

**CHAPTER 4: PUBLIC WORKS**

Section

**400. SEWERS**

**405. WATER**

**410. SOLID WASTE**



**CHAPTER 4: PUBLIC WORKS****Section 400: Sewers  
Division 1: General Provisions**

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## SECTION 400: SEWERS

## DIVISION 1: GENERAL PROVISIONS

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

Subd. 1 Act. "Act" means the Federal Water Pollution Control Act, also referred to as the Clean Water Act, being 33 USC 1251 *et seq.*, as amended.

Subd. 2 ASTM. "ASTM" means the American Society for Testing and Materials.

Subd. 3 Authority. "Authority" means the City or its representative thereof.

Subd. 4 Biochemical Oxygen Demand or BOD<sub>5</sub>. "Biochemical oxygen demand" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in terms of milligrams per liter (mg/l).

Subd. 5 Building Drain. "Building drain" means the 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 three (3) feet outside the building wall.

Subd. 6 Building Sewer. "Building sewer" means 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."

Subd. 7 City. "City" means 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. The term "City," when used herein, may also be used to refer to the City Council and its authorized representative.

Subd. 8 Control Manhole. "Control manhole" means a structure specially constructed for the purpose of measuring flow and sampling of wastes.

Subd. 9 Easement. "Easement" means an acquired legal right for the specific use of land owned by others.

Subd. 10 Garbage. "Garbage" means animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

Subd. 11 Industrial Waste. "Industrial waste" means 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.

Subd. 12 Industry. "Industry" means any non-governmental or non-residential 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.

Subd. 13 Infiltration. "Infiltration" means water entering the sewage system, including building drains and pipes, from the ground through means as defective pipes, pipe joints, connections and manhole walls.

Subd. 14 Infiltration/Inflow or I/I. "Infiltration/inflow" means the total quantity of water from both infiltration and inflow.

Subd. 15 Inflow. "Inflow" means water other than wastewater that enters a sewer system, including building drains, from sources such as, but not limited to roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

Subd. 16 Interference. "Interference" means the inhibition or disruption of the City's wastewater disposal system processes or operations which 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.

Subd. 17 May. "May" means the act referred to is permissive.

Subd. 18 MPCA. "MPCA" means the Minnesota Pollution Control Agency.

Subd. 19 National Categorical Pretreatment Standards. "National categorical pretreatment standards" means 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 those treatment facilities or would interfere with the operation of those treatment facilities, pursuant to Section 307(b) of the Act (33 USC 1317(b)).

Subd. 20 National Pollutant Discharge Elimination System Permit or NPDES Permit. "National pollutant discharge elimination system permit" means 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).

Subd. 21 Natural Outlet. "Natural outlet" means 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.

Subd. 22 Non-Contact Cooling Water. "Non-contact cooling water" means the water discharged from any use such as air conditioning, cooling or refrigeration or during which the only pollutant added is heat.

Subd. 23 Normal Domestic Strength Waste. "Normal domestic strength waste" means wastewater that is primarily introduced by residential users with a BOD<sub>5</sub> concentration not greater than two hundred eighty-seven (287) mg/l and a suspended solids (TSS) concentration not greater than two hundred eighty-seven (287) mg/l.

Subd. 24 Person. "Person" means any individual, firm, company, association, society, corporation or group.

Subd. 25 pH. "pH" means the logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.

Subd. 26 Pretreatment. "Pretreatment" means the treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works.

Subd. 27 Properly Shredded Garbage. "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half-inch (1.27 cm) in any dimension.

Subd. 28 Sewage. "Sewage" means the spent water of a community. The preferred term is "wastewater".

Subd. 29 Sewer. "Sewer" means a pipe or conduit that carries wastewater or drainage water.

A. "Collection sewer" means a sewer whose primary purpose is to collect wastewater from individual point source discharges and connections.

B. "Interceptor sewer" means a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

C. "Private sewer" means a sewer which is not owned and maintained by a public authority.

D. "Public sewer" means a sewer owned, maintained and controlled by a public authority.

E. "Sanitary sewer" means 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.

F. "Storm sewer" or "storm drain" mean a drain or sewer intended to carry storm waters, surface runoff, ground water, subsurface water, street wash water, drainage and unpolluted water from any source.

Subd. 30 Shall. "Shall" means the act referred to is mandatory.

Subd. 31 State Disposal System Permit or SDS Permit. "State disposal system permit" means any permit, including any terms, conditions and requirements thereof, issued by the MPCA pursuant to Minn. Stat. § 115.07, as it may be amended from time to time, for a disposal system, as defined by Minn. Stat. § 115.01, Subd. 8, as it may be amended from time to time.

Subd. 32 Suspended Solids (SS) or Total Suspended Solids (TSS). "SS" or "TSS" means 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.

Subd. 33 Toxic Pollutant. "Toxic Pollutant" means the concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse affects as defined in standards issued pursuant to Section 307(a) of the Act (33 USC 1317(a)).

Subd. 34 Unpolluted Water. "Unpolluted water" means 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 benefited by discharge to the sanitary sewers and wastewater treatment facilities.

Subd. 35 User. "User" means any person who discharges or causes or permits the discharge of wastewater into the City's wastewater disposal system.

Subd. 36 . "Public Works Foreman" means the person appointed by the City Council to supervise the sewer and water systems of the City.

Subd. 37 Wastewater. "Wastewater" means 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.

Subd. 38 Wastewater Treatment Works or Treatment Works. "Wastewater treatment works" means 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 that treatment.

Subd. 39 WPCF. "WPCF" means the Water Pollution Control Federation.

400.002 Control of Sewers; Administration of Section. The Public Works Foreman or other official designated by the City Council 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 section to the end that a proper and efficient public sewer is maintained.

400.003 Building Sewers; General Requirements. Building sewer construction shall meet the pertinent requirements of the Minnesota State Building Code, which is those sections of Minn. Rules referenced in Minn. Rules Part 1300.2400, Subpart 6, as it may be amended from time to time, and the Minnesota Plumbing Code, Minn. Rules Ch. 4715, as it may be amended from time to time.

The applicant shall notify the City Clerk when the building sewer and connection is ready for inspection. The connection shall be made under the supervision of the Building Official or the Building Official's representative, if the City has adopted the State Building Code. If the City has not adopted the State Building Code, the Public Works Foreman shall perform the inspection. If the City does not have a Public Works Foreman, an installer licensed under Subsection 400.064 shall certify that the building sewer and connection comply with the State Building Code. No backfill shall be placed until the work has been inspected and approved, or until the certification has been received.

400.004 Tampering With Wastewater Facilities.

Subd. 1 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.

Subd. 2 Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

400.005 Cost of Repairing or Restoring Sewers. In addition to any penalties that may be imposed for violation of any provision of this section, 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 that person, and may collect the assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the City.

## **DIVISION 2: GENERAL REGULATIONS**

400.015 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.

400.016 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 section and the City's NPDES/SDS permit.

400.017 Restrictions on Wastewater Disposal Facilities. Except as otherwise provided in this section, 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.

400.018 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 three hundred sixty-five (365) days of the date the public sewer is operational; provided, the public sewer is within two hundred (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 ten (10) day notice shall be served instructing the affected property owner to make the connection.

400.019 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 Subsection 400.018, the City shall undertake to have the connection made and shall assess the cost thereof against the benefited property. The 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 section.

### **DIVISION 3: PRIVATE WASTEWATER DISPOSAL**

400.035 Public Sewer Not Available. Where a public sewer is not available under the provisions of 400.018, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this division and Minn. Rules Ch. 7080, Individual Sewage Treatment Systems Program, as it may be amended from time to time.

400.036 Permits.

Subd. 1 Required. Prior to commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the City. The application for the 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.

Subd. 2 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 twenty-four (24) hours of the receipt of notice.

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

400.038 Direct Connection Required. At the 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 three hundred sixty-five (365) days in compliance with this section, and within three hundred sixty-five (365) 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.

400.039 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.

400.040 Application of Division. No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Minnesota Department of Health.

#### **DIVISION 4: BUILDING SEWERS AND CONNECTIONS**

400.055 Restrictions on New Connections. Any new connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including but not limited to capacity for flow, BOD<sub>5</sub> and suspended solids, as determined by the Public Works Foreman.

400.056 Building Sewer Permits.

Subd. 1 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.

Subd. 2 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.

Subd. 3 Classes. There shall be two (2) classes of building sewer permits: one (1) for residential and commercial service and one (1) 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.

Subd. 4 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 Public Works Foreman or authorized representative thereof.

400.057 Costs and Expenses. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

400.058 **Separate Building Sewers Required.** A separate and independent building sewer shall be provided for every building, except where one (1) 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 (1) building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any connection.

400.059 **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 Public Works Foreman or his or her representative, to meet all requirements of this section.

400.060 **Conformance to State Building and Plumbing Code Requirements.**

Subd. 1 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.

Subd. 2 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. All connections shall be made gastight and watertight, and 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.

Subd. 3 All nonmetallic piping must have an underground metallic tracing tape or tracing wire installed with it so it can be located as required by state law. A minimum of 1 foot of tape or wire must be available at the foundation wall. This tape or wire must be protected from damage.

An "As Built" drawing shall be submitted using a copy of the original certificate of survey drawn for that property. Locate both the water and sewer lines from the property line to where they enter the building served. If no lot survey is available, a drawn to scale drawing of the lot shall be provided showing the water and sewer line locations.

The City of Pine City reserves the right to withhold a Certificate of Occupancy until this requirement is met.

400.061 **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 the building drain shall be lifted by an approved means and discharged to the building sewer.

400.062 **Surface Runoff or Groundwater Connections Prohibited.** No person shall make connection of roof downspouts, sump pumps, foundation drains, footing tile, areaway drains, swimming pools, or other sources of surface runoff or groundwater to a building sanitary

sewer or indirectly to the municipal wastewater disposal system. In adopting this division, the City Council finds that the discharge of this water has the potential to cause damage to residential property and over-load the permitted capacity for the City's Wastewater Treatment Plant (WWTP). Such damage can cause the backup of sewage into the living quarters of residential homes creating a potential health hazard. It can also cause the City to exceed its permitted WWTP capacity. The City Council, therefore, finds it essential to the maintenance of health, minimization of damage to property and to maintain the life and capacity of the WWTP that the provisions of this subchapter be strictly enforced to avoid and minimize these problems in the future.

Subd 1. Dwellings, including new construction, and other buildings and structures which require, because of the infiltration of water into basements, crawl spaces and the like, a sump pump system to discharge water shall have a permanently installed discharge line which shall not at any time discharge water into the municipal sanitary sewer collection system. A permanent installation shall be one which provides for a year-round discharge or connection to the city subdrain/storm sewer system if available. If there is no subdrain available, the surface discharge point shall be located no closer than four feet from the curb or as approved by the city. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge and, if connected to the city subdrain/storm sewer line, include a check valve.

Subd 2. Inspection. All property owners must allow employees of the City or its agents to inspect all building and structures to confirm compliance with the provisions hereof, or such owner may alternatively furnish a certificate from a licensed plumber certifying that their property is in compliance with this Section in lieu of a City inspection of the same. Any person refusing to allow their property to be inspected, or refusing to provide a plumber's certificate of compliance within fourteen (14) days of the date a City employee or agent is denied admittance to inspect the property, shall be deemed to be in violation of this Section, said violation to constitute a misdemeanor.

Subd. 3. Disconnection. Any property found with a roof, surface, ground, sump pump, footing tile, yard drain, ponds, or swimming pool now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove the same by October 1, 2008. Any disconnects or openings in the sanitary sewer shall be closed or repaired in a manner as approved by the City and inspected for compliance by the City. Any additional properties found after October 1, 2008 shall make the necessary changes to comply with the subchapter and furnish proof of the changes to the city within 120 days from the date the violation was identified.

Subd. 4. Future Inspections. At any future time, if the city has reason to suspect that an illegal connection may exist in a premises, the owner, after written notice, shall allow city representatives to inspect the building.

Subd. 5. Penalty. (A) Whoever shall violate any provision of this chapter for which no specific penalty is provided may be punished as set forth below.

(B) (1) Any person found to be violating any provision of this ordinance, shall be

served by the city with written notice stating the nature of the violation. Corrective measures must be taken within one hundred twenty (120) days of the written notice. 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 subsection (1) of this division shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount at misdemeanor levels. Each day in which any such violation occurs shall be deemed a separate offense.

(3) Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation. The City will also retain any and all civil remedies including but not limited to injunction or abatement actions to remedy a violation.

(C) A surcharge of \$100 per month may be imposed by invoice and/or added to every sewer billing mailed on and after October 1, 2008 to property owners which are not in compliance herein. The surcharge will be levied daily against those properties found not to be in compliance with this ordinance until the property has been certified by the City Engineer or his or her representative that the property is in compliance. The surcharge will be levied against the property owner and/or contractor/builder of a new house on the thirty-first day after notice of the violation has been provided to the owner/contractor/builder. Should an individual who has been notified of noncompliance with, and has corrected that noncompliance, be found that his or her sump pump system is out of compliance with this ordinance a second time will be fined \$100 a day commencing upon the day he or she is found to be in noncompliance.

Subd 6. Hardship Exception. If the cost of complying with Section 400.062 is greater than five percent of the current year's assessed market valuation as established by the Pine County Assessor, the parcel's owner may request exemption from the City Administrator upon providing documentation of the necessary information. The City Council may also defer complying with Section 400.62 for senior citizens, permanently disabled, and disadvantaged residents of the City of Pine City under the following criteria:

- a. Senior citizens. The Council may exempt a property from complying with Section 400.062 if it is owned by a person who is 65 years of age or older when payment of the assessment would create a hardship upon the property owner as defined in subdivision 7.
- b. Permanently disabled citizen. The Council may exempt a property from complying with Section 400.062 if it is owned by a person who:
  1. has been declared permanently totally disabled under any workers' compensation statute; or
  2. has been declared permanently totally disabled under any statute regarding the Social Security Administration.

Provided said individual(s) meet the hardship provisions of subdivision 5 herein and the determination of permanent total disability has been made or affirmed by a governmental agency, judicial officer, or judge.

- c. Disadvantaged citizens. The Council may defer the sump pump separation on homestead property owned by a person who is collecting general assistance welfare benefits, AFDC welfare benefits, or other such welfare payments and who meets the hardship provisions of subdivision 5 herein.

Subd. 7. Standards of Hardship. A hardship shall be deemed prima facie to exist when all of the following apply:

- a. The annual gross income(s) of the owner(s) and all adult occupants of the premises, according to their most recent Federal tax return incomes plus their tax-exempt incomes do not exceed the Federal low-income guidelines. If no such returns were made, the City Administrator shall require the applicant to submit other pertinent information to show that this qualification is met.

400.063 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.

400.064 Licenses.

Subd. 1 Required. No person shall make a service connection to any public sewer unless regularly licensed under this section to perform the work, and no permit shall be granted to any person, except a regularly licensed person.

Subd. 2 Application. Any person/contractor desiring an annual license to make or replace a service connection to any public sewer shall apply in writing to the City on the form provided along with satisfactory evidence that the person/contractor is trained or skilled in the business and qualified to receive a license. The applicant, at a minimum, shall provide a copy of their State of Minnesota Plumbers Bond Certificate. The application shall be reviewed by the Public Works Foreman and/or City Administrator for recommendations to the Council. When approved, an annual license shall be issued by the City for a calendar year upon the filing of a bond.

Subd. 3 Issuance. No license shall be issued to any person until a certificate of liability insurance is submitted to the City, approved by the Council, and is filed with the City Clerk conditioned that the licensee 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 licensee or by those in the licensee's employment for any purpose whatever, and that the licensee will replace and restore the street and alley over that opening 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 Public Works

Foreman, and shall conform in all respects to any rules and regulations of the Council relative thereto, and pay all fines that may be imposed on the licensee by law. The insurance shall provide coverage in accordance with the Minnesota municipal tort liability limits.

Subd. 4 Fee. The annual license fee for making service connections shall be as established by the City. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked by the Council for cause.

Subd. 5 Suspension or Revocation. The Council may suspend or revoke any license issued under this division for any of the following causes:

- A. Giving false information in connection with the application for a license.
- B. Incompetence of the licensee.
- C. Willful violation of any provisions of this section or any rule or regulation pertaining to the making of service connections.

#### **DIVISION 5: USE OF PUBLIC SERVICES**

##### **400.080 Discharges of Unpolluted Water.**

Subd. 1 No person shall discharge or caused to be discharged any water such as stormwater, ground water, roof runoff, surface drainage or non-contact cooling water to any sanitary sewer.

Subd. 2 Stormwater and all other unpolluted drainage shall be discharged to those 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.

##### **400.081 Discharges of Waters or Wastes. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:**

Subd. 1 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.

Subd. 2 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 one-half 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.

Subd. 3 Any wastewater having a pH of less than five (5) or greater than nine and one-half (9.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater disposal system.

Subd. 4 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)).

400.082 Limited Discharges.

Subd. 1 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 Public Works Foreman may set limitations lower than limitations established in the regulations below if, in his or her opinion, the more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability of wastes, the Public Works Foreman will give consideration to 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.

Subd. 2 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 Public Works Foreman, are as follows:

- A. Any wastewater having a temperature greater than one (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.
- B. Any wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) 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

one hundred (100) mg/l, whether emulsified or not.

C. Any quantities of flow, concentrations or both which constitute a "slug," as defined in Subsection 400.001.

D. Any garbage not properly shredded, as defined in Subsection 400.001 of this section. 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.

E. 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.

F. Any wastewater with objectionable color not removed in the treatment process such as, but not limited to dye wastes and vegetable tanning solutions.

G. Non-contact cooling water or unpolluted storm, drainage or ground water.

H. 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 quantities that would cause disruption with the wastewater disposal system.

I. Any radioactive wastes or isotopes of half-life or concentration as may exceed limits established by the Public Works Foreman in compliance with applicable State or Federal regulations.

J. Any waters or wastes containing the following substances to the degree that any material received in the composite wastewater at the wastewater treatment works is detrimental to treatment process, adversely impacts land application, adversely effects receiving waters, or is in violation of standards pursuant to Section 307(b) of the Act (33 USC 1317(b)): 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.

K. 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.

L. Any waters or wastes containing BOD<sub>5</sub> or suspended solids of character and quantity that unusual attention or expense is required to handle the materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of Subsection 400.094.

Subd. 1 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 Subsection 400.082, or which in the judgment of the Public Works Foreman may have a deleterious effect upon the wastewater treatment facilities, processes or equipment, receiving waters or soil, vegetation and ground water, or which otherwise create a hazard to life or constitute a public nuisance, the City may:

- A. Reject the wastes.
- B. 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.
- C. Require control over the quantities and rates of discharge.
- D. Require payment to cover the added costs of handling, treating and disposing of wastes not covered by existing taxes or sewer service charges.

Subd. 2 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.

400.084 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 Subsections 400.081 and 400.082, or contained in the national categorical pretreatment standards or any State requirements.

400.085 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.

400.086 Grease, Oil and Sand Interceptors. Grease, oil and sand interceptors shall be provided when, in the opinion of the Public Works Foreman, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Subsection 400.082, Subd. 2, any flammable wastes as specified in Subsection 400.081, Subd. 1, sand or other harmful ingredients, except that 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 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 Public Works Foreman. Any removal and hauling of the collecting materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm.

400.087 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 necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of wastes. The 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.

400.088 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 section 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 times and in the manner as prescribed by the City. The owner shall bear the expense of all measurements, analyses and reporting required by the City. At those times as deemed necessary, the City reserves the right to take measurements and supplies for analysis by an independent laboratory.

400.089 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 section shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Public Works Foreman.

400.090 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 section. 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 Public Works Foreman for review and approval prior to construction of the facility. Review and approval of the 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 section.

Users shall notify the Public Works Foreman immediately upon having a slug or accidental discharge of substances of wastewater in violation of this section to enable countermeasures to be taken by the Public Works Foreman to minimize damage to the wastewater treatment works. The 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 a discharge are advised of the emergency notification procedure.

400.091 Permitting Substance or Matter to Flow or Pass into Public Sewers. No person having charge of any building or other premises which drains into the public sewer shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within thirty (30) 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 (1) already exists, shall clean out, repair or alter the same, and perform other work as the Public Works Foreman 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 thirty (30) days, the Public Works Foreman may cause the work to be completed at the expense of the owner or representative thereof.

400.092 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 the work to be done as the Public Works Foreman may direct. Each day after thirty (30) days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Public Works Foreman may then cause the work to be done, and recover from the owner or agent the expense thereof by an action in the name of the City.

400.093 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.

400.094 Special Agreement and Arrangement. No statement contained in this division 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 therefore by the industrial concern; provided, that national categorical pretreatment standards and the City's NPDES/SDS permit limitations are not violated.

## **DIVISION 6: USER RATE SCHEDULE FOR CHARGES**

400.110 Charges Generally. Each user of sewer service shall pay the charges applicable to the type of service and in accordance with the provisions set forth in this division.

400.111 Purpose. The purpose of the division 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.

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

Subd. 1 Administration. "Administration" means those fixed costs attributable to administration of the wastewater treatment works such as billing and associated bookkeeping and accounting costs.

Subd. 2 City. "City" means 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.

Subd. 3 Debt Service Charge. "Debt service charge" means a charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct the facilities.

Subd. 4 Incompatible Waste. "Industrial waste" means 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.

Subd. 5 Industrial Users or Industries.

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:

1. Division A, Agriculture, Forestry and Fishing.
2. Division B, Mining.
3. Division D, Manufacturing.
4. Division E, Transportation, Communications, Electric, Gas and Sanitary Sewers.
5. Division I, Services.
6. For the purpose of this definition, "domestic waste" shall be considered to have the following characteristics: BOD<sub>5</sub> - less than two hundred eighty-seven (287) mg/l; suspended solids - less than two hundred eighty-seven (287) mg/l.

B. 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.

Subd. 6 May. "May" means the act referred to is permissive.

Subd. 7 Operation and Maintenance. "Operation and maintenance" means 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."

Subd. 8 Operation and Maintenance Costs. "Operation and maintenance costs" means expenditures for operation and maintenance, including replacement.

Subd. 9 Replacement. "Replacement" means 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 the works were designed and constructed.

Subd. 10 Replacement Costs. "Replacement costs" means expenditures for replacement.

Subd. 11 Sanitary Sewer. "Sanitary sewer" means 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.

Subd. 12 Sewer Service Charge. "Sewer service charge" means 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.

Subd. 13 Sewer Service Fund. "Sewer Service Fund" means 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.

Subd. 14 Shall. "Shall" means the act referred is mandatory.

Subd. 15 Toxic Pollutant. "Toxic pollutant" means 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.

Subd. 16 User Charge. "User charge" means 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.

Subd. 17 Users. "Users" means those residential, commercial, governmental,

institutional and industrial establishments which are connected to the public sewer collection system.

Subd. 18 Wastewater. "Wastewater" means 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.

Subd. 19 Wastewater Treatment Works or Treatment Works. "Wastewater treatment works" means 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 the treatment.

#### 400.113 Establishment of a Sewer Service Charge System.

Subd. 1 The City 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.

Subd. 2 Each user shall pay its proportionate share of operation, maintenance and replacement costs of the treatment works, based on the user's proportionate contribution to the total wastewater loading from all users.

Subd. 3 Each user shall pay debt service charges to retire local capital costs as determined by the City Council.

Subd. 4 Sewer service rates and charges to users of the wastewater treatment facility shall be determined and fixed in a sewer usage charge system developed according to the fee schedule set on an annual basis.

Subd. 5 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.

Subd. 6 Sewer service charges and the sewer service fund will be administrated in accordance with the provisions of Subsection 400.116.

Subd. 7 A connection fee as fixed by the City shall be charged to each user connecting a new service to the sanitary sewer system. The connection fee shall be due and payable at the time of construction when the appropriate permit is pulled.

400.114 Determination of Sewer Service Charges. The sewer service rates and charges to users of the wastewater treatment facility shall be as established by ordinance or resolution prior to the adoption of this code.

400.115 Sewer Service Fund.

Subd. 1 The City hereby establishes the 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. The City also establishes the following accounts as income and expenditure accounts within the Sewer Service Fund:

- A. Operation and Maintenance Account.
- B. Equipment Replacement Account.
- C. Debt Retirement Account.

Subd. 2 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 Clerk separate and apart from all other funds of the City. Funds received by the Sewer Service Fund shall be transferred to the Operation and Maintenance Account, the Equipment Replacement Account and the Debt Retirement Account in accordance with State and Federal regulations and the provisions of this section.

Subd. 3 Revenue generated by the sewer service charge system sufficient to insure adequate replacement throughout the design life or useful life, whichever is longer, of the wastewater facility shall be held separate and apart in the Equipment Replacement Account and dedicated to affecting replacement costs. Interest income generated by the Equipment Replacement Account shall remain in the Equipment Replacement Account.

Subd. 4 Revenue generated by the sewer service charge system sufficient for operation and maintenance shall be held separate and apart in the Operation and Maintenance Account.

400.116 Administration. The sewer service charge system and sewer service fund shall be administrated according to the following provisions:

Subd. 1 The City Treasurer shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works and shall furnish the City Council with a report of those costs annually in December. The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works and whether sufficient revenue is being generated for debt retirement.

The Council will also determine whether the user charges are distributed proportionately to each user in accordance with Subsection 400.113, Subd. 2. The City shall thereafter, but not later than the end of the year, reassess and as necessary revise the sewer service charge system then in use to insure the proportionality of the user charges and to insure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.

Subd. 2 In accordance with Federal and State requirements, each user will be notified annually in conjunction with a regular billing of that portion of the sewer service charge attributable to operation, maintenance and replacement.

Subd. 3 In accordance with Federal and State requirements, the City Clerk shall be responsible for maintaining all records necessary to document compliance with the sewer service charge system adopted.

Subd. 4 Bills for sewer service charges shall be rendered on a monthly basis succeeding the period for which the service was rendered and shall be due twenty-one (21) days from the billing date. Any bill not paid in full twenty-one (21) days after the billing date will be considered delinquent. The City shall notify the delinquent owner/occupant regarding the delinquent bill and subsequent penalty on the next monthly bill (which will denote the delinquent amount as PB-past balance). The late penalty shall be set at the time by the City Council pursuant to the fee schedule. Disconnection of services for late payment shall follow the procedures established in Subsection 400.117.

Subd. 5 The owner of the premises shall be liable to pay for the service to their premises, and the service is furnished to the premises by the City only upon the condition that the owner of the premises is liable therefore to the City.

Subd. 6 Any additional costs caused by discharges to the treatment works of toxics or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs and sludge disposal, shall be borne by the discharger of the wastes, at no expense to the City.

#### 400.117 Disconnection for Late Payment.

Subd. 1 It is the policy of the City to discontinue sewer service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The City's form for application for utility service and all bills shall contain, in addition to the title, address, room number and telephone number of the official in charge of

billing, clearly visible and easily readable provisions to the effect:

- A. That all bills are due and payable on or before the date set forth on the bill.
- B. That if any bill is not paid by or before that date, the next bill will be the shut off notice for the past balance amount. If the past balance (PB) amount is not paid within ten (10) days of the billing date, service will be discontinued for nonpayment.
- C. That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the City official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

Subd. 2 Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least thirty (30) days.

Subd. 3 When it becomes necessary for the City to discontinue sewer service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a reconnection charge as established by the City.

Subd. 4 In the event a user fails to pay his or her sewer fee within a reasonable time following discontinuance of service (a time period not to exceed ninety (90) days), the fee shall be certified by the City Clerk and assessed against the property on which the charges have incurred, and forwarded to the County Auditor for collection.

## **DIVISION 7: POWERS AND AUTHORITY OF INSPECTORS**

400.130 Authorized Employees Permitted to Enter All Properties. The Public Works Foreman or other duly authorized 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 the provisions of this section.

400.131 Authorized Employees Obtaining Information for Industrial Processes. The Public Works Foreman or other duly authorized employees are authorized to obtain information concerning industrial processes which 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.

400.132 Authorized Employees to Observe Safety Rules. While performing necessary work on private properties, the Public Works Foreman or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the property owner shall be held harmless for injury or death to the City employees and the City shall indemnify the property owner 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 may be caused by negligence or failure of the company to maintain safe conditions as required in Subsection 400.087.

400.133 Authorized Employees Permitted to Enter All Property with Easements. The Public Works Foreman or 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.

## **SECTION 405: WATER**

405.01 General Operation. The City does hereby make provision for the establishment of a municipal water system, hereinafter called the water system, to be operated as a public utility.

405.02 Use of Water Service. No person other than a City employee shall uncover or make or use any water service installation connected to the City water system, except in the manner provided by this section. No person shall make or use any installation contrary to the regulatory provisions of this section.

405.03 Use to Circumvent Section Prohibited. No person shall permit water from the water system to be used for any purpose to circumvent this section.

405.04 Tampering With or Damage to the Water System.

Subd. 1 No person shall tamper with or attempt to open or close an existing curb box. (Exception) A contractor providing a current Minnesota Plumbing Bond Certificate is allowed to make connection to an existing curb box, and open the valve to check for leaks. The valve shall be closed after the test and inspected by City staff.

Subd. 2 No unauthorized person shall remove or damage any structure, appurtenance or part of the water system or fill or partially fill any excavation or move any gate valve used in the water system.

Subd. 3 No person shall make any connection of an electrical welder to the City water main, appurtenance or service or use an electric welder for the purpose of thawing frozen water mains, appurtenances or services.

405.05 Connections Beyond City Boundaries. Where water mains of the City are in any street or alley adjacent to or outside the corporate limits of the City, the City Council may issue permits to the owners or occupants of properties adjacent or accessible to the water main to make proper water service pipe connections with the water mains of the City and to be supplied with water in conformity with the applicable provisions of this section and subject to any contract for the supply of water between the City and any other City.

405.06 Connection to System Required; Use of Private Wells.

Subd. 1 Except where municipal water is not available, it shall be unlawful to construct, reconstruct or repair any private water system which is designed or intended to provide water for human consumption. Private wells, 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.

Subd. 2 All new homes or buildings shall connect to the municipal water system if water is available to the property. At the time as municipal water becomes available to existing homes or buildings, a direct connection shall be made to the public system within a period of time as determined by the City Council. If the connection is not made pursuant to this section, a charge shall be made in an amount established by Subsection 405.52.

Subd. 3 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.

Subd. 4. If the well is not to be used after the time a municipal water connection is made:

- A. The well pump and tank shall be disconnected from all internal piping.
- B. The casing shall be filled with sandy soil from the bottom to a point eight (8) feet from the top.
- C. The remaining eight (8) feet shall be filled with concrete to the floor level and the well casing cut off as close to the floor level as possible.

- D. Within thirty (30) days after the municipal water connection is made, the owner or occupant must advise the City Public Works Foreman that the well has been sealed.
- E. Notwithstanding the foregoing, all well abandonment shall be done in accordance with Minn. Stat. § 1031.301 to 1031.345 and Minn. Rules Ch. 4725, Wells and Borings, as they may be amended from time to time.

#### 405.07 Use of Water For Air Conditioning; Permits.

Subd. 1 All air conditioning systems which are connected directly or indirectly with the public water system must be equipped with water conserving and water regulating devices as approved by the City Engineer or City Public Works Foreman.

Subd. 2 Permits shall be required for the installation of all air conditioning systems to the public water system. The fee shall be established pursuant to Subsection 405.51.

#### 405.08 Use of Water From Fire Hydrants; Temporary Connections.

- A. A permit to use a fire hydrant shall be issued for each individual job or contract and for a minimum of thirty (30) days and for the additional thirty (30) day period as the City shall determine. The permit shall state the location of the hydrant and shall be for the use of that hydrant and none other.
- B. The user shall make an advance cash deposit to guarantee payment for water used and to cover breakage and damage to the hydrant and meter, which shall be refunded upon expiration of the permit, less applicable charges for use.
- C. The user shall relinquish the use of the hydrant to authorized City employees in emergency situations.
- D. The user shall pay a rental charge as established pursuant to Subsection 405.51 for each day including Sundays and legal holidays, and a fee as established by the City for each one thousand (1,000) gallons of water used.

Subd. 2 Temporary Connection to Fire Hydrants. An owner of a private water system may make a temporary above ground connection to a fire hydrant, subject to the time periods, conditions and payment specified in Subsection 405.51. In addition, the method of connection to the private system shall conform to all existing requirements of this section and City ordinance and the type of meter used shall meet the approval of the Public Works Foreman.

405.09 Water Deficiency, Shut Off and Use Restrictions. The City shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections or from any other cause whatsoever. In case of fire, or alarm of fire, or in making repairs or construction of new works, water may be shut off without notice at any time and kept off as long as necessary. In addition, the City Council shall have the right to impose reasonable restrictions on the use of the City water system in emergency situations. For non-payment of charges, water service may be discontinued according to the procedures established in Subsection 405.72.

**DIVISION 2: WATER REGULATIONS**

405.25 Supply from One (1) Service. No more than one (1) housing unit or building shall be supplied from one service connection, except by permission of City Council. Each unit served shall have a separate water meter.

405.26 Tapping of Mains Restricted. No person, except persons authorized by the City Council, shall tap any distributing main or pipe of the water supply system or insert stopcocks or ferrules therein.

405.27 Repairs.

Subd. 1 Determination of Need for Repairs. Based on the information supplied by the property owner or available to the City, the City will make a determination whether a problem exists in that portion of the service which is the City's responsibility. If the problem appears to exist in the areas for which the City has no responsibility, the private owners will be responsible for correction of the problem.

Whenever private owners are responsible to correct a water service problem, such as when it becomes broken, out of order, or detrimental to the use of the public water services, the owner shall repair or cause the work to be done as the Public Works Foreman may direct. Each day after thirty (30) days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Public Works Foreman may then cause the work to be done, and recover from the owner or agent the expense thereof by an action in the name of the City.

Subd. 2 Thawing of Water Services. The City will attempt to thaw water services on request of the resident. If the problem is found within that portion of the service for which the private owner is responsible, the private owner thereafter will be responsible for thawing the service and correction of the problem.

Subd. 3 Excavation or Repair of Water Service.

A. The City will arrange for the investigative digging up and repair of any water service where the problem apparently exists within that area for which the City has

responsibility.

- B. If it is not clearly evident, however, that the problem is the responsibility of the property owners or the City, the City will proceed with investigative digging to determine who is responsible. If the problem is not the responsibility of the City, the excavation and repair will not be made until the property owner requests the City in writing to excavate or repair the service and agrees to pay the cost.
- C. The owner further agrees to waive public hearing and be special assessed the cost of the excavation and repair if the problem is found to be other than the City's responsibility. The City will make the determination for responsibility of the cost of investigation and/or repair.
- D. The matter of whether the dig up is done by City forces or contracted would depend on the urgency or need of repair and the availability of City forces to do the work. Recovery by the City for faulty construction will depend upon the circumstances and the decision of the City Attorney on the likelihood of recovery.
- E. If it is clearly evident that the problem is not the responsibility of the City, the excavation and repair shall be the responsibility of the property owner. The owner shall contact the City in advance of having the repair work done so staff is available to shut the water supply off and also be available to inspect the condition of the curb stop and to inspect the new connection.

Subd. 4 Failure to Repair. In case of failure upon the part of any consumer or owner to repair any leak occurring in his or her service pipe within twenty-four (24) hours after verbal or written notice thereof, the water may be turned off by the City and shall not be turned on until the leak has been repaired and a fee pursuant to Subsection 405.51 has been paid to the City.

#### 405.28 Abandoned or Unused Services.

Subd. 1 If the premises served by water have been abandoned, or if the service has not been used for one (1) year, then the service shall be shut off at the curb stop box by the City and the water meter will be removed.

Subd. 2 When new buildings are erected on the site of old ones, and it is desired to increase or change the old water service, no connections with the mains shall be made until all the old service has been removed and the main taps plugged or yoked connections installed by the City at the owner's expense.

405.29 Disconnection Permit. A permit must be obtained to disconnect from the existing water service leads at the curb stop box. The fee for the permit shall be set pursuant to Subsection 405.51.

405.30 Service Pipes. Every service pipe shall be laid so as to allow at least one foot of extra length in order to prevent rupture by settlement. The service pipe must be placed no

less than seven (7) feet below the ground and in a manner as to prevent rupture by freezing. Service pipes must extend from the curb stop box to the inside of the building, or if not taken into the building, then to the hydrant or fixtures which it is intended to supply. Type K copper tubing shall be used up to and including two (2) inch services. All underground joints are to be mechanical, except joints under floors shall be silver soldered, unless otherwise approved by the Public Works Foreman. Joints of copper tubing shall be kept, to a minimum, with not more than one (1) joint used for service for each seventy (70) feet in length. Splicing may be approved with three (3) piece unions only. All joints and connections shall be left uncovered until inspected by the Public Works Foreman and tested at normal water line pressure. Unions must be three (3) part type. All services over two (2) inches shall be cast iron. Connections with the mains for domestic supply shall be at least three-quarter inch up to the curb stop box.

#### 405.31 Excavation and Construction Requirements.

Subd. 1 No excavation shall be made until a permit for the connection has been issued by the City.

Subd. 2 No water service pipe or water connection shall be installed in the same trench or closer than ten (10) feet horizontally to a sewer trench or drain laid, or to be laid, either in the street or in private property, except that the water pipe on private property may be in a common trench with a sewer drain which is of a material that is in conformance with the current Minnesota Plumbing Code, Minn. Rules Ch. 4715, as it may be amended from time to time.

Subd. 3 Where it is desired to lay the water service pipe and the building sewer pipe in the same trench, or in separate trenches less than ten (10) feet apart, the water service pipe shall be above the sewer pipe unless approved by the City Engineer. It shall be placed at least one (1) foot above the sewer and on a solid shelf excavated at one side of the trench. The sewer pipe shall be of a material that is in conformance with the Minnesota Plumbing Code with tested watertight joints. The water service pipe shall be watertight and corrosion resistant. Copper pipe and cast iron water pipe with specially protected joints is acceptable for this construction. Cast iron pipe shall conform to the American Water Works Association specifications for this pipe. Bell joint clamps with rubber gaskets are provisionally acceptable as extra protection for the joints on cast iron water pipe. In all cases, precautions shall be taken to assure a firm foundation for the pipes. The intervening space between the pipes shall be backfilled with compacted earth.

Subd. 4 In case the installation is on a surfaced street, the following shall apply. All backfill materials shall be mechanically compacted in twelve (12) inch layers to the density of the adjacent material in the roadway area and to the existing street grades in accordance with the Minnesota Department of Transportation Standards. Complete surface restoration shall be made.

405.32 Connection to Other Water Supplies Restricted. No water pipe of the water system shall be connected with any pump, well, tank or piping that is connected with any other source of water supply, except to service municipal systems.

### 405.33 Water Connections; Applications and Charges.

#### Subd. 1 Connection Applications.

- A. All applications for service installations and for water service shall be made to the City Clerk. All applications for service installations and water service shall be made by the owner or agent of the property to be served and shall state the size and location of service connection required. The applicant shall, at the time of making application, pay to the City the amount of fees as established by the City or deposit required for the installation of the service connection, as hereinafter provided. Applications for services larger than one (1) inch shall be accompanied by two (2) sets of plans or sketches indicating preferred location of service pipe and size of service based on building demand.
- B. The size of the water service connections and meter shall be subject to approval of the City Engineer.
- C. Water billing shall start at the time of installation of the water meter, or in the event the meter is not installed, seven (7) days after completion of outside piping, and shall be calculated upon the minimum quarterly rate, prorated on a semi-monthly basis.

#### Subd. 2 Connection Charges.

- A. A permit must be obtained to connect to the existing water service leads at the curb stop box. The fee for the permit shall be set pursuant to Subsection 405.51. The City shall install or have installed all service connections from the water main to the curb stop box including the stop box. Payment for service connections must be made before the work is started and should be based upon one and one-half (1.5) times the estimate of costs provided by the City Engineer. Any excess deposit shall be returned to the applicant.
- B. Additional charges shall be paid at the time of making application for tapping and making connections with the water main to where a curb stop box and service lead is not previously installed. The charge shall include the tapping of the water main, corporation cocks, the installation of a service line, the installation of a curb stop box, cost of restoring disturbed areas and all other costs related to the installation.
- C. There shall be a connection charge pursuant to Subsection 405.51 levied by the City to contribute to the payment of the costs of the public water system facilities. The City Council shall set by resolution the charges to be made for non-residential installations.
- D. When water services have been stopped because of a violation of this section, the City shall collect the fee established pursuant to Subsection 405.51 before service is recommenced.

- E. If a person desires to connect to the system and service a parcel that has not been assessed for the cost of water main and lateral construction, then before a permit is granted, the City shall collect an amount from the applicant that is established pursuant to Subsection 405.51.

405.34 Location of Curb Stop Box. Curb stop boxes will be installed on the right-of-way line or easement limits at a location as determined by the City Engineer to be best suitable to the property and shall be left in a vertical position when backfilling is completed. Curb stop boxes will be installed at an approximate depth of seven (7) feet below the finished ground elevation and the top of the curb stop box shall be adjusted to be flush with the finished ground elevation. Curb stop boxes must be firmly supported by a masonry block. No person shall erect any fence or plant any tree or other landscaping that would obstruct the use of the curb stop box, or cause damage to the same.

405.35 Water Meters.

Subd. 1 Generally. Except for extinguishment of fires, no person, unless otherwise authorized by the City Council or Public Utilities Department, shall use water from the water system or permit water to be drawn there from unless the same be metered by passing through a meter supplied or approved by the City. No person not authorized by the City Council or Public Works Foreman shall connect, disconnect, take apart or in any manner change or cause to be changed or interfere with any meter or the action thereof, or break any meter or valve seal.

- A. A charge established pursuant to Subsection 405.51 shall be paid by customers to the City for water meters including installations and check valves and payment for same shall be made at the time of water service application. This payment shall be made only once, subject to the following.
- B. Where a consumer has need for a larger line in addition to his or her domestic line, as in the case of a commercial consumer who needs a one (1) inch line for normal use and a six (6) inch or larger line for a fire sprinkler system, he or she will be permitted to run one (1) line into the premises and “Y” off into two (2) lines at the building. When this is done, the meter will be attached to the small or domestic line and a check valve as well as one (1) inch detection meter shall be put on the large line.
- C. The City shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them if necessary. When replacement, repair or adjustment of any meter is rendered by the act, neglect, including damage from freezing or hot water backup, or carelessness of the owner or occupant of the premises, any expense caused the City thereby shall be charged against and collected from the water consumer.
- D. A consumer may, by written request, have his or her meter tested by depositing the amount established pursuant to Subsection 405.51. In case a test should show an

error of over five percent (5%) of the water consumed, a correctly registering meter will be installed, and the bill will be adjusted accordingly and the testing deposit refunded. This adjustment shall not extend back more than one (1) billing period from the date of the written request.

- E. All water meters and remote readers shall be and remain the property of the City.
- F. Authorized City employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the water system for reading of meters and inspections.
- G. It shall be the responsibility of the consumer to notify the City to request a final reading at the time of the customer's billing change.

Subd. 2 Water Meter Setting. All water meters hereafter installed shall be in accordance with the Minnesota Plumbing Code and any standards established by resolution of the City Council.

405.50 Water Charges. Water service charges will be based upon the size of the meter installed to establish a monthly service charge and a per gallon usage charge for all gallons used per month.

405.51 Rates, Fees, and Charges Generally. The City Council shall establish a schedule of all water rates, fees, and charges for permits or services.

405.52. Water Service Billing; Change of Address. All bills and notices shall be mailed or delivered to the address where service is provided. If non-resident owners or agents desire personal notice sent to a different address, they shall note that on the water service application. Any change or error in address shall be promptly reported to the City Clerk.

405.53 Water Rates.

Subd. 1 The rate due and payable by each user within the City for water taken from the water system shall be established pursuant to Subsection 405.51.

Subd. 2 In case the meter is found to have stopped, or to be operating in a faulty manner, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the year.

Subd. 3 Rates due and payable by each water user located beyond the territorial boundaries of the City shall be determined by special contract.

Subd. 4 The minimum rates established pursuant to Subsection 405.51 shall begin to accrue after connection of the service pipe with the curb stop box.

Subd. 5 A meter shall be installed on the water valve in the house and a remote register may be installed outside regardless of whether inside piping is connected.

Subd. 6 In the event a water customer elects to discontinue the use of the municipal water, the regular or minimum charge shall continue until the date as service is disconnected at the curb box.

405.54 Payment of Charges; Late Payment; Collection.

Subd. 1 Any prepayment or overpayment of charges may be retained by the City and applied on subsequent monthly charges.

Subd. 2 If a monthly charge is not paid when due, then a penalty as established by the City Council from time to time in its fee schedule shall be added thereto.

Subd. 3 In the event a user fails to pay his or her water user fee within a reasonable time following discontinuance of service (a time period not to exceed ninety (90) days), the fee shall be certified by the City Clerk and assessed against the property on which the charges have incurred, and forwarded to the County Auditor for collection.

**DIVISION 4: ADMINISTRATION AND ENFORCEMENT**

405.70 Supervision by Public Works Foreman; Licensing.

Subd. 1 All piping connections from the curb stop box to house supply piping shall be made under the supervision of a licensed plumber subject to inspection by the Public Works Foreman. The piping connection made to the curb stop box on the house side shall be inspected by the Public Works Foreman. The water meter installation shall be inspected, tested and the meter sealed by the Public Works Foreman.

Subd. 2 No person, firm or corporation shall engage in the business of altering, repairing, installing or constructing municipal water connections within the City without first obtaining a license to carry on the occupation from the City. A master plumber licensed by the State under the provisions of Minn. Stat. § 326.40, as it may be amended from time to time, is exempt from the provisions of this section.

- A. The applicant shall file with the City Clerk evidence of public liability insurance, including products liability insurance with limits of at least fifty thousand dollars (\$50,000) per person and one-hundred thousand dollars (\$100,000) per occurrence and property damage insurance with limits of at least ten thousand dollars (\$10,000). Evidence of insurance required pursuant to Minn. Stat. § 326.40, Subd. 2, as it may be amended from time to time, shall satisfy this requirement.
- B. The applicant shall file with the City Clerk a surety bond guaranteeing the conformance and compliance of work with this section. The bond shall be in the amount of two thousand dollars (\$2,000). The City shall hold the bond for one (1) year following the license period. Failure to comply with provisions and

requirements of this section shall result in forfeiture of the bond. The applicant may comply with the requirements of Minn. Stat. § 326.40, Subd. 2, as it may be amended from time to time in lieu of these requirements.

- C. Applications for licenses shall be filed with the City Clerk and shall be reviewed and subject to approval of the City.
- D. Any installation, construction, alteration of a water connection by a license in violation of any provision of this section or refusal on the part of a licensee to correct the defective work shall be cause for revocation of or refusal to renew a license. This license may be revoked or refused for renewal by the City at any time for cause which shall be documented in writing.

Subd. 3 All licenses required in this section shall be renewable annually. Applications for licenses shall be made annually on a form furnished by the City Clerk. Licenses shall be in effect from January 1 to December 31 of the same year. The license fee shall be established pursuant to Subsection 405.51.

Subd. 4 Before any license issued under the provisions of this section may be revoked or its renewal refused, the licensee shall be given a hearing by the City Council to show cause why the license should not be revoked or refused. Notice of the time, place and purpose of the hearing shall be in writing.

405.71 Powers and Authority of Inspectors. The Public Works Foreman and other duly authorized employees of the City, upon proper identification, shall be permitted to enter upon all properties for the purpose of inspections, observation and testing in accordance with the provisions of this section.

405.72 Discontinuance of Service.

Subd. 1 Generally. Water service may be shut off at any connection whenever:

- A. The owner or occupant of the premises served or any person working on any pipes or equipment thereon which are connected with the water system has violated, or threatens to violate, any of the provisions of this section.
- B. Any charge for water, service, meter or any other financial obligations imposed on the present or former owner or occupant served is unpaid.
- C. Fraud or misrepresentation by the owner or occupant of the premises serviced in connection with an application for service.

Subd. 2 Disconnection for late payment.

- A. It is the policy of the City to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The City's form for application for utility service and all bills shall

contain, in addition to the title, address, room number and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

1. That all bills are due and payable on or before the date set forth on the bill.
2. That if any bill is not paid by or before that date, the next bill will be the shut off notice for the past balance amount. If the past balance (PB) amount is not paid within ten (10) days of the billing date, service will be discontinued for nonpayment.
3. That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the City official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

B. Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least twenty-one (21) days.

C. When it becomes necessary for the City to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge as established by City Council resolution.

Subd. 3 Cold Weather Rule. Pursuant to Minn. Stat. § 216B.097, as it may be amended from time to time, no service of a residential customer shall be disconnected if the disconnection affects the primary heat source for the residential unit when the disconnection would occur during the period between October 15 and April 15, the customer has declared inability to pay on forms provided by the City, the household income of the customer is less than one hundred eight-five percent (185%) of the Federal poverty level as documented by the customer to the City, and the customer's account is current for the billing period immediately prior to October 15 or the customer has entered into a payment schedule and is reasonably current with payments under the schedule. The City Clerk shall, between August 15 and October 15, of each year, notify all residential customers of these provisions.

405.73 Authorized Employees to Turn Water On and Off. No person, except an authorized City employee, shall turn on or off any water supply at the curb stop box.

405.74 Liability for Expense, Loss or Damage. Any person violating any of the provisions of this section shall become liable to the City for any expense, loss or damage occasioned

by the City by reason of the violation.

## SECTION 410: SOLID WASTE

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

Subd.1 Garbage. "Garbage" means discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

Subd.2 Rubbish. "Rubbish" means nonputrescible solid wastes, including ashes, consisting of combustible and noncombustible wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery, plastics, electrical appliances or litter of any kind.

Subd.3 Industrial Solid Wastes. "Industrial solid wastes" means all solid wastes generated from an industrial or manufacturing process and solid waste generated from non-manufacturing activities such as service and commercial establishments. "Industrial waste" does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris or household refuse.

Subd.4 Mixed Municipal Solid Waste. "Mixed municipal solid waste" means garbage, rubbish and other solid waste from residential, commercial, industrial and community activities that the generator of the wastes aggregates for collection, but does not include auto hulks, street sweepings, ash, construction debris, mining wastes, sludges, tree and agricultural wastes, yard wastes, tires, lead-acid batteries, used oil, household appliances, mattresses, hazardous wastes and other material collected, processed and disposed of as separate waste streams.

410.02 Disposal Requirements.

Subd. 1 Storage. No person shall allow the storage for more than fourteen (14) calendar days of mixed municipal solid waste on premises owned or occupied by that person unless the premises is a licensed sanitary landfill. In the case of rental property, it shall be the responsibility of the property owner to provide for the removal of mixed municipal solid waste in accordance with this section, and any charge to the renter shall be included in the basic rental charge.

Subd. 2 Container Required. All mixed municipal solid waste shall be stored in containers which shall be watertight and shall have tight-fitting lids. The containers shall be maintained in a clean and sanitary manner. Any mixed municipal solid waste which by its size or bulk cannot be stored in a container shall be secured to the ground in a manner to prevent the scattering of the mixed municipal solid waste by animals or wind.

Subd. 3 Location of Container. The above mentioned containers shall be kept at or near the back door of the building using the same, at the rear of the property, or in an

enclosed area or areas. Containers shall not be allowed to sit at the curb for more than twelve (12) hours prior to collection by a licensed collector and shall be removed from the curb within twelve (12) hours after collection.

Subd. 4 Deposit of Refuse. No person shall deposit or allow the deposit of construction debris or mixed municipal solid waste from any source in any place other than a sanitary landfill, demolition landfill or other county-designated area. The discarding of these materials and/or recyclable materials on any street, alley, drive, park, playground or other public place or on any vacant lot shall constitute a violation of this section whether it is discarded by the individual upon whose premises the material originates or by some other person or collector, licensed or unlicensed.

Subd. 5 Regular Removal. All persons shall make provision for collection of mixed municipal solid waste by means of a licensed collector unless the conditions, as stated in Subsection 410.06, exemptions from license requirements are met.

410.03 Private Composting. The private composting of yard wastes and putrescible food wastes is permitted if the following conditions are met:

Subd. 1 Screening. The compost pile shall be screened from view of the public right-of-way and adjacent properties.

Subd. 2 Scattering. The compost pile shall be managed so as to prevent the scattering of yard wastes or other material.

Subd. 3 Odor, Harboring of Animals and the Like. The compost pile shall be managed in a manner to prevent odor, harborage of animals and the stockpiling of material which does not readily decompose within a calendar year including, but not limited to refuse, fibrous materials and prunings.

Subd. 4 Food Wastes. Only the yard waste and putrescible food wastes which are produced on the premises can be composted on that premises.

410.04 License Requirements.

Subd. 1 License Required. Within the City of Pine City, no one shall engage for hire in collection of mixed municipal solid waste, including garbage, rubbish, industrial solid waste and refuse without first securing a license from the City. No person shall permit the collection by an unlicensed collector of any mixed municipal solid waste, except as permitted under Subsection 410.06.

Subd. 2 Number of Licenses. The actual number of licenses issued at any one (1) time shall be determined by the City.

Subd. 3 Application Content. Any person desiring a license under this section shall make application for the license to the City Administrator upon a form prescribed by the City.

Subd. 4 Duration. No license issued hereunder shall be for a period longer than one (1) year. All licenses shall expire on December 31, unless sooner revoked or forfeited, and unless renewed. If a license granted hereunder is not renewed previous to its expiration, then all rights granted by the license shall cease and any work performed after the expiration of the license shall be in violation of this section.

Subd. 5 Public Liability Insurance Required. An applicant must obtain all of the insurance required by this section and any other insurance as required by local, State or Federal law. All costs and expenses are the responsibility of the applicant. All insurance coverage is subject to the approval of the City and shall be maintained by the licensee during the term of the license. No work under this license shall be commenced until the requirements of this section have been satisfied:

A. Before any license may be granted, the applicant shall deposit with the City Administrator proof of the public liability and property damage insurance required by this section.

B. The public liability and property damage insurance policies shall remain and be in force and effect during the entire term of the license and shall contain a provision that the shall not be canceled without ten (10) days written notice to the City. Before the license shall be issued, the licensee shall agree to hold the City harmless and shall agree to defend and indemnify the City, and the City's employees and agents, for any claims, damages, losses and expenses related to the work under the license. The City shall be named as an additional insured under the insurance. The licensee's contract of insurance shall be the primary insurance for the City and the licensee or insurance company shall provide a certificate of insurance which verifies the existence of the insurance required, including provisions to hold the City harmless and defend and indemnify the City. The insurance shall provide coverage up to five-hundred thousand (\$500,000) for any single claim and one million-five hundred thousand dollars (\$1,500,000) for any number of claims in a single occurrence.

Subd. 6 Performance Bond Required. No license shall be issued until the a licensee files with the City Administrator a performance bond, with a surety approved by the City, in the penal amount of twenty-five thousand dollars (\$25,000), the bond to be conditioned upon the faithful performance on the part of the licensee of any duties and obligations required by this section or described in his or her application for license.

Subd. 7 Fee. Before any license may be issued, the applicant shall pay to the Administrator a license fee in the amount set by the City.

Subd. 8 Rate Changes during the Term of a License. During the initial one (1) year term and any continuation of a license by renewal, rates for services may be increased from those stated in the successful original application only upon approval of the Council. Increases will generally be approved only upon significant increase in tipping fees and/or fuel prices.

Subd. 9 Revocation of License. The Council may revoke the license of any person licensed under this section whose conduct is found to be in violation of the provisions of this section, or whose work hereunder, or vehicle or vehicles used in connection therewith, is found to be or defective or so unsafe as to jeopardize life or property. The person holding the license shall be given ten (10) days notice, in writing, of the complaint and shall be granted the opportunity to be heard before the action is taken. Notice hereunder shall be deemed sufficient if it is sent to the address of the licensee as shown on the most recent application for license hereunder.

#### 410.05 Duties and Obligations of Licensed Collectors.

Subd. 1 License Display. When a license is issued, the City shall furnish to the licensee for a charge of three dollars (\$3) a license for each vehicle to be used by the licensee within the City, which license shall be affixed to each the vehicle in a conspicuous place.

Subd. 2 Volume-Based Rates. Each licensed residential hauler shall provide at least the following rate categories for collection from residential units:

- A. Up to thirty-five (35) gallons.
- B. Up to seventy (70) gallons.
- C. Additional rate categories may also be set by the collector.

Subd. 3 Collection Trucks. Each licensed collector shall provide a covered vehicle, so constructed that the contents will not leak or spill there from, in which all material collected shall be conveyed to the places designated in the application. All vehicles will be kept clean and as free from offensive odors as possible, and shall not be allowed to stand in any street, alley or public place longer than as reasonably necessary to collect material.

Subd. 4 Collection Hours. Customers shall be seasonably notified of the specific day and hours for the collection of their mixed municipal solid waste and/or recyclable material and the licensee shall collect the materials within those time periods. No collection may occur outside of the hours of 5:00 a.m. to 9:00 p.m.

#### 410.06 Exemption from License Requirements.

Subd. 1 The following persons are exempt firm the license requirements of this section:

- A. Persons who haul mixed municipal solid waste, construction debris or recyclables from their own residences or business.
- B. Persons who haul mixed municipal solid waste, construction debris or recyclables from residences or business properties of others on a gratis basis.

C. Building contractors who haul construction debris from their own job sites.

Subd. 2 Persons exempted from the license requirements remain, subject to the following:

- A. Mixed municipal solid waste, construction debris and recyclable materials must be hauled in a manner that prevents leakage or any possible loss of cargo.
- B. Mixed municipal solid waste and construction debris may be dumped or unloaded only at designated landfills, demolition landfills or other facilities authorized by the Minnesota Pollution Control Agency.
- C. Recyclable materials may be dumped or unloaded only at a recycling facility, an organized recycling drive or through licensed collectors.
- D. Yard waste may be privately composted or dumped or unloaded only at a composting facility authorized by the City or County or through a licensed collector.

410.07 Severability. In the event that a court of competent jurisdiction adjudges any part of this section to be invalid, the judgment shall not affect any other provision of this section not specifically included within the judgment.

410.08 Effects of Violation. Violation of any of the terms of this section by any person constitutes a misdemeanor offense.

410.09 Effective Date. This section shall be in full force and effect from July 1, 2000, on, conditioned on its passage and publication according to law.