

## SUB-ANALYSIS MUNICIPAL UTILITIES

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### SEC.3.03. RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITIES

**Subd. 1. Billing, Payment and Delinquency.** All municipal utilities shall be billed monthly and a utilities statement or statements shall be mailed to each consumer. All utilities charges shall be delinquent if they are unpaid within twenty (20) days after the date of the bill. Payments received by mail postmarked on or before the Twentieth day shall be deemed paid within said period. A penalty of \$10.00 thereof shall be added to, and become part of, all delinquent utility bills. If service is suspended due to delinquency it shall not be restored at that location until a reconnection charge of \$100.00 has been paid for each utility reconnected in addition to amounts owed for service and penalties. In the event that delinquent charges are specially assessed under Subdivision 8 of this Section, an additional sum of 10% computed on the delinquent amount of charges and penalties shall be added to, and become part of, the amount so assessed to property taxes to cover administrative costs of making the assessment.

- A. Property owners wishing to rent out their property may include the cost of the municipal utilities in the rent collected or have them billed directly. Property owners, who choose to have renters billed directly will receive a copy of the renters' utility bill, and will thus be aware of past due accounts. In the event that a renter would leave the city with an unpaid utility bill it will become the responsibility of the property owner. If the property owner does not pay the bill it can and will be assessed to the property owners' property taxes.
- B. All improved properties within the city will be charged the monthly base rate, whether or not the service is being used.
- C. The city will shut off and return the water service to property upon the customer's request at no charge to the customer for periods of time during which the property is unoccupied.

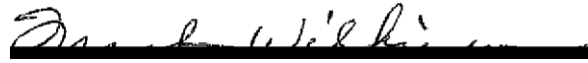
**Subd. 3. Discontinuance of Service.** All municipal utilities may be shut off or discontinued any time between any Monday at 8:00 o'clock A.M. and the following Thursday at 4:00 o'clock P.M., whenever it is found that:

- A. The owner or occupant of the premises served, or any person working on any connection with the municipal utility systems, has violated any requirement of the City Code relative thereto or any connection therewith, or,
- B. Any charge for a municipal utility service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid after due notice thereof,
- C. There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefore.

**Subd. 10. Water Meters.** Unless an exception applies as hereinafter provided, all water furnished by the City water system shall be metered by meters furnished and maintained by the City. The City will replace the water meter as needed. Any damage to the meters through misuse, abuse, or neglect by the owner or tenant, or any damage caused to the water meter resulting from freezing, shall be replaced by the City at the property owner's or tenant's expense. All water meters exceeding one and one half of an inch (1 1/2" in size shall be purchased and maintained by the property owner. All water meters shall be installed and controlled by the City. Residential homes and businesses shall be exempt from metering if the City deems it impossible or improbable for said meter to be installed. For cases in which meters are improbable or impossible, there shall be a flat charge per month as set by the Council by resolution. Those establishments not being metered shall then pay the appropriate fee for water service.

A. A second water meter can be included for the purpose of irrigation. The property owner is responsible for all costs associated with the meter and installation. The city will read and maintain the meter. If the City deems the meter unsatisfactory, the property owner will be responsible for the cost of replacing the meter. This meter will be installed with a TEE in the plumbing allowing only irrigation water use. This meter will be charged water usage only, not sewer.

**AMENDMENT ADOPTED** by the City Council this 27<sup>th</sup> day of September, 2011.



Frank Wilkinson, Mayor

## CHAPTER 3

### MUNICIPAL UTILITIES

SECTION 3.01. DEFINITIONS. As used in this Chapter, the following words and terms shall have the meanings stated:

1. **"Utility"** means all utility services, whether the same be public City-owned facilities or furnished by public utility companies.
2. **"Municipal Utility"** means any City-owned utility system, including, but not by way of limitation, water, sewerage, electric and refuse service.
3. **"Company", "Grantee", and "Franchisee"** mean any public utility system to which a franchise has been granted by the City.
4. **"Consumer" and "Customer"** mean any user of a utility.
5. **"Service"** means providing a particular utility to a customer or consumer.

**SEC. 3.02. FIXING RATES AND CHARGES FOR MUNICIPAL UTILITIES.** All rates and charges for municipal utilities, including, but not by way of limitation, rates for service, permit fees, deposit, connection and meter testing fees, disconnection fees, reconnection fees including penalties for non-payment if any, shall be fixed, determined and amended by the Council and adopted by resolution. Such resolution, containing the effective date thereof, shall be kept on file and open to inspection in the office of the City Clerk and shall be uniformly enforced. For the purpose of fixing such rates and charges, the Council may categorize and classify under the various types of service, provided, that such categorization and classification shall be included in the resolution authorized by this Section.

### **SEC. 3.03. RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITIES.**

**Subd. 1. Billing, Payment and Delinquency.** All municipal utilities shall be billed quarterly and a utilities statement or statements shall be mailed to each consumer. All utilities charges shall be delinquent if they are unpaid within forty-five (45) days after the date of the bill. Payments received by mail postmarked on or before the forty-fifth day shall be deemed paid within said period. A penalty of 15% thereof shall be added to, and become part of, all delinquent utility bills. If service is suspended due to delinquency it shall not be restored at that location until a

reconnection charge has been paid for each utility reconnected in addition to amounts owed for service and penalties. In the event that delinquent charges are specially assessed under Subdivision 8 of this Section, an additional sum of 8% computed on the delinquent amount of charges and penalties shall be added to, and become part of, the amount so assessed to cover administrative costs of making the assessment.

**Subd. 2. Application, Connection and Sale of Service.** Application for municipal utility services shall be made upon forms supplied by the City, and strictly in accordance therewith. No connection shall be made until consent has been received from the City to make the same, and all fees, charges and assessments required by this Chapter have been paid in full. All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of such utilities taken as metered or ascertained in connection with such rates.

**Subd. 3. Discontinuance of Service.** All municipal utilities may be shut off or discontinued any time between any Monday at 3:00 o'clock P.M. and the following Thursday at 9:00 o'clock A.M., whenever it is found that:

A. The owner or occupant of the premises served, or any person working on any connection with the municipal utility systems, has violated any requirement of the City Code relative thereto, or any connection therewith, or,

B. Any charge for a municipal utility service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid after due notice thereof, or,

C. There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefor.

**Subd. 4. Ownership of Municipal Utilities.** Ownership of all municipal utilities, plants, lines, mains, extensions and appurtenances thereto, shall be and remain in the City and no person shall own any part or portion thereof. Provided, however, that private facilities and appurtenances constructed on private property are not intended to be included in municipal ownership.

**Subd. 5. Right of Entry.** By applying for, or receiving, a municipal utility service, a customer irrevocably consents and agrees that any City employee acting within the course and scope of his/her employment may enter into and upon the private property of the customer, including

dwellings and other buildings, at all reasonable times under the circumstances, in or upon which private property a municipal utility, or connection therewith, is installed, for the purpose of inspecting, repairing, reading meters, connecting or disconnecting the municipal utility service.

**Subd. 6. Meter Test.** A consumer may request the City to test any utility meter in use by the consumer. If any such meter is found to be inaccurate the same shall be replaced with an accurate meter. If the meter shall be found to be accurate in its recordings or calculations it shall be reinstalled.

**Subd. 7. Unlawful Acts.**

A. It is unlawful for any person to willfully or carelessly break, injure, mar, deface, disturb, or in any way interfere with any buildings, attachments, machinery, apparatus, equipment, fixture, or appurtenance of any municipal utility or municipal utility system, or commit any act tending to obstruct or impair the use of any municipal utility.

B. It is unlawful for any person to make any connection with, opening into, use, or alter in any way any municipal utility system without first having applied for and received written permission to do so from the City.

C. It is unlawful for any person to turn on or connect a utility when the same has been turned off or disconnected by the City for non-payment of a bill, or for any other reason, without first having obtained a permit to do so from the City.

D. It is unlawful for any person to "jumper" or by any means or device fully or partially circumvent a municipal utility meter, or to knowingly use or consume unmetered utilities or use the services of any utility system, the use of which the proper billing authorities have no knowledge.

**Subd. 8. Municipal Utility Services and Charges a Lien.**

A. Payment for all municipal utility (as that term is defined in City Code, Section 3.01) services and charges shall be the primary responsibility of the occupant of the premises served and shall be billed to such occupant unless otherwise contracted for and authorized in writing by the fee owner. If payment is not made by the occupant, the fee owner remains ultimately responsible. The City may collect the same in a civil action or, in the alternative and at the option of the City, as otherwise provided in this Subdivision.

**B.** Each charge levied pursuant to this Section shall be a lien against the property, and all such charges due on September 30 of each year, more than thirty (30) days past due, and having been properly mailed to the occupant or owner of the premises, shall be certified by the Council to the County Auditor, shall specify the amount thereof; the description of the premises, the name of the owner thereof, and the amount so certified shall be added to the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer and paid to the City along with other taxes.

**SEC. 3.04. CONNECTION OR TAPPING PROHIBITED - DELINQUENT ASSESSMENTS OR CHARGES.** No permit shall be granted to tap or connect with sewer or water mains when any assessment or connection charge for such sewer or water main against the property to be connected is in default or delinquent. If such assessment or connection charges are payable in installments, no permit shall be granted unless all installments then due and payable have been paid.

**SEC. 3.05. ABANDONED SERVICES - PENALTIES.** All service installations connected to the water and sewerage system that have been abandoned or, for any reason, have become useless for further service shall be forthwith disconnected at the property line. The owner of the premises served shall pay all costs of excavation, capping, main and street restoration. The City shall perform the actual disconnection and all pipe and appurtenances removed from the street right-of-way shall become the property of the City. It is unlawful for any person to cause or allow any service pipe to be hammered or squeezed together at the ends to stop the flow of water, or to save expense in improperly removing such pipe from the main. Also, such improper disposition thereof shall be corrected by the City and the cost incurred shall be borne by the person causing or allowing such work to be performed. If any property owner shall fail to pay the costs incident to services performed under this Section, the City may collect payment therefor as any other utility charge.

Source: City Code Effective  
Date: 06-30-2003

(Sections 3.06 through 3.19, inclusive, reserved for future expansion.)



**SEC. 3.20. RULES AND REGULATIONS RELATING TO REFUSE COLLECTION AND DISPOSAL.**

**Subd. 1. Definition.** "Refuse" means and includes all drained organic material resulting from the preparation of food and spoiled or decayed food from any source, bottles, cans, glassware, paper or paper products, crockery, ashes, rags, and discarded clothing, but not including construction material or debris.

**Subd. 2. Storage and Transporting Refuse.**

A. It is unlawful for any person to store refuse except as herein provided.

B. No person shall collect refuse within the City except a person holding a contract with the City to do so. No person shall permit refuse to be picked up from his/her premises except by such contractor and every householder, occupant and owner of any residence shall use the garbage and refuse collection service provided by the contractor chosen by the City. This will also apply to commercial, industrial and institutional establishments within the City.

C. It is unlawful for any person to transport refuse on any street unless it is earned in a vehicle equipped with a leak-proof body or container and completely covered with a heavy canvas or top to prevent loss of contents.

D. When the City finds any accumulation of refuse which would constitute a public nuisance as defined in the City Code and State Statutes, the City Clerk shall give written notice to the person having authority over such accumulation to cleanse, remove, or abate the same within such time as the City determines necessary to protect public health and safety.

**Subd. 3. Containers.** All refuse shall be stored in clean, rust-resistant, water-tight, non-absorbent and washable closed containers. Provided, however, that tree clippings maybe stored in tied bundles no longer than four feet and lawn clippings and paper may be stored in containers protected from wind and other elements.

**Subd. 4. Collection and Disposal of Refuse.** The City shall provide for collection and disposal of all refuse in a sanitary manner to insure the health, safety and general welfare of its residents, under such terms and conditions as the City may, from time to time, deem appropriate. Bagged refuse shall be placed at the designated collection point on days specified by the City. Collection points will generally be the curb line in front of such property.

**Subd. 5. Service Charges and Rates.** Service charges and rates shall be made to the owner or the occupant of each building or housing unit served. If the building is served by City water or sewer, the refuse collection charge shall be billed as a separate entry on the water or sewer bill. If the premises are not so served, the refuse collection charge shall be separately billed by the City Clerk. Service charges and rates shall be payable at the same time as bills for water service and

subject to the same conditions of payment. If any charge is unpaid on September 1 of any year, the Council shall levy an assessment equal to the unpaid charge as of that date plus interest at the rate of eight (8) percent from that date and a penalty of ten (10) percent. The City Clerk shall certify the assessment to the County Auditor for collection in the same manner as assessments for local improvements.

Source: City Code Effective  
Date: 06-30-2003

(Sections 3.21 through 3.29, inclusive, reserved for future expansion.)

**SEC. 3.30. RULES AND REGULATIONS RELATING TO WATER SERVICE.**

**Subd. 1. Deficiency of Water and Shutting Off Water.** The City is not liable for any deficiency or failure in the supply of water to customers whether occasioned by shutting the water off for the purpose of making repairs or connections or by any other cause whatever. In case of fire, or alarm of fire, water may be shut off to insure a supply for fire fighting. In making repairs or construction of new works, water may be shut off at any time and kept off so long as may be necessary.

**Subd. 2. Repair of Leaks.** It is the responsibility of the consumer or owner to maintain the water service from the curb stop into the house or other building. In case of failure upon the part of *any* consumer or owner to repair any leak occurring in his/her water service within twenty-four (24) hours after oral or written notice has been given the owner or occupant of the premises, the water may be shut off and will not be turned on until a reconnection charge has been paid and the water service has been repaired. When the waste of water is great or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately.

**Subd. 3. Increasing Size of Water Service.** When it is desired to increase the size of water service from the main, a new permit shall be taken out and the regular tapping charge shall be made as if this were a new service.

**Subd. 4. Service Pipes.** Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than six (6) feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing. Frozen service pipes between the curb stop and the building shall be the responsibility of the owner. Service pipes must extend from the curb stops to the inside of the building; or if not taken into a building then to the hydrant or other fixtures which they are intended to supply. A valve, the same size as the service pipe, shall be placed close to the inside wall of the building, ahead of the meter and well protected from freezing. Joints on copper tubing shall be flared or compression-fitted, and kept to a minimum. Not more than one joint shall be used for a service up to seventy feet in length. All joints shall be left uncovered until inspected. Minimum size connection with the water mains shall be 3/4 inch in diameter unless a customer requests a larger line. Larger lines, installed at the customer's request shall require a new permit (but shall not be considered new service) and shall be at the expense of the customer.

**Subd. 5. Connection Required.** For the protection of the public health, the owner of each lot, piece or parcel of land in the City on which shall be situated any residential dwelling or business, shall be required to connect such residence or business to the water system of the City if City water is available to the property. A permit is required before any pump, well, pipe, tank or any device that is connected with any other source of water supply may be connected with the City water system. All such connections shall be inspected annually, at the cost of the owner or occupant, and a copy of the inspection shall be filed with the City within 30 days of the inspection.

and when such are found, the City shall notify the owner or occupant to disconnect the same and, if not immediately done, the City water shall be turned off. Before any new connections to the City system are permitted, the City shall ascertain that no cross-connections will exist when the new connection is made.

**Subd. 6. Prohibited Uses or Restricted Hours.** Whenever the City shall determine that a shortage of water threatens the City, it may entirely prohibit water use or limit the times and hours during which water may be used from the City water system for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other uses, or either or any of them. It is unlawful for any water consumer to cause or permit water to be used in violation of such determination after public announcement thereof has been made through the news media specifically indicating the restrictions thereof.

**Subd. 7. Private Fire Hose Connections.** Owners of structures with self-contained fire protection systems may apply for and obtain permission to connect the street mains with hydrants, large pipes, and hose couplings, for use in case of fire only, at their own installation expense and at such rates as the Council may adopt by resolution as herein provided.

**Subd. 8. Opening Hydrants.** It is unlawful for any person, other than members of the Fire Department or other person duly authorized by the City, in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the same or in any manner interfere therewith. It is also unlawful for any person so authorized to deliver or suffer to be delivered to any other person any hydrant key or wrench, except for the purposes strictly pertaining to their Lawful use.

**Subd. 9. Unmetered Service.** Unmetered service may be provided for construction, flooding skating rinks, and any other purpose. Such service shall be at a duly adopted rate. Where it is difficult or impossible to accurately measure the amount of water taken, unmetered service may be provided and the unmetered rate applied; provided, however, that by acceptance thereof the consumer agrees to have the City estimate the water used. In so estimating the City shall consider the use to which the water is put and the length of time of unmetered service.

**Subd. 10. Water Meters.** Unless an exemption applies as hereinafter provided, all water furnished by the City water system shall be metered by meters furnished by the City at the property owner's expense. Any damage to the meters through misuse, abuse, or neglect by the owner or tenant, or any damage caused to the water meter resulting from freezing, shall be repaired at the property owner's or tenant's expense. All water meters exceeding three-quarters of an inch (3/4") in size shall be purchased and maintained by the property owner. All water meters shall be installed and controlled by the City and the cost of installation shall be -the responsibility of the property owner. Residential homes and businesses shall be exempt from metering if the City deems it impossible or improbable for said meter to be installed. For cases in which meters are improbable or impossible, there shall be a flat charge per month as set by the Council by resolution. Those establishments not being metered shall then pay the appropriate fee for water service.

**Subd. 11. Cold Weather Rule for Certain Residential Customers.**

**A. Water Shut-Off.** Water shall not be shut-off to a residential customer if the disconnection affects the primary heat source for the residential unit when the following conditions are met:

1. The disconnection would occur during the period of October 15<sup>th</sup> and April 15<sup>th</sup>;
2. The customer has declared inability to pay on forms provided by the utility;
3. The household income of the *customer* is less than 185% of the federal poverty level as documented by the customer to the utility; and
4. The customer's account is current for the billing period immediately prior to October 15<sup>h</sup> or the customer has entered into a payment schedule and is reasonably current with payments under the schedule.

**B. Information Required.** Before disconnecting service to a residential customer during the period between October 15<sup>th</sup> and April 15<sup>th</sup>, the City must provide the following information to a customer:

1. A notice of the 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. Notice to Customer Required.** If a residential customer must be involuntarily disconnected between October 15<sup>th</sup> and April 15<sup>th</sup> for failure to comply with the provisions of this Subdivision, the disconnection must not occur on a Friday or on the day before a holiday, and the disconnection must not occur until at least twenty days after the notice required herein has been mailed to the customer or fifteen days after the notice has been personally delivered to the customer. If a residential customer does not respond to a disconnection notice, the customer must not be disconnected until the City investigates whether the residential unit is actually occupied and, if it is found to be occupied, the City must immediately inform the occupant of the provisions

of this Subdivision. If the unit is unoccupied, the City must give seven days written notice of the proposed disconnection to the local energy assistance provider before making a disconnection.

**D. Provision for Shut-Off for Non-Payment.** Water shall not be shut-off until notice and an opportunity for a hearing have first been given the occupant of the premises involved. The notice shall be personally served and shall state that if payment is not made before a date stated in the notice but not less than five (5) days after the date on which the notice is given, the water supply to the premises will be shut-off. The notice shall also state that the occupant may, before such date demand a hearing on the matter, in which case the supply will not be cut off until after the hearing is held. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by a panel of three (3) impartial residents of the City appointed by the Council. If as a result of the hearing, the said panel finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut-off in accordance with this Subdivision, the City may shut-off the supply.

**Subd. 12. Code Requirement.** All piping, connections and appurtenances shall be installed and performed strictly in accordance with the Redwood County Plumbing Code.

Source: City Code Effective  
Date: 06-30-2003

(Sections 3.31 through 3.39, inclusive, reserved for future expansion.)

**SEC. 3.40. RULES AND REGULATIONS RELATING TO SEWERAGE SERVICE.**

**Subd. 1. Definitions.** The following terms, as used in this Section, shall have the meanings stated:

1. **"BOD" (denoting Biochemical Oxygen Demand)** means the quantity of oxygen utilized in the biological oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedure as set out in the latest edition of Standard Methods for the Examination of Water and Wastewater.

2. **"Building Drain"** means that part of the lower horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

3. **"Building Sewer"** means the extension from the building drain to the public sewer or other place of disposal, also called house connection.

4. **"COD" (denoting Chemical Oxygen Demand)** means the quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedure as set out in the latest edition of Standard Methods for the Examination of Water and Wastewater.

5. **"Garbage"** means solid wastes resulting from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage or sale of meat, fish, fowl, fruit, vegetables, or condemned food.

6. **"Industrial Wastes"** means the solid, liquid or gaseous wastes resulting from any industrial or manufacturing processes, trade or business, or from the development, recovery or processing of natural resources.

7. **"Normal Domestic Strength Waste"** means wastes with a Biological Oxygen Demand Concentration not to exceed 250 milligrams per liter and a Total Suspended Solids Concentration not to exceed 200 milligrams per liter.

8. **"National Pollution Discharge Elimination System Permit (NPDES Permit)"** means the system for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone, and the oceans by the Administrator of the Environmental Protection Agency pursuant to Sections 402 and 405 of the Federal Water Pollution Control Act Amendment 1972.

9. "**Natural Outlet**" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

10. "**Other Wastes**" means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil tar, chemicals, offal and other substances except sewage and industrial wastes.

11. "**Person**" means any individual, firm, company, association, society, corporation, municipal corporation, governmental unit, or group.

12. "**pH**" means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

13. "**Process Water**" means any water used in the manufacturing, preparation or production of goods, materials or food. Process water is an industrial waste of government.

14. "**Public Sewer**" means any sewer owned or operated by a unit or agency

15. "**Sanitary Sewer**" means a sewer which carries sewage and to which storm surface, and ground water are not admitted.

16. "**Sewage or Wastewater**" means the water carried waste products from residences, public buildings, institutions, industrial establishments or other buildings including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground water infiltration and storm and surface water as may be present.

17. "**Sewer**" means a pipe or conduit for carrying sewage, industrial waste or other waste liquids.

18. "**Sewer System**" means pipe lines or conduits, pumping stations, forcemains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes or other wastes to a point of ultimate disposal.

19. "**Slug**" means any discharge of water, wastewater or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during the normal operation.



20. "**Storm Sewer**" (sometimes termed "**storm drain**") means a sewer which carries storm and surface water and drainage but excludes sewage and industrial wastes, other than unpolluted cooling or process water.

21. "**Suspended Solids**" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering, in accordance with the latest edition of Standard Methods of the Examination of Water and Wastewater.

22. "**Unpolluted Water**" means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial, industrial or recreational use, or to livestock, wild animals, birds, fish, or other aquatic life.

23. "**Wastewater Facilities**" means the structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

24. "**Wastewater Treatment Works or Treatment Works**" means an arrangement of devices and structures for treatment of wastewater, industrial waste, and sludge. Sometimes used as synonymous for "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant" or "sewage treatment plant".

**Subd. 2. Use of Public Sewers.**

A. It is unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Section and the City's NPDES permit.

B. Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

C. The owner of any building or property which is located within the City and from which wastewater is discharged, shall be required to connect to a public sewer at his/her expense, provided that said public sewer is within 300 feet of the structure generating wastewater and said public sewer is located in a public right-of-way or easement for sewer purposes adjacent to the property. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not being made pursuant to this Subdivision, an official 30-day notice shall be served instructing the affected property owner to make said connection.

D. In the event an owner shall fail to connect to a public sewer in compliance with a notice given hereunder, the City may undertake to have said connection made and shall assess the cost thereof against the benefitted property and said assessment shall be a lien against said property. Such assessment, when levied, shall bear interest at the legal rate for local Improvements and shall be certified to the Auditor of Redwood County and shall be collected and remitted to the City in the same manner as assessments for local improvements, The rights of the City under this Subdivision shall be in addition to any other remedial or enforcement provisions of this Section.

E. It is unlawful for any person to discharge or cause to be discharged directly or indirectly any storm water, surface water, ground water, roof runoff, subsurface drainage, waste from on-site disposal systems, unpolluted cooling or process water to any sanitary sewer.

F. Storm water and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or process water shall only be so discharged upon approval by the City or other local unit of government.

G. It is unlawful for any person to discharge or cause to be discharged, directly or indirectly, any of the following described substances to any public sewer:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

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

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

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

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

6. Prohibited wastes shall be regulated in accordance with the City's NPDES permit, Sections 307(a) and 307(b) of the Clean Water Act and all other applicable State and Federal regulations.

**H.** It is unlawful for any person to discharge or cause to be discharged, directly or indirectly, the following described substances to any public sewer unless in the opinion of the City such discharge will not harm the wastewater facilities, nor cause obstruction to the flow in sewers, nor otherwise endanger life, limb or public property, nor constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the City may give consideration to such factors as the quantities of the subject wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, the City's NPDES Permit, and other pertinent factors. The City may make such determinations either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F., (65 degrees C.).

2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees (0 degrees and 65 degrees C.).

3. Any garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in public sewers, with no particles greater than one-half (1/2) inch in any dimension.

4. Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

5. Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the State and Federal government and any other public agency with proper authority to regulate the discharge from the sewage treatment plan.

6. Radioactive wastes or isotopes of such half-life or concentration that they are in non-compliance with regulations issued by the appropriate authority having control over their use or which have caused or may cause damage or hazards to the treatment works or personnel operating it.

7. Any water or wastes having a pH in excess of 9.5.

8. Materials which exert or cause:

(a) Unusual concentration of 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).

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.

(d) Unusual volume of flow or concentration of wastes constituting a slug.

(e) Water or water containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the NPDES Permit or requirements of other governmental agencies having jurisdiction over discharge from the sewage treatment plant.

1. If any water or wastes are discharged, or are proposed to be discharged directly or indirectly to the public sewers, which water or wastes do not meet the standards set out in or promulgated under this Subdivision or which in the judgment of the City may have a deleterious effect upon the treatment works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may take any or all of the following steps: (1) refuse to accept the discharges, or, (2) require control over the quantities and rates of discharge, or, (3) require pretreatment to an acceptable condition for the discharge to the public sewers, or, (4) require payment to cover the added cost of handling and treating the wastes. The design and installation of the plant and equipment for pre-treatment or equalization of waste flows shall be subject to the review and approval of the City and subject to the requirements of Section 307(b) of the Clean Water Act and all applicable codes, City Code provisions, and laws. No user shall increase the use of process water or, in any manner attempt to dilute a discharge as a

partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards or any State requirement.

J. Grease, oil and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease, or any flammable wastes, sand or other harmful ingredients. All interceptors required under this Subparagraph shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection. Such interceptors shall not be required for private living quarters or dwelling units.

K. Where preliminary treatment, flow equalizing facilities or interceptors are provided for any water or wastes, they shall be effectively operated and maintained continuously in satisfactory and effective condition by the owner at his/her expense, and shall be available for inspection by the City at all reasonable times.

L. When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure and equipment when required shall be constructed at the owner's expense in accordance with plans approved by the City and shall be maintained by the owner so as to be safe and accessible at all times.

M. All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this Section shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, and shall be determined at the control structure provided, or upon suitable samples taken at said control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewerage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses will be obtained from 24-hour composite of all outfalls whereas pH's will be determined from periodic grab samples).

N. The City may conduct such tests as are necessary to enforce this Section, and employees of the City may enter upon any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to such enforcement. Entry shall be made during operating hours unless circumstances require otherwise. In all cases where tests are conducted by the City for the purpose of checking to determine if a previously found violation of this Section has been corrected, the cost of such tests shall be charged to the user and added to the user's sewer charge. In those cases where the City determines that the nature of volume of a particular

user's sewage requires more frequent than normal testing, the City may charge such user for the test, after giving the user ten (10) days written notice of its intention to do so, and the cost thereof shall be added to the user's sewer charge. In any case where industrial wastes are discharged to a public sewer, the City may require the user at his/her own expense to test his/her discharge on a regular basis and to report the test results to the City within a reasonable time. All such tests shall be as ordered by the City and shall be conducted by qualified personnel and in accordance with the standards set forth herein.

O. Accidental discharges of prohibited waste into the sewage works, directly or through another disposal system, or to any place from which such waste may enter the treatment works, shall be reported to the City by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of such discharge.

P. New connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including capacity for flow, DOD, and suspended solids.

Q. No statement contained in this Subdivision shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern, in accordance with applicable City Code provisions and any supplemental agreement with the City, and providing that National Categorical Pretreatment Standards and the City's NPDES Permit limitations are not violated.

### **Subd. 3. Private Sewage Disposal.**

A. Where a public sanitary or combined sewer is not available hereunder, the building sewer shall be connected to a private sewage disposal system complying with the rules and regulations of the City, and complying with the Minnesota Pollution Control Agency Chapter 7080 Rules for Individual Sewage Treatment Systems.

B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the City Clerk. The application for such permit shall be made by the City.

C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City. The City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the City.

D. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

E. No statement contained herein shall be construed to interfere with any additional requirements that may be imposed by the City.

F. At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer within 180 days, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material, except that in the ease where gravity sewer service is not available, the property may be served by a private sewage disposal system.

**Subd. 4. Building Sewers and Connections.**

A. It is unlawful for any person to engage in the work or business of installing private sewer service lines and appurtenances for others without a license therefor from the City.

B. Each applicant for a license shall sign an agreement on such form as may be delivered by the City agreeing to pay the City the actual cost of repair for any damage caused to the Sewer System by the applicant or any of his/her employees or agents. This agreement shall accompany the license application.

C. Each applicant shall accompany his/her application with a certificate of insurance in a company acceptable to the City showing public liability insurance coverage with limits of at least \$250,000 per person; \$500,000 per occurrence and \$10,000 for property damage. Such certificate shall specifically state that such insurance covers underground operations and shall contain a provision that the coverage afforded under the policies will not be cancelled or materially changed until at least 15 days prior written notice has been given to the City.

D. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify and hold harmless the City from any loss or damage to the public sewer that may directly or indirectly be occasioned by the installation of the building sewer.

E. A separate and independent building sewer shall be provided for every building; except where two or more buildings are situated on one parcel such that the parcel may not be subdivided; such a joint use private sewer may be extended to the rear building or buildings and the whole considered as one joint use private sewer. Special variances will be considered by the Council.

F. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City, to meet all requirements of this Section.

G. Unused septic tanks, cesspools, leaching pits and similar devices and structures shall be backfilled or made safe and unusable in a manner acceptable to the City.

H. The size, slope, alignment, materials of construction of a building sewer, and the method to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of Water Pollution Control (WPCF) Manual of Practice No. 9, and applicable American Society for Testing Materials (ASTM) Standards shall apply.

I. 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 such building drain shall be provided with a lifting device by an approved means and discharged to the building sewer.

J. It is unlawful for any person to make connections of roof downspouts, exterior foundation drains, areaway drains or other source of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

K. The construction of the building sewer and its connection into the public sewer shall conform to the requirements of the building and plumbing code, the sewer specifications included herein or other applicable rules and regulations and procedures set forth in appropriate specifications of the Water Pollution Control Federation (WPCF) Manual Practice No. 9, and the American Society of Testing and Materials (ASTM). All such construction shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City before installation.

L. The Wastewater Operator or the designee of the City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection and no underground portions shall be covered before the final inspection is completed. The connection shall be made under the supervision of the City or its representative.



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

**Subd. 5. Main and Lateral Sewer Construction.**

A. It is unlawful for any person, unless authorized, to 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. No sanitary or storm sewers shall be constructed in the City (except house or building service sewers) except by the City or by others in accordance with plans and specifications approved by a professional engineer. No such sewers shall be considered to be a part of the public sewer system unless accepted by the City.

C. The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling, and other work connected with the construction of sewers shall conform to the requirements of the City.

D. Sump pumps around house perimeters shall be allowed to drain into the sanitary sewer only between November 1 through April 15.

**Subd. 6. Protection From Damage.** It is unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater treatment facilities.

**Subd. 7. Authority of Inspectors.**

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

B. While performing the necessary work on private properties referred to herein, the authorized employees of the City shall observe all safety rules applicable to the premises.

C. Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purpose of, but not limited to, inspection, observation, and construction of public sewers.

**Subd. S. Unlawful Acts.**

A. Any person found to be violating any provision of this Section shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice permanently cease all violation.

B. It is unlawful for any person to continue any violation beyond the time provided for herein. Each day in which any such violation shall continue shall be deemed a separate offense. Any person violating any of the provisions of this Section shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.

**SEC. 3.41. WASTEWATER FACILITIES USER CHARGES.**

**Subd. 1. Wastewater Disposal System Facilities.** The fees, rates and charges for using the Wastewater Disposal System Facilities shall be, upon the conditions and in the amounts set forth herein as approved by the MPCA in accordance with Section 204(b) of the Clean Water Act, to ensure that each user shall pay for its proportionate share of the costs of operation and maintenance, including replacement.

**Subd. 2. Definitions.** The following terms, as used in this Section, shall have the meanings stated:

1. **"BOD" (denoting Biochemical Oxygen Demand)** means the quantity of oxygen utilized in the biological oxidation of organic matter in five (5) days at 20 degrees C, expressed in milligrams per liter, as determined in accordance with the latest edition- of Standard Methods for the Examination of Water and Wastewater.

2. **"Capital Costs"** means all reasonable and necessary costs and expenses incurred by the City in planning, designing, financing, and constructing disposal system facilities, including but not limited to costs and expenses for obtaining necessary permits, licenses, approvals and grants for design and construction costs; fees for legal and consulting services; or the-acquisition of such facilities.

3. **"City"** as used in this Section, means individually or collectively all parts and facilities of the sewer system and wastewater treatment plant.

4. "**Commercial Users**" means all users of the system classified as industrial users in the Standard Industrial Classification Manual, 1972, U.S. Office of Management and Budget, as amended and supplemented under Division A, B, C, E, and I but who are excluded from such definition for the purposes of this Section, because they discharge primarily segregated domestic wastes, or wastes from sanitary conveniences, except that the classification shall not include such exempted users who are otherwise classified in this Section as Domestic Users, Governmental Users, or Institutional Users.

5. "**Contract Users**" means all users who have a written contract with the City to use the City sewer system or City wastewater treatment plant.

6. "**Debt Service**" means the principal and interest necessary to pay bonded indebtedness.

7. "**Debt Service Charge**" means the charge related to the principal and interest necessary to pay bonded indebtedness for the local share of treatment plant expansion. The debt service charge includes a "debt service connection charge" and a "debt service user charge".

8. "**Normal Domestic Strength**" means wastes with a Biological Oxygen Demand Concentration not to exceed 250 milligrams per liter and a total Suspended Solids Concentration not to exceed 200 milligrams per liter.

9. "**Domestic User**" means those establishments of which its related occupations, if any, are usually considered a domestic service or residential class and whose discharge consists solely of sanitary wastes.

10. "Flow" means the quantity of sewage expressed in gallons or cubic feet per twenty-four (24) hours.

11. "**Governmental User**" includes those establishments whose function is the administration and/or execution of governmental programs as well as the offices of executives, legislative bodies and agencies which provide general support services for government.

12. "**Industrial User**" means any entity which discharges to the City's wastewater treatment system, solid, liquid, or gaseous wastes resulting from the process employed in industrial or manufacturing processes, or from the development of any natural resource. A user may be excluded and treated as a commercial user if the City determines it will primarily introduce domestic wastes or wastes from sanitary conveniences. The BOD and suspended solids loads from industrial users will be based on the actual concentrations of those constituents, except that for industrial users with sewage containing BOD and suspended solids concentrations less than the

concentrations as defined for Normal Domestic Strength, the charges shall be based on concentrations as defined for Normal Domestic Strength.

13. "**Institutional User**" means those establishments engaged in activities of a non-economic nature, frequently being the performance of services classified as a governmental or commercial user in this Section.

14. "**Load**" means quantities of sewage characteristics such as BOD, SS and other constituents as expressed in milligrams per liter (mg/l) or pounds per twenty-four (24) hours (lbs/24 hours).

15. "**Operation and Maintenance Costs**" (O & M Costs) means the expenses related to the costs of the operation, maintenance, replacement and administration of the City facilities.

16. "**Replacement Costs**" means costs related to the expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the useful life of the City facilities for which such facilities were designed and constructed. The term "Operation and Maintenance" includes replacement.

17. "**Sanitary Wastes**" means the liquid and water-carried wastes discharged from sanitary plumbing facilities.

18. "Sewage" means the liquid-carried waste products from whatever source derived, together with such ground water infiltration and surface water as may be present.

19. "**Sewer**" means a pipe or conduit for carrying sewage, industrial waste and other waste liquids.

20. "Sewer Service Charge" means the aggregate of all the charges including the user charge, debt service charges and other sewer-related charges that are billed periodically to users of the City facilities.

21. "**Sewer System**" means pipeliners or conduits, pumping stations, forcemains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage.

22. "**TSS**" (denoting **Total Suspended Solids**) means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering, in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

23. "User" means any person, or corporation, or other entity, whether municipal or otherwise, discharging sewage into the City disposal system facilities.

24. "User **Charge**" means a charge levied on users of City facilities for the cost of operation, maintenance and replacement of such facilities.

25. "**Wastewater Treatment Plant**" means any facility, appurtenant structures, or arrangement of devices used for the treatment of sewage.

**Subd. 3. General.** It is the purpose of this Section to recover from "users" of the City facilities, on an equitable basis, the share of the City facilities' costs attributable to such users, and to provide funds for the operation and maintenance, debt service, and replacement of the Wastewater Treatment Facility. Rates, charges and billing shall be consistent with the rules and regulations set forth in this Chapter.

**Subd. 4. Funds From Sewer Service Charges.**

A. The funds received from the collection of the charges authorized by this Section shall be deposited as collected in the City Sewer Fund and shall be used for the operation, maintenance, debt service, replacement, and improvements of the City sewer system, except that the portion of any such funds which is limited to a particular use by applicable State or Federal rules or regulations, shall be used in compliance with such restrictions.

B. Each charge levied pursuant to this Section shall be a lien against the property, and all such charges due on September 30 of each year, more than thirty (30) days past due, and having been properly mailed to the occupant or owner of the premises, shall be certified by the Council to the County Auditor, shall specify the amount thereof, the description of the premises, the name of the owner thereof, and the amount so certified shall be added to the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer and paid to the City along with other taxes.

C. Any charges levied pursuant to this Section, and which have been properly sent to the occupant or owner and not paid, may be recovered in a civil action by the City in any court of competent jurisdiction.

**Subd. 5. Sewer Service Cost Categories.** The cost to be recovered pursuant to this Section and the unit cost to be fixed by the Council shall be determined and allocated in each of the following categories:

A. "Category A" - **Debt Service for Wastewater Treatment Facilities.**

The amount of the annual interest and principal cost necessary to retire the bond issued to pay for the local share of said project cost. The amounts collected to retire this bond issue will be designated in a separate account, "Debt Service Costs".

B. "**Category B**" - **Operation and Maintenance - City Wastewater Treatment Plant and Sewer System.** The annual cost of operating and maintaining the local share of the wastewater treatment plant and sewer system facilities, including an amount for replacement costs, which shall be segregated in a separate fund designated "Operation and Maintenance Costs" and "Replacement Costs" respectively.

**Subd. 6. Charges for Wastewater Treatment Facility Users.**

A. The Category A cost, Debt Service for Wastewater Treatment Facilities, shall be recovered by (1) a debt service connection charge assessed against new building units and (2) a debt service charge.

1. The Debt Service Connection Charge is to be paid at the time at which a building permit or a sewer connection permit is issued for all, buildings to be constructed or connected to the sewer system. No charge shall be due upon the issuance of a connection permit if a charge was paid upon issuance of a building permit. The debt service connection charge for each building or structure shall be established and changed from time to time by the Council. A unit of sewage volume is one single family residence with a theoretical contribution of not to exceed 250 WI of BOD and 200 mg/l of Total Suspended Solids, and sewage flow of 75,000 gallons per year. The equivalent units of sewage volume shall be assigned as follows:

Standard Sewage Volume Units for Various Residential Dwellings

Single family houses, townhouses, and duplex units	1.0 Unit
Condominiums and apartment units	0.8 Unit
Mobile Homes	1.0 Unit
Public housing units subsidized under any Federal program for low and moderate income housing	1.0 Unit

Standard Sewage Volume Units for Various Commercial,  
Public and Institutional Facilities

<u>Facility Description</u>	<u>Parameter</u>	<u>Units</u>
Auditorium	Each	1.0 Unit
Automobile Service	2 Service Bays	1.0 Unit
Banquet Room	1000 Square Feet	1.0 Unit
Barber Shop	Each	1.0 Unit
Bowling Alley	3 Alleys	1.0 Unit
Car Wash - Self Service	1 Stall	3.0 Unit
Car Wash - Service Station	Each	4.0 Unit
Churches	250 Seats	1.0 Unit
Fast Service Restaurant	600 Square Feet	1.0 Unit
General Office Building	4000 Square Feet	1.0 Unit
Grocery Store/Locker Plant	Each	1.0 Unit
Hospitals	1 Bed	1.0 Unit
Laundromats	4 Washing Machines	1.0 Unit
Liquor, On-Sale	Each	1.0 Unit
Motels and Hotels	2 Rooms	1.0 Unit
Nursing Home	3 Beds	1.0 Unit
Restaurant, Drive-In	10 Parking Spaces	1.0 Unit
Restaurant	600 Square Feet	1.0 Unit
Retail Store	3000 Square Feet	1.0 Unit
Rooming House	7 Beds	1.0 Unit
Schools (Elementary)	20 Students	1.0 Unit
Schools (Secondary)	15 Students	1.0 Unit
Service Station (gas pumping only)	Each	1.0 Unit
Service Station with Service Center	Each	2.0 Unit
Service Station with Service Center and Car Wash	Each	8.0 Unit

Swimming Pool	Each	1.0 Unit
Theatre	50 Seats	1.0 Unit
Theatre, Drive-In	50 Parking Spaces	1.0 Unit
Warehouses	15 Employees	1.0 Unit

(a) The areas listed in the parameters include all interior areas utilized by the public and the employees for the conduct of the facility.

(b) The number of standard sewage volume units for a facility not included in the above list shall be determined by the Council. A request for determination should be made prior to the issuance of a building permit.

(c) All building permits issued by the City for alterations and/or additions to existing buildings or structures will be subject to a revised Category A debt service connection charge if the addition or alteration will increase wastewater discharge. The number of equivalent residential units will be determined in the same manner as above described.

2. The Debt Service Charge to General Users shall be composed of a Minimum Charge per connection per billing period and a Charge based on water meter records. The amount of Category A revenues that the City determines is necessary for annual debt retirement less the revenues collected from the Category A debt service connection charge and revenues collected as debt service charges from other municipalities, contract users, and industrial users shall be the amount of revenues to be collected from the debt service charges.

(a) Half this remaining amount of revenue shall be recovered by a Minimum Charge. The charge is calculated by dividing half the remaining amount of debt service by the number of sewer connections:

$$\frac{\text{Minimum Charge}}{\text{\# of Connections}} = (1/2)(\text{Remaining Annual Debt Service})$$

(b) The other half of the remaining debt service shall be recovered with a Charge/ 1000 gallons of use. The Charge/1000 gallons is calculated by dividing half the remaining debt service by the annual volume of water metered by general users:

$$\frac{\text{Charge/1000 gallons}}{\text{Metered Water}} = (1/2)(\text{Remaining Annual Debt Service})$$



(c) The Charge/1000 gallons is multiplied by a user's average winter water consumption volume, as determined by water meter readings for the three winter billing periods. If an average winter usage is not available, then the charge is multiplied by the current water consumption.

$$\text{Service Charge} = (\text{Charge}/1000) \times (\text{Volume of Average Winter Water Consumption})$$

(d) This Service Charge, plus the Minimum Charge, shall be the debt service use charge for a user during each billing period.

**B.** The Category B charge, user charge for operation, maintenance and replacement shall be based on water meter records and calculated as follows:

1. Determine Annual Operation, Maintenance and Replacement (OM&R) Budget.

2. Divide the OM&R budget by the annual volume of water metered by general users to get the OM&R Charge/1000 gallons:

$$\frac{\text{Charge}/1000 \text{ gallons}}{\text{Water}} = (\text{OM}\&\text{R})/\text{Annual Volume of Metered Water}$$

3. The OM&R user charge for a particular user is calculated by multiplying the Charge/1000 gallons by the user's average winter water consumption volume as determined by water meter readings for that billing period. If average winter usage is not available, then the charge is multiplied by the current water consumption.

$$\text{OM}\&\text{R User Charge} = (\text{Charge}/1000 \text{ gallons}) \times (\text{Average Winter Use})$$

C. If a General User does not have a water meter, the Category A charge, debt service user charge, and the Category B charge, user charge for operation and maintenance, shall be based on the equivalent standard number of sewage volume units where the determination of the number of units shall be the same as used for the Category A charge for the debt service connection charge. Therefore, a unit sewage volume shall be 75,000 gallons per year.

D. If a person feels that a significant amount of metered water does not reach the sanitary sewer, he/she can, at his/her own expense, with approval of the City, install such additional meters or metered services as are necessary to calculate the volume of water not

discharged to the sanitary sewer. Metered water not discharged to the sanitary sewers shall not be subject to sewer service charges. Requests to install additional meters must be made in writing to the City.

E. The Category A cost for the Debt Sewer Service Charge, the Category B unit cost for the operation and maintenance user charge and the surcharge unit cost shall be itemized in resolution form.

F. Any additional costs caused by discharges to the treatment facilities of toxics or other incompatible wastes, including the cost of restoring wastewater treatment services, clean-up and restoration of the receiving waters and environs, shall be borne by the discharger(s) of said wastes, at no expense to the City.

Source: City Code Effective  
Date: 06-30-2003

(Sections 3.42 through 3.49, inclusive, reserved for future expansion.)

**SEC. 3.50. FRANCHISES.**

**Subd. 1. Definition.** The term "franchise" as used in this Section shall be construed to mean any special privileges granted to any person in, over, upon, or under any of the streets or public places of the City, whether such privilege has heretofore been granted by it or by the State of Minnesota, or shall hereafter be granted by the City or by the State of Minnesota.

**Subd. 2. Franchise Ordinances.** The Council may grant franchises by ordinance. Franchise rights shall always be subject to the superior right of the public to the use of streets and public places. All persons desiring to make any burdensome use of the streets or public places, inconsistent with the public's right in such places, or desiring the privilege of placing in, over, upon, or under any street or public place any permanent or semi-permanent fixtures for the purpose of constructing or operating railways, telegraphing, or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the City or its inhabitants or any portion thereof, transportation facilities, water, light, heat, power, gas, or any other such utility, or for any other purpose, shall be required to obtain a franchise before proceeding to make such use of the streets or public places or before proceeding to place such fixtures in such places.

**Subd. 3. Power of Regulation Reserved.** The City shall have the right and power to regulate and control the exercise by any person, of any franchise however acquired, and whether such franchise has been heretofore granted by it or by the State of Minnesota.

**Subd. 4. Conditions in Every Franchise.** All conditions specified in this Section shall be a part of every franchise even though they may not be expressly contained in the franchise:

A. That the grantee shall be subject to and will perform on its part all the terms of this Section and will comply with all pertinent provisions of the City Code, as the same may from time to time be amended.

B. That the grantee shall in no case claim or pretend to exercise any power to fix fares, rates, and charges; but that such fares, rates, and charges shall at all times be just, fair and reasonable for the services rendered and shall in all cases be fixed and from time to time changed, unless regulated by an agency of the State of Minnesota, in the manner following:

1. A reasonable rate shall be construed to be one which will, with efficient management, normally yield above all operating expenses and depreciation, a fair return upon all money invested.

2. If possible, maximum rates and charges shall be arrived at by direct negotiation with the Council.

3. If direct negotiations fail to produce agreement, the Council shall, not less than thirty days before the expiration of any existing rate schedule or agreement, appoint an expert as its representative, the franchisee shall likewise appoint an expert as its representative and the two of them shall appoint a third person, preferably an expert, and the three of them shall constitute a board of arbitration. The board shall report its findings as soon as possible and the rates and charges it shall agree upon by majority vote shall be legal and binding, subject only to review by a court of competent jurisdiction upon application of one of the parties.

C. That the Council shall have the right to require reasonable extensions of any public service system from time to time, and to make such rules and regulations as may be required to secure adequate and proper service and to provide sufficient accommodations for the public.

D. That the grantee shall not issue any capital stock on account of the franchise or the value thereof, and that the grantee shall have no right to receive upon condemnation proceedings brought by the City to acquire the public utility exercising such franchise, any return on account of the franchise or its value.

E. That no sale or lease of said franchise shall be effective until the assignee or lessee shall have filed with the City an instrument, duly executed, reciting the facts of such sale or lease, accepting the terms of the franchise, and agreeing to perform all the conditions required of the grantee thereunder.

F. That every grant of a franchise permitting the erection of poles, masts, or other fixtures in the streets and for the attachment of wires thereto, or for the laying of tracks in, or of pipes or conduits under the streets or public places, or for placing in the streets or other public places any permanent or semi-permanent fixtures whatsoever, shall be subject to the conditions that the Council shall have the power to require such alterations therein, or relocation or rerouting thereof, as the Council may at any time deem necessary, for the safety, health, or convenience of the public. Particularly, the Council shall have the power to require the removal of poles, masts, and other fixtures bearing wires and placing underground all facilities for whatsoever purpose used.

G. Every franchise shall contain a provision granting the City the right to acquire the same in accordance with statute.

H. That the franchisee may be obligated by the City to pay the City fees to raise revenue or defray increased costs accruing as a result of utility operations, or both, including, but not limited to, a sum of money based upon gross operating revenues or gross earnings from its operations in the City.

**Subd. 5. Further Provisions of Franchises.** The enumeration and specification of particular matters which must be included in every franchise or renewal or extension thereof, shall not be construed as impairing the right of the City to insert in any such franchise or renewal or extension thereof such other and further conditions and restrictions as the Council may deem proper to protect the City's interests, nor shall anything contained in this Section limit any right or power possessed by the City over existing franchises.

Source: City Code Effective  
Date: 06-30-2003

(Sections 3.51 through 3.98, inclusive, reserved for future expansion.)

**SEC. 3.99. VIOLATION A MISDEMEANOR.** Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof. If the City elects to seek criminal prosecution, no administrative penalties provided by this Chapter shall be imposed.

Source: City *Code* Effective  
Date: 06-30-2003

