

**TITLE V: PUBLIC WORKS**

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**CHAPTER 50: GARBAGE AND REFUSE**

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***GARBAGE AND WASTE DISPOSAL***

**§ 50.01 DEFINITIONS**

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

***Garbage.*** Organic waste resulting from the preparation of food and decayed and spoiled food from any source.

***Recyclables.*** This term includes paper, plastic, tin cans, aluminum, motor oil, glass and other metal goods, each separated or otherwise prepared so as to be acceptable to the recycling center where they are to be deposited.

***Recycling Center.*** Premises within the city approved by the Council for receipt, storage and process of recyclables and premises outside the city approved as a recycling center by the local governmental unit having jurisdiction.

***Refuse.*** This term includes garbage and rubbish but shall not include sewage.

***Rubbish.*** Nongarbage solid waste such as tin cans, glass, paper, sweepings, clippings, ash and the like.

**§ 50.02 GENERAL REGULATIONS**

(A) *Accumulation of waste.* Any unauthorized accumulation of refuse on any premises is a nuisance and prohibited.

(B) *Refuse in streets and the like.* No person shall place any refuse in any street, alley or public place or upon private property except in proper containers for collection or other lawful disposal. No person shall throw or deposit refuse in any stream or other body of water.

(C) *Scatter of refuse.* No person shall deposit anywhere within the city any refuse in such manner that it may be carried or deposited by the elements upon any public place or any other premises within the city.

(D) *Burying of refuse.* No person shall bury any refuse in the city except in an approved sanitary landfill.

(E) *Composting Materials.*

(1) Compost must be fully confined within fencing or an enclosed structure no larger than 4 feet high and 250 cubic feet in area.

(2) Compost shall not be located in the front yard and must be located at least 5 feet from side and rear property lines.

(3) Compost materials shall be regularly mixed and shall not include items such as meat, bones, grease, whole eggs, dairy products and feces.

(4) Compost materials which cause undue odor or rodent harborage may be removed as directed by the City.

### **§ 50.03 DISPOSAL REQUIRED**

Every person shall, in a sanitary manner, store and dispose of refuse that may accumulate upon property owned or occupied by him or her in accordance with the terms of this subchapter. Garbage shall be collected or otherwise lawfully disposed of at least once every two weeks. The owner of any property shall be responsible for keeping such property in accordance with this subchapter and free from refuse violations including vacant land and property.

### **§ 50.04 CONTAINERS**

(A) *General requirement.* In all zoning districts, all waste material, debris, refuse, recycling materials or garbage shall be properly stored in a closed container designed for such purposes and screened in accordance with this section. No refuse materials may be stored outside of the containers. All normal accumulations of refuse shall be deposited in such containers, except that leaves, trimmings from shrubs, grass clippings, shavings, excelsior and other rubbish of similar volume and weight may be stored in closed containers not meeting the requirements of division (B) of this section and be properly collected, removed, and disposed.

(B) *Container requirements.* Each container shall be watertight, shall be impervious to insects and rodents and shall be fireproof. Containers shall be maintained in good and sanitary condition. Any

container not conforming to the requirements of this chapter, having ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents shall be promptly replaced after notice by the city.

(C) *Screening and Placement.* All trash handling, recyclable material containers and equipment, except those containers used by a one or two family dwelling in connection with the municipal refuse collection service or those containers used on a temporary basis for a construction or disposal activity, shall be fully enclosed by a gated opaque fence or wall of a sufficient height to completely screen such containers from eye-level view by all adjoining properties and all streets. Refuse or recyclable material containers shall be located within rear or interior side yards. No refuse or recyclable material containers shall be located within any front or corner side yard except if they are stored immediately in front of and adjacent to the garage on a residential property and as identified in (1) below.

(1) *One and two Family Residences.* The total number of containers stored outdoors shall be limited to four containers. Only two of the containers may be visibly stored immediately in front of and adjacent to the garage, and any other containers must be screened from eye-level view by all adjacent properties and all streets when being stored. If a residence has more than four (4) containers, then those must be stored in an enclosed building.

(D) *Curb Collection.* The container(s) shall be placed at the front property line for collection but shall not be so placed before 8:00 p.m. the night before collection and shall be removed by 8:00 p.m. the day of collection.

(E) *Use of containers.* Refuse shall be drained of liquid and household garbage shall be wrapped before being deposited in a container. Highly inflammable or explosive material shall not be placed in containers.

## **§ 50.05 LICENSED COLLECTION**

(A) *License required.* No person shall collect refuse within the city without a license from the City Council. No person shall permit refuse to be picked up from his or her premises by an unlicensed collector.

(B) *Terms.* The license shall be made for a term of no more than five years, subject to extension by mutual consent and to termination during the period of the license as provided in the license.

(C) *Limitations.* Only one person or corporation shall be licensed for collection during the period of the license from premises within the city defined by the Council.

(D) *Insurance.*

(1) Before the license shall be issued, the licensee shall agree to hold the city harmless and shall agree to defend and indemnify the city and the city's employees and agents, for any claims, damages, losses, and expenses related to the work under the license. The city shall be named as an additional insured under that insurance for the services provided under the license. The licensee's

contract of insurance shall be the primary insurance for the city and the license or insurance company shall provide a certificate of insurance which verifies the existence of the insurance required, including provisions to hold the city harmless and defend and indemnify the city, The insurance shall provide coverage up to \$300,000 for any single claim and \$1,000,000 for any number of claims in a single occurrence.

(2) Each policy shall expressly provide that the city be given ten days notice of any termination of cancellation of the coverage. The license shall terminate upon termination of the required insurance coverage.

(E) *Licensed fees.* Licenses shall be issued for a period of not more than five years with an annual license fee as set forth by ordinance or resolution, or by contract.

(F) *Vehicles.* Each refuse collection vehicle shall be marked on the outside so as to identify the licensee. Every vehicle used for hauling garbage shall be covered, leak-proof, durable and of easily cleanable construction. Every vehicle used for hauling refuse shall be sufficiently air tight and so used as to prevent unreasonable quantities of dust, paper or other collected materials to escape. Every vehicle shall be kept clean to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

(G) *Licensed collector.* No person shall collect refuse within the city except the person holding a license with the city to do so. No person shall permit refuse to be picked up from his or her premises, except by such a licensed collector.

(H) *Refuse collection schedule.* The licensed collector shall collect refuse in the city at least once a month from residences, except those residents who notify the City Clerk-Administrator in writing that they do not want refuse collection service.

## **§ 50.06 RATES AND CHARGES**

Rates for collection service charged by the licensed collector shall not be in excess of the rate fixed from time to time by resolution or ordinance of the Council.

## **§ 50.07 VIOLATIONS**

It shall be a violation of this subchapter for any owner, occupant, resident or premises who have notified the city that such owner, occupant, resident or premises does not desire refuse collection service to deposit garbage, refuse or rubbish for disposal in a container of any other owner, occupant, resident or premises served by the refuse collection service.

## CHAPTER 51 WATER SERVICE

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### **§ 51.01 PURPOSE AND ESTABLISHMENT**

The purpose of the City’s public water utility is to provide safe drinking water to the city and allow for a distribution system that permits responsible residential, commercial and industrial development. The public water system is only sustainable when there are requirements to connect to the system and set appropriate user fees to pay for all system costs.

There is established a water utility of the city which shall be under the supervision of the - City Administrator. The water system as it is now constituted or shall herewith be enlarged or extended shall be operated and maintained under the provisions of this chapter, subject to the authority of the City Council at any time to amend, alter, change or repeal the same. The Public Works Department shall have responsibility for the management, maintenance, care and operation of the water system of the city.

## § 51.02 DEFINITIONS

For the purposes of this Ordinance, the following capitalized terms listed in alphabetical order shall have the following meanings:

**Account** - A record of utility services used by each property and the periodic costs for those utility services.

**Area Charge** - Fee set by ordinance paid at the time parcels are annexed and/or subdivided (platted) into the City limits.

**City** - The City of Cambridge, County of Isanti, State of Minnesota.

**City Utility System** - Facilities used for providing public utility service owned or operated by City or agency thereof, including sanitary sewer, storm sewer, street light, and water service.

**Private Service Line/Connection** – The parcel or structure’s connection(s) from the City’s water main into the water meter(s) for that parcel. Private Service Lines are owned and to be maintained by property owners.

**Utility Rate Schedule** - A schedule of all utility rates and charges set by ordinance of the City.

**Water Access Charge** – Fee set by ordinance paid at the time a new connection to the City’s water main is made.

**Water Main** – an underground transmission pipe that supplies water throughout the City. Private Service Lines are connected to the City’s Water Main to provide water to individual parcels. The Water Main is owned and maintained by the City.

**Waterworks System** – Water, and sanitary sewer transmission pipes, lines, fixtures, lift stations, meters and all necessary equipment and appurtenances owned or operated by the City utility system for the purpose of providing water and sanitary sewer services for public or private use.

## § 51.03 ACCOUNTS

All accounts shall be carried in the name of the owner who personally, or by his or her authorized agent, applied for such service. A property owner shall be liable for all utility services supplied to the property by the City, whether he or she is occupying the property or not, and any unpaid charges shall be a lien upon the property.

## § 51.04 BILLING

(A) Water and sewer charges shall be billed on one bill for each meter connection as applicable to each account. Storm sewer and street light utility fees will also be included on the monthly utility bill. All charges shall be due upon receipt and considered delinquent after the fifteenth (15<sup>th</sup>) day of the month. All bills shall contain the title, address and telephone number of the official in charge of billing; the title, address and phone number shall be clearly visible and easily readable. Bills shall be

mailed to the customers on or before the fifth (5<sup>th</sup>) day of each month and specify the water consumed, sewer charges, storm sewer charges, and street light utility charges in accordance with the current fee schedule set by ordinance of the City council.

(B) Fees for municipal water and sewer service will be set from time to time by the City Council by resolution or ordinance. Fees will include a Basic Service Charge and a charge based on volume of water used. The Basic Service Charge will be set by the City Council in accordance with the procedures set forth in this section.

(1) *Basic Service Charges for Single Family Residence Accounts.* The Council shall set a monthly basic service charge to be applied to all single family residence accounts (the “SFR Unit Basic Service Charge”).

(2) *Basic Service Charge for All Other Accounts.* Each account that is not a single family residence account shall pay a Basic Service Charge that is a multiple of the SFR Unit Basic Service Charge. The multiple will be based on the actual or projected volume of water usage and the Annual System Per Unit Volume (ASPUV). The ASPUV will be set by the City Council in its fee ordinance at an amount which, when applied in accordance with this Section, will result in the recovery of a fair and reasonable portion of the costs for the construction, operation and maintenance of the water and sewer systems. The multiple for each account will be determined by dividing the actual or projected annual water usage for that account by the ASPUV, rounded to the nearest whole number (with .5’s rounded to the next higher whole number and no number smaller than 1). That multiple will be multiplied by the SFR Unit Basic Service Charge to determine the monthly Basic Service Charge for that account.

(a) *Annual Determination of Service Charges.* The Basic Service Charge will be set each year to be in effect for a one-year period, commencing each January 1 based on water usage for the prior twelve-month period from October 1 to September 30.

(b) *Service Charges for Accounts with Twelve Months of Meter Readings.* If twelve months of meter readings are available, the multiple will be based on actual annual water usage

(c) *Service Charges for Accounts with from Three to Twelve Months of Meter Readings.* If fewer than twelve months, but at least three months, of meter readings are available, the actual water usage shall be annualized and used to determine the multiple for that account.

(d) *Service Charges for New Accounts and Accounts with Changes in Use or Structure.* For new accounts and changes to the use or structure of the account that require issuance of a building permit, the multiple shall be based on projected water usage determined by the City Administrator or the Administrator’s designee after consideration of the square footage and use of the structure and the water usage of other similar uses and structures in the City. This multiple shall be used until the January following the first time when there are at least three months of meter readings at full anticipated use, as of September 30.

(e) *Adjustment of Unreasonable Basic Service Charge.* The City Administrator or the Administrator’s designee may increase or decrease the Basic Service Charge for accounts other than single family residence accounts, if the Administrator determines that the strict application of this results



in a substantially unreasonable Basic Service Charge due to erroneous meter readings; unbalanced or unrepresentative water usage during the applicable meter reading period; or other extraordinary cause.

(f) *Appeal.* Decisions of the City Administrator or the City Administrator's designee specifying a Basic Service Charge based on projected water use under paragraph (A)(2)(d), or an increase of a Basic Service Charge under paragraph (A)(2)(e) may be appealed to the City Council by written notice of appeal to the City Administrator. Notice of appeal must be delivered to the Administrator within twenty-one days of mailing of written notice of the Administrator's determination of the Basic Service Charge to the account.

(g) *Sprinkler Accounts.* Sprinkler accounts shall pay a Basic Service Charge at the monthly rate of one-twelfth of one annual SFR Unit Basic Service Charge for each of the six months per year for which the city bills sprinkler accounts.

### § 51.05 DELINQUENT ACCOUNTS

(A) **Penalties.** A late payment penalty of 5 (five) percent, with a minimum of \$5.00, shall be assessed on all accounts with a past due balance.

(B) **Shut-off for nonpayment.** Water shall be shut-off after a notice of intent to shut-off has been mailed by first class mail and an opportunity for a hearing before the city council or an employee designated by the city council have been provided to the occupant and owner of the premises involved.

(1) If any bill is not paid by the due date listed on the bill, a second notice stating the balance due will be mailed by first class mail and shall state that if payment is not made within ten days of the mailing of the second bill, water service to the premises will be shut off for nonpayment.

(2) The second notice (shut-off notice) must contain the title, address and telephone number of the official in charge of billing; the title, address and phone number shall be clearly visible and easily readable.

(3) The notice shall also state that the any occupant or owner has the right to a hearing before the water service is shut off. The owner or occupant may be represented in person and by counsel or any other person of his or her choosing. The owner or occupant may present orally or in writing his or her complaint to the city official in charge of utility billing. This official shall be authorized to order continuation of the customer's service and shall have the authority to adjust the customer's bill or enter into a mutually agreeable payment plan.

(4) If an occupant or owner requests a hearing, the water shall not be shut off until the hearing process is complete.

(5) If a customer fails to pay and fails to request a hearing under this part, service will be shut off at the time specified in the notice but not until the charges have been reached \$200.

(6) If the customer's water is shut off by the City and the water is turned back on by anyone other than a City employee without paying the utility bill in full will be fined \$500 per occurrence. This fine if not paid will be certified for collection with taxes. This matter can also

be referred to the City's prosecuting authority for criminal charges of tampering with a municipal water supply.

(C) **Certification for collection with taxes.** Unpaid charges on sewer and water accounts shall not be certified to the county auditor until notice and an opportunity for a hearing have been provided to the owner of the premises involved. The notice shall be sent by first class mail and shall state that if payment is not made before the date for certification, the entire amount unpaid plus penalties will be certified to the county auditor for collection as other taxes are collected. The notice shall also state that the occupant may, before such certification date, attend or schedule a hearing on the matter to object to certification of unpaid utility charges.

In addition to any penalties provided for in this ordinance if any person, firm or corporation fails to comply with any provision of this ordinance, the Council or any city official designated by it, may institute appropriate proceedings at law or at equity to procure payment.

The City will have a maximum of twelve certification cycles per year. Certifications will be scheduled and heard at the Council meeting which occurs on the third (3<sup>rd</sup>) Monday of each month. All city utility accounts, unless payment arrangements have been made with the City or exempt for other legal reason, which are delinquent and remain unpaid as of the certification cut-off date shall have the balance on the account included in the preliminary certification list.

(D) **Optional payment before certification.** The owner of the property shall have the option of paying the balance due on the account until the date the notice of the certification hearing is mailed. After the date the notice of certification hearing is mailed, payments will still be accepted but will include unpaid penalties.

(E) **Hearing required.** A hearing shall be held on the matter by the City Council. Property owners with unpaid utility charges shall have the opportunity to object to the certification of unpaid charges to be collected as taxes are collected. If, after the hearing, the City Council finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this ordinance, the City may certify the unpaid charges to the county auditor for collection as other taxes are collected.

(1) **Hearing options.** For each certification sustained, the property owner shall have the following options after the hearing,

(a) To pay the delinquent amount listed on the preliminary roll prior to the certification being delivered to the County for inclusion on the tax rolls.

(b) To pay the certified charges as billed to them by Isanti County on their property tax statement with a collection term of one year.

(2) **Delivery to County.** Prior to December 1 of each year the certified roll, minus any payments, shall be delivered to Isanti County.

## **§ 51.06 APPLICATIONS, PERMITS, FEES, AND CONNECTIONS**

(A) No person, firm or corporation shall make any type of connection to the water system, without making an application therefor on a form provided by the City and receiving a permit issued by the City for each purpose. The application shall include the legal description of the property to be served, the uses for which the connection is requested, the size of the service line to be used, full name and address of the owner, the time when the corporation stop is to be inserted and shall show all other particulars necessary to the full understanding of the subject. At the time of making such application there shall be paid to the City Administrator fees which shall be set by the City Council from time to time by resolution or ordinance for the following purposes.

(B) No connection shall be made to the City's water system serving any parcel within the City until the applicant has paid the Water Access Charge for connecting to the City's water system. This connection fee shall be in addition to any fees or charges required under this Chapter. The Water Access Charge is charged to parcels on which service lines have not been previously run from the street mains to the property. The Council shall annually set the Water Access Charge in the City's fee ordinance.

(1) The City Council may also establish water districts and area charges, which will be annually set by the City's fee ordinance and paid at the time parcels are annexed into the City limits and subdivided (platted) for development.

## **§ 51.07 INSTALLATION OF CONNECTIONS.**

(A) *General.* All connections to the water system shall be performed under the regulations of this chapter and all other city ordinances and applicable statutes of the State of Minnesota and requirements of the Building Inspector.

(B) *Pipe requirements.* Either copper, polyvinyl chloride (PVC), or ductile iron service pipes may be used; lead-free brass fitting are required.

(C) *Pressure and connections.* All ductile iron, PVC, or copper pipe must sustain a pressure of not less than 150 pounds to the square inch. No person, except someone employed or authorized by the City, shall tap a distributing main or pipe of the city water supply system or insert corporation stop therein.

(D) *Excavation permits required.* No person shall excavate in a public street to service a water main, unless given permit to do so by the City.

## **§ 51.08 IMPLIED CONSENT TO RULES, REGULATIONS AND RATES**

Every person applying for water service, every owner of property for which any such application is made, every person accepting water service and every owner of property where such service is accepted subsequent to the passage of this chapter shall be deemed upon making such application or

accepting such service to consent to all rules, regulations and rates as established by this chapter and as may hereafter be set forth and adopted by the City Council by resolution and ordinance.

#### **§ 51.09 CITY NOT LIABLE**

The City shall not be held liable at any time for any deficiency or failure in the supply of water to the customer, whether the same be occasioned by shutting off the water for repairs or connections or for any cause whatever.

#### **§ 51.10 RIGHT TO ENTER LAND**

(A) The city, by any authorized employee or agent, shall have the right to enter and be admitted to any lands and property in the city at all hours of the day between 7:00 a.m. and 6:00 p.m. for the purpose of inspection of materials, plumbing work and fixtures of all kinds used by or in connection with the water systems.

(B) If the licensee, owner, resident, or other person in control of a premises objects to the inspection of or entrance to the property, the City Administrator, Peace Officer, or any employee or official charged with the duty of enforcing the provisions of this code may, upon a showing that probable cause exists for the issuance of a valid search warrant from a court of competent jurisdiction, petition and obtain a search warrant before conducting the inspection or otherwise entering the property. This warrant shall be only to determine whether the provisions of this code enacted to protect the health, safety and welfare of the people are being complied with and to enforce these provisions only, and no criminal charges shall be made as a result of the warrant. No warrant shall be issued unless there be probable cause to issue the warrant. Probable cause occurs if the search is reasonable. Probable cause does not depend on specific knowledge of the condition of a particular property.

(C) Every licensee, owner, resident or other person in control of property within the city shall permit at reasonable times inspections of or entrance to the property by the City Administrator or any other authorized city officer or employee only to determine whether the provisions of this code enacted to protect the health, safety and welfare of the people are being complied with and to enforce these provisions. Unreasonable refusal to permit the inspection of or entrance to the property shall be grounds for termination of any and all permits, licenses or city service to the property. Mailed notice shall be given to the licensee, owner, resident or other person in control of the property, stating the grounds for the termination, and the licensee, owner, resident or other person in control of the property shall be given an opportunity to appear before the City Administrator to object to the termination before it occurs, subject to appeal of the Administrator's decision to the City Council at a regularly scheduled or special meeting.

(D) Nothing in this section shall be construed to limit the authority of the city to enter private property in urgent emergency situations where there is an imminent danger in order to protect the public health, safety and welfare.

## ***REGULATIONS***

### **§ 51.11 WATER METER REGULATIONS**

- (A) Before any water conveyed through the City water system shall be used or utilized on the land or premises of any person, firm or corporation, there shall first be installed a water meter that will accurately measure the water consumed on the premises, except and unless such installation shall be exempted by the City.
- (B) All applicants for the installation, maintenance and repair of water meters shall be made to the Building Official, who shall proceed to comply with such application within a reasonable time thereafter. All meters installed shall be purchased from the City. Regulations for the cost of furnishing and use of water meters shall be established by Council resolution or ordinance.
- (C) For all new services the water meter shall be purchased from the City and installed by a licensed plumber. All meters, fittings, wiring and remote reading devices shall be installed in accordance with the requirements of the water utility and the Building Official.
- (D) No person, firm or corporation other than the City or its designee shall install, maintain or repair any water meter within the City limits. Every water meter connected to the water system shall be sealed by or under the direction of the City Administrator or Public Works-Utility Department, and no person, firm or corporation shall break or remove such seal; provided, however, that a plumber licensed to do business in the city may break such seal or remove such meter if removed by a licensed plumber, such plumber shall notify the water utility of the fact within 24 hours after the seal is broken or the meter is removed. Whenever any seal attached to a water meter by or under the direction of the City Administrator or water utility is found broken, the broken condition of such seal shall be a prima facie evidence that such seal was broken contrary to the terms and provisions in violation of this chapter.
- (E) All water meters connected to the water system shall be accessible to the City Administrator or Public Works-Utility Department or designee at all hours between 7:00 a.m. and 8:00 p.m. of any business day and the refusal of admission by any owner or occupant of any premises wherein a water meter is installed after such owner or occupant has been notified that admission is desired for the purpose of inspecting a water meter installed in the premises shall constitute a violation of this chapter.
- (F) Water meters shall be repaired or replaced from time to time as is necessary to insure accurate measuring of the flow of water. The cost of the repair or replacement shall be borne by the City, except that whenever a meter has been damaged due to negligence on the part of persons other than the employees of the City, the owner, occupant or user of the premises or such other person desiring the use of the water shall reimburse the City for the expense of repairing or replacing any such meter. Upon failure to reimburse the City within a reasonable time and upon demand therefore, the water service and supply to said premises may be shut off or discontinued as determined to be in the best interest of the City.

(G) It shall be unlawful for any person to tamper with, alter, bypass or in any manner whatsoever interfere with the proper use and functioning of any water meter within the City.

(H) Whenever a water user questions the accuracy of the meter and desires that his or her meter be tested, he or she shall pay a fee, the amount of which shall be established from time to time by Council resolution or ordinance, if the meter tests accurate within a range of minus 3% to plus 1½%. If it is not accurate within this range, no charge will be made for testing and an adjustment on the water bill will be made for the period of time that the meter is assumed to be inaccurate, not to exceed two billing periods.

### **§ 51.12 LIABILITY FOR REPAIRS**

After the initial connection has been made to the curb stop, the applicant, owner or the occupant or user of the premises shall be liable for all repairs required to any Private Service Line necessary for connection of the premises to the street main, including any necessary street repairs. It shall be the responsibility of the applicant, owner, occupant or user to maintain the stop box at such height as will insure that it remains at the finished grade of the land or property.

### **§ 51.13 DEFICIENCY OF WATER**

(A) *General requirements.* The City shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting water off for the purpose of making repairs or connections or from any other cause whatsoever. In case of fire, or alarm of fire, or in making repairs or construction of new works, water may be shut off at such time and kept off as long as necessary. In addition, the City Council or City Administrator shall have the right to impose reasonable restrictions on the use of the city water system in emergency situations.

(B) *Irrigation and sprinkling restrictions.* The following irrigation and sprinkling restrictions shall apply to the use of the municipal water supply system. This does not apply to those persons who are irrigating and sprinkling from a private well.

(1) *Cross-connections prohibited.* No person shall construct, cause to be constructed or operate any device which provides a cross connection between the municipal water supply and a private well or the sewer system.

(2) *Waste of water prohibited.*

(a) Customers shall maintain taps, faucets, valves and other water facilities so that water waste is eliminated from seeps, dripping faucets, etc.

(b) No person shall waste water deliberately by allowing irrigation or sprinkling water to run off onto the street or into the drains.

(3) *Permission to use hydrant.* No person shall open, close or tamper with any fire hydrant except under the authorization of Cambridge Public Works Department or, in case of fire or emergency, authorization of the Cambridge Fire Department.

(4) *Odd-even day sprinkling.* Sprinkling will be curtailed from May 1 through August 31st. Even numbered addresses can sprinkle only on even numbered calendar days. Odd numbered addresses can sprinkle only on odd numbered calendar days.

(5) *Prohibited hours.* There shall be no sprinkling in the City of Cambridge by either even or odd numbered addresses, from the city water system, between the hours of 12:00 noon and 6:00 p.m.

(6) *Penalty.* Violations of these watering restrictions carry a \$50 fine per day of violation, which shall be collected on the customer's water bill. Unpaid fines may be collected as an assessment to the customer's property taxes, per Minnesota law.

(7) *Exemptions.*

(a) Newly sodded or seeded yards will be exempt from the odd-even restriction for a period of six weeks only. Over seeding or spot patching of existing established yards can be watered every day with a hand controlled hose. No watering will be allowed between 12:00 noon and 6:00 p.m.

(b) Car washing, filling of children's swimming pools, and children playing with a hose operated sprinkler or water toy are exempt from these restrictions.

(8) *Additional restrictions.*

(a) Additional restrictions on the use of water during periods of dry weather may be enacted by order of the City Administrator by publication in the official newspaper of the city. When restricted, no person shall water for the purpose of watering lawns, shrubs, trees, washing cars or structures. All unnecessary use of water is prohibited for the duration of the imposed restriction.

(b) If more drastic restrictions are necessary, orders may be issued by the City Administrator to take necessary action to protect the water system so that ample water may be available for health, sanitation and fire protection.

#### **§ 51.14 LEAK IN SERVICE LINE**

Any owner, occupant or user of a premises who shall discover a leak in a service line to the premises shall notify the Public Works Department within 24 hours. Any water wasted due to failure of such person to comply with this regulation shall be charged against the owner of such premises at the established rate.

## § 51.15 PRIVATE WATER NOT PERMITTED IN CITY SYSTEM

Whenever any premises are connected to the City water system there shall be maintained a complete physical separation between the City water supply system and the private water supply system so that it is impossible to intentionally or unintentionally allow any water produced by a private system to be introduced in the supply line from the City system.

## § 51.16 CONNECTION TO MUNICIPAL WATER SYSTEM REQUIRED

(A) Where a parcel of property in the City has connected to the City water system, no owner or occupant of the property or any other person shall:

(1) Construct any private water supply or well on the property; or

(2) Make use of any existing private water supply or well on the property for human consumption or commercial purposes.

(3) There shall be no connection, either directly or indirectly, to the plumbing system for service within the structure or to the City sanitary sewer system. The parcels shall also be prohibited from disconnecting from the City water system.

(B) Where a parcel of property in the City is using any private water supply or well and where the city water system is available to a parcel of property existing on the effective date of this chapter, the parcel of property shall be required to connect to the City water system at such time the private water supply or well is abandoned or is in need of replacement or at the point of sale of the property. The private water supply or well shall not connect, either directly or indirectly, to the City water system.

(C) All new residential, commercial or industrial construction on a parcel of property within the City where the municipal water system is available to a parcel of property shall be required to connect to the City water system.

(D) In cases of extreme hardship, an owner may request an exemption from the City Council to construct a private well. For the purposes of this chapter, **Hardship** shall be defined as the City's water main being greater than 300' feet away from the parcel. In allowing an exemption, the City Council may apply special conditions as benefits the health and safety of the City. The hardship will no longer exist once the water main is extended past the property and the owner will be required to connect to the City's water public supply.

(E) Any person convicted of a violation of any of the provisions of this section shall be guilty of a misdemeanor. (Penalty, see § 10.99)

## § 51.17 INDIVIDUAL CONNECTIONS TO CITY WATER SYSTEM

(A) *Definition.* For the purposes of this section, the term **Combined Connection** means a single connection to the municipal water system that serves:



(1) Two or more residential units; or

(2) Two or more commercial or industrial lots or separate parcels of record.

(B) *Combined connection after effective date.* Unless permitted for a hardship situation in accordance with division (E), no combined connection may be made after the effective date of this section.

(C) *Combined connections discontinued.* Unless permitted to continue for a hardship situation in accordance with division (E), combined connections in existence on the effective date of this section shall be discontinued and replaced with individual connections in accordance with this section.

(1) Owners of properties using a combined connection must replace such connection with an individual connection within three years of the date of notice from the City that replacement is required.

(2) Owners of the properties using a combined connection may use those parts of the connection lying within their property or in the public right of way between their property and the public water pipe, but must otherwise disconnect from the common connection and construct a new individual connection.

(D) *Exceptions.* The requirements of division (C) do not apply to:

(1) Multi-family residential rental properties where all units served by a combined connection are under the same ownership; or

(2) Multiple industrial or commercial lots or parcels of land that are adjacent, under the same ownership, and used for a single, unified business enterprise; or

(3) Combined connections where there is not an individual service from the main to the edge of the right-of-way available for each property using the combined connection.

(E) *Variations.* The City Council may grant variances from the requirements of division (C) upon a finding that there are unique or unusual physical constraints on constructing an individual connection that make such connection impractical from an engineering perspective.

(F) *Notice.* Notice to owners provided for in this section shall be by certified mail to the person or persons whom tax statements are to be sent according to the records of Isanti County.

(G) *Penalties.* Any person convicted of a violation of this section shall be guilty of a misdemeanor. Violation of this section is also grounds for termination of sewer or water service and the imposition of such penalties or charges as may be imposed by City Council resolution.

### **§ 51.18 OTHER REMEDIES**

In addition to any procedures or penalties provided for this ordinance if any person, firm or corporation fails to comply with any provision of this ordinance, the council or any City official designated by it may institute appropriate proceedings at law or at equity to procure payment and or enforce the provisions of this ordinance.

### **§51.19 SEVERABILITY**

If any section of this chapter is held invalid, such invalidity shall not affect other sections or provisions which can be given force and effect without invalidating the section or provision.

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**GENERAL PROVISIONS**

**§52.000 PURPOSE**

The purpose of the City’s public sanitary sewer system is to facilitate the flow of residential, commercial, and industrial effluent waste to a treatment facility where the effluent is treated in accordance with the City’s Minnesota Pollution Discharge Elimination System (MPDES) permit. The public sanitary sewer system allows for responsible residential, commercial and industrial development. The sanitary system is only sustainable when there are requirements to connect to the system and set appropriate user fees to pay for all system costs.

**§ 52.001 DEFINITIONS**

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

**Administration Costs.** Those fixed costs attributable to administration of the wastewater treatment works (for example, billing and associated bookkeeping and accounting costs).

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

**Authority.** The City of Cambridge, Minnesota or its representative thereof.

**BOD<sub>5</sub> or 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 in terms of milligrams per liter (mg/l).

**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 three feet outside the building wall. The building drain is part of the property owner’s private lines.

**Building Sanitary Sewer.** The private extension from the building drain to the connection at the public Sanitary Sewer Main or other place of disposal, also referred to as a house connection or service connection.

**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).

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

**Commercial User.** Any place of business which discharges Normal Domestic Strength sanitary waste as distinct from industrial wastewater.

**Commercial Wastewaters.** Domestic wastewater emanating from a place of business that does not exceed Normal Domestic Strength.

**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 permits imposed by the permit.

**Control Manhole.** A structure specially constructed for the purpose of measuring flow and/or sampling of wastes.

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

The City will have a maximum of twelve certification cycles per year. Certifications will be scheduled and heard at the Council meeting which occurs on the third (3<sup>rd</sup>) Monday of each month. All city utility accounts, unless payment arrangements have been made with the City or exempt for other legal reason, which are delinquent and remain unpaid as of the certification cut-off date shall have the balance on the account included in the preliminary certification list.

**Director.** The term Director shall refer to Public Works-Utilities Director or his or her designee.

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

**Extra Strength Waste.** Wastewater greater than Normal Domestic Waste as defined in this section and not otherwise classified as an incompatible waste.

**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.

**Floatable Oil.** Oil, fat or grease in a physical state such that it will separate by gravity from wastewater.

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

**Incompatible Pollutant.** Any pollutant that is not defined as a compatible pollutant, including nonbiodegradable dissolved solids.

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

***Industrial 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.

***Industrial Wastewater.*** The liquid processing wastes from an industrial manufacturing process, trade or business that exceeds Normal Domestic Strength.

***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.

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

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

***Institutional User.*** Users other than commercial, governmental, industrial or residential users, discharging primarily normal domestic strength wastewater (for example, nonprofit organizations).

***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.

***Interference.*** This term includes the following:

(1) Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and

(2) Therefore is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act and the Marine Protection, Research and Sanctuaries Act.

**MPCA.** Minnesota Pollution Control Agency.

**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.

**National Pollutant Discharge Elimination System (NPDES) Permit.** A permit issued by the MPCA, setting limits on pollutants that a permittee may logically discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act.

**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 groundwater.

**Noncontact Cooling Water.** The water discharged from any use such as air conditioning, cooling or refrigeration or during which the only pollutant added is heat.

**Normal Domestic Strength Waste.** Wastewater that is primarily introduced by residential users with a BOD<sub>5</sub> concentration not greater than 220 mg/l, a total suspended solids (TSS) concentration not greater than 240 mg/l, ammonia nitrogen concentration not greater than 25 mg/l, and total phosphorus concentration not greater than 8 mg/l.

**Operation and Maintenance.** Activities required to provide for the dependable and economical functioning of the treatment works, throughout the design life 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.

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

**Pretreatment.** The process of reducing the amount of pollutants, eliminating pollutants or altering the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the City's wastewater disposal system. The reduction, elimination or alteration may be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by § 52.108.

**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 ½ inch (1.27 cm) in any dimension.

**Replacement.** Obtaining and installing of equipment, accessories or appurtenances which are necessary during the design life of the treatment works to maintain the capacity and performance for which such 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 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.

**Sanitary Sewer Service Connection.** The parcel or structure's private building drain and the associated piping that connects that drain to the City's public sanitary sewer main.

**Sanitary Sewer Service Fund.** A fund into which income from sewer service charges is deposited along with other income. Expenditure of the Sanitary Sewer Service Fund will be for operation, maintenance and replacement costs and to retire debt incurred through capital expenditure for wastewater treatment.

**Sanitary Sewer Main.** A pipe or conduit that carries wastewater or drainage water.

(1) **Collection Sanitary Sewer Main.** A pipe that collects wastewaters from individual point source discharges and connections.

(2) **Combined Sanitary Sewer Mains.** A sanitary sewer pipe intended to serve as a conduit for sanitary sewer and a storm sewer discharge. Combined Sewer Mains are prohibited.

(3) **Force Main.** A pipe in which wastewater is carried under pressure.

(4) **Interceptor Sanitary Sewer Main.** A sanitary sewer pipe whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

(5) **Private Sanitary Sewer.** A sanitary sewer pipe which is not owned and maintained by a public authority.

(6) **Public Sanitary Sewer.** A sanitary sewer owned, maintained and controlled by a public authority.

(7) **Sanitary Sewer.** A systems of pipes, lift stations, and treatment facilities 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.

(8) **Storm Sewer or Storm Drain.** A system of drains, pipes, catch basins, and ditches intended to carry storm waters, surface runoff, groundwater, sub-surface water, street wash water, drainage and unpolluted water from any source.

**Shall; May.** The term *Shall* is mandatory; the term *May* is permissive.

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

**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;
- (2) Exceeding 5% of the total flow received at the treatment facility; and
- (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.

**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 of flows during normal operation and shall adversely affect the collection and/or performance of the wastewater treatment works.

**State Disposal System (SDS) Permit.** Any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to M.S. § 115.07, as it may be amended from time to time, for a disposal system as defined by M.S. § 115.01, Subd. 5 as it may be amended from time to time.

**Storm Water.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.

**Suspended Solids.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids and which is removable by a standard glass fiber filter.

**Subsurface Sewage Treatment System (SSTS).** A private system for treating and disposing of domestic sewage, usually from a single residence, by means of a septic tank and a soil absorption system.

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

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

**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 sewer and wastewater treatment facilities.

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

**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.

**Wastewater.** The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the City's wastewater disposal system. Also known as the spent water of a community, sometimes referred to as sewage.

**Wastewater Collection System, or Treatment Works.** An arrangement of any devices, facilities, structures, piping, 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.

**Waters of the State.** All streams, lakes, ponds, marshes, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

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

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

## **§ 52.002 CONTROL BY THE DIRECTOR**

The Director shall have control and general supervision of all public sanitary sewers and sanitary service connections in the City and shall be responsible for administering the provisions of this chapter to the end that a proper and efficient public sewer is maintained.

## **GENERAL REGULATIONS**

### **§ 52.015 UNSANITARY DEPOSITS PROHIBITED**

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under jurisdiction, any human or animal excrement, garbage or objectionable waste. Penalty, see § 10.99.

### **§ 52.016 PROHIBITED DISCHARGES**

It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and the City's NPDES/SDS Permit. Penalty, see § 10.99

### **§ 52.017 PRIVIES, SEPTIC TANKS AND CESSPOOLS PROHIBITED**

Except as provided hereinafter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater. Penalty, see § 10.99

## **BUILDING SANITARY SEWERS AND CONNECTIONS**

### **§ 52.018 CONNECTION TO PUBLIC SANITARY SEWER REQUIRED**

All structures which wastewater is discharged from 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 sanitary sewer service connection to the public sewer in accordance with provisions of this code.

(A) Where a parcel of property in the City has connected to the City sanitary sewer system, no owner or occupant of the property or any other person shall:

(1) Construct a private subsurface sewage treatment systems (SSTS) on the property; or

(2) Make use of any existing private SSTS on the property for sewage disposal or commercial purposes.

(B) Where a parcel of property in the City is using a SSTS and where the City's sanitary system is available to a parcel of property existing on the effective date of this chapter, the parcel of property shall be required to connect to the City's sanitary sewer system at such time the SSTS is in need of replacement or at the point of sale of the property. The SSTS shall be properly abandoned as required by Minnesota Rule 7080.2500 as may be amended from time to time.

(C) In cases of extreme hardship, an owner may request an exemption from the City Council to construct a private SSTS. For the purposes of this chapter, **Hardship** shall be defined as the City's sanitary sewer main is greater than 300' feet away from the parcel. In allowing an exemption, the City Council may apply special conditions as benefits the health and safety of the City. The hardship will no

longer exist once the sanitary sewer main is extended past the property and the owner will be required to connect to the City's public sanitary sewer main.

#### **§ 52.019 TAMPERING WITH WASTEWATER FACILITIES**

No person(s) 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. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

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

#### **§ 52.030 CONNECTION REQUIRED**

Where a public sanitary sewer is not available under the provisions of § 52.018, the building sanitary sewer shall be connected to a private wastewater disposal system complying with the provisions of this chapter.

#### **§ 52.031 PERMIT REQUIRED**

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.

#### **§ 52.032 INSPECTION**

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the City or its authorized representative. The City or its representative shall be allowed to inspect the work at any stage of construction, and, 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 four hours of the receipt of notice.

#### **§ 52.033 COMPLIANCE WITH STANDARDS**

The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of Minn. Rules Chapter 7080, as it may be amended from time to time, entitled, "Individual Sewage Treatment System Standards." No septic tank or cesspool shall be permitted to discharge to any natural outlet.

#### **§ 52.034 CONNECTION TO PUBLIC SANITARY SEWER**

At such time as a public sanitary sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sanitary sewer within ten days in compliance with this Chapter, and within 30 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.

## **§ 52.035 SANITARY MANNER OF OPERATION REQUIRED**

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.

## **§ 52.036 CONFLICT WITH ADDITIONAL REQUIREMENTS**

No statement contained in this subchapter 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.

### ***BUILDINGS SEWER AND CONNECTIONS***

## **§ 52.050 NEW CONNECTIONS/REPAIRS TO PRIVATE SANITARY SEWER PROHIBITED; EXCEPTION**

(A) New connection(s) to the sanitary sewer system shall be permitted as long as sufficient capacity is available in all downstream facilities, including but not limited to capacity for flow, BOD<sub>5</sub> and suspended solids, as determined by the Director. The parcel's connection to the City's sanitary sewer main is defined as Sanitary Sewer Service Connection (see definitions).

(B) After the initial service connection has been made to the Sanitary Sewer Main, the applicant, owner, or the occupant/user of the premises shall be liable for all repairs required to any Sanitary Sewer Service Connection including any necessary street repairs. It shall be the responsibility of the property owner to keep the Sanitary Sewer Service Connection in working condition.

## **§ 52.051 PERMIT REQUIRED**

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

## **§ 52.052 PERMIT APPLICATION**

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 or sanitary sewer service connection beyond the limits of the building or property for which the sanitary sewer service connection permit has been given.

## **§ 52.053 PERMIT CLASSES**

(A) There shall be two classes of building sanitary sewer permits:

- (1) For residential and commercial service; and
- (2) For service to establishments producing industrial wastes (see definitions).

(B) In either case, the application shall be supplemented by any plans, specifications or any other information considered pertinent in the judgement of the City. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.

#### **§ 52.054 EXPENSES TO BE PAID BY OWNER**

All costs and expenses incidental to the installation and connection of the sanitary sewer service connection 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 sanitary sewer service connection.

#### **§ 52.055 SEPARATE BUILDING SANITARY SEWER FOR EACH BUILDING**

A separate and independent building sanitary sewer shall be provided for in every building.

#### **§ 52.056 EXISTING BUILDING SANITARY SEWERS**

Old building sanitary sewers may be used in connection with new buildings only when they are found, on examination and test by the Director or his or her representative, to meet all requirements of this Chapter.

#### **§ 52.057 COMPLIANCE WITH STANDARDS**

The size, slopes, alignment, materials of construction of a building sanitary 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.

#### **§ 52.058 ELEVATION OF BUILDING SEWER**

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

#### **§ 52.059 PROHIBITED CONNECTIONS**

No person(s) shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sanitary sewer or indirectly to the wastewater disposal system.

## § 52.060 STANDARDS

The connection of the sanitary sewer service connection into the public sanitary sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations. All such connections shall be made gastight and watertight and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the City prior to installation.

## § 52.061 CONNECTION AND INSPECTION

The applicant for the sanitary sewer service connection permit shall notify the City when the connection is ready for inspection and connection to the public sanitary sewer. The connection and inspection shall be made under the supervision of the Director or authorized representative thereof.

## § 52.062 BARRICADES AND LIGHTS

All excavations for sanitary sewer service connection 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.

## § 52.063 LICENSED CONTRACTOR TO MAKE CONNECTIONS

No person shall make a sanitary sewer service connection with any public sanitary sewer unless ~~a~~they have completed pipe laying training as prescribed by the Commissioner of Labor and Industry and provide documentation of such training or are a bonded, licensed plumber as required by Minnesota Statutes §326B.46 as may be amended from time to time.

## § 52.064 INDIVIDUAL CONNECTIONS TO CITY SANITARY SEWER SYSTEM

(A) *Definition.* For the purposes of this section, the term **COMBINED CONNECTION** means a single connection to the municipal sanitary sewer system that serves:

- (1) Two or more residential units; or
- (2) Two or more commercial or industrial lots or separate parcels of record.

(B) *Combined connection after effective date.* Unless permitted for a hardship situation in accordance with division (E), no combined connection may be made after the effective date of this section.

(C) *Combined connections discontinued.* Unless permitted to continue for a hardship situation in accordance with division (E), combined connections in existence on the effective date of this section shall be discontinued and replaced with individual connections in accordance with this section.



(1) Owners of properties using a combined connection must replace such connection with an individual connection within three years of the date of notice from the City that replacement is required.

(2) Owners of the properties using a combined connection may use those parts of the connection lying within their property or in the public right of way between their property and the public sanitary sewer pipe, but must otherwise disconnect from the common connection and construct a new individual connection.

(D) *Exceptions.* The requirements of division (C) do not apply to:

(1) Multi-family residential rental properties where all units served by a combined connection are under the same ownership; or

(2) Multiple industrial or commercial lots or parcels of land that are adjacent, under the same ownership, and used for a single, unified business enterprise; or

(3) Combined connections where there is not an individual service from the main to the edge of the right-of-way available for each property using the combined connection.

(E) *Variances.* The Council may grant variances from the requirements of division (C) upon a finding that there are unique or unusual physical constraints on constructing an individual connection that make such connection impractical from an engineering perspective.

(F) *Notice.* Notice to owners provided for in this section shall be by certified mail to the person or persons whom tax statements are to be sent according to the records of Isanti County.

(G) *Penalties.* Any person convicted of a violation of this section shall be guilty of a misdemeanor. Violation of this section is also grounds for termination of sanitary sewer or water service and the imposition of such penalties or charges as may be imposed by Council resolution.

### ***USE OF PUBLIC SANITARY SEWERS***

#### **§ 52.080 PROHIBITED DISCHARGES**

(A) No person(s) shall discharge or cause to be discharged any unpolluted water such as storm water, groundwater, roof runoff, surface drainage or noncontact cooling water to any sanitary sewer.

(B) Storm water and all other unpolluted drainage shall be discharged to such storm 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) No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sanitary 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 sanitary 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 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;

(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; and

(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.

## **§ 52.081 LIMITED DISCHARGES**

(A) The following described substances, materials, water or wastes shall be limited in discharges to City systems to concentrations or quantities which will not harm either the sanitary sewers, the wastewater treatment works treatment process or equipment, will not have an adverse effect on the receiving stream and/or soil, vegetation and groundwater or will not otherwise endanger lives, limb, public property or constitute a nuisance.

The Director may set limitations lower than limitations established in the regulations below if, in his or her opinion, such more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability of wastes, the Director will give consideration to such factors as the quantity of subject waste in reaction to flows and velocities in the sanitary sewers, materials of construction of the sanitary 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 Director 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/l 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/l, whether emulsified or not;

(3) Any quantities of flow, concentrations or both which constitute a “slug” as defined in § 52.001;

(4) Any garbage not properly shredded, as defined in § 52.001. 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 sanitary 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) Noncontact cooling water or unpolluted storm water, storm drainage or groundwater;

(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 Director in compliance with applicable state or federal regulations;

(10) Any waters or wastes containing the following substances to such degree that any such material received in the composite wastewater at the wastewater treatment works in excess of limitations set by the Director for such materials: arsenic; cadmium; copper; cyanide; lead; mercury; nickel; silver; total chromium; zinc; and phenolic compounds which cannot be removed by City’s wastewater treatment system.

(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 BOD<sub>5</sub> 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 § 52.089.

(B) (1) If any waters or wastes are discharged or are proposed to be discharged to the public sanitary sewers which contain substances or possess the characteristics enumerated in division (A) of this section and/or which in the judgement of the Director may have a deleterious effect upon the wastewater treatment facilities, processes or equipment, receiving waters and/or soil, vegetation and groundwater or which otherwise create a hazard to life or constitute a public nuisance, the City may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sanitary sewers, pursuant to Section 307(b) of the Act and all addendums thereof;

(c) Require control over the quantities and rates of discharge; and/or

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

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

#### **§ 52.082 COMPLIANCE**

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 §§ 52.080 and 52.081 or contained in the National Categorical Pretreatment Standards or any state requirements.

#### **§ 52.083 PRETREATMENT FACILITIES**

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner(s).

#### **§ 52.084 GREASE, OIL AND SAND INTERCEPTORS**

Grease, oil and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in § 52.081(A), any flammable wastes as specified in § 52.080(C), 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 Director. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm.

## **§ 52.085 SAMPLING AND MEASUREMENT**

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

(B) The owner of any property serviced by a building sanitary sewer carrying industrial wastes may, at the discretion of the City, be required to provide laboratory measurements, tests or analyses of waters or wastes to illustrate compliance with this chapter and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, 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.

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

## **§ 52.086 ACCIDENTAL DISCHARGES**

Where required by the City, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this chapter. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense.

Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director 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 chapter.

Users shall notify the Director immediately upon having a slug or accidental discharge of substances or wastewater in violation of this chapter to enable countermeasures to be taken by the Director to minimize damage to the wastewater treatment works. The notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system or treatment process or for any fines imposed on the City on account thereof under any state and federal law. Employers shall

insure that all employees who may cause or discover such a discharge are advised of the emergency notification procedure.

#### **§ 52.087 CATCH BASIN OR WASTE TRAP**

(A) No person having charge of any building or other premises which drains into the public sanitary sewer shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sanitary sewer. Within 30 days after receipt of written notice from the City, the owner shall install a suitable and sufficient catch basin or waste trap or, if one already exists, shall clean out, repair or alter the same and perform such other work as the Director 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 60 days, the Director may cause such work to be completed at the expense of the owner or representative thereof.

(B) 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 sanitary sewer system.

#### **§ 52.088 REPAIR TO CLOGGED, OBSTRUCTED, BROKEN OR OUT OF ORDER PRIVATE SANITARY SEWERS**

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

#### **§ 52.089 COST OF REPAIRS**

In addition to any penalties that may be imposed for violation of any provision of this chapter, the City may assess against any person the cost of repairing or restoring sanitary 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 sanitary sewer system or in any other manner deemed appropriate by the City.

#### **§ 52.090 SPECIAL AGREEMENTS**

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

## ***PRETREATMENT***

### **§ 52.106 PRETREATMENT PURPOSE AND POLICY**

(A) This subchapter sets forth uniform requirements for discharges into the City's wastewater disposal system and enables the City to comply with all state and federal laws.

(B) The objectives of this subchapter are as follows:

(1) To prevent the introduction of pollutants into the wastewater disposal system which will interfere with the operation of the system or the use or disposal of the sludge;

(2) To prevent the introduction of pollutants into the wastewater disposal system which will pass through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system; and

(3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system.

(C) This subchapter provides for the regulation of discharges into the City's wastewater disposal system through the issuance of permits to certain users and through enforcement of the general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(D) This subchapter shall apply to the City and to persons outside the City who are, by contract or agreement with the City, users of the City wastewater disposal system. This subchapter is a supplement to §§ 52.140 *et seq.*, as amended. Except as otherwise provided herein, the Director of the City wastewater disposal system shall administer, implement and enforce the provisions of this subchapter.

### **§ 52.107 GENERAL DISCHARGE PROHIBITIONS**

No user shall discharge or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or to any public sanitary sewer:

(A) 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. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system, be more than 5% nor any single reading over 10% of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides;

- (B) Solid or viscous substances which will or may cause obstruction to the flow in a sanitary 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 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;
- (C) Any wastewater having a pH 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;
- (D) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, 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;
- (E) 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 sanitary sewers for their maintenance and repair;
- (F) Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye wastes and vegetable tanning solutions;
- (G) Any wastewater which creates conditions at or near the wastewater disposal system which violate any statute or any rule, regulation or ordinance of any public agency or state or federal regulatory body;
- (H) 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);
- (I) Any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BOD and the like), released in a discharge of such volume or strength as to cause inhibition or disruption in the wastewater disposal system. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24 hour concentrations, quantities or flow of the user during normal operations;
- (J) Noncontact cooling water or unpolluted storm or groundwater;
- (K) Any wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of 150 mg/l 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/l, whether emulsified or not;



(L) 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 they would cause disruption with the wastewater disposal system;

(M) Any wastewater having a BOD<sub>5</sub> greater than 650 mg/l or having a suspended solids concentration of greater than 350 mg/l, unless otherwise permitted by the City;

(N) In addition to these prohibitions, no user shall discharge to any public sanitary sewer any discharge which will cause interference with the wastewater disposal system.

## **§ 52.108 LIMITATIONS ON WASTEWATER STRENGTH**

(A) *National categorical pretreatment standards.* National categorical pretreatment standards promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users which are subject to such standards in any instance where they are more stringent than the limitations in this subchapter.

(B) *State requirements.* State requirements and limitations on discharges shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable chapter.

(C) *City's right of revision.* The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 52.105.

(D) *Dilution.* No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained herein, contained in the national categorical pretreatment standards or contained in any state requirements.

(E) *Accidental discharges.* Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedure to provide this protection shall be submitted to the Director for review and shall be approved by the Director before construction of the facility.

Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. Users shall notify the Director immediately upon having a slug or accidental discharge of substances or wastewater in violation of this chapter in order to enable countermeasures to be taken by the Director to minimize damage to the wastewater disposal system and the receiving waters.

The notification will not relieve users of liability for any expense, loss or damage to the wastewater disposal system or treatment process or for any fines imposed on the City on account thereof under any

state or federal law. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a slug or accidental discharge. Employers shall ensure that all employees who may cause or discover such a discharge are advised of the emergency notification procedure.

### **§ 52.109 FEES**

(A) *Purpose.* It is the purpose of this section to provide for the recovery of costs from users of the City's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the City's schedule of charges and fees to be prepared, from time to time, by the Director and approved by the City Council.

(B) *Charges and fees.* The City Council shall adopt charges and fees which may include:

(1) Area charges – Fee set by ordinance paid at the time parcels are annexed and/or subdivided (platted) into the City limits.

(2) Sanitary Sewer Access charges - Fee set by ordinance paid at the time a new connection to the City's Sanitary Sewer Main is made.

(3) Fees for monitoring, inspections and surveillance procedures;

(4) Fees for permit applications;

(5) Appeal fees; and

(6) Other fees as the City may deem necessary to carry out the requirements contained herein.

### **§ 52.110 GENERAL USER REPORTS**

The Director may require that any person discharging or proposing to discharge wastewater to the wastewater disposal system file a periodic discharge report. The discharge report may include but not be limited to nature of process, rates of flow, mass discharge rate, raw material and production quantities, hours of operation, number and classification of employees, compliance status with any state or federal pretreatment standards or other information which relates to the generation of waste, including wastewater constituents and concentrations in the wastewater discharge. The reports may also include sludge disposal practices and the chemical constituents and quantity of liquid or gaseous materials stored on site, even though they may not normally be discharged. At a minimum, a summary of such data indicating each industrial user's compliance with this subchapter shall be prepared quarterly and submitted to the Director. In addition to discharge reports, the Director may require information in the form of wastewater discharge permit applications, self-monitoring reports and compliance schedules.

### **§ 52.111 MANDATORY DISCHARGE PERMITS**

All industries proposing to connect or to commence a new discharge to the wastewater disposal system

shall obtain a wastewater discharge permit before connecting to or discharging into the wastewater disposal system if the discharge would result in the industry being classified as a significant industrial user. All existing significant industrial users or industrial users subject to national categorical pretreatment standards under Section 307 (b) and (c) of the Act connected to or discharging into the wastewater disposal system shall obtain a wastewater discharge permit within 180 days after the effective date of this subchapter.

## **§ 52.112 PERMIT APPLICATION**

(A) Users required to obtain a wastewater discharge permit shall complete and file with the Director an application in the form prescribed by the Director and accompanied by an initial fee of \$300. Existing users shall apply for a wastewater discharge permit within 30 days after the effective date of this subchapter, and proposed new users shall apply at least 180 days prior to connecting or discharging to the wastewater disposal system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address and location (if different from the address);
- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (3) Wastewater constituents and characteristics, including but not limited to those governed by this subchapter, as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR 136, as amended;
- (4) Time and duration of discharge;
- (5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variation, if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sanitary sewers, sanitary sewer connection and appurtenances by size, location and elevation;
- (7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged, including sludges, floats, skimmings and the like;
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, state or national pretreatment standards; and for an existing discharge, a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards. If additional operation and maintenance and/or pretreatment will be required, a proposed schedule shall not be later than the compliance date established for the applicable pretreatment standard. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standard. No

increment shall exceed nine months in length, and progress reports concerning each increment shall be submitted within 14 days following each increment date;

(9) Each product produced by type, amount and rate of production;

(10) Type and amount of raw materials processed (average and maximum per day);

(11) Number of full and part time employees and hours of work; and

(12) Any other information as may be deemed by the Director to be necessary to evaluate the permit application.

(B) The Director will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Director may issue a wastewater discharge permit subject to terms and conditions provided herein.

### **§ 52.113 PERMIT CONDITIONS**

(A) Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the City.

(B) Permits may contain the following:

(1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the wastewater disposal system;

(2) Limits on the average and maximum wastewater constituents and characteristics;

(3) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;

(4) Requirements for installation and maintenance of inspection and sampling facilities;

(5) Requirements for installation, operation and maintenance of pretreatment facilities;

(6) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;

(7) Compliance schedules;

(8) Requirements for submission of technical reports or discharge reports;

(9) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Director, but in no case less than three years, and affording Director access thereto;

(10) Requirements for notification to and acceptance by the Director of any new introduction of wastewater constituents of any substantial change in the volume or character of the wastewater treatment system;

(11) Requirements for notification of slug or accidental discharges as provided by § 52.108 and reporting of permit violations;

(12) Requirements for disposal of sludges, floats, skimmings, and the like; and

(13) Other conditions as deemed appropriate by the City to ensure compliance with this subchapter.

#### **§ 52.114 PERMIT DURATION**

Permits shall contain sanitary sewer service rates for the term of the permit. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Director during the term of the permit as limitation or requirements as identified in this subchapter are modified or either just cause exists. The user shall be informed of any proposed changes in his or her permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

The expiration of discharge permits will be determined on a case by case basis and included in the permit issuance.

#### **§ 52.115 PERMIT MODIFICATIONS**

(A) Permits issued under the provisions of this subchapter may be modified by the City if the actual discharge is found to differ substantially in quantity, constituents or effects from the discharge which was permitted. The user with an existing wastewater discharge permit may request modification of the permit to change wastewater discharge limitations, monitoring requirements or other requirements. Requests for modifications which would allow increased loading to the wastewater disposal system shall be made at least 180 days prior to the date of the proposed change.

(B) The user with an existing wastewater discharge permit shall submit to the Director within 180 days after the promulgation of any applicable national categorical pretreatment standard the information required by § 52.112. If the information previously submitted in an application is still current and adequate, only a letter from the user certifying such is required.

#### **§ 52.116 PERMIT TRANSFER**

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the Director. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

## **§ 52.117 MONITORING FACILITIES**

(A) Monitoring facilities to allow inspection, sampling and flow measurement of the building sanitary sewer and/or internal drainage systems shall be provided and operated by all industrial users. The monitoring facility should normally be situated on the user's premises, but the Director may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

(B) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and compositing of samples for analysis. The facility and sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(C) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Director's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Director, unless a time extension is otherwise granted by the Director.

## **§ 52.118 INSPECTION AND SAMPLING**

The Director shall inspect the facilities of any user to ascertain whether the purpose of this subchapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Director ready access to all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The Director, MPCA and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with any security guards so that upon presentation of suitable identification, the Director, MPCA and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

## **§ 52.119 PRETREATMENT**

(A) Users shall provide necessary wastewater treatment as required to comply with this subchapter and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director for review and shall be acceptable to the Director before construction of the facility. The review of such plan and operating procedure will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Director under the provisions of this subchapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Director prior to the user's initiation of the changes.

(B) All records relating to compliance with pretreatment standards shall be made available by the Director to officials of the EPA or MPCA upon request.

(C) Any user subject to a national categorical pretreatment standard, after the compliance data of such pretreatment standard, or, in the case of the commencement of a new discharge to the wastewater disposal system, shall submit to the Director during the months of June and December, unless required more frequently in the pretreatment standard or by the Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the facility into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by the user and certified to by a qualified professional.

#### **§ 52.120 CONFIDENTIAL INFORMATION**

(A) Information and data on a user obtained from applications, permits, monitoring programs and inspections shall be available to the public or other government agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(B) When requested by the person furnishing a report, and until such time as the information is determined not to be confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this subchapter, the NPDES Permit, State Disposal System Permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Director as confidential shall not be transmitted to any governmental agency or to the general public by the Director until and unless a ten day notification is given to the user.

#### **§ 52.121 SLUDGES GENERATED**

Sludges, floats, skimmings and the like generated by an industrial or commercial pretreatment system shall not be placed into the City's wastewater disposal system. Such sludges shall be contained, transported and disposed of in accordance with all federal, state and local regulations.

#### **§ 52.122 SLUG OR ACCIDENTAL DISCHARGES**

(A) The Director may suspend the wastewater treatment service of a user or a wastewater discharge permit after informal notice to the discharger when suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment or to the

wastewater disposal system or would cause the City to violate any condition of its NPDES or State Disposal System Permit.

(B) Any user notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sanitary sewer connection, to prevent or minimize damage to the wastewater disposal system or endangerment to any individuals. The Director shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the slug or accidental discharge and the measures taken to prevent any future occurrence shall be submitted to the Director within 75 days of the date of occurrence.

### **§ 52.123 REVOCATION OF PERMIT**

In accordance with the procedures of this subchapter, the Director may revoke the permit of any user which fails to factually report the wastewater constituents and characteristics of his or her discharge; which fails to report significant changes in wastewater constituents or characteristics; which refuses reasonable access to the user's premises for the purpose of inspection or monitoring or for violation of conditions of its permit, this subchapter or applicable state and federal regulations.

### **§ 52.124 NOTIFICATION OF VIOLATION**

Whenever the Director finds that any person has violated or is violating this subchapter, a wastewater discharge permit or any prohibition, limitation or requirement contained herein, the Director may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, unless a shorter time frame is necessary due to the nature of the violation, a plan for the satisfactory correction thereof shall be submitted to the City by the user.

### **§ 52.125 SHOW CAUSE HEARING**

(A) *Notice of hearing.* If the violation is not corrected by timely compliance, the Director may order any user which causes or allows an unauthorized discharge to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City Council regarding the violation, the reason why the action is to be taken, the proposed enforcement action and directing the user to show cause before the City Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

(B) *Hearing officials.* The City Council may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee of the City to:

(1) Issue in the name of the City Council notice of hearings requesting the attendance and testimony of witnesses and the protection of evidence relevant to any matter involved in such hearings;



(2) Take the evidence; and

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.

(C) *Transcripts.* At any hearing held pursuant to this subchapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

(D) *Issuance of orders.* After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sanitary sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

### **§ 52.126 LEGAL ACTION**

If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this subchapter, federal or state pretreatment requirements or any order of the City, the City Attorney may, following the authorization of such action by the City Council, commence an action for appropriate legal and/or equitable relief.

### **§ 52.127 ANNUAL PUBLICATION**

A list of the users which were significantly violating applicable pretreatment requirements or national categorical pretreatment standards during the 12 previous months shall be annually published by the City in a local newspaper. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months. For the purposes of this provision, significant violations would be those violations which remain uncorrected 45 days after notification of noncompliance; which are part of a pattern of noncompliance over a 12 month period; or which involve a failure to accurately report noncompliance.

### **§ 52.128 APPEAL TO THE CITY COUNCIL**

(A) Any interested party shall have the right to request in writing an interpretation or ruling on any matter covered by this subchapter and shall be entitled to a written reply from the City.

(B) Any decision of the Director in the enforcement of this subchapter may be appealed to the City Council by filing a written petition with the City Administrator within 30 days of the Director's ruling. The petition shall specify in detail the matter or matters involved and every ground or basis on which objections are made. The petition shall show the names, addresses and telephone numbers of all objectors and their attorney at law or spokesperson. The filing of a petition in accordance with the requirements herein shall stay all proceedings unless the Director shall file within 72 hours after the filing of a petition a certificate stating that a stay would cause peril to life or property or specifying other good reason.

(C) The City Council shall fix a reasonable time for hearing of the petition or appeal and give due notice of the time and place of the hearing to parties named in the petition as attorney or spokesperson. The hearing shall be open to the public. Petitioners shall be given full opportunity to present evidence in support of their petition after which the Director may present evidence in support of his decision. The City Council shall decide the appeal within a reasonable time and notify the attorney or spokesperson. The minutes of the Council shall constitute the official record of the petition, hearing and decision. Any party desiring a transcript of the proceedings shall furnish a qualified court reporter at their own expense.

### ***SANITARY SEWER SERVICE CHARGE SYSTEM***

#### **§ 52.141 ESTABLISHMENT OF SANITARY SEWER SERVICE CHARGE SYSTEM**

(A) The City establishes a sanitary sewer service charge system (SSCS) 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) Sanitary Sewer service rates and charges to users of the wastewater treatment facility shall be determined and fixed in a sanitary sewer service charge system developed according to the provisions of this subchapter. The sanitary sewer service charge system shall be adopted by ordinance upon enactment of this subchapter, shall be published in the local newspaper and shall be effective upon publication. Subsequent changes in sanitary sewer service rates and charges shall be adopted by Council resolution or ordinance and shall be published in the local newspaper.

(C) Revenues collected for sanitary sewer service shall be deposited in a separate fund known as "The Sanitary 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.

(D) Sanitary sewer service charges and the Sanitary Sewer Service Fund will be administrated in accordance with the provisions of § 52.144.

(E) Rates for Significant Industrial Users (SIU) sanitary sewer services shall be calculated based upon their impact on the plant's capacity and treatment systems (TSS, BOD, phosphorous, ammonia, etc.) as outlined in their discharge permit.

#### **§ 52.142 DETERMINATION OF SANITARY SEWER SERVICE CHARGES**

(A) *User classes.*

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

(a) Residential/Commercial/Institutional;

(b) Significant Industrial User (SIU)

(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 Director of Finance and City Administrator. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.

(B) *Operation, maintenance, debt service, capital equipment, and replacement costs.* 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. The Director of Finance will recommend sanitary sewer base rates and flow rates on an annual basis to City Council giving consideration to the Sanitary Sewer Fund's operating, capital, debt service, and forecasted capital improvement plan. The Sanitary Sewer Fund is to be entirely self supporting through the payment of base rates and flow rates. Base rates will cover all capital costs, debt service, and forecasted capital improvement plan. Flow rates will be set to recover annual operating costs for the sanitary sewer system.

(C) *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. The monthly billable flow shall be equal to monthly metered water usage rounded to the nearest 1,000 gallon mark.

(b) For users discharging NDSW but not connected to the City water system, the billable amount of flow will be calculated from the volume of their well's metered water usage or, at the discretion of the City, from the measurement of effluent flow at the user's point of discharge. Measurements shall be according to a regular program prescribed by the City. The City may require a flow meter to be installed to measure the sanitary sewer flow for accurate billing.

(D) *Meters.* 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.

## **§ 52.143 SANITARY SEWER SERVICE FUND**

(A) The City has established a "Sanitary Sewer Enterprise Fund" as a fund to receive all revenues generated by the sanitary sewer service charge system and all other income dedicated to the operation, maintenance, replacement, debt service, capital, and construction of the wastewater treatment works, including taxes, special charges, fees and assessments intended to retire construction debt. All Sanitary Sewer Enterprise Fund accounts shall be established in accordance Minnesota Accounting and Financial Reporting Standards as published by the Office of State Auditor.

## § 52.144 ADMINISTRATION

The sanitary sewer service charge system and Sanitary Sewer Service Fund shall be administrated according to the following provisions.

(A) (1) The City shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the sanitary sewer system and shall furnish the City Council with a report of such costs annually.

(2) The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works and whether sufficient revenue is being generated for debt retirement. The Council will also determine whether the user charges are distributed proportionately to each user.

(3) The City shall thereafter, but not later than the end of the year, reassess and as necessary revise the sanitary 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 sanitary sewer service charge attributable to operation, maintenance and replacement.

(C) In accordance with federal and state requirements, the City shall be responsible for maintaining all records necessary to document compliance with the sewer service charge system adopted.

(D) Water, sanitary sewer, storm sewer, and street light utility charges shall be billed on one bill as applicable to each account. All charges shall be due upon receipt and considered delinquent after the fifteenth (15<sup>th</sup>) day of the month. All bills shall contain the title, address and telephone number of the official in charge of billing; the title, address and phone number shall be clearly visible and easily readable. Bills shall be mailed to the customers on or before the fifth (5<sup>th</sup>) day of each month and specify the water consumed, sanitary sewer charges, storm sewer charges, and street light utility charges in accordance with the current fee schedule set by ordinance of the City Council.

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

(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.

## § 52.145 DELINQUENT ACCOUNTS

(A) **Penalties.** A late payment penalty of 5 (five) percent, with a minimum of \$5.00, shall be assessed on all accounts with a past due balance.

(B) **Shut-off for nonpayment.** Water/Sewer shall be shut-off after a notice of intent to shut-off has been mailed by first class mail and an opportunity for a hearing before the City Council or an employee designated by the City Council have provided to the occupant and owner of the premises involved.

(1) If any bill is not paid by the due date listed on the bill, a second notice stating the balance due will be mailed by first class mail and shall state that if payment is not made within ten days of the mailing of the second bill, water/sewer service to the premises will be shut off for nonpayment.

(2) The second notice (shut-off notice) must contain the title, address and telephone number of the official in charge of billing; the title, address and phone number shall be clearly visible and easily readable.

(3) The notice shall also state that the any occupant or owner has the right to a hearing before the water/sewer service is shut off. The owner or occupant may be represented in person and by counsel or any other person of his or her choosing. The owner or occupant may present orally or in writing his or her complaint to the City official in charge of utility billing. This official shall be authorized to order continuation of the customer's service and shall have the authority to adjust the customer's bill or enter into a mutually agreeable payment plan.

(4) If an occupant or owner requests a hearing, the water/sewer shall not be shut off until the hearing process is complete.

(5) If a customer fails to pay and fails to request a hearing under this part, service will be shut off at the time specified in the notice but not until the charges have reached \$200.

(6) If the customer's water/sewer is shut off by the City and is turned back on by anyone other than a City employee without paying the utility bill in full and will be fined \$500 per occurrence. This fine if not paid will be certified for collection with taxes. This matter can also be referred to the City's prosecuting authority for criminal charges for tampering with a municipal sanitary sewer system.

(C) **Certification for collection with taxes.** Unpaid charges on sewer accounts shall not be certified to the county auditor until notice and an opportunity for a hearing have been provided to the owner of the premises involved. The notice shall be sent by first class mail and shall state that if payment is not made before the date for certification, the entire amount unpaid plus penalties will be certified to the county auditor for collection as other taxes are collected. The notice shall also state that the occupant may, before such certification date, attend or schedule a hearing on the matter to object to certification of unpaid utility charges.

In addition to any penalties provided for in this ordinance if any person, firm or corporation fails to comply with any provision of this ordinance, the Council or any City official designated by it, may institute appropriate proceedings at law or at equity to procure payment.

The City will have a maximum of twelve certification cycles per year. Certifications will be scheduled and heard at the Council meeting which occurs on the third (3<sup>rd</sup>) Monday of each month. All City utility accounts, unless payment arrangements have been made with the City or exempt for other legal reason, which are delinquent and remain unpaid as of the certification cut-off date shall have the balance on the account included in the preliminary certification list.

(D) **Optional payment before certification.** The owner of the property shall have the option of paying the balance due on the account until the date the notice of the certification hearing is mailed. After the date the notice of certification hearing is mailed, payments will still be accepted but will include unpaid penalties.

(E) **Hearing required.** A hearing shall be held on the matter by the City Council. Property owners with unpaid utility charges shall have the opportunity to object to the certification of unpaid charges to be collected as taxes are collected. If, after the hearing, the City Council finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this ordinance, the City may certify the unpaid charges to the county auditor for collection as other taxes are collected.

(1) **Hearing options.** For each certification sustained, the property owner shall have the following options after the hearing,

(a) To pay the delinquent amount listed on the preliminary roll prior to the certification being delivered to the County for inclusion on the tax rolls.

(b) To pay the certified charges as billed to them by Isanti County on their property tax statement with a collection term of one year.

(2) **Delivery to County.** Prior to December 1 of each year the certified roll, minus any payments, shall be delivered to Isanti County.

## ***ADMINISTRATION AND ENFORCEMENT***

### **§ 52.160 RIGHT TO ENTER**

The Director 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 sanitary sewer system in accordance with the provisions of this chapter.

The Director 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 the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms

of the duly negotiated easement pertaining to the private property involved. (NOTE: just moved up from section that was deleted below)

#### **§ 52.161 RIGHT TO OBTAIN INFORMATION**

The Director 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.

#### **§52.162 SEVERABILITY**

If any section of this chapter is held invalid, such invalidity shall not affect other sections or provisions which can be given force and effect without invalidating the section or provision.

## CHAPTER 53 STORM SEWER

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### § 53.01 DEFINITIONS

**Best Management Practices (BMPs).** Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**Clean Water Act.** The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**Illicit Discharge.** Any direct or indirect non-storm water discharge to the storm drain system.

**Illicit Connections.** An illicit connection is defined as either of the following:



- Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,
- Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

***Municipal Separate Storm Sewer System (Ms4).*** The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

***N.P.D.E.S. 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, as they may be amended from time to time.

***National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit.*** Means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

***Non-Storm Water Discharge.*** Any discharge to the storm drain system that is not composed entirely of storm water.

***Pollutant.*** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes, and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

***Storm Drainage System.*** Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

***Storm Water.*** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

***Storm Water Management Plan.*** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm Water, Storm Water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

**Wastewater.** Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

**Waste Water (Sanitary Sewer Systems).** The spent water of a community; from the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water, and storm water that may be present.

## **§ 53.015 STORM SEWER DRAINAGE UTILITY**

(A) *Statutory authority.* M.S. § 444.075, as it may be amended from time to time, authorizes cities to impose just and reasonable charges for the use and availability of storm sewer facilities (“charges”). By this section, the City elects to exercise such authority.

(B) *Findings and determinations.* In providing for such charges, the findings and determinations set out in this division are made.

(1) In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the City has constructed, operated and maintained a storm sewer system (“the system”). This section is adopted in the further exercise of such authority and for the same purpose.

(2) The system as constructed heretofore has been financed and paid for through the imposition of special assessments and ad valorem taxes. Such financing methods were appropriate to the circumstances at the time they were used. It is now necessary and desirable to provide an alternative method of recovering some or all of the future costs of improving, maintaining and operating the system through the imposition of charges as provided in this section.

(3) In imposing charges it is necessary to establish a methodology that undertakes to make them just and equitable. Taking into account the status of completion of the system, past methods of recovering system costs, the topography of the City and other relevant factors, it is determined that it would be just and equitable to assign responsibility for some or all of the future costs of operating, maintaining and improving the system on the basis of the expected storm water runoff from the various parcels of land within the City during a standard five year rainfall event.

(4) Assigning costs and making charges based upon expected typical storm water runoff cannot be done with mathematical precision but can only be accomplished within reasonable and practical limits. The provisions of this section undertake to establish a reasonable and practicable methodology for making such charges.

(C) *Rates and charges.*

(1) *Residential equivalent factor.* Rates and charges for the use and availability of the system shall be determined through the use of a “Residential Equivalent Factor” (REF). For the purposes of this section, one REF is defined as the average volume of surface water runoff coming from a typical single family residential lot of .35 acres of land and 25% impervious surface.

(2) *Determination of REF's - Non-Single Family Residential Properties.* REF's for all land uses other than single family residential uses shall be based on the percentage of impervious surface of the property in accordance with Appendix C of the Storm Water Utility Report dated April 17, 2000.

(3) Delinquent Accounts.

(a) A late payment penalty of 5 (five) percent, with a minimum of \$5.00, shall be assessed on all accounts with a past due balance. If any bill is not paid by the due date listed on the bill, the balance due will be added to the next billing cycle. If a delinquent account reaches a balance of \$200 or more, the City will follow the special assessment process to levy the charges against the property.

(b) **Certification for collection with taxes.** Unpaid charges on storm sewer shall not be certified to the county auditor until notice and an opportunity for a hearing have been provided to the owner of the premises involved. The notice shall be sent by first class mail and shall state that if payment is not made before the date for certification, the entire amount unpaid plus penalties will be certified to the county auditor for collection as other taxes are collected. The notice shall also state that the occupant may, before such certification date, attend or schedule a hearing on the matter to object to certification of unpaid utility charges.

In addition to any penalties provided for in this ordinance if any person, firm or corporation fails to comply with any provision of this ordinance, the Council or any City official designated by it, may institute appropriate proceedings at law or at equity to procure payment.

(c) **Hearing.** A hearing shall be held on the matter by the City Council. Property owners with unpaid storm sewer charges shall have the opportunity to object to the certification of unpaid charges to be collected as taxes are collected. If, after the hearing, the City Council finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this ordinance, the City may certify the unpaid charges to the county auditor for collection as other taxes are collected.

(1) **Hearing options.** For each certification sustained, the property owner shall have the following options after the hearing,

(a) To pay the delinquent amount listed on the preliminary roll prior to the certification being delivered to the County for inclusion on the tax rolls.

(b) To pay the certified charges as billed to them by Isanti County on their property tax statement with a collection term of one year.

(c) **Delivery to County.** Prior to December 1 of each year the certified roll, minus any payments, shall be delivered to Isanti County.

(d) **Optional payment before certification.** The owner of the property shall have the option of paying the balance due on the account until the date the notice of the certification hearing is mailed. After the date the notice of certification hearing is mailed, payments will still be accepted but will include unpaid penalties.

(D) *Establishing basic rate.* In determining charges, the Council shall, from time to time, by resolution or ordinance establish a basic system rate to be charged against a typical single family

residence. The charge to be made against all other land uses shall be made in accordance with division (C)(2).

(E) *Standardized acreage.* For the purpose of simplifying and equalizing charges against property used for single-family purposes, such properties shall be considered to have an acreage of .35 acres.

(F) *Adjustments of charges.* The City Council may by resolution, from time to time, adopt policies providing for the adjustment of charges for parcels or groups of parcels, based upon hydrologic data supplied by affected property owners, demonstrating an actual hydrologic response substantially different from the REF being used for the parcel or parcels. Such adjustment shall be made only after receiving the recommendation of the City Administrator or his or her designee and shall not be made effective retroactively.

(G) *Excluded lands.* No charge for system availability or service shall be made against land which is either (i) public street right-of-way; (ii) vacant and unimproved with substantially all of its surface having vegetation as ground cover or (iii) land owned by the City.

(H) *Supplying information.* The owner, occupant or person in charge of any premises shall supply the City with such information as the City may reasonably request related to the use, development and area of the premises. Willful failure to provide such information or to falsify it is a violation of this section.

(I) *Estimated charges.* If the owner, occupant or person in charge of any premises fails or refuses to provide the information requested, as provided in division (H), the charge for such premises shall be estimated and billed in accordance with such estimate, based upon information then available to the City.

(J) *Drainage and erosion control.*

(1) *Drainage plan.* In the development, improvement or alteration of land, the direction, quantity or quality of drainage shall not be changed unless plans for the development are submitted to the City Engineer, and are found to be in compliance with the City's storm water management policies. Run-off shall be properly channeled into a storm drain, watercourse, ponding area or other public facility.

(2) *Erosion and sediment control plan.* Prior to the issuance of a building or grading permit for any development, improvement or alteration of land, a plan for erosion and sedimentation control shall be presented with the site plan. The erosion and sedimentation control plan shall specify the measures to be used before, during and after construction until the soil and slope are stabilized by permanent cover. These control measures shall be maintained in good working order until site stabilization occurs.

(3) *Approval.* Plans and provisions required for compliance with this section must be submitted to the Community Development Director for approval.

## **§ 53.02 ILLICIT DISCHARGE AND CONNECTION PURPOSE**

The general purpose of this ordinance is to provide for the health, safety, and general welfare of the public through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the MS4 permit issued to the City of Cambridge by the Minnesota Pollution Control Agency (MPCA) under the National Pollutant Discharge Elimination System (NPDES) permit process. The objections of this ordinance are:

- (1) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user;
- (2) To prohibit illicit connections and discharges to the MS4;
- (3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

## **§ 53.03 APPLICABILITY**

This ordinance shall apply to all water entering the storm drainage system generated on any developed and undeveloped lands unless explicitly exempted.

## **§ 53.04 DEFINITIONS**

For the purposes of this ordinance, all terms, phrases, words, and their derivatives shall have the meanings as stated in Chapter 53.01 of the City Code.

## **§ 53.05 RESPONSIBILITY FOR ADMINISTRATION**

The City of Cambridge shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the City of Cambridge may be delegated by the City Administrator to persons or entities acting in the beneficial interest of or in the employ of the City.

## **§ 53.06 COMPATIBILITY WITH OTHER REGULATIONS**

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

## **§ 53.07 ULTIMATE RESPONSIBILITY**

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

## § 53.08 DISCHARGE PROHIBITIONS

### (A) Prohibition of Illegal Discharges.

- (1) No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:
  - a) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, street wash water, dechlorinated swimming pool water, and any other water source not containing a pollutant.
    - (i) For swimming pool discharges, water shall sit seven (7) days without the addition of chlorine to allow for chlorine to evaporate before discharge.
    - (ii) Discharge of swimming pools, crawl spaces, sump pumps, footing drains and other sources that may be determined to contain sediment or other forms or pollutants may NOT be discharged directly to a gutter or storm sewer. This discharge must be allowed to flow over a vegetated area to allow filtering of pollutants, evaporation of chemicals and infiltration of water consistent with the storm water requirements of the City of Cambridge.
  - b) Discharges or flow from firefighting, and other discharges specified in writing by the City of Cambridge as being necessary to protect public health and safety.
  - c) Discharges associated with dye testing, however this activity requires a written notification to the City of Cambridge prior to the time of the test.
  - d) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the MPCA, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

### (B) Prohibition of Illicit Connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

- (3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
  - (4) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system.
  - (5) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the City of *Cambridge* requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the City.
- (C) Additional Discharge Prohibitions: Any owner or occupant of property within the City shall comply with the following requirements:
- (1) Subsurface sewage treatment systems shall be maintained to prevent failure.
  - (2) Recreational vehicle sewage shall be disposed of to a proper sanitary waste facility.
  - (3) Mobile washing companies (carpet cleaning, mobile vehicle washing, etc.) shall dispose of wastewater to the sanitary sewer.
  - (4) All motor vehicle parking lots and private streets shall be swept, at a minimum, once a year in the spring to remove debris. Such debris shall be collected and properly disposed.
  - (5) Fuel, chemical residue, household hazardous waste or other types of potentially harmful material shall be disposed of properly.
  - (6) Objects, such as motor vehicle parts, containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff.
  - (7) Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills or discharges.

### **§ 53.09 WATERCOURSE PROTECTION**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, yard waste, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

## **§ 53.10 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES**

*Submission of Notice of Intent (NOI) to the City of Cambridge.* Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit is required in a form acceptable to the City prior to the allowing of discharges to the MS4.

*Industrial activity* includes activities subject to NPDES Industrial Storm Water Permits as defined in 40 CFR, Section 122.26 (b)(14). *Construction activity* includes activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

The operator of a facility, including construction sites, required to have an NPDES permit to discharge storm water associated with industrial activity shall submit a copy of the NOI to the City at the same time the operator submits the original NOI to the EPA as applicable.

The copy of the NOI must be delivered to the City either in person or by certified mail to:

Utilities Director  
City of Cambridge  
300 3<sup>rd</sup> Avenue NE  
Cambridge, MN 55008

A person commits an offense if the person operates a facility that is discharging storm water associated with industrial activity without having submitted a copy of the NOI to do so to the City of Cambridge.

## **§ 53.11 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES**

The City of Cambridge will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this ordinance. These BMPs shall be part of a storm water management plan (SWMP) as necessary for compliance with requirements of the NPDES permit.

## **§ 53.12 NOTIFICATION OF SPILLS**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or



pollutants discharging into storm water, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City in person or by phone no later than the next business day. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Failure to provide notification of a release as provided above is a violation of this ordinance.

### **§ 53.13 RIGHT OF ENTRY**

The City shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance, including the right to set up, or require facilities owner to set up devices necessary to conduct monitoring and/or sampling of the facilities storm water discharge.

### **§ 53.14 ENFORCEMENT / PENALTIES**

The City shall be responsible for enforcing this ordinance. Any person, firm or corporation failing to comply with or violating any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this ordinance is committed, continued or permitted, shall constitute a separate offense. All land use and building permits shall be suspended until the applicant has corrected any and all violations.

### **§ 53.15 EMERGENCY CEASE AND DESIST ORDERS**

When the City finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the state which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City may issue an order to the violator directing it immediately to cease and desist all such violations.

### **§ 53.16 SUSPENSION DUE TO THE DETECTION OF ILLICIT DISCHARGE**

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. Such suspension may also be imposed if it is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger.

### **§ 53.17 VIOLATIONS DEEMED A PUBLIC NUISANCE**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense; and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

## **§ 53.18 SEVERABILITY**

The provisions of this ordinance are severable. If any provision of this ordinance or the application of any provision of this ordinance to any circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance, which can be given effect without the invalid provision or application.

## **CHAPTER 54: STREET LIGHTING**

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### **ADMINISTRATION AND ENFORCEMENT**

#### **§ 54.01 ESTABLISHMENT**

Pursuant to Minnesota Statutes §429.101, the City does hereby make provision for the establishment of a municipal street lighting system (hereinafter called the Street Lighting System) to be operated as a public utility.

#### **§ 54.02 LIABILITY**

The City shall not be liable for injury or damage to person or property caused by any deficiency or failure in supply of electricity for the street lighting system whether occasioned by shutting off the system for the purpose of making repairs or connections, weather-related incidents, or from any other cause whatsoever.

#### **§ 54.03 APPLICATION**

No statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by any other entity. In addition, no statement in this chapter shall be construed as preventing any special agreement or arrangement between the City and an individual user.

## **§ 54.04 DEFINITIONS**

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

***Benefiting Property.*** Any property located within 150 feet of a City street light excluding vacant land parcels.

***Street Lighting System.*** All systems, works, instrumentalities, equipment, materials, supplies, lights, poles, wires, cables, conduits and all other parts and appurtenances of the foregoing which are useful or used in connection with the operation and maintenance of street lights.

***User.*** The owner and occupant of any benefiting property.

## **§ 54.05 SUPERVISION BY PUBLIC WORKS-UTILITIES DIRECTOR**

The Public Works-Utilities Director, or designee, shall have control and general supervision of the Street Lighting System including service connections in the City. The Public Works-Utilities Director shall be responsible for administering the provisions of this chapter to the end such that a proper and efficient Street Lighting System is maintained.

## **§ 54.06 AUTHORITY**

(A) Access. The Public Works-Utilities Director, or other duly authorized employees of the City bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of, but not limited to, inspection, observations, measurement, sampling, repair and maintenance of any portion of the City's Street Lighting System in accordance with the provisions of this chapter.

(1) Tampering. 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 Street Lighting System.

(B) Safety. While performing necessary work on the Street Lighting System the Public Works-Utilities Director, or duly authorized employees of the City, shall observe all safety rules applicable to the premises.

## **§ 54.07 PENALTY**

Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned by the City by reason of that violation. In addition, any person found to be violating any provisions of this chapter shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations. Any person who shall continue any violation beyond the specified time limit shall be punished as provided in §10.99. Each day in which any violation occurs shall be deemed as a separate offense.

## **STREET LIGHTING CHARGE SYSTEM AND STREET LIGHT UTILITY FUND**

### **§ 54.08 ESTABLISHMENT**

(A) The City hereby establishes a Street Lighting Charge System to recover costs associated with the operation, maintenance and replacement of the Street Lighting System. The Street Lighting Charge System will be administered in accordance with the provisions of §54.09.

(B) The City hereby establishes a Street Light Utility Fund as an income fund to receive all revenues generated by the Street Lighting Charge System, and all other income dedicated to the operation, maintenance and replacement of the Street Lighting System. The Street Light Utility Fund will be administered in accordance with the provisions of §54.09.

### **§ 54.09 ADMINISTRATION**

(A) In accordance with federal and state requirements, the City Administrator-Administrator shall maintain records necessary to document compliance with the Street Lighting Charge System. The City Administrator-Administrator shall be responsible for maintaining a proper system of accounts suitable for determining the operation, maintenance and replacement costs of the Street Lighting System.

(B) All revenue collected from users of the Street Lighting System will be used to off-set all expenditures incurred for annual operation, maintenance and replacement to the Street Lighting System.

(C) All revenue generated by the Street Lighting Charge System, and all other income pertinent to the Street Lighting System, shall be deposited in a separate fund known as the Street Light Utility Fund.

(D) The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the Street Lighting System. The Council shall also determine whether the user charges are distributed proportionately to each user in accordance with § 54.10. The City shall thereafter, but not later than the end of the year, reassess and as necessary revise the Street Lighting Charge System then in use to insure the proportionality of the user charges and to insure the sufficiency of funds to maintain the City and performance to which the facilities were constructed.

### **§ 54.10 RATES AND CHARGES**

(A) Street lighting charges to users of the Street Lighting System shall be determined and fixed according to the provisions of this chapter and established in the Ordinance Establishing Fees and Charges. The Ordinance Establishing Fees and Charges may be amended from time to time to include subsequent changes in street lighting rates and charges.

(B) Any additional costs caused by intentional, willful, or malicious damage to the Street Lighting System, shall be borne by the offender, at no expense to the City.

(C) Each user shall pay its proportionate share of operation, maintenance, and replacement costs of the Street Lighting System.

(D) SFR Unit Basic Charge. The Council shall set a monthly basic service charge to be applied to all single family resident accounts (the SFR Unit Basic Charge). Each account that is not a single family resident account shall pay a basic service charge that is a multiple of the SFR Unit Basic Service Charge. The multiple will be based on the linear feet adjacent to a property boundary benefitting from a street light within 150 feet divided by 80 feet which represents the minimum lot width of a single family residence. The multiple will be rounded to the nearest whole number with (.5's rounded to the next whole number and a minimum unit assignment of 1).

(E) Adjustment of Unreasonable Units for Non-Single Family Residence. The City Administrator or the Administrator's designee may increase or decrease the units applied if it was determined the units are based on inaccurate linear feet data. Decisions on units made by the City Administrator may be appealed to the City Council by written notice of appeal to the City Administrator. Notice of the appeal must be delivered to the Administrator within twenty-one days of mailing of written notice of the Administrator's determination of units to the account.

Rates due and payable by each user located beyond the territorial boundaries of the City shall be determined by special contract.

#### **§ 54.11 BILLING**

(A) Bills for street lighting charges shall be rendered on a monthly basis, in conjunction with water and sewer billings, to all benefiting properties. Bills are due and payable on or before the 15<sup>th</sup> day of the month following the month in which the bill is sent.

(B) All payments received after the close of business on the 15<sup>th</sup> day of the month will be assessed a penalty as defined by ordinance. Any prepayment or overpayment of charges may be retained by the City and applied on subsequent monthly charges.

(C) All bills and notices shall be mailed or delivered to the address of the property owner. If a non-owner occupant desires to receive bills and notices at the address where service is provided, the property owner shall provide proper notice to the City of the approved request. Any change or error in address shall be promptly reported to the City Administrator.

#### **§54.12 NON PAYMENT**

Any street lighting charges unpaid shall be certified by the City Administrator-Treasurer when deemed appropriate by the City and assessed against the property on which the charges have incurred, and forwarded to the County Auditor for collection with property taxes.

#### **§ 54.13 EXEMPTIONS**

Any public right of way, City owned property and vacant land parcels shall be exempt from street light utility charges.