

Ordinance No. 2013-101  
CITY OF VERGAS  
COUNTY OF OTTER TAIL  
STATE OF MINNESOTA

AN ORDINANCE REPEALING ORDINANCES, ADOPTING CHAPTER 51 ENTITLED “SEWER REGULATIONS” AND CHAPTER 52 ENTITLED “WATER REGULATIONS”, AND AMENDING CHAPTER 54 ENTITLED “RATES AND CHARGES”

The City Council of the CITY OF VERGAS, MN, ordains as follows:

**REPEAL:** The following ordinances are hereby repealed in their entirety on the basis the ordinances have been amended, renumbered, and codified:

1. Ordinance No. 78 entitled “Municipal Water Regulations”;
2. Ordinance No. 79 entitled “Sewer Regulations”; and
3. Ordinance No. 80 entitled “An Ordinance Establishing Rates, Charges, and Disconnection Procedures for Water and Sewer for the City of Vergas, Minnesota.”

**ADOPTION OF CHAPTERS 51 AND 52 TO THE CODE OF ORDINANCES:** The following Chapters and provisions are adopted by the City and made part of the Code of Ordinances for the City of Vergas:

1. Chapter 51 shall be entitled “Sewer Regulations”, and the text of the chapter shall read as follows:

***GENERAL PROVISIONS***

**§ 51.001 DEFINITIONS.**

For the purpose of this Chapter, the following definitions shall apply unless a different meaning is specifically provided in a specific context.

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

**ASTM.** American Society for Testing Materials.

**AUTHORITY.** This City of Vergas or a representative thereof.

**BIOCHEMICAL OXYGEN DEMAND (BOD<sub>5</sub>).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C, expressed in terms of milligrams per liter (mg/l).

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

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

**CITY.** The area within the corporate boundaries of the City of Vergas 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.

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

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

**FILTERABLE.** Particles that can pass through a filter.

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

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

**INDUSTRY.** Any nongovernmental or nonresidential user of a publicly owned treatment works.

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

**INFILTRATION/INFLOW (I/I).** The total quantity of water from both infiltration and inflow.

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

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

**MAY.** The term is permissive.

**MPCA.** The Minnesota Pollution Control Agency.

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

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

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

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

**NON-FILTERABLE.** Particles that cannot pass through a filter or are trapped by the filter.

**NORMAL DOMESTIC STRENGTH WASTE.** Wastewater that is primarily introduced by residential users with a BOD<sub>5</sub> concentration not greater than 287 mg/l and a suspended solids (TSS) concentration not greater than 287 mg/l.

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

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

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

**PRIVY.** An outdoor toilet, outhouse, or equivalent.

**PRIVY VAULT.** An underground cavity that is lined with impervious material and which provides access for the disposal and removal of human waste.

**PROPERLY SHREDDED GARBAGE.** 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 ½ inch (1.27 cm) in any dimension.

**SEWAGE.** The spent water of a community. The preferred term is wastewater.

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

(1) **COLLECTION SEWER.** A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.

(2) **INTERCEPTOR SEWER.** A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

(3) **PRIVATE SEWER.** A sewer which is not owned and maintained by a public authority.

(4) **PUBLIC SEWER.** A sewer owned, maintained, and controlled by a public authority.

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

(6) **STORM SEWER or STORM DRAIN.** A sewer or drain intended to carry storm waters, surface runoff, ground water, subsurface water, street wash water, drainage, and unpolluted water from any source.

**SHALL.** The term is mandatory.

**SLUG.** Any sewage discharge which for a period of 15 minutes, shall exceed five (5) times the average daily flow, or the accidental and non-customary discharge of hazardous waste.

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

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

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

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

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

**UTILITIES SUPERINTENDENT.** The person appointed by the City Council to supervise the sewer and water systems of the city.

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

**WASTEWATER TREATMENT WORKS or TREATMENT WORKS.** An arrangement of any devices, facilities, structures, equipment, or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or industrial wastewater; or structures necessary to recycle or reuse water, including interceptor sewers, outfall sewers, collection sewers, and 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 that is

an integral part of the treatment process or is used for ultimate disposal of residues resulting from that treatment.

**WPCF.** The Water Pollution Control Federation.

#### **§ 51.002 CONTROL OF SEWERS; ADMINISTRATION OF CHAPTER.**

The Utilities Superintendent, 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 chapter to the end that a proper and efficient public sewer is maintained.

#### **§ 51.003 BUILDING SEWERS; GENERAL REQUIREMENTS.**

Building sewer construction shall meet the pertinent requirements of the Minnesota State Building Code, which is those chapters of Minn. Rules referenced in Minn. Rules part 1300.2400, subpart 6, as amended from time to time, and the Minnesota Plumbing Code, Minn. Rules Ch. 4715, as 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 Utilities Superintendent shall perform the inspection. If the city does not have a Utilities Superintendent, an installer licensed under § 51.064 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, until the certification has been received.

Penalty, see § 51.999.

#### **§ 51.004 TAMPERING WITH WASTEWATER FACILITIES.**

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

Penalty, see § 51.999.

## **§ 15.005 COSTS OF REPAIRING OR RESTORING SEWERS.**

In addition to any penalties that may be imposed for violation of any provision of this Chapter, the city may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge of prohibited wastes by that person. The city 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.

## ***GENERAL REGULATIONS***

### **§ 51.015 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.

Penalty, see § 51.999.

### **§ 51.016 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 the subsequent provisions of this chapter and the city's NPDES/SDS permit.

Penalty, see § 51.999.

### **§ 51.017 RESTRICTIONS ON WASTEWATER DISPOSAL FACILITIES.**

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

Penalty, see § 51.999.

### **§ 51.018 MANDATORY INSTALLATION OF SERVICE CONNECTION TO PUBLIC SEWER.**

(A) *Existing Structures within 200 feet of Public Sewer.* The owners of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, which are 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 ordinance within 365 days of the date the public sewer is operational; provided, the public sewer is within 200 feet of the structure generating the wastewater.

(B) *New structures.* All future buildings or structures that will generate waste water, which are to be constructed on property adjacent to or within 200 feet of the public sewer, shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this section, the city shall serve an official ten-day notice instructing the affected property owner to make the connection.

(C) *Structures Where Service Not Previously Available.* As the 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 365 days, in compliance with this chapter, and within 35 days thereafter any septic tanks, cesspools, and similar private wastewater disposal systems shall be cleaned of sludge. The bottom of any such private wastewater disposal system shall be broken to permit drainage, and the tank, pit, or vault shall be filled with suitable material. The public sewer system will be considered available when the property to be serviced is adjacent to the public sewer or when any structure on the property that generates waste water is within 200 feet of the public sewer.

Penalty, see § 51.999.

### ***PRIVATE WASTEWATER DISPOSAL***

#### **§ 51.035 PUBLIC SEWER NOT AVAILABLE.**

Where a public sewer is not available under the provisions of § 51.018, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this subchapter and Minn. Rules Ch. 7080, Individual Sewage Treatment Systems Program, as amended from time to time.

Penalty, see § 51.999.

#### **§ 51.036 PERMITS.**

(A) *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 with any plans, specifications, and other information as may be deemed necessary by the city.



(B) *Inspections.* A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city or its authorized representative. The city or its representative shall be allowed to inspect the work at any stage of construction, and 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 24 hours of the receipt of notice exclusive of Saturdays, Sundays, and legal holidays. The Utilities Superintendent or other duly authorized employees of the city, bearing proper credentials and identification, are authorized, with the permission of the licensee, owner, resident or other person in control of property within the city, to enter all properties for the purpose of inspection in accordance with the provisions of this chapter. If the licensee, owner, resident or other person in control of property within the city does not permit the entrance to the property, the city shall obtain a search warrant as provided for in § 10.20 before entering the property, except in emergency situations.

Penalty, see § 51.999.

#### **§ 51.037 TYPE, CAPACITIES, LOCATION AND LAYOUT.**

(A) 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 they may be amended from time to time. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(B) *Straight-pipe systems; noncompliance.* A city inspector who discovers the existence of a straight-pipe system may issue a noncompliance notice to the owner of the straight-pipe system and forward a copy of the notice to the Pollution Control Agency. The notice must state that the owner must replace or discontinue the use of the straight-pipe system within ten months of receiving the notice. If the owner does not replace or discontinue the use of the straight-pipe system within ten months after the notice was received, the owner of the straight-pipe system shall be subject to a Pollution Control Agency administrative penalty of \$500 per month of noncompliance beyond the ten-month period. Administrative penalty orders may be issued for violations under this subdivision, as provided in M.S. § 116.072, as it may be amended from time to time. One-half of the proceeds collected from an administrative penalty order issued for violating this subdivision shall be remitted to the local unit of government with jurisdiction over the noncompliant straight-pipe system.

Penalty, see § 51.999.

### **§ 51.038 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.

### **§ 51.039 APPLICATION OF THIS SUBCHAPTER.**

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

## ***BUILDING SEWERS AND CONNECTIONS***

### **§ 51.055 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 Utilities Superintendent.

Penalty, see § 51.999.

### **§ 51.056 BUILDING SEWER PERMITS.**

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

(B) *Applications.* Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of the building to be connected, and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.

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

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

Penalty, see § 51.999.

#### **§ 51.057 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.

Penalty, see § 51.999.

#### **§ 51.058 SEPARATE BUILDING SEWERS REQUIRED.**

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

Penalty, see § 51.999.

#### **§ 51.059 OLD BUILDING SEWERS; RESTRICTIONS ON USE.**

Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the Utilities Superintendent or his or her representative, to meet all requirements of this chapter.

#### **§ 51.060 CONFORMANCE TO STATE BUILDING AND PLUMBING CODE REQUIREMENTS.**

(A) The size, slopes, alignment, materials of construction of building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the State Building and Plumbing Codes and other applicable rules and regulations of the city.

(B) The connection of the building sewer into the public sewer shall conform to the requirements of the State Building and Plumbing Codes and 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.

Penalty, see § 51.999.

#### **§ 51.061 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.

Penalty, see § 51.999.

#### **§ 51.062 SURFACE RUNOFF OR GROUNDWATER CONNECTIONS PROHIBITED.**

(A) No person shall discharge water or cause to be discharged any unpolluted waters such as storm water, ground water, roof run off, subsurface drainage such as that from floor drains, sump pumps, cisterns, field tile or any other recognizable source or any type of private, commercial or industrial cooling water to any sanitary sewer.

(B) Any person, firm or corporation having a roof drain system, surface drain system, footing tile, swimming pool, ground water drain system or sump pump now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove the same. Any disconnects or opening into the sanitary sewer shall be closed or repaired in an effective, workmanlike manner, as approved by the public works supervisor.

(C) Dwellings 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 excess water shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer system. A permanent installation shall be one which provides for year around discharge capability to either the outside of the dwelling, building or structure, or is connected to the city storm sewer. It shall consist of a rigid discharge line, without valves or quick connections for altering the path of discharge, and if connected to the city storm sewer shall include a check valve.

(D) *Powers and authority of inspectors.* Duly authorized employees or representatives of the city, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to determine the nature of discharge into any public sewer or natural outlet in accordance with the provisions of this chapter. In lieu of having the city inspect their property, any person or entity may furnish a certificate from a licensed plumber certifying that their property is in compliance with this chapter.

(E) Any person refusing to allow their property to be inspected or refusing to furnish a plumbers certificate within 14 days of the date the duly authorized city employees or representatives are denied admittance to their property shall be subject to the surcharge hereafter provided for.

(F) At any future time, if the city has reason to suspect that an illegal connection may exist in a premises, the owner, by written notice shall comply with the provisions of (C) above.

(G) A surcharge of \$100 per month may be imposed and added to every sewer billing mailed to property owners who are not in compliance with this chapter. The surcharge shall be added every month until the property is in compliance. The City Council may grant waivers from the surcharges where strict enforcement may cause undue hardship unique to the property or where the property owner was scheduled for disconnection but cannot do so due to circumstances, such as availability of the plumber or inclement weather.

Penalty, see § 51.999.

## **§ 51.063 EXCAVATIONS.**

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

Penalty, see § 51.999.

## **§ 51.064 LICENSES.**

(A) *Required.* No person shall make a service connection with any public sewer unless regularly licensed under this chapter to perform the work, and no permit shall be granted to any person except a regularly licensed person. A person licensed as a plumber by the State of Minnesota, or a person in the ditch installing the pipe who has a card showing that they have completed a program of training that incorporates

the Plumbing Code installation requirements, issued by either the Associated Builders and Contractors, Laborers-Employers Cooperation Educational Trust, or Minnesota Utility Contractors Association, is not subject to the licensing requirements of this section.

(B) *Application.* Any person desiring a license to make a service connection with public sewers shall apply in writing to the City Council with satisfactory evidence that the applicant or employer is trained or skilled in the business and qualified to receive a license. All applications shall be referred to the Utilities Superintendent for recommendations to the Council. If approved by the Council, the license shall be issued by the City Clerk upon the filing of a bond as hereinafter provided.

(C) *Issuance.* No license shall be issued to any person until a policy of insurance to the city, approved by the Council, 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 Utilities Superintendent, 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.

(D) *Fee.* The license fee for making service connections shall be as established by the Ordinance Establishing Fees and Charges adopted pursuant to § 30.11 of this code, as that ordinance may be amended from time to time. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked by the Council for cause.

(E) *Suspension or revocation.* The Council may suspend or revoke any license issued under this subchapter for any of the following causes:

- (1) Giving false information in connection with the application for a license.
- (2) Incompetence of the licensee.

(3) Willful violation of any provisions of this chapter or any rule or regulation pertaining to the making of service connections.

Penalty, see § 51.999.

## ***USE OF PUBLIC SERVICES***

### **§ 51.080 DISCHARGES OF UNPOLLUTED WATER.**

(A) 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.

(B) 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.

Penalty, see § 51.999.

### **§ 51.081 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:

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

(B) Solid or viscous substances that 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 ½ inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(C) Any wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the wastewater disposal system.

(D) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater

treatment process, to constitute a hazard to humans or animals, or to 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 § 307(a) of the Act (33 USC § 1317(a)).

Penalty, see § 51.999.

## **§ 51.082 LIMITED DISCHARGES.**

(A) The following described substances, materials, water, or wastes shall be limited in discharges to municipal systems to concentrations or quantities that 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 Utilities Superintendent may set limitations lower than limitations established in the regulations below if, in his or her opinion, more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability of wastes, the Utilities Superintendent will give consideration to such factors as the quantity of the subject waste in reaction to the flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the city's NPDES/SDS permit, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

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

(1) Any wastewater having a temperature greater than 150°F (65.6°C), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104°F (40°C), or having heat in amounts that will inhibit biological activity in the wastewater treatment works resulting in interference therein.

(2) Any wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances that may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65.6°C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not.

(3) Any quantities of flow, concentrations, or both that constitute a “slug” as defined in Sec. 1.01.

(4) Any garbage, as defined in § 51.001 of this chapter, not properly shredded. Garbage grinders may be connected to sanitary sewers from homes,



hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food on the premises or when served by caterers.

(5) Any noxious or malodorous liquids, gases, or solids that 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.

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

(7) Non-contact cooling water or unpolluted storm, drainage, or ground water.

(8) Wastewater containing inert suspended-solids, such as, but not limited to, fullers earth, lime slurries, and lime residues, or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate, in quantities that would cause disruption with the wastewater disposal system.

(9) Any radioactive wastes or isotopes of half-life or concentration as may exceed limits established by the Utilities Superintendent in compliance with applicable state or federal regulations.

(10) 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 § 307(b) of the Act (33 USC § 1317(b)): arsenic, cadmium, copper, cyanide, lead, mercury, nickel, silver, total chromium, zinc and phenolic compounds that cannot be removed by the city's wastewater treatment system.

(11) Any wastewater that creates conditions at or near the wastewater disposal system that violates any statute, rule, regulation or ordinance of any regulatory agency or state or federal regulatory body.

(12) 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 § 51.094.

#### **§ 51.083 DISCHARGES HAZARDOUS TO LIFE OR CONSTITUTING PUBLIC NUISANCE.**

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers that contain substances or possess the characteristics enumerated in §

51.082, or that in the judgment of the Utilities Superintendent may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment, receiving waters or soil, vegetation, or ground water, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to § 307(b) of the Act (33 USC § 1317(b)) and all amendments thereof;

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

(4) Require payment to cover the added costs of handling, treating and disposing of wastes not covered by existing taxes or sewer service charges.

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

#### **§ 51.084 INCREASING USE OF PROCESS WATER.**

No user shall increase the use of process water or, attempt, in any manner, to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in §§ 51.081 and 51.082, or contained in the National Categorical Pretreatment Standards, or any state requirements.

Penalty, see § 51.999.

#### **§ 51.085 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.

#### **§ 51.086 GREASE, OIL, AND SAND INTERCEPTORS.**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Utilities Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in § 51.082(B)(2), any flammable wastes as specified in § 51.081(A), 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 that are subject to review by the Utilities Superintendent. Any removal and hauling of the captured materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm.

Penalty, see § 51.999.

#### **§ 51.087 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.

Penalty, see § 51.999.

#### **§ 51.088 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 chapter and any special conditions 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 determined 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 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.

Penalty, see § 51.999.

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

Penalty, see § 51.999.

#### **§ 51.090 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 chapter. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Utilities Superintendent 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 chapter. Users shall notify the Utilities Superintendent immediately upon having a slug or accidental discharge of substances of wastewater in violation of this chapter to enable countermeasures to be taken by the Utilities Superintendent 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 ensure that all employees who may cause or discover a discharge are advised of the emergency notification procedure.

Penalty, see § 51.999.

#### **§ 51.091 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 that may form a deposit or obstruction to flow or pass into the public sewer. Within 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 already exists, shall clean out, repair, or alter the same, and perform other work as the Utilities Superintendent may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of 30 days, the Utilities Superintendent may

cause the work to be completed at the expense of the owner or representative thereof.

Penalty, see § 51.999.

#### **§ 51.092 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 Utilities Superintendent may direct. Each day after 30 days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Utilities Superintendent 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.

Penalty, see § 51.999.

#### **§ 51.093 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.

Penalty, see § 51.999.

#### **§ 51.094 SPECIAL AGREEMENT AND ARRANGEMENT.**

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

### ***USER RATE SCHEDULE FOR CHARGES***

#### **§ 51.110 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 subchapter.

## **§ 51.111 PURPOSE.**

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

## **§ 51.112 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply.

**ADMINISTRATION.** Those fixed costs attributable to administration of the wastewater treatment works, such as billing and associated bookkeeping and accounting costs.

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

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

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

### **INDUSTRIAL USERS or INDUSTRIES.**

(1) (a) Entities 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 supplemented by one of the following divisions:

Division A. Agriculture, forestry, and fishing

Division B. Mining

Division D. Manufacturing

Division E. Transportation, communications, electric, gas, and sanitary sewers

Division I. Services

(b) For the purpose of this definition, domestic waste shall be considered to have the following characteristics: BOD<sub>5</sub> - less than 287 mg/l; Suspended solids - less than 287 mg/l.

(2) Any nongovernmental user of a publicly owned treatment works that discharges wastewater to the treatment works that contain 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 that constitute 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.

**MAY.** The term is permissive.

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

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

**REPLACEMENT.** Obtaining and installing of equipment, accessories, or appurtenances that 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.

**REPLACEMENT COSTS.** Expenditures for replacement.

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

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

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

**SHALL.** The term is mandatory.

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

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

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

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

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

#### **§ 51.113 ESTABLISHMENT OF A SEWER SERVICE CHARGE SYSTEM.**

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

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

(C) Each user shall pay debt service charges to retire local capital costs as determined by the City Council.

(D) Sewer service rates and charges to users of the wastewater treatment facility shall be determined and fixed in a "Sewer Service Charge System" developed



according to the provisions of this subchapter. The Sewer Service Charge System shall be the system enacted prior to the adoption of this code. The Ordinance Establishing Fees and Charges adopted pursuant to § 30.11 of this code may be amended from time to time to include subsequent changes in sewer service rates and charges.

(E) 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.

(F) Sewer service charges and the Sewer Service Fund will be administrated in accordance with the provisions of § 51.116.

(G) A connection fee as fixed in the Ordinance Establishing Fees and Charges adopted pursuant to § 30.11 of this code, as that ordinance may be amended from time to time, shall be charged to each user connecting a new service to the Sanitary Sewer System. The connection fee shall be due and payable within 90 days of the date the connection is completed.

Penalty, see § 51.999.

#### **§ 51.114 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, unless amended or modified in the Ordinance Establishing Fees and Charges, adopted pursuant to § 30.11, as that ordinance may be amended from time to time. Charges made for service rendered shall conform to M.S. § 444.075 Subd. 3a, as it may be amended from time to time. All accounts shall be carried in the name of the owner who personally, or by his authorized agent, applied for such service. The property owner shall be liable for all sewer services supplied to the property, whether he or she is occupying the property or not.

Penalty, see § 51.999.

#### **§ 51.115 SEWER SERVICE FUND.**

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

- (1) Operation and Maintenance Account;
- (2) Equipment Replacement Account;
- (3) Debt Retirement Account.

(B) All revenue generated by the Sewer Service Charge System, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be held by the City 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 chapter.

(C) Revenue generated by the Sewer Service Charge System sufficient to ensure 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".

(D) 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".

#### **§ 51.116 ADMINISTRATION.**

The Sewer Service Charge System and Sewer Service Fund shall be administrated according to the following provisions:

(A) The City Clerk 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 § 51.113(B). 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 ensure the proportionality of the user charges and to ensure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed and to retire the construction debt.

(B) 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.

(C) 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.

(D) Bills for sewer service charges shall be rendered on a quarterly basis succeeding the period for which the service was rendered and shall be due ten days from the date of rendering. Any bill not paid in full 30 days after the due date will be considered delinquent. At that time the city shall notify the delinquent owner/occupant in writing regarding the delinquent bill and subsequent penalty. The penalty shall be computed at 10% of the original bill and shall be increased the same 10% for every quarter the bill is outstanding. Disconnection of services for late payment shall follow the procedures established in Chapter 54.

(E) 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.

(F) 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.

### ***POWERS AND AUTHORITY OF INSPECTORS***

#### **§ 51.130 AUTHORIZED EMPLOYEES PERMITTED TO ENTER ALL PROPERTIES.**

The Utilities Superintendent or other duly authorized employees of the city, bearing proper credentials and identification, are authorized, with the permission of the licensee, owner, resident, or other person in control of property within the city, to enter all properties for the purpose of inspection, observations, measurement, sampling, and testing pertinent to the discharges to the city's sewer system in accordance with the provisions of this chapter. If the licensee, owner, resident or other person in control of property within the city does not permit the entrance to the property, the city shall obtain an administrative search warrant by making application for a search warrant to a court of competent jurisdiction, except in emergency situations.

#### **§ 51.131 AUTHORIZED EMPLOYEES OBTAINING INFORMATION FOR INDUSTRIAL PROCESSES.**

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

#### **§ 51.132 AUTHORIZED EMPLOYEES TO OBSERVE SAFETY RULES.**

While performing necessary work on private properties, the Utilities Superintendent 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 caused 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 operations by the city, except as may be caused by negligence or failure of the company to maintain safe conditions as required in § 51.087.

#### **§ 51.133 AUTHORIZED EMPLOYEES PERMITTED TO ENTER ALL PROPERTY WITH EASEMENTS.**

The Utilities Superintendent or other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties in regard to 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.

#### **§ 51.999 PENALTY.**

(A) (1) Any person found to be violating any provisions of §§ 51.001 through 51.094 and 51.130 through 51.133 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.

(2) Any person who shall continue any violation beyond the time limit provided for in division (A) of this section shall be guilty of a misdemeanor having a maximum penalty of 90 days in jail or a fine of \$1,000.00 or both. Each day in which any violation occurs shall be deemed as a separate offense.

(3) Any person violating any of the provisions of §§ 51.001 through 51.094 and 51.130 through 51.133 shall become liable to the city for any expense, loss, or damage incurred by the city by reason of that violation.

(B) (1) Each and every sewer service charge levied by and pursuant to §§ 51.110 through 51.116 is made a lien upon the lot or premises served, and all charges that are, on October 31 of each year, past due and delinquent shall be certified to the County Auditor by November 29, for collection as provided for in Chapter 54. Nothing in §§ 51.110 through 51.116 shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected any delinquent or past due sewer service charges.

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

(3) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate of 8% per annum.

2. Chapter 52 shall be entitled "Water Regulations", and the text of the chapter shall read as follows:

### ***GENERAL PROVISIONS***

#### **§ 52.01 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.

#### **§ 52.02 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 chapter. No person shall make or use any installation contrary to the regulatory provisions of this chapter.

Penalty, see § 52.99.

#### **§ 52.03 USE TO CIRCUMVENT CHAPTER PROHIBITED.**

No person shall permit water from the water system to be used for any purpose to circumvent this chapter.

Penalty, see § 52.99.

#### **§ 52.04 DAMAGE TO WATER SYSTEM.**

(A) 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.

(B) 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.

Penalty, see § 52.99.

#### **§ 52.05 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 chapter and subject to any contract for the supply of water between the city and any other city. The water meter pit will be in the city limits. The city will own and maintain the water meter. The user will pay for the original meter in the connection fee.

Penalty, see § 52.99.

#### **§ 52.06 CONNECTION TO SYSTEM REQUIRED; USE OF PRIVATE WELLS.**

(A) Connection Mandatory. 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.

(B) Existing Dwelling Unit or Buildings. Each lot, piece or parcel of property in the City of Vergas, abutting on any street, avenue or alley in which a municipal water main is laid, and having an existing dwelling unit or any other buildings thereon, is required to be connected with the municipal water system of the City not later than November 1, 2010, or within three (3) months after a municipal water main is constructed provided the dwelling unit or building is served is within 200 feet of the edge of the street closest to the dwelling unit or building.

(C) New Dwelling Unit or Buildings. Each lot, piece or parcel of property in the City of Vergas, abutting on any street, avenue or alley in which a municipal water main is laid, and upon which a new dwelling unit or any other buildings is to be constructed, is required to be connected with the municipal water system of the City provided the dwelling unit or building served is within 200 feet of the edge of the street closest to the dwelling unit or building.

(D) Failure to Connect. Should the owner of any premises having access to the municipal water system as provided in this section fails to connect said premises with the municipal water system, the Council may cause such connection to said premises to be made upon an authorized representative of the City giving the owners 30 days written notice. The cost of said connection charges shall be assessed against the owner of said premises and if not paid within 30 days may be certified to the County Auditor to be collected in the same time and manner as real estate taxes against said property. Said assessment and connection charge shall be payable in three equal annual installments with one year's interest at the rate established pursuant to § 52.50 and one year's interest at the rate established pursuant to § 52.50 to be added to each subsequent installment on the unpaid balance.

(E) City's determination. 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.

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

(1) The well pump and tank shall be disconnected from all internal piping;

(2) The casing shall be filled with sandy soil from the bottom to a point eight feet from the top;

(3) The remaining eight feet shall be filled with concrete to the floor level and the well casing cut off as close to the floor level as possible;

(4) Within 30 days after the municipal water connection is made, the owner or occupant must advise the City Utilities Superintendent that the well has been sealed.

(5) Notwithstanding the foregoing, all well abandonment shall be done in accordance with M.S. §§ 1031.301 to 1031.345 and Minn. Rules Ch. 4725, Wells and Borings, as it may be amended from time to time. All well sealing shall be performed by a professional licensed well driller trained in well abandonment.

(G) Supervision. All actions taken in connection with the foregoing shall be overseen and approved by the City's water/wastewater operator.

Penalty, see § 52.99.

#### **§ 52.07 USE OF WATER FOR AIR CONDITIONING; PERMITS.**

(A) 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 Utilities Superintendent.

(B) Permits shall be required for the installation of all air conditioning systems to the public water system. The fee shall be established pursuant to § 52.50.

Penalty, see § 52.99.

#### **§ 52.08 USE OF WATER FROM FIRE HYDRANTS; TEMPORARY CONNECTIONS.**

(A) Use of fire hydrants. Except for extinguishment of fires, no person, unless authorized by the Public Works Director or Public Utilities Department, shall operate fire hydrants or interfere in any way with the water system without first obtaining a permit to do so from the city as follows:

(1) A permit to use a fire hydrant shall be issued for each individual job or contract and for a minimum of 30 days and for the additional 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.

(2) 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.



(3) The user shall relinquish the use of the hydrant to authorized city employees in emergency situations.

(4) The user shall pay a rental charge as established pursuant to § 52.50 for each day including Sundays and legal holidays, and a fee established by the Ordinance Establishing Fees and Charges adopted pursuant to § 30.11 of this code, as that ordinance may be amended from time to time for each 1,000 gallons of water used.

(5) Connections to a public water supply to fill tankers must follow backflow prevention standards. The connection will have a reduced pressure zone backflow device.

(B) 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 § 52.50. In addition, the method of connection to the private system shall conform to all existing requirements of this chapter and city ordinance and the type of meter used shall meet the approval of the Utilities Superintendent.

Penalty, see § 52.99.

#### **§ 52.09 WATER DEFICIENCY, SHUT OFF AND USE RESTRICTIONS.**

(A) 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 § 52.72.

(B) *Restricted hours.* Whenever the Council determines that a shortage of water supply threatens the city, it may, by resolution, limit the times and hours during which city water may be used for sprinkling, irrigation, car washing, air condition, or other specified uses. After publication of the resolution, no person shall use, or permit water to be used, in violation of the resolution, and any customer who does so shall be charged a fee set by resolution of the Council for each day of violation and the charge shall be added to his next water bill. If the emergency requires immediate compliance with terms of the resolution, the Council may provide for the delivery of a copy of the resolution to the premises of each customer, and any customer who has received such notice and thereafter uses or permits water to be used in violation of

the resolution shall be subject to the charge provided above. Continued violation shall be cause for discontinuance of water service.

## ***WATER REGULATIONS***

### **§ 52.25 SUPPLY FROM ONE SERVICE.**

No more than one 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.

Penalty, see § 52.99.

### **§ 52.26 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.

Penalty, see § 52.99.

### **§ 52.27 REPAIRS.**

(A) Repairs Generally. The consumer or owner shall be responsible for maintaining the service pipe from and including the stop box and valve into the building served. The City shall maintain the water main and service line between the water main up to, but not including, the curb stop and valve.

(B) 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.

(C) 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 will be responsible for the cost of thawing the service and correcting of the problem.

(D) Excavation or repair of water service.

(1) 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. If the land owner without prior approval of the city hires its own contractor to excavate or repair the water service, the land owner will be solely responsible for the cost of said excavation or repair.

(2) Unless it is clearly evident that the problem is 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.

(3) The owner must further agree to waive public hearing and be specially 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 or repair.

(4) The matter of whether the excavation is done by city employees and agents 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 and related substantive issues.

(E) 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 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 reconnection fee established pursuant to § 52.50 has been paid to the city.

Penalty, see § 52.99.

**§ 52.28 ABANDONED OR UNUSED SERVICES.**

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

(B) 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.

Penalty, see § 52.99.

### **§ 52.29 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 established pursuant to § 52.50.

Penalty, see § 52.99.

### **§ 52.30 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 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. All tubing and pipes shall conform to the Minnesota Plumbing Code. All underground joints are to be mechanical, except joints under floors shall be soldered in accordance with the Minnesota Plumbing Code, unless otherwise approved by the Utilities Superintendent. Joints of copper tubing shall be kept, to a minimum, and all joints shall conform to the Minnesota Plumbing Code. All joints and connections shall be left uncovered until inspected by the Utilities Superintendent and must comply to the Minnesota Plumbing Code and tested at normal water line pressure. Unions must conform to the Minnesota Plumbing Code. Connections with the mains for domestic supply shall be at least three-quarter inch up to the curb stop box.

Penalty, see § 52.99.

### **§ 52.31 EXCAVATION AND CONSTRUCTION REQUIREMENTS.**

(A) No excavation shall be made until a permit for the connection has been issued by the city.

(B) No water service pipe or water connection shall be installed in the same trench or closer than ten 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.

(C) 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 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 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 ductile or 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.

(D) In case the installation is on a surfaced street, the following shall apply: All backfill materials shall be mechanically compacted in 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.

Penalty, see § 52.99.

#### **§ 52.32 PERMITTING USE BY OTHERS.**

No person shall permit City water to be used for any purpose except for normal use upon his own premises except in an emergency. Anyone wishing to obtain water from a hydrant for construction purposes shall make application to the City Clerk for such services.

#### **§ 52.33 CONNECTION TO OTHER WATER SUPPLIES RESTRICTED.**

No water pipe of the water system shall be connected to any pump, well, tank, or piping that is connected with any other source of water supply except to service the municipal system.

Penalty, see § 52.99.

#### **§ 52.34 WATER CONNECTIONS; APPLICATIONS AND CHARGES.**

(A) Permit and Fees Generally: No connection shall be made to the City water system without a permit received from the City Clerk and payment of any requisite fees and other charges.

(B) Connection applications.

(1) All applications for service installations and for water service shall be made to the City Clerk on a form provided by 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 Ordinance Establishing Fees and Charges adopted pursuant to § 30.11 of this code as that ordinance may be amended from time to time.

(2) New lines; Other Costs When a connection requires installation of a service line from the main to the property line, the applicant for a permit shall pay to the City a connection fee established pursuant to § 52.50 and an amount not less than the cost of making the necessary connections, taps and installation of pipe and appurtenances to provide service to the property and necessary street repairs. All water line connections from the water main shall be done only by City employees or by master or journey-man plumbers licensed by the State of Minnesota. The applicant is responsible for the following costs: (1) excavation; (2) street repair; (3) restoration of any disturbed area; (4) necessary connections from main to homeowner's meter; (5) materials including meter, horn, black box, fittings and piping; and (6) labor and equipment costs.

(3) The size of the water service connections and meter shall be subject to approval of the City Engineer.

(4) Water billing shall start at the time of installation of the water meter, or in the event the meter is not installed, seven days after completion of outside piping, and shall be calculated upon the monthly rate, prorated on a monthly basis.

(C) Reconnection Charges. When water services have been stopped because of a violation of this chapter, a reconnection fee established pursuant to § 52.50 must be paid to the City before service is reconnected.

Penalty, see § 52.99.

#### **§ 52.35 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 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, or place a structure on, park a motor vehicle on, or otherwise obstruct the use of the curb stop box, or cause damage to the same.

Penalty, see § 52.99.

#### **§ 52.36 WATER METERS.**

(A) 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 therefrom unless the same

be metered by passing through a meter supplied or approved by the city. No person not otherwise authorized by the City Council or Utilities Superintendent 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.

(1) A charge established pursuant to \$ 52.50 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.

(2) 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-inch line for normal use and a six-inch or larger line for a fire sprinkler system, the consumer will be permitted to run one line into the premises and "Y" off into two 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-inch detection meter shall be put on the large line.

(3) 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.

(4) A consumer may, by written request, have his or her meter tested by depositing the amount established pursuant to \$ 52.50. In case a test should show an error of over 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 billing period from the date of the written request.

(5) All water meters and remote readers are and shall remain the property of the city.

(6) 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.

(7) 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.

(B) 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.

(C) Access to be free of obstruction. The owner or occupant of property receiving municipal water service shall keep open a reasonable means of access to the water meter, remote reader, or water meter pad free. The means of access must be clear of any obstructions including debris, snow, ice, brush, or any other obstruction that impedes or prevents access. Access to the meter shall be at least three feet wide and suitable for walking. In the event the owner or occupant fails to maintain access as required by this section, the City shall bill the owner a hazard fee as established pursuant to § 52.20. In the event the owner fails to pay the hazard fee the fee shall be collected pursuant to § 52.53.

Penalty, see § 52.99.

## ***RATES AND CHARGES***

### **§ 52.50 RATES, FEES AND CHARGES GENERALLY.**

The City Council shall establish a schedule of all water rates, fees and charges for permits or services in the Ordinance Establishing Fees and Charges adopted pursuant to § 30.11 of this code, as that ordinance may be amended from time to time.

### **§ 52.51 WATER SERVICE BILLING; CHANGE OF ADDRESS.**

All bills and notices shall be mailed or delivered to the address where service is provided. If nonresident owners or agents desire bills or notices sent to a different address, they shall so note on the water service application. Any change or error in address shall be promptly reported to the City Clerk. All accounts shall be carried in the name of the owner who personally or by his or her authorized agent, applied for the service. The owner shall be liable for water services supplied to the property whether he or she is occupying the property or not.

### **§ 52.52 WATER RATES.**

(A) The rate due and payable by each user within the city for water taken from the water system shall be established pursuant to § 52.50.

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

(C) Rates due and payable by each water user located beyond the territorial boundaries of the city shall be determined by special contract.



(D) The minimum rates established pursuant to § 52.50 shall begin to accrue after connection of the service pipe with the curb stop box.

(E) A meter shall be installed on the water valve in the structure serviced by the water system and a remote register outside regardless of whether inside piping is connected.

(F) 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 service is disconnected at the curb stop.

Penalty, see § 52.99.

#### **§ 52.53 PAYMENT OF CHARGES; LATE PAYMENT; COLLECTION.**

(A) Any prepayment or overpayment of charges may be retained by the city and applied against subsequent quarterly charges.

(B) If a service charge is not paid when due, then a penalty of 10% shall be added thereto.

(C) In the event a user fails to pay his or her water user fee within 90 days, the fee shall be certified by the City Clerk and forwarded to the County Auditor for collection as provided for in Chapter 54.

Penalty, see § 52.99.

### ***ADMINISTRATION AND ENFORCEMENT***

#### **§ 52.70 PROTECTION OF PUBLIC AND CITY.**

(A) Permit and Bond. A permit for construction and connection of the extension between the building water service pipes and a water main or stub shall be issued only upon application by a licensed plumber or contractor approved by the City who has furnished a bond either to the Clerk or the Secretary of State under M.S. 326.40. The bond shall be in the amount of \$5,000.00 conditioned so as to secure compliance by the principal with the provisions of this chapter and to further secure performance by the principal of all work undertaken within the City.

(B) Liability Insurance. Before undertaking the construction work authorized by the permit, the plumber or contractor shall secure and maintain a policy of insurance against damages to property or injury or death to persons. The policy shall be a broad form business owner's policy, shall include underground coverage and shall indemnify and save harmless the City and its personnel against any

claim, damages, or cause of action arising out of the work and from any expenses of defending the same. The property damage insurance coverage shall be in the amount of at least \$100,000.00 and the public liability damage for injury or death shall be in the amount of at least \$250,000.00 per claimant and \$500,000.00 for any number of claims per occurrence. Proof of such insurance shall be filed with the City prior to the performance of any construction work and such policy shall provide that the City shall be notified immediately of any termination or modification of such insurance. If the insurance coverage is inadequate in amount, the licensed plumber or contractor shall indemnify and save harmless the City and its personnel in like manner.

(C) Indemnification by Owner. The owner shall bear the costs and expenses incident to the installation and connection of the building extension of water service to private property. The owner shall indemnify the City for any loss or damage directly or indirectly caused by its installation and connection.

(D) Rules and Regulations. To the extent it deems necessary, the City Council shall establish rules and regulations for the proper implementation of this chapter which, when approved by the Council by resolution, shall govern the installation, connection and extension of water service to private property.

#### **§ 52.71 POWERS AND AUTHORITY OF INSPECTORS.**

The Utilities Superintendent and other duly authorized employees of the city, upon proper identification, are authorized, with the permission of the licensee, owner, resident or other person in control of property within the city, to enter upon all properties for the purpose of inspections, observation and testing in accordance with the provisions of this chapter. If the licensee, owner, resident or other person in control of property within the city does not permit the entrance to the property, the city shall obtain an administrative search warrant as provided for in § 10.20 before entering the property, except in emergency situations.

#### **§ 52.72 DISCONTINUANCE OF SERVICE.**

Water service may be shut off at any connection as provided for in Chapter 54 of this code.

#### **§ 52.73 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.

**Penalty,** see § 52.99.

#### **§ 52.74 LIABILITY FOR EXPENSE, LOSS OR DAMAGE.**

Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.

#### **§ 52.99 GENERAL PENALTY.**

(A) Any person, firm, or corporation who violates any provision of this chapter for which another penalty is not specifically provided, shall, upon conviction be guilty of a misdemeanor punishable by not more than 90 days or a fine of not more than \$1,000.00, or both. Separate costs of prosecution may be added.

(B) A separate offense shall be deemed committed for each day during which a violation occurs or continues.

(C) Failure of any officer or employee of the city to perform any official duty imposed by this chapter shall not subject the officer or employee to the penalty imposed by this section.

**AMENDMENTS TO THE CODE OF ORDINANCES:** The following sections of the Code of Ordinances for the City of Vergas are amended to read as follows:

#### **§ 54.01 GENERALLY.**

(A) The monthly charge for water, sewer services and for collection, removal and disposal of garbage and trash from residences and businesses within the corporate limits of the city shall be as established by the Ordinance Establishing Fees and Charges adopted pursuant to § 30.11 of this code, as that ordinance may be amended from time to time.

(B) *Accounts.* All accounts shall be carried in the name of the owner who personally, or by his or her authorized agent, applied for such service. The owner shall be liable for water and sewer services supplied to the property, whether he or she is occupying the property or not, and any unpaid charges shall be a lien upon the property.

#### **§ 54.02 COLLECTION OF CHARGES.**

The charges fixed herein for water, sewer services and for collection, removal and disposal of all garbage and trash shall be entered in their respective amounts on

the utility bill. The city may discontinue all utility services, including water, sewer, and garbage and trash services, for failing to pay any assessed charges and until the charges have been paid in full under conditions and procedures detailed in § 54.03.

#### **§ 54.03 DISCONNECTION FOR LATE PAYMENT.**

(A) Generally. Subject to § 54.04 and M.S. § 216B.097 as it may be amended from time to time, utility services may be shut off at any connection whenever:

(1) The owner or occupant for 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 Chapters 51 through 53.

(2) Any charge for water, service, meter, or any other financial obligation imposed on the present or former owner or occupant is unpaid.

(3) Fraud or misrepresentation by the owner or occupant of the premises serviced in connection with an application for service.

(B) Disconnection for late payment.

(1) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

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

(b) That if any bill is not paid by or before that date, a second bill will be hand delivered or delivered by certified mail to the residence, and left with an adult person occupying the residence, or will be left in a conspicuous location. The bill will contain the following notice:

If this bill is not paid within fifteen (15) days of the date of this bill, service will be discontinued for nonpayment;  
and

(c) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her

choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(2) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued the sixteenth day after the second bill was mailed.

(3) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a reconnection charge as established by § 54.01.

#### **§ 54.04 COLD WEATHER RULE.**

(A) Application; Notice To Residential Customer. The City shall not disconnect the service of a residential customer during the period between October 15 and April 15 if the disconnection affects the primary heat source for the residential unit and all of the following conditions are met:

(1) The household income of the customer is at or below 50 percent of the state median household income. A municipal utility or cooperative electric association utility may (i) verify income on forms it provides or (ii) obtain verification of income from the local energy assistance provider. A customer is deemed to meet the income requirements of this clause if the customer receives any form of public assistance, including energy assistance that uses an income eligibility threshold set at or below 50 percent of the state median household income.

(2) A customer enters into and makes reasonably timely payments under a payment agreement that considers the financial resources of the household.

(3) A customer receives referrals to energy assistance, weatherization, conservation, or other programs likely to reduce the customer's energy bills.

The City shall between August 15 and October 15 each year, notify all residential customers of the provisions of M.S. § 216B.097, as it may be amended from time to time.

(B) Notice to residential customer facing disconnection. Before disconnecting service to a residential customer during the period between October 15 and April 15, the City shall provide the following information to a customer:

- (1) a notice of proposed disconnection;
- (2) a statement explaining the customer's rights and responsibilities;
- (3) a list of local energy assistance providers;
- (4) forms on which to declare inability to pay; and
- (5) a statement explaining available time payment plans and other opportunities to secure continued utility service.

(C) Restrictions if disconnection necessary.

(1) If a residential customer must be involuntarily disconnected between October 15 and April 15 for failure to comply with subdivision 1, the disconnection shall not occur:

- (a) on a Friday, unless the customer declines to enter into a payment agreement offered that day in person or via personal contact by telephone by a municipal utility or cooperative electric association;
- (b) on a weekend, holiday, or the day before a holiday;
- (c) when utility offices are closed; or
- (d) after the close of business on a day when disconnection is permitted, unless a field representative of a municipal utility or cooperative electric association who is authorized to enter into a payment agreement, accept payment, and continue service, offers a payment agreement to the customer.

Further, the disconnection shall not occur until at least 20 days after the notice required in subdivision 2 has been mailed to the customer or 15 days after the notice has been personally delivered to the customer.

(2) If a customer does not respond to a disconnection notice, the customer shall not be disconnected until the City investigates whether the residential unit is actually occupied. If the unit is found to be occupied, the City must immediately inform the occupant of the provisions of this section. If the unit is unoccupied, the City shall give seven days' written notice of the proposed disconnection to the local energy assistance provider before making a disconnection.

#### **§ 54.05 RECONNECTION FOLLOWING CUT OFF.**

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 in full along with a turn-on charge as established in the Ordinance Establishing Fees and Charges as that ordinance may be amended from time to time.

#### **§ 54.06 CONCERNS FOR HEALTH AND SAFETY.**

Nothing in this ordinance shall be construed as limiting the City Council's authority to turn-on or refuse to disconnect services to a residential customer if the City Council by majority vote determines that disconnection of services or failure to turn-on services would endanger the health and safety of the residents of the City. If the City Council determines that health and safety of its residents are at risk, the City may turn-on services or decide not to disconnect services. The cost of continued service and costs of turning on service will be considered a delinquent charge and assessed against the customer as provided in § 54.07.

#### **§ 54.07 DELINQUENT CHARGES.**

As provided for by M.S. § 444.075, Subd. 3, as it may be amended from time to time, the City Clerk, annually or more frequently as directed by Council, shall prepare a list of delinquent charges to be certified for payment as taxes. The list of delinquent charges shall be delivered to the City Council for adoption. All persons who have delinquent charges included in the list shall be notified and given a chance to appear before the Council before the list is adopted. In the event the delinquency involves rental property, notice shall be given to the record owner of the property in addition to the tenant or other parties in possession and him or her given a chance to appear before the Council. Upon adoption, the Clerk shall certify the unpaid charges to the County Auditor for collection as other taxes are collected. This action may be optional or subsequent to taking other legal action to collect delinquent charges, and shall not preclude the City or its agents from recovery of the delinquent charges and interest under any other available remedy, and shall not preclude the disconnection for late payment provided for in this chapter.

The above additions and amendments shall be codified as part of the Code of Ordinances for the City of Vergas. Similarly numbered sections are replaced in their entirety.

Passed by the City Council this 1<sup>st</sup> day of July, 2013.

Attest:

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Dean Haarstick, Mayor

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Julie Lammers