

**CHAPTER 3
SUB-ANALYSIS**

**MUNICIPAL AND PUBLIC UTILITIES - RULES AND REGULATIONS, RATES, CHARGES
AND COLLECTIONS**

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CHAPTER 3

MUNICIPAL AND PUBLIC UTILITIES - RULES AND REGULATIONS, RATES, CHARGES AND COLLECTIONS

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, electric, steam heat, gas, 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.
6. "Public Utilities Commission" means the Public Utilities Commission of the City and certain specific references herein to the "City" shall include the City acting through the Public Utilities Commission where the language or context clearly indicates such reference.

SEC. 3.02. FIXING RATES AND CHARGES FOR MUNICIPAL UTILITIES. All rates and charges for municipal utilities, not fixed by the Public Utilities Commission, 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. CONTRACTUAL CONTENTS. Provisions of this Chapter relating to municipal utilities shall constitute portions of the contract between the City and all consumers of municipal utility services, and every such consumer shall be deemed to assent to the same.

SEC. 3.04. RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITIES.

Subd. 1. 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. 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. 2. Discontinuance of Service. All municipal utilities may be shut off or discontinued 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. 3. 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. 4. 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 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. 5. Meter Test. Whenever a consumer shall request the City to test any utility meter in use by him, such a request shall be accompanied by a cash deposit for each meter to be tested. If any such meter is found to be inaccurate the same shall be replaced with an accurate meter and the deposit thereon refunded.

If the meter shall be found to be accurate in its recordings or calculations it shall be reinstalled and the deposit shall be retained by the City to defray the cost of such test.

Subd. 6. 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. 7. Municipal Utility Services and Charges a Lien.

A. Payment for all municipal utility (as that term is defined in City Code, Section 3.01) service charges shall be the primary responsibility of the owner of the premises served and shall be billed to him unless otherwise contracted for and authorized in writing by the owner and the tenant, as agent for the owner, and consented to by the City of Virginia, Minnesota. 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. In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action or any other fees or costs related to the collection of this bill, the owner or user of the real estate being serviced by the Virginia Public Utilities shall be liable for interest upon all unpaid balances at the rate of 8% per annum.

(Amended 3/26/02)

B. Each such account is hereby made a lien upon the premises served. All such accounts which are more than forty-five days past due may, when authorized by resolution of the Council, be certified by the City Clerk of the City of Virginia, Minnesota, to the County Auditor, and the City Clerk in so certifying shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on 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.

Subd. 8. Customer's Responsibility. It is the responsibility of the customer to install, service, repair and maintain all lines, pipes and appurtenances from the point of delivery and consumption up to and including (1) the corporation stop on water mains, and (2) the "Y" on sewer mains.

Source: City Code
Effective Date: 3-1-88

(Sections 3.05 through 3.19, inclusive, reserved for future expansion.)

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

Subd. 1. Definition. "Refuse" 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, tree and lawn clippings and solid market and industrial wastes.

Subd. 2. Storage and Transporting Refuse.

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

B. It is unlawful for any person to transport refuse over any street, for hire, except by special permit from the Council, or acting within the course and scope of a written contract with the City, or his employment with the City.

C. It is unlawful for any person to transport refuse on any street unless it is carried 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.

Subd. 3. Containers. All refuse shall be stored in clean, rust-resistant, water-tight, non-absorbent and washable closed containers, approved for the purpose by the City. Provided, however, that tree clippings may be 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. Containers shall be placed at the designated collection point on days specified by the City. Collection points will generally be the alley adjacent to the property from which refuse is collected; but where there is no alley, the curb line in front of such property.

Subd. 5. Property of the City. All materials at public disposal sites are the property of the City. It is unlawful for any person to separate, collect, carry off or dispose of such materials except by direction of the City.

Subd. 6. Disposal Site. Privately hauled non-refuse disposal from households, and refuse and non-refuse disposal from commercial establishments, may be deposited at the disposal site upon payment of charges therefor.

Source: City Code

Effective Date: 3-1-88

Subd. 7. Any person, business or corporation that is not a customer of the City of Virginia refuse system shall not dump or dispose of refuse of any kind within the City limits of the City of Virginia. Violators shall be subject to sanctions designated under this section.

(Amended 4/13/93)

Subd. 8 All residential refuse shall be placed in City designated containers in City-designated refuse bags. Any refuse deposited in City containers that is not in City refuse bags shall be unlawful and subject to sanctions designated under this section. All commercial refuse customers shall use either bags or containers in the disposal of their refuse.

(Amended 4/13/93)

Subd. 9 Any violation of Subd. 8 above, including failure to use City-designated containers or City-designated refuse bags, shall result in a fine of twenty-five and No/100ths Dollars (\$25.00) for the first violation; Fifty and No/100ths Dollars (\$50.00) for the second violation; seventy-five and No/100ths Dollars (\$75.00) for the third violation and any violation beyond a third violation shall be charged as a misdemeanor and shall be subject to the sanctions designated under this section.

(Approved 12/10/96)

Subd. 10 Any violation of Subd. 8 where a fine is imposed for blue bag violation and after notice to the violator, a default occurs, the City Council by resolution may certify the amount of the fine and a ten percent (10%) administration fee to the County Auditor as of September 1 of each year to be collected with the property tax due. The City may also charge a six percent (6%) interest on all unpaid fines.

(Approved 3/27/01)

(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 service pipe 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 service pipe 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. Abandoned Services Penalties. All service installations connected to the water system that have been abandoned or, for any reason, have become useless for further service shall be disconnected at the main. The owner of the premises, served by this service, shall pay the cost of the excavation. 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. When new buildings are erected on the site of old ones, and it is desired to increase the old water service, a new permit shall be taken out and the regular tapping charge shall be made as if this were a new service. 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.

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 seven 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.

Subd. 5. Private Water Supplies. No water pipe of the City water system shall be connected with any pump, well, pipe, tank or any device that is connected with any other source of water supply 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. When a building is connected to "City Water" the private water supply may be used only for such purposes as the City may allow.

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. All water meters exceeding one inch in size shall be purchased and maintained by the property owner. All repairs of water meters not resulting from normal usage shall be the responsibility of the property owner, as shall any maintenance and repair of meters which are not of the remote reading type. Any meter twenty years old, or older, or in need of replacement, shall be replaced with a remote type which shall be purchased by the property owner and shall be the maintenance responsibility of the City. All water meters shall be installed and controlled by the City and the cost of installation shall be the responsibility of the property owner. Any remote type meter in need of replacement by reason of normal usage shall be furnished by the City, installed at the expense of the property owner, and the City shall thereafter own such meter.

Subd. 11. Code Requirement. All piping, connections and appurtenances shall be installed and performed strictly in accordance with the Minnesota Plumbing Code. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the City, be an additional ground for termination of water service to any consumer.

Source: City Code
Effective Date: 3-1-88

(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. "Act" - The Federal Water Pollution Control Act also referred to as the Clean Water Act, as amended, 33. U.S.C. 1251, et seq.
2. "ASTM" - American Society for Testing Materials.
3. "Bod5 or Biochemical Oxygen Demand" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° Centigrade in terms of milligrams per liter (mg/l).
4. "Building Drain" - That part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the building wall.
5. "Building Sewer" - The extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.
6. "Chemical Oxygen Demand (COD)" - The quantity of oxygen utilized in the chemical oxidation of organic matter as determined by standard laboratory procedures, and as expressed in terms of milligrams per liter (mg/l).
7. "Compatible Pollutant" - Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS Permit if the treatment facilities are designed to treat such pollutants to a degree which complies with effluent concentration limits imposed by the permit.
8. "Control Manhole" - A structure specially constructed for the purpose of measuring flow and sampling of wastes.
9. "Easement" - An acquired legal right for the specific use of land owned by others.
10. "Fecal Coliform" - Any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.
11. "Floatable Oil" - Oil, fat, or grease in a physical state, such that it will separate by gravity from wastewater.
12. "Garbage" - Animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.
13. "Incompatible Pollutant" - Any pollutant that is not defined as a compatible pollutant (Item 7) including nonbiodegradable dissolved solids.

14. "Industry" - Any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, which is categorized in Divisions A, B, D, E and I.
15. "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.
16. "Infiltration" - Water entering the sewage system (including building drains and pipes) from the ground through such means as defective pipes, pipe joints, connections, and manhole walls.
17. "Infiltration/Inflow (I/I)" - The total quantity of water from both infiltration and inflow.
18. "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.
19. "Interference" - The inhibition or disruption of the City's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the City's NPDES and/or SDS Permit. The term includes sewage sludge use or disposal by the City in accordance with published regulations providing guidelines under Section 405 of the Act or any regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria applicable to the method of disposal or use employed by the City.
20. "MPCA" - Minnesota Pollution Control Agency.
21. "National Categorical Pretreatment Standards" Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to be not susceptible to treatment by such treatment facilities or would interfere with the operation of such treatment facilities, pursuant to Section 307(b) of the Act.
22. "National Pollutant Discharge Elimination System (NPDES) Permit" - A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act.
23. "Natural Outlet" - Any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.
24. "Non-Contact Cooling Water" - The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added, is heat.
25. "Normal Domestic Strength Waste" - Wastewater that is primarily introduced by residential users with a BOD5 concentration not greater than 270 mg/l and a suspended solids (TSS) concentration not greater than 240 mg/l.

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

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

28. "Properly Shredded Garbage" - The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 1/2 inch (1.27 cm) in any dimension.

29. "Sewage" - The spent water of a community. The preferred term is wastewater.

30. "Sewer" - A pipe or conduit that carries wastewater or drainage water.

A. "Collection Sewer" - A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.

B. "Combined Sewer" - A sewer intended to serve as a sanitary sewer and a storm sewer.

C. "Force Main" - A pipe in which wastewater is carried under pressure.

D. "Interceptor Sewer" - A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

E. "Private Sewer" - As owned and maintained by the City.

F. "Public Sewer" - A sewer owned, maintained and controlled by the City.

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

H. "Storm Sewer or Storm Drain" - A drain or sewer intended to carry storm waters, surface runoff, ground water, subsurface water, street wash water, drainage, and unpolluted water from any source.

31. "Significant Industrial User" - Any industrial user of the wastewater treatment facility which has a discharge flow (1) in excess of 25,000 gallons per average work day, or (2) has exceeded five percent (5%) of the total flow received at the treatment facility, or (3) whose waste contains a toxic pollutant in toxic amounts pursuant to Section 307(a) of the Act, or (4) whose discharge has a significant effect, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or emissions generated by the treatment system.

32. "Slug" - Any discharge of water or wastewater which in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than fifteen

(15) minutes, more than five (5) times the average 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment works.

33. "State Disposal System (SDS) Permit" - Any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to Minnesota Statutes 115.07 for a disposal system as defined by Minnesota Statutes 115.01, Subd. 8.

34. "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.

35. "Toxic Pollutant" - The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects as defined in standards issued pursuant to Section 307(a) of the Act.

36. "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 benefited by discharge to the sanitary sewers and wastewater treatment facilities.

37. "User" - Any person who discharges or causes or permits the discharge of wastewater into the City's wastewater disposal system.

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

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

40. "Watercourse" - A natural or artificial channel for the passage of water, either continuously or intermittently.

41. "WPCF" - The Water Pollution Control Federation.

Subd. 2. Control by the City Engineer. The City Engineer shall have control and general supervision of all public sewers and service connections in the City, and shall be responsible for administering the provisions of this Section to the end that a proper and efficient public sewer is maintained.

Subd. 3. Unlawful Acts.

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

B. It is unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Section and the City's NPDES/SDS Permit.

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

D. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated within the City and adjacent to any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the City, shall be required at the owner(s) expense to install a suitable service connection to the public sewer in accordance with provisions of this Section, within 365 days of the date said public sewer is operational, provided said public sewer is within 150 feet of the structure generating the wastewater. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this Subdivision, an official 60-day notice shall be served instructing the affected property owner to make said connection.

E. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Subparagraph D, above, the City shall undertake to have said connection made and shall assess the cost thereof against the benefitted property. Such assessment, when levied, shall bear interest at the rate determined by the Council and shall be certified to the Auditor of the County of St. Louis, Minnesota, and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City shall be in addition to any remedial or enforcement provisions of this Section.

Subd. 4. Private Wastewater Disposal.

A. Where a public sewer is not available under the provisions of Subparagraph D of Subdivision 3, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Subdivision.

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

C. A permit for a private wastewater 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 work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice.

D. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of 6 MCAR 4.8040, entitled "Individual Sewage Treatment System Standards". No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 365 days in compliance with this Section, and within 60 days any septic tanks, cesspools, and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.

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

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

Subd. 5. Building Sewers and Connections.

A. Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, BOD5, and Suspended Solids, as determined by the City.

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

C. 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.

D. There shall be two (2) classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the City. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

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

F. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the

whole considered one building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.

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

H. The size, slopes, alignment, materials of construction of a building sewer, 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 of Minnesota Building and Plumbing Code or other applicable rules and regulations of the City. In the absence of Code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9, shall apply.

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, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

J. No water from any roof, surface, ground water sump pump, footing tile, swimming pool or other natural precipitation shall be discharged into the sanitary sewer system. Dwellings and other buildings and structures which require, because of infiltration of water into basements, crawl spaces and the like, a sump pump discharge system shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer system, except as provided herein. A permanent installation shall be one which provided for year round discharge capability to either the outside of the dwelling, building or structure, or is connected to the City storm sewer or discharges through the curb and gutter to the street. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge. The City Engineer shall have the power and duty of hearing and deciding requests for waivers from the applicability of the provisions of this ordinance (Sec. 3.40, Subd. 5, Paragraph J) where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration or cause a safety problem. Application for waivers pursuant to the Subdivision shall be addressed in writing to the City of Virginia Engineering Department. The applications shall at a minimum identify the property for which the waiver is being applied, the name of the property owner/applicant and describe in detail what characteristics of the subject property create an undue hardship. Within a reasonable time, the City Engineer shall make a decision on the matter and serve a copy of such order upon the applicant by mail. Upon approval of an application for a waiver, the property owner shall be allowed to temporarily pump directly into the sanitary sewer system between the dates of November 1 and April 1. The holder of a waiver shall request an authorized City employee to certify that prior to April 15th of each subsequent year their discharge water connection has been removed from the sanitary sewer. Failure to provide such certification will place the waiver holder in violation of this ordinance.

(Amended 6/28/94)

(Amended 2/9/99)

K. The connection of the building sewer into the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gaslight 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.

L. 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.

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

N. It is unlawful for any person to make a service connection with any public sewer, or to engage in the work or business of plumbing, or the installation of water or sewer pipes without a license therefor from the State. The licensee shall give bond to the City in the penal sum of \$2,000.00 conditioned upon faithful and lawful performance of all work in the City. Proof of filing such bond with the State shall relieve the licensee of this requirement.

Subd. 6. Use of Public Services.

A. It is unlawful for any person to discharge or cause to be discharged any unpolluted water such as stormwater, ground water, roof runoff, surface drainage, or non-contact cooling water to any sanitary sewer. It is also unlawful for any person to direct stormwater, ground water, roof runoff, or surface water drainage to a neighboring or adjoining property."

(Amended 9/12/94)

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

C. It is unlawful for any person to discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

2. Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or flashings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings,

rag, 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.

3. 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, and personnel of the wastewater disposal system.

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

D. The following described substances, materials, water, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works treatment process or equipment, will not have an adverse effect on the receiving stream and/or soil, vegetation and ground water, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The City Engineer, upon consultation with the Council, may set limitations lower than limitations established in the regulations below if, in their opinion, such more severe limitations are necessary to meet the above objectives. In forming their opinion as to the acceptability of wastes, the City Engineer and Council will give consideration to such factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the City's NPDES and/or SDS permit, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the City Engineer are as follows:

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

2. Any wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/1 or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65.6°C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/1, whether emulsified-or not.

3. Any quantities of flow, concentrations, or both which constitute a "slug" as defined herein.

4. Any garbage 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 which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.

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

9. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable State or Federal regulations.

10. Any waters or wastes containing the following substances:

- _____ mg/1 arsenic
- _____ mg/1 cadmium
- _____ mg/1 copper
- _____ mg/1 cyanide
- _____ mg/1 lead
- _____ mg/1 mercury
- _____ mg/1 nickel
- _____ mg/1 silver
- _____ mg/1 total chromium
- _____ mg/1 zinc
- _____ mg/1 phenolic compounds which cannot be removed by City's wastewater treatment system.
- _____ mg/l, other.

11. Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule, regulation, or ordinance of any regulatory agency, or State or Federal regulatory body.

12. Any waters or wastes containing BOD5 or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of this Section.

E. If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in Subparagraph D, above, and/or which in the judgment of the City Engineer, upon consultation with the Council, may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment; receiving waters and/or soil, vegetation, and ground water; or which otherwise create a

hazard to life or constitute a public nuisance, the City may: (1) reject the wastes; (2) require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act and all addendums thereof; (3) require control over the quantities and rates of discharge, and/or; (4) require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer service charges. 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 owners' expense, and shall be subject to the review and approval of the City pursuant to the requirements of the MPCA.

F. 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 Subparagraphs C and D, above, or contained in the National Categorical Pretreatment Standards or any State requirements.

G. 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(s).

H. 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 Subparagraph D, Item 2, above, any flammable wastes as specified in Subparagraph C, Item 1, above, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Utilities Superintendent. Any removal and hauling of the collecting materials not performed by the owner's personnel, must be performed by a currently licensed waste disposal firm.

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

J. The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the City, be required to provide laboratory measurements, tests, or analyses of waters or wastes to illustrate compliance with this Section and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the City at such times and in such manner as prescribed by the City. The owner shall bear the expense of all measurements, analyses, and reporting required by the City. At such times as deemed necessary, the City reserves the right to take measurements and samples for analysis by an independent laboratory.

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

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

M. It is unlawful for any person, having charge of any building or other premises which drains into the public sewer, to permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within ten (10) days after receipt of written notice from the City, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same, and perform such other work as the City Engineer may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of ten (10) days, the City Engineer may cause such work to be completed at the expense of the owner or representative thereof.

N. Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause such work to be done as the City Engineer may direct. Each day after ten (10) days that a person neglects or fails to so act shall constitute a separate violation of this Subdivision, and the City Engineer may then cause the work to be done, and recover from such owner or agent the expense thereof by an action in the name of the City.

O. 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.

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

Q. No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to

payment therefor by the industrial concern, providing that National Categorical Pretreatment Standards and the City's NPDES and/or State Disposal System Permit limitations are not violated.

Subd. 7. Other Unlawful Acts. 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 part of the wastewater facilities.

Subd. 8. Powers and Authority of Inspectors.

A. The Utilities Superintendent or other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling, and testing pertinent to the discharges to the City's sewer system in accordance with the provisions of this Section. Every person owning improved real estate that discharges into the City's sanitary sewer system shall allow an employee of the City of Virginia or their designated representative to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. In lieu of having the City inspect their property, any person may furnish a certificate from a licensed plumber certifying that their property is in compliance with this Ordinance. Any person refusing to allow their property to be inspected or refusing to furnish a plumber's certificate within fourteen (14) days of the date City employees or their designated representatives are denied admittance to the property, shall immediately become subject to the surcharge hereinafter provided for. Any property found to violate the Ordinance shall make the necessary changes to comply with the Ordinance and furnish proof of the changes to the City within six (6) months of initial inspection. Each sump pump connection identified will be reinspected on a regular basis. All new homes will be required to have their sump pump system inspected within ninety (90) days of occupancy and a certificate of compliance completed.

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

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

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

(Amended 6/28/94)

(Amended 12/6/94)

Subd. 9. Violations. 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 violations. It is unlawful for any person to continue any violation beyond the time limit provided for above, and on conviction thereof, shall be fined in the amount not exceeding \$200.00 for each violation. Each day in which any such violation occurs 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.

Subd. 10. Surcharge. A surcharge of Twenty-Five and No/100ths Dollars (\$25.00) per month will be imposed and added to every sewer billing to property owners who are not in compliance with this Ordinance within one (1) year of initial inspection. The surcharge shall be added every month and levied monthly on properties not complying with the Ordinance. All properties found during re-inspection to have violated this Ordinance will be subject to the Twenty-Five and No/100ths Dollars (\$25.00) per monthly penalty for all months between the two most recent inspections."

(Adopted 6/28/94)

(Amended 12/6/94)

SEC. 3.41. SEWER SERVICE CHARGE SYSTEM.

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

1. "Administration" - Those fixed costs attributable to administration of the wastewater treatment works (i.e., billing and associated bookkeeping and accounting costs).

2. "Biochemical Oxygen Demand or BOD5" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.

3. "Commercial User" - Any place of business which discharges sanitary waste as distinct from industrial wastewater.

4. "Commercial Wastewaters" - Domestic wastewater emanating from a place of business as distinct from industrial wastewater.

5. "Debt Service Charge" - A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct said facilities.

6. "Normal Domestic Strength Wastewater" Wastewater that is primarily produced by residential users, with BOD5 concentrations not greater than 270 mg/l and suspended solids concentrations not greater than 240 mg/l.

7. "Extra Strength Waste" - Wastewater having a BOD and/or TSS greater than domestic waste as herein defined and not otherwise classified as an incompatible waste.

8. "Governmental User. - Users which are units, agencies or instrumentalities of Federal, State, or local government discharging Normal Domestic Strength wastewater.

9. "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.

10. "Industrial Users" or "Industries" are:

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, 1972, Office of Management and Budget, as amended and supplemental under one of the following divisions:

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

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

BOD5	less than 270 mg/1
Suspended Solids	less than 240 mg/1

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

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

12. "Institutional User" - Users other than commercial, governmental, industrial or residential users, discharging primarily Normal Domestic Strength wastewater (e.g., non-profit organizations).

13. "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. Operation and Maintenance includes replacement.

14. "Operation and Maintenance Costs" Expenditures for operation and maintenance, including replacement.

15. "Public Wastewater Collection System" - A system of sanitary sewers owned, maintained, operated and controlled by the City.

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

17. "Replacement Costs" - Expenditures for replacement.

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

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

20. "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

21. "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.

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

23. "Standard Industrial Classification Manual" Office of Management and Budget, 1972.

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

25. "Toxic Pollutant" - The concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to Section 307(a) of the Act, which upon exposure to or assimilation into any organism will cause adverse effects.

26. "User Charge" - A charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement.

27. "Users" - Those residential, commercial, governmental, institutional and industrial establishments which are connected to the public sewer collection system.

28. "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.

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

Subd. 2. Establishment of a Sewer Service Charge System.

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

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

C. Each user shall pay debt service charges to retire local capital costs as determined by the 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 Section. The Sewer Service Charge System developed with the assistance of John Baker Engineering, Inc. 1986 shall be adopted by resolution upon enactment of this Section, shall be published in the local newspaper, and shall be effective upon publication. Subsequent changes in Sewer Service rates and charges shall be adopted by Council resolution and shall be published in the local newspaper.

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 offset

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 administered in accordance with the provisions of this Section.

Subd. 3. Determination of Sewer Service Charges.

A. Users of the City Wastewater Treatment Works shall be identified as belonging to one of the following user classes:

- | | |
|----------------|------------------|
| 1) Residential | 4) Institutional |
| 2) Commercial | 5) Governmental |
| 3) Industrial | |

The allocation of users to these categories for the purpose of assessing User Charges and Debt Service Charges shall be the responsibility of the City Engineer. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.

B. The user shall pay operation, maintenance, and replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, with the minimum rate for loadings of BOD and of TSS being the rate established for concentrations of 270 mg/l BOD and 240 TSS (i.e., Normal Domestic Strength Wastewater).

C. Unit Costs for Treatment of Flow, BOD, and TSS.

1. Unit costs for treatment of Flow, BOD and TSS shall be determined and fixed annually in the Sewer Service Charge System according to the following procedure:

(a) Determine the Annual OM&R budget.

(b) Allocate total Annual OM&R costs to Flow, BOD and TSS proportionately; according to the costs of collection, and of the specific treatment processes required to affect or reduce Flow, BOD and TSS.

(c) Divide the OM&R costs attributable to Flow, BOD and TSS respectively, by the total annual billable volume and loadings of Flow, BOD and TSS, to arrive at unit costs.

2. For purposes of determining the following definitions of unit costs shall apply:

UF = Unit cost for treatment of Flow in \$/Kgal.

UBOD = Unit cost for treatment of BOD in \$/lb.

UTSS = Unit cost for treatment of TSS in \$/lb.

3. Unit costs for 1986 are provided in Table 6 of the Sewer Service Charge System developed with the assistance of John Baker Engineering, Inc. Subsequent calculations of unit costs shall be according to the substantive intent of this SSCS.

4. The "Calculation of Unit Cost for Treatment of Normal Domestic Strength Wastewater" shall be as follows:

$$UN = \frac{COMR}{TBWV}$$

Where: UN = Unit cost for operation, maintenance and replacement to treat domestic strength wastewater in \$/K gal.

COMR = Total annual OM&R costs less costs associated with the treatment of concentrations greater than normal domestic strength.

TBWV = Total annual billable wastewater volume in k gallons.

D. User Charges for Normal Domestic Strength Users.

1. Calculating Billable Flows and Loadings.

(a) The billable amount of flow will be calculated from the volume of metered water usage. For residential users, the per month billable flow shall be equal to monthly metered water usage as determined by the first quarter of the calendar year. For non-residential users discharging NDSW, billable flow shall be equal to monthly water usage measured throughout the year.

(b) Determination of Loadings From Metered Water Usage: The billable amounts of BOD and TSS will be calculated from the volume of metered water usage, as determined above, where the billable quantities will be those attributable to a wastewater concentration of 270 mg/l BOD and 240 mg/l TSS (i.e., "Normal Domestic Strength Wastewater").

2. Calculating User Charges.

$$UC(NDS) = (UN \times F)$$

Where: UC (NDS) = User charge for treatment of normal domestic strength wastewater.

UN = Unit Cost for operation, maintenance and replacement to treat normal domestic strength wastewater.

F = Billable flow in Kgal.

E. User Charges for Users Contributing Wastes Greater Than Normal Domestic Strength.

1. Calculating Billable Flows and Loadings. The billable amount of flow will be calculated from the volume of metered water usage, or at the discretion of the City, from the measurement of effluent flow at user's point of discharge. Measurements shall be according to a regular program prescribed by the City. The billable amounts of BOD and TSS will be calculated by the measurement of these wastes according to a program prescribed by the City in keeping with the latest edition of Standard Methods for the Examination of Water and Wastewater.

2. Calculating User Charges.

$$UC (GNDS) = (UF \times F) + (UBOD) + (UTSS \times QTSS)$$

Where: UC(GNDS) = User charge for treatment of wastewater that is greater than Normal Domestic Strength.

UF = Unit cost for treatment of flow in \$/Kgal.

F = Billable flow in Kgal.

UBOD = Unit cost for treatment of BOD in \$/lb.

QBOD = Quantity of BOD in lbs.

UTSS = Unit cost for treatment of TSS in \$/lb.

QTSS = Quantity of TSS in lbs.

F. The City may, at its discretion require nonresidential users to install wastewater flow meters or such additional water meters as may be necessary to determine wastewater volume. The City may require residential connections to install water meters for the purpose of determining wastewater volume. When so required, such meters shall be of a type approved by the City equipped with remote registering recorders, and located at an accessible site on the owner's property.

G. Recovery of Local Construction Costs. Local construction costs for the wastewater treatment facility will be recovered from users according to their contribution of wastewater flows and loadings into the treatment facility as follows:

$$Dc = \frac{Cd}{F}$$

Where: DC = Annual Debt Service Charge.

Cd = Annual Debt Service Cost.

F = Billable Flow in Kgal.

H. Sewer Service Charge.

$$SSC = UC + DC$$

Where: SSC = Annual Sewer Service Charge.

UC = Annual User Charge.

DC = Annual Debt Service Charge.

Subd. 4. 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 Treasurer separate and apart from all other funds of the City. Funds received by the Sewer Service Fund shall be transferred to the "Operation and Maintenance Account", the "Equipment Replacement Account", and the "Debt Retirement Account" in accordance with State and Federal regulations and the provisions of this Section.

C. Revenue generated by the Sewer Service Charge System sufficient to insure adequate replacement throughout the design 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".

Subd. 5. Administration. The Sewer Service Charge System and Sewer Service Fund shall be administrated according to the following provisions:

A. The Treasurer shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works, and shall furnish the Council with a report of such costs annually. The 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 Subdivision 2 of this Section, and Section 204(b)(2)(A) of the Federal Water Pollution Control Act, as amended. The City shall thereafter, but not later than the end of the year, reassess, and as necessary revise the Sewer Service Charge System then in use to insure the proportionality of the user charges and to insure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and- to retire the construction debt.

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 30 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 as 5% of the original bill and shall be increased the same 5% for every quarter the bill is outstanding.

E. The owner of the premises, shall be liable to pay for the service to such premises, and the service is furnished to the premises by the City only upon the condition that the owner of the premises is liable therefor 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(s) of said wastes, at no expense to the City.

Subd. 6. Service Charges a Lien.

A. Each and every sewer service charge levied by and pursuant to this Section is hereby made a lien upon the lot or premises served, and all such charges which are on January 1 of each year past due and delinquent, shall be certified to the County Auditor as taxes or assessments on the real estate. Nothing in this Section 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.

B. 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.

Subd. 7. System to Take Precedence. The sewer service charge system shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of Section 204(b)(1)(A) of the Act and Federal Regulation 40 CFR (Code of Federal Regulations) 35.2140 of the Environmental Protection Agency's grant regulations.

Source: City Code

Effective Date: 3-1-88

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

SEC. 3.50. RULES AND REGULATIONS RELATING TO ELECTRIC SERVICE

Subd. 1. Code Requirement. All wiring, connections and appurtenances shall be installed and performed strictly in accordance with the National Electrical Code. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the City, be an additional ground for termination of electrical service to any consumer.

Subd. 2. Services. New or changed service installations shall be made at the expense of the consumer, placed underground where designated by the City, and the meter location shall also be designated by the City. Overhead service installations may be permitted by the City (1) temporarily during new construction; (2) temporarily during an emergency to prevent danger to persons or property; (3) for a period of not more than seven months when soil conditions make excavation for underground service impractical, or (3) where to require underground service, the consumer has shown that such requirement is unduly burdensome.

Subd. 3. Electrical Installations. All electrical installations shall-comply with the following, where applicable:

A. Motors of 20 HP or more must have line compensators on same. Provided, however, that the City may, at its option, make an exception if the total connected motor load required is smaller than the consumer connected load, and the motor starting current is less than the current corresponding to the consumer's total connected load.

B. Any establishment having a total motor load of 125 HP or more is required to have 440 volts for its motor load.

C. All motor installations of less than 5 HP shall be supplied with 240 volt single phase energy except: (1) motors of 1/2 HP or smaller may be 120 volt; or (2) three phase motors of 3 HP or more may be served from existing secondary power circuits where only service wires and meters are required.

D. The City shall make an installation charge for extraordinary expenses required by a consumer.

Subd. 4. Replacing or Converting to Underground.

A. Converting to Underground. The City may, at its option and at its expense, convert any present service where no change is otherwise required by the consumer, from overhead to underground. Where this is done, the City shall only cover and refill the trench and other ditching maintenance or repair, and all subsequent changing and repairing of the service shall be the obligation of the consumer.

B. Replacing. Nothing herein shall prevent the City from replacing an overhead service with the same type.

C. Meters and Placement Service. Placement of services and meters shall be determined by the City.

Source: City Code
Effective Date: 3-1-88

(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 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.

Source: City Code
Effective Date: 3-1-88