

**TITLE V: PUBLIC WORKS**

Chapter

**50. GARBAGE AND TRASH**

**51. WATER**

**52. SEWERS**



## CHAPTER 50: GARBAGE AND TRASH

### Section

- 50.01 Purpose
- 50.02 Definitions
- 50.03 Policy
- 50.04 Prohibitions
  
- 50.99 Penalty

### § 50.01 PURPOSE.

The purpose of this chapter is to set policy for the disposal of garbage and trash.  
(Ord. passed 5-19-2003)

### § 50.02 DEFINITIONS.

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

**ACCEPTABLE MEANS.** Contract trash hauler, weekly; hauling to County Solid Waste Transfer Station, at least bi-weekly; hauling to county landfill at Henning, at least biweekly.

**GARBAGE.** Plant and meat materials; items that will decompose and or rot; and items that will smell and attract animals.

**HOUSEHOLD.** A social unit living together in the same dwelling, such as single-family dwellings, mobile homes, apartments, condos, duplexes and the like.

**TRASH.** Dry materials such as paper, bottles, cans and items that do not readily decompose. For the purpose of this chapter, the word **TRASH** will be used to mean both garbage and trash because garbage and trash are frequently mixed.  
(Ord. passed 5-19-2003)

**§ 50.03 POLICY.**

(A) Every household and business is required to dispose of its trash by an acceptable means on a regular basis (i.e., weekly or bi-weekly).

(B) The city will contract with a trash hauler to dispose of city generated trash. The contractor will provide dumpsters for all city buildings and parks. Dumpsters co-located with city buildings are for the exclusive use of the city. Dumpsters located in park areas are intended for the use of park visitors to dispose of incidental trash, such as from a picnic.

(Ord. passed 5-19-2003) Penalty, see § 50.99

**§ 50.04 PROHIBITIONS.**

(A) Household and business trash may not accumulate in garages, basements or recreational vehicles of any kind, or in any other place.

(B) Dumpsters co-located with city buildings or located in park areas are not to be used, under any circumstances, to dispose of household or business trash.

(Ord. passed 5-19-2003) Penalty, see § 50.99

**§ 50.99 PENALTY.**

Violations of this chapter are subject to administrative fines. The schedule of fines will be maintained by the City Clerk-Administrator-Treasurer and periodically reviewed and update by the City Council.

(Ord. passed 5-19-2003)

## CHAPTER 51: WATER

### Section

#### *Water Conservation*

- 51.01 Purpose
- 51.02 Definitions
- 51.03 Application
- 51.04 Declaration of critical water deficiency
- 51.05 Mandatory emergency water conservation measures
- 51.06 Variances
- 51.07 Enforcement

#### *General Usage Regulations*

- 51.20 Application for first service connection
- 51.21 Every premises to have separate connection
- 51.22 Cost of installation borne by consumer
- 51.23 Meters; placing and testing
- 51.24 Use of water without authority
- 51.25 Discontinuance of service
- 51.26 Water connections
- 51.27 Water service pipes
- 51.28 Corporation cock, curb stop and drain
- 51.29 Water system check valves
- 51.30 Use of water during fire
- 51.31 Water rates
- 51.32 Billing and payment
- 51.33 Water Revenue Fund
- 51.34 Collection of fees

- 51.99 Penalty

#### ***Cross-reference:***

*Sewers, see Ch. 52*

*Subdivisions and Zoning, see Ch. 152*

**WATER CONSERVATION****§ 51.01 PURPOSE.**

This subchapter establishes water conservation restrictions and the plan will be in effect at any time the Governor declares by executive order a critical water deficiency, pursuant to M.S. § 103G.291, as it may be amended from time to time.

(Ord. 2018-02, passed 6-18-2018)

**§ 51.02 DEFINITIONS.**

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

**CITY CLERK-ADMINISTRATOR-TREASURER.** In statutory cities, means the person assigned duties pursuant to M.S. § 412.151, as it may be amended from time to time, or the City Manager pursuant to M.S. §§ 412.601 through 412.751, as they may be amended from time to time, or in charter cities, as determined by the City Charter.

**DEPARTMENT.** The city's Water Department.

**EMERGENCY.** The declaration of a critical water deficiency by the Governor.

**IRRIGATION.** The watering of shrubs, trees, sod, seeded areas, gardens, lawns or any other outdoor vegetation, except outdoor vegetation utilized for agricultural purposes.

**NOTIFICATION TO PUBLIC.** Notification through local media, including interviews and issuance of news releases.

**PUBLIC WATER SUPPLIER.** The city or other entity that owns, manages or operates a public water supply, as defined in M.S. § 144.382, subd. 4, as it may be amended from time to time.

**RECLAIMED WATER.** Water collected from rooftops, paved surfaces or other collection devices and all water utilized more than once before re-entering the natural water cycle.

**WATER RECIRCULATION SYSTEM.** Any system which enables a user to reuse water at least once prior to returning the water to the natural water cycle.

(Ord. 2018-02, passed 6-18-2018)

**§ 51.03 APPLICATION.**

(A) This subchapter applies to all customers of public water suppliers who own or control water use on any premises.

(B) No person shall make, cause, use or permit the use of water received from a public water supply for residential, commercial, industrial, governmental or any other purpose in any manner contrary to any provision in this subchapter.

(C) Mandatory emergency conservation measures shall be implemented based upon the declaration of a critical water emergency by the Governor.

(Ord. 2018-02, passed 6-18-2018) Penalty, see § 51.99

**§ 51.04 DECLARATION OF CRITICAL WATER DEFICIENCY.**

Upon the declaration of a critical water deficiency by the governor, the public water supplier shall immediately post notice of the emergency declaration at the usual meeting place of the City Council or the official city bulletin board. The city shall provide notification to the public as quickly as possible or through established water supply plans emergency response plans or procedures.

(Ord. 2018-02, passed 6-18-2018)

**§ 51.05 MANDATORY EMERGENCY WATER CONSERVATION MEASURES.**

Upon declaration of a water emergency and notification to the public, the following mandatory restrictions upon non-essential water use shall be enforced.

(A) Outdoor irrigation of yards, gardens, golf courses, parklands and other non-agricultural land, except for those areas irrigated with reclaimed water, is prohibited.

(B) Washing or spraying of sidewalks, driveways, parking areas, tennis courts, patios or other paved areas with water from any pressurized source, including garden hoses, except to alleviate immediate health or safety hazards, is prohibited.

(C) The outdoor use of any water-based play apparatus connected to a pressurized source is prohibited.

(D) Restaurants and other food service establishments are prohibited from serving water to their customers, unless water is specifically requested by the customer.

(E) Operation of outdoor misting systems used to cool public areas is prohibited.

(F) The filling of swimming pools, fountains, spas or other exterior water features is prohibited.

(G) The washing of automobiles, trucks, trailers and other types of mobile equipment is prohibited, except at facilities equipped with wash water recirculation systems, and for vehicles requiring frequent washing to protect public health, safety and welfare.

(Ord. 2018-02, passed 6-18-2018) Penalty, see § 51.99

#### **§ 51.06 VARIANCES.**

The Water Supervisor, or his or her designee, is authorized to grant variances to this subchapter where strict application of its provisions would result in serious hardship to a customer. A variance may be granted only for reasons involving health or safety. An applicant may appeal the denial of a variance within five days of the decision by submitting a written appeal to the City Clerk-Administrator-Treasurer. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final.

(Ord. 2018-02, passed 6-18-2018)

#### **§ 51.07 ENFORCEMENT.**

The City Clerk-Administrator-Treasurer, or his or her designee, is authorized to designate city employees or law enforcement personnel to enforce the provisions of this subchapter.

(Ord. 2018-02, passed 6-18-2018)

### ***GENERAL USAGE REGULATIONS***

#### **§ 51.20 APPLICATION FOR FIRST SERVICE CONNECTION.**

Any party connecting to the city water system shall complete a connection permit. The permit must include the name, service address, parcel number, billing address, home and business (or cell) phone numbers where service is to be provided. The permit must identify the contractor(s) doing the work. A copy of a state-issued contractor's license and a certificate of insurance must be attached to the permit. The permit fee shall be an amount in accordance with the current city fee schedule.

(Ord. 43, passed 4-6-1953; Ord. passed - -2007)

#### **§ 51.21 EVERY PREMISES TO HAVE SEPARATE CONNECTION.**

Unless special permission is granted by the City Council, each premises shall have a separate and distinct service connection and, where permission is granted for branch service systems, each branch system must have its own separate meter and separate meter and separate curb cock.

(Ord. 43, passed 4-6-1953)



**§ 51.22 COST OF INSTALLATION BORNE BY CONSUMER.**

The cost of original installation and of all plumbing and water pipes between the main and any service devices maintained by the consumer, and all extensions made to the plumbing, as well as all repairs, shall be borne entirely by the consumer. (See § 51.28 of this chapter.) The plumbing and services, as well as the meters, shall, at all reasonable times, be subject to inspection by duly authorized representatives of the city. Any repairs found to be necessary by the representatives shall be made promptly or the city will discontinue service.

(Ord. 43, passed 4-6-1953; Ord. passed 5-19-1997) Penalty, see § 51.99

**§ 51.23 METERS; PLACING AND TESTING.**

Every property owner or builder shall provide a suitable place inside the structure where a meter can be installed, and shall purchase a city-supplied water meter, install and maintain the same. If, at any time, the consumer desires to have the meter tested for accuracy, the same shall be done by the city and a fee, set by the Council, shall be charged to the consumer if the meter registers 98% or more accurate. If the meter registers less than 98% accurate, it shall be replaced and no charge made. If any meter shall be damaged due to lack of proper care, destruction or freezing, the cost of repairing or replacing the meter shall be charged to and paid for by the consumer.

(Ord. 43, passed 4-6-1953; Ord. passed 4-21-1997) Penalty, see § 51.99

**§ 51.24 USE OF WATER WITHOUT AUTHORITY.**

It shall be unlawful for any person to use water from any premises without the consent of the owner, or to use water from the city water system, except to be drawn through a meter installed by the city. No one, except persons authorized by the city, shall turn on or off or tamper with any curb cock. No person shall open or, in any manner, interfere with any hydrant of the city without the permission of the Water Superintendent or Chief of the Fire Department.

(Ord. 43, passed 4-6-1953) Penalty, see § 51.99

**§ 51.25 DISCONTINUANCE OF SERVICE.**

(A) The city reserves the right to discontinue service to any or all consumers of the water system, without notice, when necessary for repairs or for non-payment of bills, or for disregard of rules and regulations effecting the service. When service has been discontinued for non-payment of bills or for disregard of regulations, it shall not be resumed, except upon payment of the bills, together with interest thereon at the rate of 6% per annum, full compliance with the regulations, and the payment to the City Clerk-Administrator-Treasurer of a fee of an amount in accordance with the current city fee schedule for reestablishing service.

(B) Any consumer wishing to have water service discontinued for any length of time shall so notify an authorized city employee, who shall proceed to shut the water off at the curb cock and, when water

service has been so discontinued, it shall not be resumed, except upon payment of an amount in accordance with the current city fee schedule for restoring the water service.

(Ord. 43, passed 4-6-1953; Ord. passed 5-4-1953)

#### **§ 51.26 WATER CONNECTIONS.**

(A) Secondary water services for any purpose will be allowed in accordance with this subchapter.

(B) Property owners are responsible for the cost of the meter and installation.

(C) Secondary services will be billed at the prevailing rate. Services installed to avoid sewer rates will be subject to inspection to ensure no fixtures are connected to sanitary sewer.

(D) Secondary meters connected to primary water service lines cannot be disconnected to avoid billing.

(Ord. 43, passed 4-6-1953; Ord. passed - -2010)

#### **§ 51.27 WATER SERVICE PIPES.**

(A) All service pipes connected with the water system from the main to the curb stop shall be copper tubing and shall be laid at least seven feet below the established grades or as low as the street mains. Service pipes from the curb stop to the water meter may be copper tubing or 160 pound NSF poly tubing and shall be laid at least seven feet below the established grades or as low as the street mains. When poly tubing is used a tracer wire must be installed. Service pipe must match curb stop diameter. Property owners are responsible for the installation of water meters. The city's Water Department must verify meter installation before water will be turned on. Excavations in public streets for water mains and service connections are to be done only by state-licensed and properly-insured excavating contractors.

(B) The cost of pavement restoration is the property owner's responsibility.

(Ord. 43, passed 4-6-1953; Ord. passed - -2007)

#### **§ 51.28 CORPORATION COCK, CURB STOP AND DRAIN.**

(A) There shall be a corporation cock, curb stop and drain and curb box in every service line attached to the water main. The corporation cock to be tapped in at the main and the curb stop, drain and box to be placed as near as possible to the street side of the property line or within one foot of the alley line if the main is located in the alley. Curb cocks shall be enclosed in a substantial iron case covered with a tight-fitting iron lid. There shall be a valve in the pipe entering the building on the fore side of the meter.

(B) The city shall supply the corporation cock, curb stop, drain and curb box, and labor to tap the main.

(C) These materials and services shall be provided to the consumer in accordance with a fee schedule maintained by the City Clerk-Administrator-Treasurer and shall be subject to change from time to time.

(Ord. 43, passed 4-6-1953; Ord. passed 5-19-1997)

#### **§ 51.29 WATER SYSTEM CHECK VALVES.**

Check valves are required on all water connections to steam boilers or any other connection deemed by the Water Superintendent to require one. Safety and relief valves shall be placed on all boilers or other steam apparatus connections with the water system where the steam pressure may be raised in excess of 30 pounds per square inch.

(Ord. 43, passed 4-6-1953) Penalty, see § 51.99

#### **§ 51.30 USE OF WATER DURING FIRE.**

It is hereby declared to be unlawful for any person in the city, or any other person owning or occupying premises connected to the municipal water system, to use or allow to be used during a fire from said system, except for the purpose of extinguishing the fire, and upon the sounding of a fire alarm, it shall be the duty of every person to see that all water services are tightly closed and that no water is used, except for necessary household purposes during the fire.

(Ord. 43, passed 4-6-1953) Penalty, see § 51.99

#### **§ 51.31 WATER RATES.**

When it is necessary to turn the water service off or on, the following fees will be assessed:

(A) Turn water off: an amount in accordance with the current city fee schedule;

(B) Turn water on: an amount in accordance with the current city fee schedule; and

(C) Turn water off or on outside of normal maintenance duty hours: an amount in accordance with the current city fee schedule.

(Ord. 43, passed 4-6-1953; Ord. passed 12-7-1959; Ord. passed 12-7-1959; Ord. passed - -2006; Ord. passed - -2011)

#### **§ 51.32 BILLING AND PAYMENT.**

(A) M.S. § 444.075, subd. 3(e), as it may be amended from time to time, allows municipal water utilities in statutory cities to certify unpaid water and sewer charges to the County Auditor for collection with taxes. This can be done once a year or more often. Delinquent charges certified to the County Auditor assume the same status as other taxes, even before the taxes are charged or “spread” against

individual properties. The outstanding debt becomes a lien or charge against the property, as soon as the county receives the certified information from the city.

(B) In addition, the city will charge an administrative fee of an amount in accordance with the current city fee schedule per certification to recoup the expense the city incurs in the process. (Ord. 43, passed 4-6-1953; Ord. passed - -2009; Ord. passed - -2011; Ord. passed - -2011)

### **§ 51.33 WATER REVENUE FUND.**

There is hereby created a special city fund to be known as the “Water Revenue Fund”, to be kept and maintained by the City Treasurer. Into the fund shall be paid all collections of service connection charges as provided in § 51.20 of this chapter and all collections of water charges as provided in § 51.32 of this chapter and other moneys as may from time to time be appropriated or directed by the City Council. Out of the fund shall be paid all costs of operations and maintenance of the water system and other liabilities or obligations as may be prescribed from time to time by ordinances or specifications of the City Council.

(Ord. 43, passed 4-6-1953)

### **§ 51.34 COLLECTION OF FEES.**

Any amounts due hereunder for water charges may be collected in action brought for that purpose by the city against the water user, or the City Clerk-Administrator-Treasurer may certify to the County Auditor the amounts due for water charges, including, penalty, together with the legal description of the premises served and the County Auditor shall, thereupon, enter the amount in the tax levy on the premises, collectable with the taxes for the next ensuing year; provided that, nothing herein shall prevent the Council from ordering discontinuance of service to any such premises until they shall have been paid.

(Ord. 43, passed 4-6-1953)

### **§ 51.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (1) Violations of §§ 51.01 through 51.07 of this chapter shall be determined and cited by the Water Supervisor or his or her designee. A violator may appeal the citation within five days of its issuance by submitting a written appeal to the city. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final. Violators may be granted an administrative waiver if evidence is provided that equipment failure was the cause of the violation. A letter from a qualified vendor or equipment invoice will be required to show proof of equipment failure.

(2) Upon discovery of a first violation, the violator shall be issued, either personally or by mail, a warning letter that sets forth the violation, remedy and fine. The first occurrence of violation shall result in a fine of an amount in accordance with the current city fee schedule, which will be added to the next water bill for the premises.

(3) Upon subsequent violations at the same location, the violator shall be issued, either personally or by mail, a citation that sets forth the violation and shall describe the remedy. Fines for subsequent violations shall be an amount in accordance with the current city fee schedule for the second violation, an amount in accordance with the current city fee schedule for the third violation and an amount in accordance with the current city fee schedule for subsequent violations, which will be added to the monthly water bill of the owner or current occupant of the premises where the violation occurred. The imposition of the fine shall in no way limit the right of the city to pursue other legal remedies.

(C) Any person violating any regulation of §§ 51.20 through 51.34 of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than an amount in accordance with the current city fee schedule and costs or, in default thereof, by imprisonment for not more than 90 days. Any prosecution hereunder shall not prevent enforcement of any civil right or remedy hereunder or under any other applicable law.

(Ord. 43, passed 4-6-1953; Ord. 2018-02, passed 6-18-2018)



## CHAPTER 52: SEWERS

### Section

#### *Sanitary Sewer System*

- 52.01 Definitions
- 52.02 Use of public sewers; discharges; grease and oil
- 52.03 Private sewage disposal
- 52.04 Building sewers and connections
- 52.05 Main and lateral sewer construction
- 52.06 Protection from damage
- 52.07 Authority of inspectors

#### *Sewer Service Charge System*

- 52.20 Charges to recover costs
- 52.21 Definitions
- 52.22 Establishment of system
- 52.23 Determination of charges
- 52.24 Sewer Service Fund
- 52.25 Administration
  
- 52.99 Penalty

### **GENERAL PROVISIONS**

#### **§ 52.01 DEFINITIONS.**

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

***BOD (BIOCHEMICAL OXYGEN DEMAND).*** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C expressed in

milligrams per liter. Laboratory procedures shall be in accordance with the latest edition of *Standard Methods For the Examination of Water and Wastewater*.

**BUILDING DRAIN.** The 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 feet outside the inner face of the building wall.

**BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal. Also called **HOUSE CONNECTIONS**.

**CITY.** The area within the corporate boundaries of the City of Parkers Prairie, as presently established or as amended by ordinance or other legal actions at a future time. The term **CITY**, when used herein, may also be used to refer to the City Council and its authorized representatives.

**COD (CHEMICAL OXYGEN DEMAND).** The quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedures as set out in the latest edition of *Standard Methods For the Examination of Water and Wastewater*.

**COMBINED SEWER.** A sewer originally designated to receive both surface water runoff and sewage.

**GARBAGE.** Solid waste resulting from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage or sale of meat, fish, fowl, fruit, vegetable or condemned food.

**INDUSTRIAL WASTES.** The solid, liquid or gaseous wastes resulting from an industrial or manufacturing processes, trade or business, or from the development, recovery or processing of natural resources.

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

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

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

**MAY.** The act referred to is permissive.

**NPDES PERMIT (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT).** 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 Environmental Protection Agency pursuant to the Federal Water Pollution Control Act of 1972, §§ 402 and 405, being 33 U.S.C. §§ 1251 et seq.

**NATURAL OUTLET.** Any outlet into a watercourse, pond, ditch, lake or other body of surface ground water.

**NORMAL DOMESTIC STRENGTH WASTES.** Wastes which are characterized by 350 mg/l of BOD and 300 mg/l suspended solids.

**OTHER WASTES.** Garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil tar, chemicals, offal and other substances, except sewage and other wastes.

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

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

**PROCESS WATER.** Any water used in the manufacturing, preparation or production of goods, materials or food. **PROCESS WATER** is an industrial waste.

**PUBLIC SEWER.** Any sewer owned or operated by a unit or agency of the government.

**SANITARY SEWER.** A sewer which carries sewage, and to which storm, surface and ground waters are not intentionally admitted.

**SANITARY WASTE.** The liquid and water-carried wastes discharged from sanitary plumbing facilities.

**SEWAGE or WASTEWATER.** 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 the ground, surface and storm waters as may be present.

**SEWER.** A pipe or conduit for carrying sewage, industrial wastes or other waste liquids.

**SEWER SYSTEM.** Pipelines or conduits, pumping stations, force mains 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.

**SHALL.** The act referred to is mandatory.

**SLUG.** Any discharge of water, wastewater or industrial waste which is in concentration of any given constituent or the quantity of flow exceeds for any period of duration longer than any 15 minutes more than five times the average 24-hour concentration of flows during the normal operation.

**STORM SEWER** (sometimes termed **STORM DRAIN**). A sewer which carries storm or surface water and drainage, but excludes sewage and industrial waste, other than unpolluted cooling or process water.

**SUSPENDED SOLIDS**. 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*.

**UNPOLLUTED WATER**. Clean water uncontaminated by industrial wastes, other wastes or any substances which renders the 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 uses; or to livestock, wild animals, birds, fish or other aquatic life.

**WASTEWATER FACILITIES**. The structures, equipment or processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

**WASTEWATER TREATMENT WORKS** or **TREATMENT WORKS**. An arrangement of devices and structures for treatment of wastewater, industrial waste and sludge. Sometimes used as synonymous for **WASTEWATER TREATMENT PLANT** or **WASTEWATER TREATMENT PLANT** or **WATER POLLUTION CONTROL PLANT** or **SEWAGE TREATMENT PLANT**.

(Prior Code, § 402.01) (Ord. passed 3-9-1987)

## § 52.02 USE OF PUBLIC SEWERS; DISCHARGES; GREASE AND OIL.

(A) It shall be unlawful to discharge to any natural outlet within the city or 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 subchapter.

(B) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage if adequate and feasible city facilities are available.

(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 with a public sewer at his expense within 90 days of the date the public sewer is operational; provided that, the public sewer is within 60 feet of the structure generating the wastewater and the 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 division (C), an official 90-day notice shall be served instructing the affected property owner to make the connection.

(D) In the event an owner shall fail to connect to a public sewer in compliance with a notice given under § 52.03 of this chapter, the city may undertake to have the connection made and shall assess the

cost thereof against the benefitted property. The assessment shall be a lien against the property. The assessment, when levied, shall bear interest at the legal rate for local improvements and shall be certified to the Auditor of the county 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 subchapter.

(E) No person shall discharge or cause to be discharged directly or indirectly any storm water, ground water, roof runoff, subsurface drainage, waste from on-site disposal systems, unpolluted cooling or processing water to any sanitary sewer, except as permitted by the city or other local unit of government. No person may discharge sump pump or footing drain water in the public sanitary sewer.

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

(G) No person shall 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 wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the wastewater treatment works. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to § 307a of the Clean Water Act, being 33 U.S.C. §§ 1251 et seq.;

(3) Any water or waste having a ph of 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 a size capable of causing obstruction to the flow in the 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, sanitary napkins, paper dishes, cups, milk containers and other paper products; and

(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 or repairs.

(H) No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewer unless, in the opinion of the city, the 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 the wastes, the city may give consideration to such factors as the quantities of the subject wastes in relation to flows and velocities in the process, capacity of the wastewater treatment plant, the city's NPDES permit and 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 in excess of 150°F (85°C);
- (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (0° and 65°C);
- (3) Any garbage that has not been ground or comminuted to the degree that all particles will be carried freely in suspension under flows normally prevailing in the public sewers, with no particles greater than one-half 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 wastewater works, or which interfere with the treatment required to meet the requirements of the state or Federal Government, or any other public agency with proper authority to regulate the discharge from the wastewater treatment plant;
- (6) Any radioactive wastes or isotopes of the half-life or concentration that they are not in compliance with regulations issued by the appropriate authority having control over their use 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 3.5; and
- (8) Materials which exert or cause:
  - (a) Unusual concentrations of suspended solids, (such as, but not limited to, Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or 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 quantities as to constitute a significant load on the wastewater treatment works;

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

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

(I) (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 section, or which in the jurisdiction 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 all or any of the following steps:

(a) Refuse to accept the discharge;

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

(c) Require pretreatment to an acceptable condition for the discharge to the public sewers;

and

(d) Require payment to cover the added cost of handling or treating the wastes.

(2) The design and installation of the plant and equipment for pretreatment or equalization of flow shall be subject to the review and approval of the city, and subject to the requirements of 40 C.F.R. part 403, entitled *Pretreatment Standards*, and the state's Pollution Control.

(J) Grease, oil and mud interceptors shall be provided when they are necessary for the proper handling or liquid wastes containing floatable grease in excessive amounts, and specified in division (H)(2) above, or any flammable wastes, sand or other harmful ingredients; except that, the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be a type and capacity approved by the city and shall be located as to be readily and easily accessible for cleaning and inspection.

(K) Where preliminary treatment flow equalization or interceptors are required for any water or waste, they shall be effectively operated and maintained continuously in satisfactory and effective condition by the owner at his or 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 the necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes.

The 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 waste to which reference is made in this subchapter shall be determined in accordance with 40 C.F.R. part 136, *Guidelines Establishing Test Procedures for the Analysis of Pollutants*, 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 effluent constituents and their effect upon the treatment works and to determine the existence of hazards of life, health and property. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the city.

(N) 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 and analyses of waters or wastes to illustrate compliance with this subchapter 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 the 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 outside laboratory.

(O) New connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including, but not limited to, capacity for flow, BOD and suspended solids.

(P) 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 §§ 52.03 and 52.04 of this chapter, or contained in the national categorical pretreatment standards or any state requirements.

(Q) No statement contained in this section shall be construed as preventing any special agreement or arrangements between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore by the industrial concern, in accordance with applicable ordinance and any supplemental agreements with the city.

(Prior Code, § 402.02) (Ord. passed 3-9-1987) Penalty, see § 52.99

**§ 52.03 PRIVATE SEWAGE DISPOSAL.**

(A) Where a public sanitary sewer is not available under the provisions of § 52.02 of this chapter, the building sewer shall be connected to a private wastewater disposal system complying with the rules and regulations 6 MCAR 4.8040, being Minn. Regulations Ch. 7080, as it may be amended from time to time, entitled *Individual Sewage Treatment System Standards* or the requirements of the city or other regulatory agencies, whichever is more restrictive.

(B) No new private sewer systems or sewer system extensions shall be constructed within the city without first obtaining written approval of the system plan and the materials to be used in the construction of the system.

(Prior Code, § 402.03) (Ord. passed 3-9-1987) Penalty, see § 52.99

**§ 52.04 BUILDING SEWERS AND CONNECTIONS.**

(A) (1) It is unlawful for any person to engage in the work or business of installing sewer service lines and appurtenances for others without a license therefor from the city.

(2) Any person desiring to engage in the work shall make application to the city on forms to be supplied by the city together with a fee in the amount of an amount in accordance with the current city fee schedule. All licenses issued shall be for one calendar year only and each renewal shall be made by application together with an annual fee of an amount in accordance with the current city fee schedule. A plumber licensed by the state's Board of Health shall pay no fee to the city, but shall show evidence of the state license before the city issues a license.

(3) Each applicant for 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 city sewer system by the applicant, or by any of his employees or agents. This agreement shall accompany the license application.

(4) Each applicant shall accompany his or her application with a certificate of insurance in a company acceptable to the city showing public liability insurance coverage with limits of at least an amount in accordance with the current city fee schedule per person; an amount in accordance with the current city fee schedule per occurrence and an amount in accordance with the current city fee schedule for property damage. The certificate shall specifically state that the insurance covers underground construction 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.

(B) No person, unless authorized by a written permit from the city shall make, install, repair, alter, disturb, uncover, open or break any sewer connection to the sanitary sewer system to the city. Permits for connections of a new sewer service or repairs to an existing service shall be issued by the city after consideration of the application for the permit with regard to compliance with other sections of this subchapter. Permits shall be issued in the following manner.

(1) Application for a permit to perform work on a sewer service connection within the city shall be made on a form supplied by the city by the person or firm who will be performing the work to the city along with a fee of an amount in accordance with the current city fee schedule for the installation of a new connection. The city may waive the fee requirements for repair work. The person or firm performing the work shall be licensed to perform the work by the city.

(2) After approval of the permit application by the city, the applicant shall furnish to the city a performance bond in the amount of an amount in accordance with the current city fee schedule. The performance bond shall be for the good and faithful performance of all work on public and private property relative to the work being performed. The bond shall be payable to the city and the owner of the property on which the work is being performed. The bond shall warrant the work for a period of one year from the date of completion.

(3) The City Clerk-Administrator-Treasurer shall issue a permit for the work after the application is approved and the bond is received.

(4) In addition to the plumbing fee of an amount in accordance with the current city fee schedule, the city shall charge a fee an amount in accordance with the current city fee schedule per unit for new connections to the sanitary sewer system. This fee is in accordance with the method of assessment for recovery of the local share of construction for the wastewater treatment facilities improvement project of 1986. The fee schedule is further outlined in §§ 52.20 through 52.25

(C) All costs and expenses incidental to the installation and connection of the building sewer or repairs to an existing connection 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.

(D) 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. The joint use private sewer may be extended to the rear building or buildings and the whole considered as one joint use private sewer; provided, the buildings are the property of a single owner. Special variances will be considered by the city.

(E) Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the city, to meet all the requirements of this subchapter.

(F) 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.

(G) The use, slope, alignment and materials of construction of a building sewer and the method used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Building Code and Plumbing Code; or other applicable rules and regulations. In the absence of code provisions, or in amplifications thereof, the materials and procedures set forth on appropriate specifications of the *Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9* and the American Society for Testing Materials (A.S.T.M.) standards shall apply.



(H) 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, the building drain shall be provided with a lifting device by an approved means and discharged to the building sewer.

(I) No person shall make connection of roof downspouts, roof drains, exterior foundation drains, areaway drains or other sources 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.

(J) The construction of the building sewer and its connection into the public sewer shall conform to the requirements of the state's Plumbing Code, the sewer specifications included herein, and other applicable rules and regulations and procedures adopted by the city. All such construction shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the city prior to installation.

(K) Employees 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 complete. The connection shall be made under the supervision of the city or its representative.

(L) 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 during the course of the work shall be restored in a manner satisfactory to the city.  
(Prior Code, § 402.04) (Ord. passed 3-9-1987) Penalty, see § 52.99

#### **§ 52.05 MAIN AND LATERAL SEWER CONSTRUCTION.**

(A) No person, unless authorized shall uncover, make any connection with or opening into, use, alter or disturb any sanitary or storm sewer within the city or any part of the city wastewater facilities.

(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 constructed or considered to be 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.  
(Prior Code, § 402.05) (Ord. passed 3-9-1987) Penalty, see § 52.99

**§ 52.06 PROTECTION FROM DAMAGE.**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities. (Prior Code, § 402.06) (Ord. passed 3-9-1987) Penalty, see § 52.99

**§ 52.07 AUTHORITY OF INSPECTORS.**

(A) Duly authorized employees of the city shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this subchapter. Those employees shall have no authority to inquire into processes, including metalurgical, chemical, oil, refining, ceramics, 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 property as referred to in division (A) above, the authorized employees of the city shall observe all safety rules applicable to the premises.

(C) Duly authorized employees of the city shall be permitted to enter all private properties through which the city holds easements for the purpose of, but not limited to, inspection, observation, maintenance and construction of public sewers. (Prior Code, § 402.07) (Ord. passed 3-9-1987)

***Cross-reference:***

*Enforcement, see § 10.20*

***SEWER SERVICE CHARGE SYSTEM*****§ 52.20 CHARGES TO RECOVER COSTS.**

The following costs will be recovered:

(A) Operation, maintenance and replacement to ensure effective functioning of the city's wastewater treatment system; and

(B) Local capital costs incurred in the construction of the city's wastewater treatment system. (Prior Code, § 403.01) (Ord. passed 3-9-1987)

**§ 52.21 DEFINITIONS.**

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

**ADMINISTRATION.** Those fixed costs attributable to administration of the wastewater treatment works (i.e., billing and associated bookkeeping and accounting costs).

**BIOCHEMICAL OXYGEN DEMAND or BOD5.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

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

**COMMERCIAL USER.** Any place of business which discharges sanitary waste as distinct from industrial wastewater.

**COMMERCIAL WASTEWATERS.** Domestic wastewater emanating from a place of business as distinct from industrial wastewater.

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

**NORMAL DOMESTIC STRENGTH WASTEWATER.** Wastewater that is primarily produced by residential users, with BOD5 concentrations not greater than 350 mg/l and suspended solids concentrations not greater than 300 mg/l.

**EXTRA STRENGTH WASTE.** Wastewater having a BOD and/or TSS greater than domestic waste, as defined herein, and not otherwise classified as an incompatible waste.

**GOVERNMENTAL USER.** Users which are units, agencies or instrumentalities of federal, state or local government discharging normal domestic strength wastewater.

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

**INDUSTRIAL USER or INDUSTRIES.** Are:

(1) 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:

- (a) Division A, Agriculture, Forestry and Fishing;
- (b) Division B, Mining;

- (c) Division D, Manufacturing;
- (d) Division E, Transportation, Communications, Electric, Gas and Sanitary Sewers; and
- (e) Division I, Services.

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

- (a) BOD5: less than 350 mg/l; and
- (b) Suspended solids: less than 300 mg/l.

(3) 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.

**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 manufactures as distinct from domestic wastewater.

**INSTITUTIONAL USER.** Users other than commercial, governmental, industrial or residential users, discharging primarily normal domestic strength wastewater (e.g., non-profit organizations).

**MAY.** The act referred to is permissive.

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

**OPERATION AND MAINTENANCE COSTS.** Expenditures for operation and maintenance, including replacement. These costs do not include the treatment of I/I and administrative costs.

**PUBLIC WASTEWATER COLLECTION SYSTEM.** A system of sanitary sewers owned, maintained, operated and controlled by the city.

**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 the works were designed and constructed.

**REPLACEMENT COSTS.** Expenditures for replacement.

**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.

**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.

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

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

**SHALL.** The act referred to is mandatory.

**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 time 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.

**STANDARD INDUSTRIAL CLASSIFICATION MANUAL.** Office of Management and Budget, 1972.

**SUSPENDED SOLIDS (SS) or TOTAL SUSPENDED SOLIDS.** 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.

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

**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.

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

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

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

(Prior Code, § 403.02) (Ord. passed 3-9-1987)

#### **§ 52.22 ESTABLISHMENT OF SYSTEM.**

(A) The city hereby establishes a sewer service charge system whereby all revenue collected from users of the wastewater treatment facilities will be used to 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. Each user shall pay debt service charges to retire local capital costs as determined by the City Council.

(C) Sewer rates and charges to users of the wastewater treatment facility shall be determined and fixed in the sewer service charge system developed according to the provisions of this subchapter. The sewer service charge system developed with the assistance of the consulting engineer shall be adopted by resolution upon enactment of this subchapter, 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.

(D) 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.

(E) Sewer service charges and the Sewer Service Fund will be administrated in accordance with the provisions of § 52.24 of this chapter.

(Prior Code, § 403.02) (Ord. passed 3-9-1987)

**§ 52.23 DETERMINATION OF CHARGES.**

(A) (1) Users of the city wastewater treatment works shall be identified as belonging to one of the following user classes:

- (a) Residential;
- (b) Commercial;
- (c) Industrial;
- (d) Institutional/government; and
- (e) Properties outside of city limits.

(2) 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 Clerk-Administrator-Treasurer. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.

(B) (1) Each 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 TSS being the rate established for concentrations of 350 mg/l BOD and 300 mg/l TSS (i.e., normal domestic strength wastewater).

(2) Those industrial users discharging segregated normal domestic strength wastewater only, can be classified as commercial users for the purpose of rate determination.

(C) (1) The charges assessed residential users and those users of other classes discharging normal domestic strength wastewater shall be established proportionately according to billable wastewater volume and the total annual base rate. The base rate shall allow for the infiltration/inflow costs share for the operation and maintenance and equipment replacement. The administration shall also be a proportionate share for all users and be part of the annual base rate. Properties outside of city limits shall be assessed an additional 50% of the base rate and the per gallon charge. Billable wastewater volume shall be calculated as follows.

(a) *Residential users.*

1. Billable wastewater volume for residential users shall be calculated on the basis of metered water usage. The per quarter billable wastewater volume shall be the winter quarter of either the first or last quarterly metered water usage.

2. The city may require residential users to install water meters for the purpose of determining billable wastewater volume.

(b) *Non-residential users.*

1. The billable wastewater volume of non-residential users may be determined in the same manner as for residential users; except that, if the city determines that there are significant seasonal variations in the metered water usage of non-residential users resulting in a proportionate increase in wastewater volume; then billable wastewater volume shall be:

a. Calculated on the basis of quarterly metered water usage as recorded throughout the year; and

b. Calculated on the basis of wastewater flow meters.

2. The city may, at its discretion, require non-residential users to install such additional water meters or wastewater flow meters as may be necessary to determine billable wastewater volume.

(D) User charges for normal domestic strength users shall be determined as follows:

(1) *Annual base rate.*

(a) The annual base rate shall be the share of operation, maintenance and replacement due to infiltration/inflow attributed equally to all users of the system.

(b) The annual base rate shall also include the administrative billings.

(2) *Calculation of unit cost for treatment of normal domestic strength wastewater.*

$$U_{omr} = \frac{C_{omr}}{T_{bwv}}$$

Where:

$U_{omr}$ : unit cost for operation, maintenance and replacement in \$/kgal;

$C_{omr}$ : total annual OM&R costs. (Exclusive of costs attributable to OM&R of I/I and costs of Administration); and

$T_{bwv}$ : total annual billable wastewater volume in kgal.

(3) *Calculation of user charge.*

$$UC = (U_{omr} \times bwv) + Br$$

Where:

$Uc$ : user charge;

$U_{omr}$ : unit cost for operation, maintenance and replacement in \$/kgal;



bwv: billable wastewater volume of a particular user in kgal; and  
Br: base rate.

(E) Local construction costs for the wastewater treatment facility may be recovered through a special assessment as described herein.

(F) The sewer service charges established in this ordinance shall not prevent the assessment of additional charges to users who discharge wastes with concentrations greater than normal domestic strength or wastes of unusual character or contractual agreements with such users, as long as the following conditions are met:

(1) The user pays operation, maintenance and replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, and no user is charged at a rate less than that of normal domestic strength wastewater; and

(2) The measurements of the wastes are conducted according to the latest edition of *Standard Methods for the Examination of Water and Wastewater* in a manner acceptable to the city as provided for in §§ 52.01 through 52.07 of this chapter. A study of unit costs of collection and treatment processes attributable to flow, BOD, TSS and other significant loadings shall be developed for determining the proportionate allocation of costs to flows and loadings for users discharging wastes of greater than normal domestic strength or wastes of unusual character.

(Prior Code, § 403.03) (Ord. passed 3-9-1987)

#### **§ 52.24 SEWER SERVICE FUND.**

(A) (1) The city hereby establishes the Sewer Service Fund as an income fund to receive all revenues generated by the sewer service charge system, and all other income dedicated to the operation, maintenance, replacement and construction of the wastewater treatment works, including taxes, special charges, fees and assessments intended to retire construction debt.

(2) The city also establishes the following accounts as income and expenditure accounts within the Sewer Service Fund:

- (a) Operation and Maintenance Account;
- (b) Equipment Replacement Account; and
- (c) 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 assessment dedicated to retire construction debt, shall be held by the City Clerk-Administrator-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 subchapter.

(C) Revenue generated by the sewer service charge system is to ensure adequate replacement throughout the design of 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.  
(Prior Code, § 403.04) (Ord. passed 3-9-1987)

#### **§ 52.25 ADMINISTRATION.**

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

(A) (1) The City Clerk-Administrator-Treasurer shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works, and shall furnish the City Council with a report of such costs annually in the city's financial report.

(2) The City Council shall annually determine whether or not sufficient revenue is 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 § 52.22 of this chapter and § 204(b)(2)(a) of the Federal Water Pollution Control Act, being 33 U.S.C. §§ 1251 et seq., as amended.

(3) The city shall thereafter, but not later than the end of the year, reassess, and as necessary revise the sewer service charge system then in use to ensure the proportionality of the user charge 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-Administrator-Treasurer shall be responsible for maintaining all records necessary to document compliance with the sewer service charge system adopted.

(D) Bill for sewer service charges shall be rendered on a quarterly basis succeeding the period for which the service was rendered and shall be due 15 days from the date of rendering. Any bill not paid in full 15 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 10% for every quarter the bill is outstanding.

(E) The owner of the premises shall be liable to pay for the service to the premises, and the service if 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 the wastes, at no expense to the city.

(Prior Code, § 403.05) (Ord. passed 3-9-1987)

#### **§ 52.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (1) Any person found to be violating any provisions of §§ 52.01 through 52.07 of this chapter shall be served by the city with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the time period stated in the notice, permanently cease all violation.

(2) Any person who shall continue any violation beyond the time limit provided for in the written notice shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in the amount not exceeding an amount in accordance with the current city fee schedule for each violation. Each day in which any such violation shall occur shall be deemed a separate offense.

(3) Any person violating any of the provisions of §§ 52.01 through 52.07 of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.

(Prior Code, § 402.08)

(C) (1) Each and every sewer service charge levied by and pursuant to §§ 52.20 through 52.25 of this chapter is hereby made a lien upon the lot or premises served and all charges which are on November 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 §§ 52.20 through 52.25 of this chapter shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected any delinquent or past due sewer service charges.

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

(3) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate of 10% per annum.

(Prior Code, § 403.06)

(Ord. passed 3-9-1987)