformance to State Building and Plumbing Code requirements
- 5.4.22 Elevation below basement floor
- 5.4.23 Surface runoff or groundwater connections prohibited
- 5.4.24 Excavations
- 5.4.25 Insurance required; responsibility of owner

Use of Public Services

- 5.4.26 Discharges of unpolluted water
- 5.4.27 Discharges of waters or wastes
- 5.4.28 Limited discharges
- 5.4.29 Discharges hazardous to life or constitute public nuisances
- 5.4.30 Increasing use of process water
- 5.4.31 Pretreatment or flow-equalizing facilities
- 5.4.32 Grease, oil, and sand interceptors
- 5.4.33 Industrial wastes; installations
- 5.4.34 Industrial wastes; requirements

- 5.4.35 Measurements, tests, and analyses of waters and wastes
- 5.4.36 Protection from accidental discharge of prohibited materials
- 5.4.37 Permitting substance or matter to flow or pass into public sewers
- 5.4.38 Repairing service connection
- 5.4.39 Catch basin or waste traps required for motor vehicle washing or servicing facilities
- 5.4.40 Special agreement and arrangement
- 5.4.41 Charges generally
- 5.4.42 Purpose
- 5.4.43 Definitions
- 5.4.44 Establishment of a sewer service charge system
- 5.4.45 Determination of sewer service rates
- 5.4.46 Sewer service fund

Powers and Authority of Inspectors

- 5.4.47 Authorized employees permitted to enter all properties
- 5.4.48 Authorized employees obtaining information for industrial processes
- 5.4.49 Authorized employees to observe safety rules
- 5.4.50 Authorized employees permitted to enter all property with easements
- 5.4.51 Penalty

GENERAL PROVISIONS

' 5.4.01 DEFINITIONS.

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

ACT. The Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, being 33 USC 1251 et seq.

ASTM. American Society for Testing Materials.

AUTHORITY. This city or its representative thereof.

BOD₅ 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 terms of milligrams per liter (mg/l).

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

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

CITY. The area within the corporate boundaries of the city of Cromwell as presently established or as amended by ordinance or other legal actions at a future time. The term CITY when used herein may also be used to refer to the City Council and its authorized representative.

COD or CHEMICAL OXYGEN DEMAND. The quantity of oxygen utilized in the chemical oxidation of organic matter as determined by standard laboratory procedures, and as expressed in terms of milligrams per liter (mg/l).

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS permit if the treatment facilities are designed to treat such pollutants to a degree which complies with effluent concentration limits imposed by the permit.

CONTROL MANHOLE. A structure specially constructed for the purpose of measuring flow and sampling of wastes.

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

FECAL COLIFORM. Any number of organisms common to the intestinal tract of humans and animals the presence of which in sanitary sewage is an indicator of pollution.

FLOATABLE OIL. Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater.

GARBAGE. Animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.

INCOMPATIBLE POLLUTANT. Any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.

INDUSTRIAL WASTE. Gaseous, liquid and solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development, recovery, and processing of natural resources, as distinct from residential or domestic strength wastes.

INDUSTRY. Any non-governmental or nonresidential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, which is categorized in Divisions A, B, D, E and I.

INFILTRATION. Water entering the sewage system (including building drains and pipes) from the ground through such means as defective pipes, pipe joints, connections and manhole walls.

INFILTRATION/FLOW (III). The total quantity of water from both infiltration and inflow.

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

INTERFERENCE. The inhibition or disruption of the city's wastewater disposal system processes or operations, that causes or significantly contributes to a violation of any requirement of the city's NPDES or SDS permit. The term includes sewage sludge use or disposal by the city in accordance with published regulations providing guidelines under Section 405 of the Act (33 USC 1345) or any regulations developed pursuant to the Solid Waste Disposal Act (42 USC 6901 et seq.), the Clean Air Act (42 USC 7401 et seq.), the Toxic Substances Control Act (15 USC 2601 et seq.), or more stringent state criteria applicable to the method of disposal or use employed by the city.

MAY. The term is permissive.

MPCA. The Minnesota Pollution Control Agency.

NATIONAL CATEGORICAL PRETREATMENT STANDARDS. Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to be not susceptible to treatment by such treatment facilities or would interfere with the operation of such treatment facilities, pursuant to Section 307(b) of the Act (33 USC 1317(b)).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act (33 USC 1342 and 33 USC 1345).

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

NON-CONTACT COOLING WATER. The water discharged from any use such as air conditioning, cooling, or refrigeration or during which the only pollutant added is heat.

NORMAL DOMESTIC STRENGTH WASTE. Wastewater that is primarily introduced by residential users with a BOD₅ concentration not greater than 240 mg/l's and a suspended solids (TSS) concentration not greater than 230 mg/l.

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

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

PRETREATMENT. The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 2-inch (1.27 cm) in any dimension.

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

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

- (1) COLLECTION SEWER. A sewer the primary purpose of which is to collect wastewaters from individual point source discharges and connections.
- and a (2) COMBINED SEWER. A sewer intended to serve as a sanitary sewer storm sewer.
- (3) FORCE MAIN. A pipe in which wastewater is carried under pressure.
- (4) INTERCEPTOR SEWER. A sewer the primary purpose of which is to transport wastewater from collection sewers to a treatment facility.
- public (5) PRIVATE SEWER. A sewer that is neither owned nor maintained by a authority.
- public (6) PUBLIC SEWER. A sewer owned, maintained, and controlled by a authority.
- industrial (7) SANITARY SEWER. A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, plants, and institutions together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.
- carry (8) STORM SEWER or STORM DRAIN. A drain or sewer intended to street wash storm waters, surface runoff, ground water, subsurface water, water, drainage and unpolluted water from any source.

SHALL. The term is mandatory.

SIGNIFICANT INDUSTRIAL USER. Any industrial user of the wastewater treatment facility:

- (1) Which has a discharge flow in excess of 25,000 gallons per average work day;
- facility, (2) Which has exceeded 5% of the total flow received at the treatment
- pursuant to (3) The waste of which contains a toxic pollutant in toxic amounts Section 307(a) of the Act (33 USC 1317(a) or

(4) The discharge of which has a significant effect, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or emissions generated by the treatment system.

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

STATE DISPOSAL SYSTEM (SDS) PERMIT. Any permit (including any terms, conditions, and requirements 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.

SUPERINTENDENT. The city's Utilities Superintendent or a deputy, agent, or representative thereof.

SUSPENDED SOLIDS (SS) or TOTAL SUSPENDED SOLIDS (TSS). The total suspended matter that either floats on the surface of or is in suspension in water, wastewater, or other liquids and is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater, latest edition, and referred to as non-filterable residue.

TOXIC POLLUTANT. The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects as defined in standards issued pursuant to Section 307(a) of the Act (33 USC 1317(a)).

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities. See also **NON-CONTACT COOLING WATER.**

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

WASTEWATER. The spent water of a community and referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes

from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water, and storm water that may be present.

WASTEWATER TREATMENT WORKS or TREATMENT WORKS. An arrangement of any devices, facilities, structures, equipment, or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage, or industrial wastewater, or structures necessary to recycle or reuse water, including interceptor sewers, outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

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

WPCF. The Water Pollution Control Federation.

' 5.4.02 CONTROL OF SEWERS; ADMINISTRATION OF CHAPTER.

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

' 5.4.03 TAMPERING WITH WASTEWATER FACILITIES.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

' 5.4.04 COST OF REPAIRING OR RESTORING SEWERS.

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

GENERAL REGULATIONS

' 5.4.05 DEPOSITS OF UNSANITARY MANNER PROHIBITED.

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

' 5.4.06 DISCHARGE OF WASTEWATER OR OTHER POLLUTED WATERS.

It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and the city's NPDES/SDS permit.

' 5.4.07 RESTRICTIONS ON WASTEWATER DISPOSAL FACILITIES.

Except as otherwise provided in this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

' 5.4.08 INSTALLATION OF SERVICE CONNECTION TO PUBLIC SEWER.

The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes from which wastewater is discharged, and which is situated within the city and adjacent to any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the city shall be required at the owner's expense to install a suitable service connection to the public sewer in accordance with provisions of this code within 365 days of the date the public sewer is operational, provided that the public sewer is within 200 feet of the structure generating the wastewater. 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 made pursuant to this section, an official 60-day notice shall be served instructing the affected property owner to make the connection.

' 5.4.09 FAILURE TO CONNECT TO A PUBLIC SEWER.

In the event an owner shall fail to connect to a public sewer in compliance with a notice given under ' 53.018, the city must undertake to have the connection made and shall

assess the cost thereof against the benefitted property. Such assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the County Auditor and shall be collected and remitted to the city in the same manner as assessments for local improvements. The rights of the city shall be in addition to any remedial or enforcement provisions of this chapter.

PRIVATE WASTEWATER DISPOSAL

' 5.4.10 PUBLIC SEWER NOT AVAILABLE.

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

' 5.4.11 PERMITS.

(A) Required. Prior to commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the city. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary to the city.

(B) Inspections. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city or its authorized representative. The city or its representative 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 work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice.

' 5.4.12 TYPE, CAPACITIES, LOCATION, AND LAYOUT.

The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of Minnesota Rules Ch. 7080, the Individual Sewage Treatment Systems Program, as they may be amended from time to time. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

' 5.4.13 DIRECT CONNECTION REQUIRED.

At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 90 days, in compliance with this chapter, and within 60 days any septic tanks,

cesspools, and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.

' 5.4.14 OPERATION AND MAINTENANCE BY OWNER.

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

' 5.4.15 APPLICATION OF SUBCHAPTER.

No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the state Department of Health.

BUILDING SEWERS AND CONNECTIONS

' 5.4.16 RESTRICTIONS ON NEW CONNECTIONS.

Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including but not limited to capacity for flow, BOD5 and suspended solids, as determined by the Superintendent, with the concurrence of the City Council.

§ 5.4.17 BUILDING SEWER PERMITS.

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

(B) Applications. Applications for permits shall be made by the owner or authorized agent and the party employed to do the work and shall state the location, name of owner, street number of the building to be connected, and how occupied. No person

shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.

(C) Classes. There shall be two classes of building sewer permits: one for residential and commercial service, and one for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the city. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

(D) Inspection and connection. The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the Superintendent or authorized representative thereof.

' 5.4.18 COSTS AND EXPENSES.

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

' 5.4.19 SEPARATE BUILDING SEWERS REQUIRED.

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such connection.

' 5.4.20 OLD BUILDING SEWERS; RESTRICTIONS ON USE.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent or the Superintendent's representative, to meet all requirements of this chapter.

' 5.4.21 CONFORMANCE TO STATE BUILDING AND PLUMBING CODE REQUIREMENTS.

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

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

' 5.4.22 ELEVATION BELOW BASEMENT FLOOR.

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

' 5.4.23 SURFACE RUNOFF OR GROUNDWATER CONNECTIONS PROHIBITED.

No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or indirectly to the wastewater disposal system.

' 5.4.24 EXCAVATIONS.

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

' 5.5.25 INSURANCE REQUIRED; RESPONSIBILITY OF OWNER.

(A) Insurance required. Before undertaking work authorized by the permit, the owner or the owner's contractor shall secure and maintain a policy of Insurance against damages to property or injury or death of 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 expenses of defending the same. Proof of such insurance shall be filed with the city prior to construction work, and the policy shall provide that the city shall be notified immediately of any termination or modification of the insurance. If the insurance coverage is inadequate in amount, the owner or the owner's contractors shall themselves indemnify and save harmless the city and its personnel in like manner.

(B) Responsibility of owner. The owner shall bear the cost and expenses incident to the installation and connection of the building sewer, including any loss or damage directly or indirectly caused by its installation and will indemnify and save harmless the city from all suits, accidents, and damage that may arise by reason of any opening in any street, alley, or public ground made by the owner or those in the owner's employment for any purpose whatever. The owner will replace and restore the street and alley over such openings to the condition existing prior to installation, adequately guard with barricades and lights, and will keep and maintain the same to the satisfaction of the Superintendent. The owner shall conform in all respects to the rules and regulations of the City Council relative thereto and pay all fines that may be imposed by law.

USE OF PUBLIC SERVICES

' 5.5.26 DISCHARGES OF UNPOLLUTED WATER.

(A) No person shall discharge or caused to be discharged any unpolluted water, such as stormwater, ground water, roof runoff, surface drainage, or non-contact cooling water to any sanitary sewer.

(B) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the city and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the city and upon approval and the issuance of a discharge permit by the MPCA.

' 5.5.27 DISCHARGES OF WATERS OR WASTES.

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

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

(B) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as but not limited to grease, garbage with particles greater than 2-inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(C) Any wastewater having a pH of less than 5.5 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater disposal system.

(D) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act (33 USC 1317(a)).

' 5.4.28 LIMITED DISCHARGES.

(A) The following described substances, materials, water, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works, treatment process, or equipment; will not have an adverse effect on the receiving stream and soil, vegetation, and ground water; or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The city may set limitations lower than limitations established in the regulations below if, in its opinion, such more severe limitations are necessary to meet the above objectives. In forming its opinion as to the acceptability of wastes, the city will give consideration to such factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the city's NPDES/SDS permit, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

(B) The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the city are as follows:

- (1) Any wastewater having a temperature greater than 150°F (65.6°C), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104°F (40°C), or having heat in amounts which will inhibit biological activity in the wastewater treatment works resulting in interference therein.
- (2) Any wastewater containing fats, wax, grease, or oils, whether emulsified or mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65.6°C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not.
- (3) Any quantities of flow, concentrations, or both which constitute a "slug" as defined in ' 53.001.
- (4) Any garbage not properly shredded, as defined in ' 53.001 of this chapter. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food on the premises or when served by caterers.
- (5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.

- water.
- (6) Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye wastes and vegetable tanning solutions.
 - (7) Non-contact cooling water or unpolluted storm, drainage, or ground
 - (8) Wastewater containing inert suspended-solids, such as but not limited to fullers earth, lime slurries, and lime residues, or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate, in such quantities that would cause disruption with the wastewater disposal system.
 - (9) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations.
 - (10) Any waters or wastes containing the following substances to such degree that any such material received in the composite wastewater at the wastewater treatment works is in excess of the limits set by the city for such materials: arsenic, cadmium, copper, cyanide, lead, mercury, nickel, silver, total chromium, zinc, and phenolic compounds which cannot be removed by the city's wastewater treatment system.
 - (11) Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule, regulation, or ordinance of any regulatory agency, or state or federal regulatory body.
 - (12) Any waters or wastes containing BOD5 or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of ' 53.094.

' 5.4.29 DISCHARGES HAZARDOUS TO LIFE OR CONSTITUTE PUBLIC NUISANCES.

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in ' 53.082, or which in the judgement of the city may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment; 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:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act (33 USC 1317 (b)) and all amendments thereof;
- (3) Require control over the quantities and rates of discharge; and
- (4) Require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer service charges.

(B) If the city permits the pretreatment or equalization of waste flows, the design, installation, and maintenance of the facilities and equipment shall be made at the owner's expense and shall be subject to the review and approval of the city pursuant to the requirements of the MPCA.

' 5.4.30 INCREASING USE OF PROCESS WATER.

No user shall increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in " 53.081 and 53.082, or contained in the National Categorical Pretreatment Standards or any state requirements.

' 5.4.31 PRETREATMENT OR FLOW-EQUALIZING FACILITIES.

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner.

' 5.4.32 GREASE, OIL, AND SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in ' 53.082(B)(2), any flammable wastes as specified in ' 53.081(A), sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All

interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means and shall maintain a record of dates and means of disposal, which are subject to review by the Superintendent. If not performed by the owner's personnel, a currently licensed waste disposal firm must perform any removal and hauling of the collecting materials.

' 5.4.33 INDUSTRIAL WASTES; INSTALLATIONS.

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

' 5.4.34 INDUSTRIAL WASTES; REQUIREMENTS.

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, or 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. 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 federal, state, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the city at such times and in such manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses, and reporting required by the city. At such times as deemed necessary, the city reserves the right to take measurements and supplies for analysis by an independent laboratory.

' 5.4.35 MEASUREMENTS, TESTS, AND ANALYSES OF WATERS AND WASTES.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, location, times, duration, and frequencies are to be determined on an individual basis subject to approval by the Superintendent, with the concurrence of the City Council.

' 5.4.36 PROTECTION FROM ACCIDENTAL DISCHARGE OF PROHIBITED MATERIALS.

Where required by the city, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this chapter. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Superintendent for review and approval prior to construction of the facility. Review and approval of such plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. Users shall notify the city immediately upon having a slug or accidental discharge of substances of wastewater in violation of this chapter to enable countermeasures to be taken by the city to minimize damage to the wastewater treatment works. Such notification will not relieve any user of any liability for any expense, loss, or damage to the wastewater treatment system or treatment process, or for any fines imposed on the city on account thereof under any state and federal law. Employers shall insure that all employees who may cause or discover such a discharge are advised of the emergency notification procedure.

' 5.4.37 PERMITTING SUBSTANCE OR MATTER TO FLOW OR PASS INTO PUBLIC SEWERS.

No person having charge of any building or other premise that drains into the public sewer shall permit any substance or matter that may form a deposit or obstruction to flow or pass into the public sewer. Within ten days after receipt of written notice from the city, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair, or alter the same, and perform such other work as the Superintendent may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of ten days, the Superintendent may cause such work to be completed at the expense of the owner or representative thereof.

' 5.4.38 REPAIRING SERVICE CONNECTION.

Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the

owner shall repair or cause such work to be done as the Superintendent may direct. Each day after ten days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Superintendent may then cause the work to be done and recover from such owner or agent the expense thereof by an action in the name of the city.

' 5.4.39 CATCH BASIN OR WASTE TRAPS REQUIRED FOR MOTOR VEHICLE WASHING OR SERVICING FACILITIES.

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

' 5.4.40 SPECIAL AGREEMENT AND ARRANGEMENT.

No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern, provided that National Categorical Pretreatment Standards and the city's NPDES/SDS Permit limitations are not violated.

' 5.4.41 CHARGES GENERALLY.

Each user of sewer service shall pay the charge(s) applicable to the type of service, and in accordance with the provisions set forth in this subchapter.

' 5.4.42 PURPOSE.

The purpose of the subchapter is to provide for sewer service charges to recover costs associated with operation, maintenance, and replacement to ensure effective functioning of the city's wastewater treatment system, and local capital costs incurred in the construction of the city's wastewater treatment system.

' 5.4.43 DEFINITIONS.

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

ADMINISTRATION. Those fixed costs attributable to administration of the wastewater treatment works that is billing and associated bookkeeping and accounting costs.

BIOCHEMICAL OXYGEN DEMAND or BOD₅. 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.

CITY. The area within the corporate boundaries of the city as presently established or as amended by ordinance or other legal actions at a future time. When used herein the term CITY may also refer to the City Council or its authorized representative.

COMMERCIAL USER. Any place of business which discharges sanitary waste as distinct from industrial wastewater.

COMMERCIAL WASTEWATERS. Domestic wastewater emanating from a place of business as distinct from industrial wastewater.

DEBT SERVICE CHARGE. A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct the facilities.

EXTRA STRENGTH WASTE. Wastewater having a BOD₅ and/or TSS greater than domestic waste as defined in NORMAL DOMESTIC STRENGTH WASTEWATER and not otherwise classified as an incompatible waste.

GOVERNMENTAL USER. Includes all users from local, county, state, or federal units of government.

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

INDUSTRIAL USERS or INDUSTRIES.

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

Division A. Agriculture, Forestry, and Fishing
Division B. Mining
Division D. Manufacturing
Division E. Transportation, Communications, Electric, Gas, and Sanitary
Sewers
Division I. Services

(b) For the purpose of this definition, domestic waste shall be considered to have the following characteristics:

BOD₅ - Less than 250 mg/l

Suspended solids - Less than 225 mg/l

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

INDUSTRIAL WASTEWATER. The liquid processing wastes from an industrial manufacturing process, trade, or business, including but not limited to all Standard Industrial Classification Manual Divisions A, B, D, E and I manufacturers as distinct from domestic wastewater.

INSTITUTIONAL USER. Users other than commercial, governmental, industrial, or residential users, discharging primarily normal domestic strength wastewater, such as schools, churches, hospitals, and nursing homes.

MAY. The term is permissive.

NORMAL DOMESTIC STRENGTH WASTEWATER. Wastewater that is primarily produced by residential users, with BOD₅ concentrations not greater than 240 mg/l and suspended solids concentrations not greater than 230 mg/l.

OPERATION AND MAINTENANCE. Activities required to provide for the dependable and economical functioning of the treatment works, throughout the design or useful life, whichever is longer of the treatment works, and at the level of performance for which the treatment works were constructed. The term includes replacement.

OPERATION AND MAINTENANCE COSTS. Expenditures for operation and maintenance, including replacement.

PUBLIC WASTEWATER COLLECTION SYSTEM. A system of sanitary sewers owned, maintained, operated, and controlled by the city.

REPLACEMENT. Obtaining and installing of equipment, accessories, or appurtenances which are necessary during the design life or useful life, whichever is longer, of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

REPLACEMENT COSTS. Expenditures for replacement.

RESIDENTIAL USER. A user of the treatment facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached and semi-detached housing, apartments, and mobile homes, and which discharges primarily normal domestic strength sanitary wastes.

SANITARY SEWER. A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.

SEWER SERVICE CHARGE. The aggregate of all charges, including charges for operation, maintenance, replacement, debt service, and other sewer related charges that are billed periodically to users of the City's wastewater treatment facilities.

SEWER SERVICE FUND. A fund into which income from sewer service charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditure of the sewer service fund will be for operation, maintenance, and replacement costs and to retire debt incurred through capital expenditure for wastewater treatment.

SHALL. The term is mandatory.

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

STANDARD INDUSTRIAL CLASSIFICATION MANUAL. The Standard Industrial Classification Manual published by the Office of Management and Budget, latest edition.

SUSPENDED SOLIDS (SS) or TOTAL SUSPENDED SOLIDS (TSS). The total suspended matter that either floats on the surface or is in suspension in water, wastewater, or other liquids and is removable by laboratory filtering as prescribed in Standard Methods

for the Examination of Water and Wastewater, latest edition, and referred to as non-filterable residue.

TOXIC POLLUTANT. The concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to Section 307(a) of the Act (33 USC 1317(a)), which upon exposure to or assimilation into any organism, will cause adverse effects.

USER CHARGE. A charge levied on a user of a treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement.

USERS. Those residential, commercial, governmental, institutional, and industrial establishments which are connected to the public sewer collection system.

WASTEWATER. The spent water of a community, also referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water, and storm water that may be present.

WASTEWATER TREATMENT WORKS or TREATMENT WORKS. An arrangement of any devices, facilities, structures, equipment, or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or industrial wastewater, or structures necessary to recycle or reuse water, including interceptor sewers, outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply, such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

' 5.4.44 ESTABLISHMENT OF A SEWER SERVICE CHARGE SYSTEM.

(A) The city of Cromwell hereby establishes a Sewer Service Charge System whereby all revenue collected from users of the wastewater treatment facilities will be used to affect all expenditures incurred for annual operation, maintenance, and replacement and for debt service on capital expenditure incurred in constructing the wastewater treatment works.

(B) Each user shall pay its proportionate share of operation, maintenance, and replacement costs of the treatment works, based on the users proportionate contribution to the total wastewater loading from all users.

(C) No user shall be charged for operation, maintenance, and replacement at a rate less than established for normal domestic strength wastewater.

(D) Revenues collected for sewer service shall be deposited in a separate fund known as the "Sewer Service Fund." Income from revenues collected will be expended to off, set the cost of operation, maintenance, and equipment replacement for the facility and to retire the debt for capital expenditure.

(E) Sewer service charges and the sewer service fund will be administrated in accordance with the provisions of ' 5.4.45.

' 5.4.45 SEWER SERVICE RATES. Effective 06-01-07

(A) Municipal Sewer Rates. The following rates will apply for sewage service within the City of Cromwell. The rates will be changed from time to time by the City Council:

- (1) The monthly sewage rate will be based upon the water meter use readings for each service. For all or any part of each thousand gallons of usage up to a total of six thousand gallons a minimum rate of \$28 per month will apply. For all or a part of each thousand gallons of usage over six thousand gallons per month a rate of \$3.50 per thousand gallons will be charged.
- (2) The connection fee to commence the sewage and waste water charged to any premises, building, or building unit, will be \$600 per hook up.

' 5.4.46 SEWER SERVICE FUND.

(A) The city hereby establishes a "Sewer Service Fund" as an income fund to receive all revenues generated by the sewer service charge system, and all other income dedicated to the operation, maintenance, replacement, and construction of the wastewater treatment works, including taxes, special charges, fees, and assessments intended to retire construction debt.

(B) All revenue generated by the sewer service charge system, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be held by the city separate and apart from all other funds of the city.

' 5.4.47 AUTHORIZED EMPLOYEES PERMITTED TO ENTER ALL PROPERTIES.

The Superintendent and/or the City Councilor other duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling, and testing pertinent to the discharges to the city's sewer system in accordance with the provisions of this chapter.

' 5.4.48 AUTHORIZED EMPLOYEES OBTAINING INFORMATION FOR INDUSTRIAL PROCESSES.

The Superintendent and/or the City Council or other duly authorized employees are authorized to obtain information concerning industrial processes that have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential; however, the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

' 5.4.49 AUTHORIZED EMPLOYEES TO OBSERVE SAFETY RULES.

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

' 5.4.50 AUTHORIZED EMPLOYEES PERMITTED TO ENTER ALL PROPERTY WITH EASEMENTS.

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

' 5.4.51 PENALTY.

(A) Penalties for violations.

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

(2) Any person who shall continue any violation beyond the time limit provided for in division (A) of this section shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not exceeding \$1,000 for each violation. Each day in which any such violation occurs shall be deemed a separate offense.

(3) Any person violating any of the provision of this Code shall become liable to the city for any expense, loss, or damage occasioned by the city by reason of such violation.

(B) Collection of fines and cost.

(1) Each and every sewer service charge is made a lien upon the lot or premises served, and all such charges which are on October 1 of each year past due and delinquent shall be certified to the County Auditor as taxes or assessments on the real estate. Nothing outlined by the Code shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected any delinquent or past due sewer service charges.

(2) As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect such amounts as are delinquent and due against the occupant, owner, or user of the real estate, and shall collect as well all attorney's fees incurred by the city in filing the civil action. Such attorney's fees shall be fixed by order of the court.

(3) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate of 18% per annum. City may assess for cost of repair or replacement.