

CHAPTER 9. UTILITIES

Section 900 – General

900.01 Definitions. As used in this Chapter, the following terms shall have the definition given:

Subd. 1 Approving Authority. “Approving Authority” shall mean the City Council, or its duly authorized board, agent or representative.

Subd. 2 Back Flow Device. “Back Flow Device” shall mean a device designed to restrict water flow into the water system.

Subd. 3 Base Charge. Those charges required by the City to financially support the costs of maintaining water and sewer service facilities. (*Amended by Ord. 234, 01-09-2012*)

Subd. 4 BOD (Biochemical Oxygen Demand). “BOD (Biochemical Oxygen Demand)” shall mean the quantity of oxygen expressed in parts per million by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions if five (5) days at 20 degrees Celsius. The laboratory determinations shall be made in accordance with procedures set forth in “Standard Methods”.

Subd. 5 Building Drain. “Building Drain” shall mean that part of the lowest horizontal point of a drainage system which receives waste from inside the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Subd. 6 Building Sewer. “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal, (also called a house connection).

Subd. 7 COD (Chemical Oxygen Demand). “COD (Chemical Oxygen Demand)” shall mean the oxygen equivalent of that portion of the organic and inorganic matter in a sample of wastewater, expressed in parts per million by weight, that can be oxidized by a strong chemical oxidizing agent. The laboratory determinations shall be made in accordance with procedures set forth in “Standard Methods”.

Subd. 8 Collection System. “Collection System” shall mean the system of sewers and apparatuses for the collection, transportation and pumping of domestic wastewater and industrial wastes.

Subd. 9 Combined Sewer. “Combined Sewer” shall mean a sewer intended to receive both wastewater and storm or surface water.

Subd. 10 Compatible Pollutant. “Compatible Pollutant” shall mean biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the City NPDES permit, if the City treatment works is capable of removing such pollutants, and in fact does remove such pollutants to a substantial degree. Examples of such additional pollution may include, but shall not be limited to the following: Chemical Oxygen Demand, total organic carbon, phosphorus, phosphorus compounds, nitrogen, and/or nitrogen compounds.

Subd. 11 Connection. “Connection” shall mean each connection to the collection system.

Subd. 12 Construction Cost. “Construction Cost” shall mean the total cost incurred in the construction of sewerage works, which shall consist of but not limited to the sums spent for the following purposes:

- A. Actual sums paid for construction of wastewater treatment facilities and for land acquisition.
- B. Actual engineering fees paid for preliminary engineering studies, plans and specifications, services during construction, staking, operation and maintenance manuals and initial operator training.
- C. Actual sums paid for soils investigations, wastewater sampling, and materials testing required for such construction.
- D. Actual fees and wages paid for legal, administrative and fiscal services required by construction of wastewater treatment facilities.
- E. Actual interest paid on the total amount financed by debt obligation for construction of wastewater treatment facilities.

Subd. 13 Corporation. “Corporation” shall mean a device designed to connect a water service sized 2” or smaller to a water main.

Subd. 14 Curb Box. “Curb Box” shall mean a device designed to provide access to a curb stop.

Subd. 15 Curb Stop. “Curb Stop” shall mean a device designed to control the flow of water within a service line from a water main.

Subd. 16 Debt Service Charge. “Debt Service Charge” shall mean the total charge levied on users for purposes of paying construction cost (principal and associated interest) of obligations incurred to finance acquisition and/or construction of sewerage works.

Subd. 17 Domestic Wastewater. “Domestic Wastewater” shall mean water-borne wastes normally discharged into the sanitary conveniences of dwellings (including apartment houses and hotel), office buildings, factories, and institutions, free of storm and surface water, and industrial wastes.

Subd. 18 Floatable Oil. “Floatable Oil” shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pre-treatment facility. A wastewater shall be considered free of floatable fat if it is properly pre-treated and the wastewater shall not interfere with the collection system.

Subd. 19 Incompatible Pollutant. “Incompatible Pollutant” shall mean any pollutant which is not a compatible pollutant.

Subd. 20 Industrial Wastes. “Industrial Wastes” as distinct from domestic or sanitary wastes, shall mean the wastewater from industrial processes, trade, or business.

Subd. 21 Infiltration. “Infiltration” shall mean the water entering the sanitary sewer system and service connections from the ground, through such means as, but shall not be limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration shall not include, and shall be distinguished from, inflow, except when used to determine total water quantity from Infiltration/Inflow as defined in Subd. 21.

Subd. 22 Infiltration/Inflow. “Infiltration/Inflow” shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.

Subd. 23 Inflow. “Inflow” shall mean the water discharged into the sanitary sewer system from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections to storm sewers, catch basins, storm waters, surface run-off, street wash waters, or drainage. Inflow shall not include, and shall be distinguished from infiltration, except when used to determine total water quantity from Infiltration/Inflow as defined in Subd. 21.

Subd. 24 Major Contributing Industry. “Major Contributing Industry” shall mean an industrial user of the City treatment works that:

- A. has an equivalent wastewater flow of 25,000 gallons or more per average work day;
- B. has a wastewater flow greater than 5% of the flow or load carried by the City system receiving the wastewater;
- C. has in its wastewater a toxic pollutant in toxic amounts as defined in standards issued under Section 307 (a) of PL-92-500; or
- D. is found by the permit issuance authority, in connection with the issuance of an NPDES Permit to the City treatment works receiving the wastewater, to have significant impact, either singly or in combination with other contributing industries on the City treatment works or up on the quality of effluent from the City treatment works.

Subd. 25 Meter. “Meter” shall mean a device that records gallons of water used.

Subd. 26 Natural Outlet. “Natural Outlet” shall mean any storm sewer or surface water which overflows into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Subd. 27 Normal Strength Domestic Wastewater. “Normal Strength Domestic Wastewater” shall mean normal strength wastewater from the City in which the average concentration of suspended material and five (5) day BOD shall be established at not greater than 200 parts per million by weight suspended materials and 200 parts per million by weight BOD. The COD of normal domestic wastewater shall not exceed 350 parts per million. Such wastewater shall not include infiltration and/or inflow, and it shall be composed of domestic wastewater.

Subd. 28 NPDES Permit. “NPDES Permit” shall mean the National Pollutant Discharge Elimination System Permit held by the City. This permit, which establishes limits on quality and quantity of discharges from the City treatment works, was issued by the State and Federal governments in accordance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251, et, seq.; the “Act,” Sec. 402 & 405).

Subd. 29 Operation and Maintenance Cost. “Operation and Maintenance Cost” shall mean annual expenditures made by the City in the operation and maintenance of its sewage works, consisting of but not limited to the sums spent for each of the following purposes:

- A. Wages and salaries of operating, maintenance, administrative, and supervisory personnel, together with all premiums paid on such wages and salaries (State of Minnesota Worker's Compensation Coverage, for example);
- B. Actual sums paid for electricity for light and power used for wastewater collection and treatment facilities;
- C. Actual sums paid for chemicals, fuel and other operating supplies;
- D. Actual sums paid for repairs to and maintenance of wastewater collection and treatment facilities and the equipment associated therewith;
- E. Actual sums paid as premiums for hazard insurance carried on sewage works;
- F. Actual sums paid as premiums for insurance providing coverage against liability imposed by law for the injury to persons and/or property (including death) of any person or persons resulting from the use and maintenance of the sewerage works;
- G. Actual sums paid for replacement of equipment with the useful life of the wastewater treatment facilities, for example the cost to replace an electric motor or pump that fails, or a broken part in a pump; and
- H. Actual sums set aside in a sinking fund established to provide a future capital amount for replacement of sewerage works equipment.

Subd. 30 Parts Per Million. "Parts Per Million" shall mean a weight-to-weight ratio; the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water. Parts per million and milligrams per liter (mg/l) shall be synonymous terms.

Subd. 31 pH. "pH" shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example has a pH value of 7 and a hydrogen ion concentration of 0.000,000,1 gram/liter, or 10⁻⁷ grams per liter.

Subd. 32 Properly Shredded Garbage. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch (1.27 centimeters) in any dimension.

Subd. 33 Public Sewer. "Public Sewer" shall mean a common sewer controlled by a governmental agency or public utility.

Subd. 34 Replacement. "Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or apparatuses which are necessary during the service life of the sewerage works to maintain the capacity and performance for which the facilities were designed and constructed.

Subd. 35 Sanitary Sewer. "Sanitary Sewer" shall mean a sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters (infiltration/inflow) that are not admitted intentionally.

Subd. 36 Sewage. "Sewage" shall mean the spent water of a community. The preferred term shall be "wastewater".

Subd. 37 Sewer. “Sewer” shall mean a pipe or conduit that carries wastewater or drainage water.

Subd. 38 Sewer Service Charge. “Sewer Service Charge” shall mean the total charge levied on users for sewer service and shall be equal to the sum of “user charge” and “debt service charge”.

Subd. 39 Sewerage Works. “Sewerage Works” shall mean all facilities for collecting, pumping, treating and disposing of wastewater and industrial wastes.

Subd. 40 Slug. “Slug” shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

Subd. 41 Standards Method. “Standards Method” shall mean the examination and analytical procedures set forth in the latest edition at the time of the analysis of “Standard Methods for the Examination of Water and Wastewater” as prepared, approved and published jointly by the American Public Health Association, the Water Pollution Control Federation, and the American Water Works Association. Such “standard methods” shall also conform to Federal Register Reprint 40 CFR 136, “Guidelines Establishing Test Procedures for Analysis of Pollutants” (Oct. 16, 1973).

Subd. 42 Storm Drain. “Storm Drain” (sometimes termed “storm sewer”) shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Subd. 43 Storm Water Runoff. “Storm Water Runoff” shall mean that portion of the rainfall that it drained into the storm sewer or storm drains.

Subd. 44 Sump Pump. “Sump Pump” shall mean a pump for disposing of storm drainage.

Subd. 45 Superintendent. “Superintendent” shall mean the superintendent of wastewater facilities of the City, or his or her authorized deputy, agent, or representative.

Subd. 46 Suspended Solids. “Suspended Solids” or “Total Suspended Solids” or “TSS” shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” and referred to as nonfilterable residue.

Subd. 47 Unit. “Unit” shall mean a measurement of water equal to 1,000 gallons.

Subd. 48 User. “User” shall mean any person who discharges, causes, or permits the discharge of wastewater into the City’s sanitary sewer system.

Subd. 49 User Charge. “User Charge” shall mean a charge levied on users to recover the cost of operation, maintenance, and replacement of sewerage works, pursuant to Section 204(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.).

Subd. 50 User Class. “User Class” shall mean the division of users by wastewater characteristic or discharge similarities (example: residential, commercial, industrial, institutional and governmental).

- A. “Commercial User” shall mean any establishment listed in the office of Management and Budget “Standard Industrial Classification Manual” (1972 edition) involved in a commercial enterprise, business or service which, based on a determination by the City, discharges primarily segregated domestic wastewater or wastewater from sanitary conveniences.
- B. “Governmental User” shall mean any Federal, State, or local government user of the wastewater treatment facilities.
- C. “Industrial User” shall mean any non-governmental user of the publicly owned treatment facilities identified in the 1972 Standard Industrial Classification Manual (SICM) Office of Management and Budget as amended and supplemented under the following division:

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

An industrial user shall also be defined as a user who discharges to the City sanitary sewer system any liquid wastes resulting from the processes employed in industry for manufacturing, or in the development of any natural resource.

- D. “Institutional User” shall mean any establishment listed in the “SICM” involved in a social, charitable, religious, or education function which, based on a determination by the City, discharges primarily segregated domestic wastewater from sanitary conveniences.
- E. “Residential User” shall mean a user of the treatment facilities whose premises or building shall be used primarily as a residence for one or more persons, including dwelling units such as detached, semi-detached, and row houses, mobile homes, garden and standard apartments or permanent multi-family dwellings. (Transit lodging, considered commercial in nature, shall not be included.).

Subd. 51 Unpolluted Water. “Unpolluted Water” shall mean 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 provided.

Subd. 52 Wastewater. “Wastewater” shall mean the spent water of a community. 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 groundwater, surface water, and storm water that may be present.

Subd. 53 Wastewater Facilities. “Wastewater Facilities” shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

Subd. 54 Wastewater Treatment Facilities. “Wastewater Treatment Facilities” shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “water pollution control plant”.

Subd. 55 Water Main. “Water Main” shall mean a pipe, or system of pipes and fittings, designed and used to distribute water to the water service of any customer.

Subd. 56 Watercourses. “Watercourses” shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

Section 910 – Sewers

910.01 Use of Public Sewers Required.

Subd. 1 Unlawful Deposits. 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 jurisdiction, any human or animal excrement, garbage or objectionable waste.

Subd. 2 Natural Outlet Discharge. It shall be unlawful to discharge to any natural outlet within the City, or in any area under City jurisdiction, any wastewater, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Code.

Subd. 3 Privies. Except as 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.

Subd. 4 Connection Required. The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on that part of 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 hereby required at the owner(s) expense to install a suitable service connection to the public sewer in accordance with the provisions of this Code, within ninety (90) days after date of official notice to do so.

Subd. 5 Abatement. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Subd. 4 of this Code, the City may undertake to have the connection made and shall assess the cost thereof against the benefited property. The assessment shall be a lien against the 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 of local improvements. The rights of the City shall be in addition to any remedial or enforcement provisions of this Code.

910.02 Private Wastewater Disposal.

Subd. 1 Sewer Service Unavailable. Where a public sanitary sewer is not available under the provisions of this Code, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of the City’s on-site sewer requirements.

Subd. 2 Owner Liability. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City.

Subd. 3 Relation to Other Law. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the City or the State of Minnesota.

Subd. 4 Conversion to Public Sewer. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within ninety (90) days in compliance with this Code, and within one hundred twenty (120) 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. All costs of conversion shall be the responsibility of the property owner and shall be assessable against the property.

910.03 Building Sewers and Connections.

Subd. 1 Permit Required. No unauthorized person(s) 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 Approving Authority.

Subd. 2 Costs. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). A connection charge as set in the fee schedule adopted by the Council from time to time shall be due at the time of connection.

Subd. 3 Indemnification. The owner(s) shall defend, indemnify, and hold the City harmless from or for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Subd. 4 Separate Connections. A separate and independent building sewer shall be provided for every building; unless written permission for an alternative shall be obtained from the City. The City shall not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

Subd. 5 Old Sewers. Old building sewers may be used in connection with new buildings only when they shall be found, on examination and test by the Approving Authority, to meet all requirements of this Code.

Subd. 6 Construction Standards. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City.

Subd. 7 Elevation. 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 wastewater carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

Subd. 8 Prohibited Connections. Unless temporarily authorized by the Council to prevent perceived safety hazards, no person shall make any connection of roof downspouts, foundation drains, sump pumps, or other sources of surface runoff or groundwater to a building sewer or

building drain which in turn shall be connected directly or indirectly to a public sanitary sewer. Any temporary connection authorized by the Council shall be disconnected by the date specified in the authorization received from the City. If the temporary connection is not disconnected by the date specified in the authorization received from the City, the City may arrange to have the connection severed and the costs of the billed to the property owner. If the property owner fails to pay, the charges for disconnection may be assessed to the property.

Subd. 9 Applicable Codes. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. All such connections shall be made gas-tight and water-tight and verified by proper testing. Any deviation from the prescribed procedures and materials shall be approved by the Approving Authority before installation.

Subd. 10 Inspections. The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connecting and testing shall be made under the supervision of the Approving Authority.

Subd. 11 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 Approving Authority.

910.04 Use of the Public Sewers.

Subd. 1 Unpolluted Waters. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer. Stormwater runoff from limited areas, which may be polluted at times, may be discharged into the sanitary sewer by permission of the Approving Authority. Storm water other than that exempted, and all other unpolluted drainage shall be discharged to such sewers as shall be specifically designated storm sewer or to a natural outlet approved by the Approving Authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Approving Authority and in accordance with the provisions of the State and Federal regulations, to a storm sewer, or natural outlet.

Subd. 2 Prohibited Discharges. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- B. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, result in a violation of State or Federal water quantity standards, or create any hazard in the wastewater treatment plant or the receiving waters.
- C. Any waters or wastes having a pH lower than 5.5 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structure, equipment, and personnel of the wastewater facilities. Exceptions may be granted (by the Approving

Authority) for short duration flows where it has been, or can be shown that high or low pH would not cause any significant wastewater facilities problems.

- D. Solid or viscous substances in quantities or of such size capable of causing obstruction, to the flow in sewer, or other interference with the proper operations of the wastewater facilities such as, but shall not be limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk container, etc. either whole or after passage through garbage grinders.
- E. Any wastewater or matter that would directly or indirectly result in a violation of the City's NPDES Permit.

Subd. 3 Restricted Discharges. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which shall not violate design criteria or harm either the sewers, wastewater treatment process or equipment, shall not have an adverse effect on the receiving stream, or shall not otherwise endanger lives, limb, public property, or constitute a nuisance. The Approving Authority may set limitations lower than the limitations established in the regulations below if in its opinion such more severe limitations shall be necessary to meet the above objectives. In forming the opinion as to the acceptable level, the Approving Authority shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree treatable of the waste in the wastewater treatment plant, and other pertinent factors. The limitations of restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Approving Authority shall be as follows:

- A. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius);
- B. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin;
- C. Wastewater from industrial plants containing floatable oil, fat, or grease, in excess of concentrations permitted by the Approving Authority;
- D. Any garbage that has not been properly shredded. Garbage grinder 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 in kitchens for the purpose of consumption on the premises, or consumption elsewhere when served by caterers;
- E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Approving Authority for such materials;
- F. Any water or wastes containing odor-producing substances exceeding limits which may be established by the Approving Authority;
- G. Any radioactive materials of such half-life or concentration as may exceed limits established by the Approving Authority, or applicable State and Federal regulations;
- H. Quantities of flow, concentrations, or both which constitute a "slug";
- I. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, from suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

Subd. 4 Special Requirements. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subd. 3, and which in the judgment of the Approving Authority may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Approving Authority may:

- A. Reject the wastes;
- B. Require pre-treatment to an acceptable condition for discharge to the public sewer, pursuant to Section 307(b) of the Clean Water Act as amended 33 U.S.C. 1251, et. Seq.;
- C. Require control over the quantities and rates of discharge, and/or;
- D. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or service charges.

If the Approving Authority permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Approving Authority and costs shall be borne at the user's expense.

Subd. 5 Interceptors. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Approving Authority, they shall be necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters of dwelling units. All interceptors shall be of a type and capacity approved by the Approving Authority, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by the appropriate means of the captured material and shall maintain records of the dates, and means of disposal which shall be subject to review by the Approving Authority. Any removal and hauling of the collected materials not performed by owner(s) personally shall be performed by currently licensed waste disposal firms.

Subd. 6 Pretreatment. Where pre-treatment of flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his or her expense.

Subd. 7 Observation Facilities. When required by the Approving Authority, the owner(s) of any property serviced by a building sewer carrying industrial or domestic wastewater shall install a suitable structure together with the necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Approving Authority. The structure shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

Subd. 8 Measurements and Tests. An industrial user may, at the discretion of the City, be required to provide laboratory measurements, tests, or analysis of waters or wastes to illustrate compliance with this Code 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 analysis to be performed by the owner shall be as stipulated by the City. The industry shall supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with Federal, State, and local standards shall be met. The owner shall report

the results of measurements and laboratory analysis to the City at such times and in such manner as prescribed by the City. The owner shall bear the expense of all measurements, analysis, and reporting required by the City. At such times as deemed necessary, the City reserves the right to take measurements and samples for analysis by an independent laboratory.

Subd. 9 Test Standards. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Code 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, locating, times, durations and frequencies shall be determined on an individual basis subject to approval by the Approving Authority.

Subd. 10 Capacity. New connections to the sanitary sewer system shall be prohibited unless sufficient capacity shall be available in all downstream facilities, which shall include, but shall not be limited to, capacity for flow, BOD, and suspended solids.

Subd. 11 Unauthorized Access. No person, unless authorized shall uncover, make any connection with or opening into, use, alter, or disturb any sanitary or storm sewer within the City or any part of the City wastewater facilities.

Subd. 12 Construction Standards. No sanitary or storm sewers shall be constructed in the City (except house or building service sewers) except by the City or by others in accordance with plans and specifications approved by a professional engineer. No such sewers shall be constructed or considered to be part of the public sewer system unless accepted by the City.

Subd. 13 Size and Slope. The size, slope, alignment, material of construction, methods to be used in excavation placing of pipe, jointing, testing, backfilling, and other work connected with the constructing of sewer shall conform to the requirements of the City.

Subd. 14 Special Agreements. No statement contained in this Section 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, when such City treatment can be provided in compliance with the requirements of the NPDES permit and subject to payment therefore by the industrial concern and providing that national categorical pre-treatment standards shall not be violated.

910.05 Protection from Damage. No person(s) shall maliciously, willfully, or negligently enter, break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this Provision shall be subject to immediate arrest under charge of disorderly conduct.

910.06 Powers and Authority of Inspectors.

Subd. 1 Entry. Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to any public sewer or natural outlet in accordance with the provisions of this Code.

Subd. 2 Industries. Sampling pertaining to industry shall reflect the number of days an industry is not operating as well as the days in operation and discharging waste to a public sewer.

Subd. 3 Industrial Information. The Approving Authority or other duly authorized employees shall be authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry shall establish that the revelation to the public of the information in question might result in an advantage to competitors.

Subd. 4 Safety Rules. While performing the necessary work on private properties referred to in Paragraph A of this Subsection, duly authorized employees of the City shall observe safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees, and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury, or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this Code.

Subd. 5 Easements. 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 shall not be limited to, inspection, observation, measurements, 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.

910.07 Penalties.

Subd. 1 Notice. Any person found to be violating any provision of this Code except Subsection 910.05, "Protection from Damage," shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender, shall within the period of time stated in the notice, permanently cease all violations.

Subd. 2 Misdemeanor. Any person who shall continue any violation beyond the time limit provided for in the notice shall be guilty of a misdemeanor. Each day in which any such violation shall continue shall be deemed a separate offense.

Subd. 3 Liability. Any person violating any of the provisions of this Code shall become liable to the City for any expense, loss, or damage occasioned the City by reason of the violation. Any Industrial User who has an agreement with the City, as required by the MPCA, who exceeds the agreed upon discharge limit or in any other way makes an unlawful discharge causing disruption or resulting in any damage to the City, its wastewater treatment system or the Plant shall be responsible and shall indemnify the city for:

- A. Any fine or assessment levied against the City by the MPCA, or any other regulatory or governmental agency.

- B. Any and all costs or damages incurred by the city, including but not limited to, engineering fees, attorney's fees, administrative time, labor, materials or equipment charges occasioned by the discharge. *(Amended by Ord. 132, 11-22-1999)*

910.08 Sewer Service Charges.

Subd. 1 Volume. The billable volume of normal strength domestic waste shall be calculated as described in Subsection 930 "Residential & Commercial Sewer and Water Rates." This service charge shall include a user charge component (to meet all costs associated with operation, maintenance, and replacement of the wastewater collection and treatment facilities) and a debt retirement component (to meet facility construction costs).

Subd. 2 City Costs. As an equitable share of the expenses incurred by the City in the construction, administration, operation, maintenance, and replacement of the sewerage works, each user shall pay to the City a quarterly amount based upon the following formula:

$$A=V(F) + Q$$

Where: A = Service charge to user, with units of \$/quarter

V = Average City unit cost of wastewater collection and treatment, with units of \$/1,000 gallons of normal strength domestic wastewater

F = Volume of wastewater from user with units of 1,000 gallons per quarter (according to the method set forth in part A of this section)

Q = Quarterly administrative cost

Subd. 3 Average City Unit Cost. Average City unit costs shall be computed annually, and shall include a user charge rate attributed to operation and maintenance and replacement costs and a debt service charge rebate attributed to the retirement of debt costs for construction. Costs shall be distributed in the manner demonstrated in the "Sewer Service Charge Outline," for Norwood Young America, dated 1986.

Initial unit cost figures for the service charge shall be established by City Council resolution. Computations supporting unit cost figures (f, b, and ss) and service charges shall be revised annually. All users discharging normal strength domestic wastewater shall be billed a fixed rate per 1,000 gallons of metered water used.

Industrial users that discharge above the normal strength domestic wastewater shall be billed quarterly based upon the volume of wastewater, the pounds of BOD, and the pounds of suspended solids discharged. Quarterly bills shall be computed as follows:

$$\text{Service charge} = f (\text{Quarterly flow}) + b (\text{lb BOD/quarter}) + Q$$

Where: f = Average City unit cost of wastewater treatment chargeable to flow, with units of \$/1,000 gallons

b = Average City unit cost of wastewater treatment chargeable to BOD, with units of \$/lb of BOD

ss = Average City unit cost of wastewater treatment chargeable to suspended solids, with units of \$/lb suspended solids

Q = Quarterly administrative cost

Each user of the City sewer system that does not have a metered source of water shall install an accurate water or wastewater flow metering device (at user's expense) that shall serve as a basis for estimating the volume of wastewater discharged, and determining the sewer service charge.

All users of City water that is not discharged to the City sanitary sewer system may install a separate water system and meter (one only in the same building as the main meter) to isolate and meter non-sewered water for which no sewer charge shall be required. If at any time after this independent system is installed, water from this system enters the sanitary sewer system, the user shall be subject to the penalties of this Code and shall be ordered to eliminate the independent system if this violation is continued.

Subd. 4 Annual Review. To insure the required financial surveillance, the City Administrator shall annually review the cash flows, associated with providing wastewater treatment services for the City, and shall report the findings to the City Council at the regular April meeting of each year. Any inequities and/or shortages of revenue caused by unforeseen changes in the cost revenue pattern of the wastewater treatment facilities shall be remedied immediately by a City Council resolution adjusting the unit cost figures. Adjusted unit figures shall be computed in accordance with the principals of this Subdivision.

Subd. 5 Billing. Wastewater service charges provided for in this Code shall be included as a separate item on the regular bill for water. Charges shall be paid at the same time that the water charges of the person become due. The City shall annually notify all users what portion of the service charge shall be necessary to meet the operation, maintenance and replacement costs (user charge).

910.09 Sewer Service Fund.

Subd. 1 Fund Established. The City shall maintain a "Sewer Service Fund" as an income fund to receive all revenues generated by the Sewer Service Charge System, and all other income dedicated to the operation, maintenance, replacement and construction of the wastewater treatment works, including taxes, special charges, fees, and assessments intended to retire construction debt.

Subd. 2 Special Reserve Funds. The City also continues the following accounts as income and expenditure accounts within the sewer service fund:

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

Subd. 3 Revenues. All revenues generated by the sewer service charge system, and all other income pertinent to the treatment system including taxes and special assessments dedicated to reject construction debt, shall be held by the Administrator 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 Reserve" the "Equipment Replacement Reserve" and the "Debt Retirement Reserve" in accordance with State and Federal regulations and the provisions of this Code.

Subd. 4 Equipment Replacement Reserve. Revenue generated by the sewer service charge system sufficient to insure adequate replacement throughout the design or the useful life, whichever shall be longer, of the wastewater facility, shall be held separate and apart in the “Equipment Replacement Reserve” and dedicated to affecting replacement costs. Interest income generated by the “Equipment Replacement Reserve” and dedicated to affecting replacement costs. Interest income generated by the “Equipment Replacement Reserve” shall remain in the “Equipment Replacement Reserve.”

Subd. 5 Operation Maintenance Account. Revenue generated by the sewer service charge system sufficient for operation and maintenance shall be held separate and apart in the “Operation and Maintenance Reserve.”

Section 920 – General Water Regulations

920.01 General. The City Council shall have the control and management of the public water supply system of the City. The Council shall appoint a water superintendent whose duty shall be the administration of these regulations.

920.02 Water Superintendent. The water superintendent shall have charge of all pumping stations, pumping machinery, water storage facilities, tools and equipment, and shall operate the water system in the manner directed by the Council.

920.03 Meter Records. The water superintendent shall keep an accurate record of each meter in use. Meters shall be read monthly by the city water department or public works director and reported to the City Clerk for billing purposes on forms supplied by the City. (*Amended by Ord. 217, 11-23-2009*)

920.04 Inspection by Fire Department. The chief of the fire department shall have the right to inspect the mains, gates, hydrants and taps of the water system. He or she shall insure that all gates and hydrants shall be restored to proper condition after use by the fire department, and shall report immediately to the Council all breaks, defective hydrants and taps.

920.05 Master Plumber. The uncovering or making of any connection with, or opening into any main of the City water supply system, or the laying, installing construction, removal or repair of any water service line connecting with the system shall be performed only under the direct supervision of a master plumber licensed by the State of Minnesota, or by a city employee authorized by the City Council.

920.06 Bonds. No person, firm or corporation shall engage in the business of installing, constructing, and repairing connections with the City water supply system, or the laying, installing, construction, removal or repair of any water service line within the City without procuring and posting with the City Administrator a bond in the amount of five thousand (\$5,000.00) dollars in favor of the City and the public, conditioned upon the faithful performance of contracts and compliance with these regulations. The person shall also file with the City Administrator a certificate of insurance or copies of public liability and property damage insurance policies containing a provision that they shall not be canceled without ten (10) days written notice to the City Administrator, showing coverage of not less than fifty thousand (\$50,000.00) dollars for injuries, including accidental death to any one person and subject to the same limit for each person in an amount not less than one hundred thousand (\$100,000.00) dollars on account of any one accident, and property damage insurance in the amount of not less than twenty five thousand (\$25,000.00) dollars.

920.07 Permit Required.

Subd. 1 Application for Connection. No person, firm or corporation shall connect with the water supply system without first obtaining a permit therefore from the City. Application for a permit to connect to the City water supply system shall be made on forms furnished by the City, and shall state the legal description and official street number, if any, of the premises to be supplied, the nature of the improvement on the premises, and the purpose for which water is to be used, size of service line, time of connection to curb stop or water main, and the name and address of the plumber employed to do the work. The application shall be signed by the owner or his or her duly authorized agent. By such application, each applicant shall be bound by all provisions of these regulations and amendments thereto. Permits shall be valid for a period of six (6) months from date of issue.

Subd. 2 Application for Service. After service connections have been installed, application for water service may be made by the owner, his or her duly authorized agent, a tenant or occupant of the premises. The applicant shall pay to the City the fees and deposits as may be required.

Subd. 3 Application Fee. The application fee shall be as set in the fee schedule adopted from time to time by the Council.

920.08 Connection to Main.

Subd. 1 Tapping of Main. The tapping of any water main shall be done only under the direct supervision of the water superintendent, and only persons authorized by the City shall tap any main or insert stop cocks or ferrules therein.

Subd. 2 Turn on Service. Water service from water mains shall be turned on or off, as the case may be, only by the water superintendent, or such other persons as may be so authorized by written permit from the City Administrator.

Subd. 3 Minimum Size of Connection. The minimum size of connection to be employed in tapping a main shall be three quarter of one inch. The minimum size of service lines from the main to the structure served shall be three quarters of one inch.

Subd. 4 Costs of Tapping. All costs incurred in tapping a main, including cost of materials, excavation and backfilling, shall be paid by the applicant for service.

Subd. 5 Water Metering. Except for extinguishing of fires, no person except authorized City personnel shall use water from the water supply system or permit water to be drawn therefrom, unless the same shall be metered by meters furnished from the City. Water meters shall be purchased from the City as the time of making of each application for permit to connect to the water supply system.

Subd. 6 One Service Supply. No more than one (1) dwelling or building shall be supplied from one service connection except by special permission of the City Council.

Subd. 7 Placement of Service Lines. All service lines shall be installed in such manner as to prevent rupture by settlement, and shall be placed no less than seven (7) feet below the surface of

the ground and so installed as to prevent rupture by freezing. All service lines shall extend to the inside of the hydrant or other fixture which it is intended to supply. A shut-off or other stop cock with waste valve, of a size and strength specified by the water superintendent shall be replaced near the inside wall of the structure served and shall be well protected from freezing.

Subd. 8 Size of Service. The minimum size water service shall be one inch type “K” copper water tube. All service lines up to and including two (2) inch service shall be of this type. Joints in copper tubing shall be kept at a minimum with no more than one (1) joint used for a service up to seventy (70) feet in length. All joints shall be left uncovered until inspected. All service lines over two (2) inches shall be case iron.

Subd. 9 Installation of Meters. All meters shall be so installed as to be protected from freezing and shall be accessible for reading and inspection.

Subd. 10 Excavations. All excavations within street right-of-way shall be backfilled and compacted to 95% of proctor density.

Subd. 11 Inspection. The water superintendent shall be permitted at all times to inspect and supervise all work in connection with the installation of all service lines. Any refusal to permit the inspection or supervision or any interference with the water superintendent in the performance of his or her duties shall be cause for cancellation of the permit to connect with the water system.

Subd. 12 Replacement of Old Service. When new structures are erected on the site of old structures and a change in the water service is desired by the owner thereof, no new connection with the main shall be permitted until the entire old service shall be made inoperative either by removing or capping.

920.09 Line Material. The line from the water main to the meter shall be copper on all new construction or replacement. Any line larger than 2” shall be ductile material.

920.10 Responsibility.

Subd. 1 City. The City shall maintain ownership of the water main, the corporation, the curb box and the curb stop. *(Amended by Ord. 129, 9-27-1999)*

Subd. 2 Property Owner. Property owners shall bear responsibility for their water system beginning at the water line after it leaves the curb box and ending with their home water pipes, including the cost of installation, maintenance, repair, replacement or abandonment, except that:

- A. Installation of the meter shall be performed by the City. The cost of the meter and any costs associated with its installation shall be the responsibility of the property owner.
- B. The replacement or repair of a defective meter shall be performed by the City at its expense. The repair or replacement of a damaged meter shall be performed by the City.
- C. Repair, replacement or abandonment of a water service by a property owner shall be performed by a contractor hired or approved by the City. The cost shall be borne by the property owner.
- D. The City shall at all times have the right to inspect, repair or otherwise service the meter, pipes and equipment.

In case of failure on the part of any consumer or owner to repair any leak occurring in the service line within twenty-four (24) hours after oral or written notice has been given the individual, the water shall be shut-off. A fee as set in the fee schedule from time to time adopted by the Council shall be charged for turning on the water service after repairs have been made.

(Amended by Ord. 129, 9-27-1999)

920.11 Discontinuance of Service for Non-payment of Assessment. Water service shall be shut off at the stop box connection when it is determined that any core facility charge payable, or the cost of constructing mains and laterals attributable to the premises served as established by assessment proceedings or pursuant to the provisions of Section 650, has not been paid or is not in the process of being paid in regular installments with the real estate taxes levied against the premises.

920.12 Deficiency of Water and Shutting Off Water. The City shall not be liable for any deficiency or failure in the supply of water to consumer from any cause whatever. In case of fire, or alarm of fire, water may be shut off to insure a supply for fire fighting.

920.13 Use of Fire Hydrants. No person other than an employee of the City in the course of his or her employment, or as a member of the Fire Department in performance of department operations, shall operate fire hydrants.

920.14 Use Confined to Premises. No consumer shall permit water from the City water supply system to be used for any purpose except upon his or her own premises.

920.15 Restricted Hours for Sprinkling. Whenever it shall be determined that a shortage of water supply threatens the City, the City Administrator and/or the Public Utilities Director may limit the times and hours during which water may be used from the City water supply system for lawn and garden sprinkling, irrigation, car washing, air conditioning or other uses specified therein. Any water customer who shall cause or permit water to be used in violation of the provisions of the ordinance shall be charged a penalty as set in the fee schedule adopted from time to time by the Council for each day of the violation, which charge shall be added to his or her next water bill. Continued violation shall be hereby prohibited and shall be cause for discontinuance of water service. *(Amended by Ord. 141, 7-23-2001)*

920.16 Access to Premises. The owner or occupant of premises served by the water supply system shall give the water superintendent access to the premises at a reasonable time for the purpose of making inspections in connection with the enforcement of these regulations.

Section 930 – Residential and Commercial Sewer and Water Rates

930.01 Sewer Charges. Sewer charges shall be as set in the fee schedule adopted by the Council. The sewer charges for residential and commercial users shall be calculated from the volume of metered water used. The per month billable flow shall be based on the average of the winter quarter (January, February, March) actual water used. *(Amended by Ord. 217, 11-23-2009)*

930.02 Water Charges. Water charges shall be as set in the fee schedule adopted from time to time by the Council.

930.03 Base Charges. Water and Sewer Base Charges, as set in the fee schedule adopted from time to time by the Council, shall be billed to all users with sewer and/or water connections, whether or not consumption occurs, except for those users who have had their service lines disconnected at the curb-stop. *(Amended by Ord. 234, 01-09-2012)*

930.04 Responsible Party. The owner(s) of any premises shall be solely responsible for the payment of any water or sewer usage or service charge, whether or not the water or sewer, usage or service have been used by the owner(s) or by tenants.

930.05 Payment Dates. Owners shall be billed monthly on or about the 15th day of the month. The amounts duly billed shall be payable on or before the last day in the month of billing or such amounts shall become delinquent. *(Amended by Ord. 217, 11-23-2009)*

930.06 Late Payment Penalty. If any water or sewer usage or service charge is not paid on or before the last day in the month of billing, such charges shall become delinquent and the City Clerk shall attach a late payment penalty as set in the fee schedule adopted by the Council. *(Amend by Ord. 145, 11/13/2001)*

930.07 Lien for Unpaid Bills. Any unpaid and delinquent water/sewer charges may be recovered from the owner of the premises billed therefore in a civil action by the City in any court of competent jurisdiction or, in the discretion of the City Council, may be certified with an interest rate of eight percent (8%), to the County Auditor as taxes against any such property to be collected and paid over to the City along with other taxes.

Either or both of such methods of collection thereof may be pursued by the City until payment in full has been made, and the initiation of one such method of collection shall not be deemed to be an election preventing the City from thereafter using the other method of collection until paid in full.

Payment of delinquent water/sewer charges shall be credited to the same fund used for current water/sewer charges, deducting therefrom any costs of collection accruing to the City therefore.
(Amended by Ord. 142, 8-28-2001)

930.08 Discontinuance of Service. Water service to the premises may be shut off at any stop box connection whenever:

- A. Any charge for water, sewer, service, meter, or any other financial obligations imposed on the present or former owner or occupant of the premises served is unpaid; or
- B. Fraud or misrepresentation by the owner or occupant in connection with an application for service; or
- C. Failure of the occupant and/or owner to notify the City Clerk's office of all pertinent information necessary for the accurate and timely preparation of utility bills may result in discontinuance of service pursuant to this chapter. *(Amended by Ord. 142, 8-28-2001)*

Subd. 1 Disconnection Charges. Disconnection charges, seasonal sprinkler or non-seasonal, shall be as set in the fee schedule adopted by the City Council. *(Amended by Ord. 214, 6-23-2009)*

930.09 Water Service Reinstated. In the event water service is turned off, the service shall not be reinstated by the City until:

- A. The unpaid bill plus interest, any applicable penalty, and a reconnect charge as set in the fee schedule adopted by the Council, are tendered in advance to the City Clerk.
- B. All pertinent billing and service information is complete and accurate on service application.
(Amended by Ord. 142, 8-28-2001)

Subd. 1 Water service reconnection charges. Water service reconnection charges, seasonal sprinkler or non-seasonal, shall be as set in the fee schedule adopted by the City Council.
(Amended by Ord. 214, 6-23-2009)

Section 940 – Surface Water Management

940.01 Purpose. This Section shall be designated for the purpose of managing surface water runoff so that there shall be no adverse impact on water quality. Pursuant to Minnesota Statutes 103b.245 provisions of this Section shall also be applicable for obligations incurred by the Joint Powers Agreement establishing the Watershed Commission for Bevens Creek and the Crow Wing Watershed District.

940.02 Authority for Storm Water Drainage Utility District. For the purpose of providing funds to defray the cost of maintenance and operation of the storm water drainage system, the costs of construction, maintenance and operation of storm pipe, holding ponds, drainage ways and creeks, payment of capital charges represented by bonds, certificates of indebtedness, or otherwise, and the payment of reasonable requirements for replacement and obsolescence thereof, there shall be hereby levied and assessed upon each lot, parcel of land, building or premises, presently or hereafter having any connection directly or indirectly with the storm water drainage system of the City, a monthly storm water utility charge as provided in this Chapter.

940.03 Authority to Impose a Storm Water Drainage Connection Charge. In addition to charges for storm water drainage utility charges pursuant to Subsection 940.02, the storm water utility connection charge shall be required of each individual or entity requesting or receiving a connection to the storm water drainage system shall be deemed to have occurred whenever, in the opinion of the City, a use is made of any parcel of property, which increases the discharge of storm water from the parcel.

940.04 Operation and Enforcement of Storm Water Drainage. The municipal storm water drainage system shall be operated as a public utility pursuant to Minnesota Statutes Section 444.075 et. Seq. and this Chapter. The storm drainage utility shall be a part of the City public works department and under the administration of the public works superintendent or his or her designee as set forth in this Chapter. All revenues shall be derived subject to the provisions of this Chapter and Minnesota Statutes.

940.05 Collection of Fees. Storm water drainage utility charges and connection charges shall be determined by ordinance of the City Council upon advice of the City Engineer. Storm water utility charges shall be collected in conjunction with other City utility charges. Storm water utility connection charges shall be payable with building permits. All fees shall be just and equitable and in accordance with Minnesota Statutes Section 444.075 et. Seq. (Amended by Ord. 217, 11-23-2009)

940.06 Exemptions. The following land users shall be exempt from storm water drainage fees:

- A. Public Right-Of-Ways; and
- B. Vacant unimproved land with ground cover.

940.07 Revenues. All revenues derived from those storm water drainage utilities charges and connection charges adopted by City Council ordinance shall be credited to the storm water drainage utility funds. *(Amended by Ord. 217, 11-23-2009)*

940.08 Enforcement for Collection of Fees. Any unpaid or delinquent storm water utility connection charges may be recovered from the occupant or owner of the premises billed therefore in a civil action by the City or in any competent jurisdiction or, in the discretion of the City Council, may be certified to the County Auditor as taxes against any such property to be collected and paid over to the City along with other taxes. Either or both of such methods of collection thereof may be pursued by the City until payment in full has been made, and the initiation of one such method of collection shall not be deemed to be an election preventing the City from thereafter using the other method of collection until paid in full. Payment of delinquent storm water drainage utility and connection charges shall be credited to the same fund used for current storm utility charges, deducting therefrom any costs of collection accruing to the City therefore.

Section 950 – City Plat and Water/Sewer Maps

950.01 Responsibility.

Subd. 1 Developed Property. A developer or property owner who develops or plats property located within the corporate limits of the City shall be obligated to reimburse the City for the expense of updating the City's plat maps and water/sewer maps.

Subd. 2 Existing Property. Whenever the City Council deems it necessary that the City's plat, and/or water/sewer maps should be updated, upon receiving a bill for the expense of updating the maps, the City Administrator shall equitably and reasonably prorate the expense of bringing the maps current amongst all property owners or developers who have platted, re-platted, altered, improved or developed property within the City limits in such manner as to render an existing City plat or water/sewer map obsolete.

950.02 Payment. A bill shall be forwarded to each such owner and developer who has an obligation under this Code to reimburse the City, which shall be due and payable within thirty (30) days.

In the event a property owner or developer who is obligated under this code to reimburse the City, in good faith believes that their pro-rated share of the expense of updating the City's maps is excessive or otherwise unreasonable, they may, within thirty (30) days following receipt of their bill, request a hearing before the City Council to review the matter.