

## **TITLE V: PUBLIC UTILITIES**

### **Chapter**

**53. SEWERS**

## CHAPTER 53: SEWERS

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**GENERAL PROVISIONS****§ 53.01 PURPOSE AND POLICY.**

(A) This Section 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. The objectives of this Section 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 control the volume of wastewater in the Wastewater Treatment System.

(B) This Section provides for the regulation of discharges into the City's wastewater disposal system through the issuance of agreements with 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.

(C) This Section shall apply to the City and to persons outside the City who are, by agreement with the City, users of the wastewater disposal and treatment system. Except as otherwise provided herein, the Public Utilities Director shall administer, implement and enforce the provisions of this Section.

**§ 53.02 DEFINITIONS.**

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

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

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

(C) **BUILDING DRAIN.** That point of a building which conveys wastewater to the building sewer, beginning five feet outside the building wall.

(D) **DEBT SERVICE CHARGE.** A charge to users of the wastewater treatment facility for the purpose of repaying capital costs.

(E) **DIRECTOR.** The Public Utilities Director of the City of Thief River Falls or the person's duly authorized representative.

(F) **INDUSTRIAL USER.** As follows:

(1) Any entity as defined in the Standard Industrial Classification Manual (latest edition), as categorized, that discharges wastewater to the public sewer.

**Division A:** Agriculture, Forestry, Fishing

**Division B:** Mining

**Division D:** Manufacturing

**Division E:** Transportation, Communications, Electric, Gas and Sanitary Sewers

**Division I:** Services.

(2) Any user whose discharges, singly or by interaction, with other wastes:

(a) Contaminate the sludge of the wastewater treatment system;

(b) Injure or interfere with the treatment process, create a public nuisance or hazard;

(c) Have an adverse effect on the waters receiving wastewater treatment plant discharges;

(d) Exceed NDSW limitations; or

(e) Exceed normal residential unit volumes of wastewater.

(G) **INFILTRATION/INFLOW (I/I).** Water other than wastewater that enters the sewer system from the ground or from surface runoff, as defined in Minnesota Rules.

(H) **MONTHLY SERVICE CHARGE.** A fixed monthly charge to users of a treatment facility that includes part of the user fee and debt fee to be billed at a fixed rate per month.

(I) **MPCA.** Minnesota Pollution Control Agency.

(J) **NATIONAL CATEGORICAL PRETREATMENT STANDARDS.** Federal regulations establishing pretreatment standards for introduction of pollutants in publicly owned wastewater treatment facilities. (Section 307(b) of the Act.)

**(K) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT.** A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge pursuant to Sections 402 and 405 of the Act.

**(L) NATURAL OUTLET.** Any outlet, including storm sewers and combined sewers, which flows into a body of surface water or ground water.

**(M) NORMAL DOMESTIC STRENGTH WASTE (NDSW).** Wastewater that is primarily introduced by residential users with BOD<sub>5</sub> concentrations not greater than 250 mg/L and total suspended solids (TSS) concentrations not greater than 350 mg/L.

**(N) NONRESIDENTIAL USER.** A user of the treatment facility whose building is not used as a private residence and discharges NDSW.

**(O) OPERATION, MAINTENANCE AND REPLACEMENT COSTS (OM&R).** Expenditures necessary to provide for the dependable, economical and efficient functioning of the treatment facility throughout its design life, including operator training and permit fees. Replacement refers to equipment replacement costs, not the cost of future replacement of the entire facility.

**(P) RESIDENTIAL USER.** A user of the treatment facility whose building is used primarily as a private residence and discharges NDSW.

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

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

**(2) SANITARY SEWER.** A sewer designed to carry only liquid and water carried wastes from residential, nonresidential and industrial sources together with minor quantities of I/I.

**(3) STORM SEWER.** A sewer intended to carry unpolluted surface and subsurface water from any source.

**(R) SEWER SERVICE CHARGE.** The total of the monthly service charge, volume charge, and surcharges for industrial users.

**(S) SLUG.** A discharge of water or wastewater which in concentration 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.

**(T) STATE DISPOSAL SYSTEM (SDS) PERMIT.** A permit issued by MPCA pursuant to M.S. § 115.07 for a disposal system as defined by M.S. § 115.01, Subd. 5.

**(U) 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).

(V) **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. An example could be noncontact cooling water.

(W) **USER CHARGE.** A charge to users of a treatment facility for the user's proportionate share of the cost of operation and maintenance, including replacement.

(X) **WASTEWATER.** Liquid and water carried wastes from residential, nonresidential and industrial users, together with any ground water, surface water, and storm water that may be present.

(Y) **WASTEWATER TREATMENT FACILITIES or TREATMENT FACILITIES.** The land, devices, facilities, structures, equipment, and processes owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal wastewater and the disposal of residues resulting from the treatment.

### § 53.03 CONTROL BY DIRECTOR.

The City Council shall appoint the Director who shall have control and general supervision of all public sewers and service connections in the City and shall be responsible for administering the provisions of this Section to ensure that a proper and efficient public sewer is maintained. The Director may delegate responsibilities to designated representatives.

## REGULATIONS

### § 53.15 USE OF PUBLIC SEWERS REQUIRED.

Within 45 days of receiving official notification, the owners of all properties within 150 feet of a sanitary sewer collection system shall install a suitable service connection, at their own expense, in accordance with the provisions of this Chapter. Any owner of property greater than 150 feet and deemed by the Director to require connection to a sanitary sewer shall be notified and complete the installation within 60 days at the owner's expense.

(A) In the event an owner shall fail to connect to a public sewer in compliance with a notice given under this Section, the City will have the connection made and shall assess the cost against the benefited property.

(B) Except as provided hereinafter, it shall be unlawful to construct or maintain any private facility intended or used for the disposal of wastewater.

**§ 53.16 PRIVATE WASTEWATER DISPOSAL.**

(A) Where a public sewer is not available under the provisions of § 53.15, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of the City Code.

(B) Before construction, replacement or modification of a private wastewater disposal system, the owner shall obtain a written permit signed by the Director. The permit shall not become effective until the installation is completed to the Director's satisfaction. A designated representative shall be allowed to inspect any stage of construction. The applicant for the permit shall give notification when ready for the system's final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice, exclusive of weekends and holidays.

(C) The City Council shall, by resolution, set a permit and inspection fee, which fee may be modified by resolution from time to time.

(D) The City shall review and submit documentation required by the State of Minnesota to be furnished by applicant's installer and/or designer.

(E) The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of Minn. Rules Ch. 7080 and applicable local ordinances.

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

(G) When the public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 60 days in compliance with this Section, and within 90 days, the private wastewater disposal systems will be cleaned of all sludge. The bottom shall be broken to permit drainage and the tank or pit filled with suitable material.

(H) No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the MPCA, the State Department of Health, or other responsible Federal, State, or local agencies.

(I) (1) A sewage treatment system within shoreland not meeting the requirements of this Chapter must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the lot. For the purposes of this Provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

(2) Nonconforming sewage treatment systems within shoreland will be upgraded or replaced within a reasonable period of time after their discovery, not to exceed two years. Sewage systems installed according to all applicable local shoreland management standards adopted under M.S. § 103F in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota

Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

**§ 53.17 BUILDING SEWERS AND CONNECTION DESIGNS.**

(A) No person shall make any alterations to the public sewer or any appurtenances thereof without first obtaining a written permit from the Director. No private building drain shall extend beyond the limits of the building or property for which the permit has been given.

(B) Any new connection to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including, but not limited to, capacity for flow, BOD<sub>5</sub> and TSS as determined by the Director.

(C) A separate and independent building sewer shall be provided for each building. Old building sewers may be used to service new buildings only when they are found to meet all requirements of this Section.

(D) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater shall be lifted by an approved means and discharged to the building sewer.

(E) The construction and connection of the building sewer to the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code, applicable rules and regulations of the City and the materials and procedural specifications set forth in the American Society of Testing Materials (ASTM) and the Water Pollution Control Federation (WPCF) Manual of Practice No. 9. All such connections shall be made gas and watertight and verified by proper testing to prevent I/I.

(F) No unpolluted water sources shall be connected to the sanitary sewer.

(G) The applicant for the building sewer permit shall notify the City when the building sewer is ready for connection to the public sewer. The connection shall be made under the supervision of a designated representative.

(H) An appropriate construction license from the State of Minnesota is required to install a service connection.

(I) A license for sewer service connection installation shall not be issued until a \$2,000 bond to the City is filed and approved by the Council. The licensee will indemnify the City from all suits, accidents and damage that may arise by reason of any opening in any street, alley or public ground made by the licensee or by those in the licensee's employment.

(J) The annual cost of a license for making service connections shall be established by the Council by resolution and may be changed from time to time by resolution. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked by the Council for any reasonable cause.

(K) The Council may suspend or revoke any license issued under this Section for any of the following causes:

- (1) Giving false information in connection with the application for a license;
- (2) Incompetence of the licensee;
- (3) Willful violation of any provision of this Section or any rule or regulation pertaining to the making of service connections; or
- (4) Failure to adequately protect and indemnify the City and the user.

(L) No roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water shall be connected to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless a surcharge as set forth in § 53.39(H) is paid.

### § 53.18 USE OF PUBLIC WASTEWATER TREATMENT FACILITIES.

(A) No unpolluted water or storm water shall be discharged to the sanitary sewer. The water shall be discharged only into storm sewers or to natural outlets approved by the City and other regulatory agencies.

(B) No person shall discharge any of the following substances into the public sewer:

- (1) Liquids, solids, gases, or other substances which singly or by interaction with others may cause fire or explosion;
- (2) Solid or viscous substances which may cause obstruction into the flow in a sewer;
- (3) Wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive or caustic property capable of causing damage or hazard; or
- (4) Wastewater containing toxic pollutants, as defined in Section 307(a) of the Water Pollution Control Act and M.S. § 115.01, Subd. 20.

(C) Discharges of the following substances shall be limited to concentrations or quantities which will not harm the wastewater facility, streams, soils, vegetation, ground water and will not otherwise create a hazard or nuisance. The Director may set limitations lower than the prohibition limits outlined

below. Consideration will be given to such factors as the quantity of waste in relation to flows and velocities, materials of construction, the community's NPDES and SDS permits, capacity of the treatment plant, degree of treatability of wastes, and other pertinent factors:

(1) Wastewater having a temperature greater than 150°F (65.5°C) or causing, individually or in combination with other wastewater, the influent at the treatment facilities to have a temperature exceeding 104°F (40°C) or having heat in amounts which will be detrimental to biological activity in the treatment facilities;

(2) Wastewater containing fats, wax, grease, or oils 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 65.5°C), except as may be permitted by specific written agreement with the City subject to § 53.51;

(3) A discharge of water or wastewater which in concentration 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;

(4) Food wastes not properly shredded to such a degree that all particles will be carried freely under normal flow conditions with no particle greater than ½ inch in any dimension;

(5) Noxious or malodorous liquids, gases, or solids;

(6) Wastewater with objectionable color not removed in the treatment process;

(7) Wastewater containing inert suspended solids in such quantities that would cause disruption to the wastewater treatment facilities;

(8) Radioactive wastes or isotopes in concentrations that exceed limits established by applicable State and Federal regulations;

(9) Wastewater with BOD<sub>5</sub> or suspended solids levels that require additional treatment, except as may be permitted by specific written agreement with the City subject to § 53.51; or

(10) Wastewater containing substances which cannot be treated to produce effluent quality required by the permit or causes a violation of any applicable local, state or federal regulation.

(D) In the event of discharges to the public sewers which contain substances or possess characteristics prohibited in Divisions (B) and (C) of this Section or which in the judgment of the Director may have a deleterious effect to the treatment facility, receiving waters, soils, vegetation, or which create a hazard or nuisance, the Director may:

(1) Refuse to accept the wastes;

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

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

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

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

(E) 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 this Section, the National Categorical Pretreatment Standards and any state or local requirement.

(F) Grease, oil, and sand interceptors shall be provided at the owner's expense when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, any flammable wastes, sand, or other harmful ingredients. All interceptors shall be readily and easily accessible for cleaning and inspection. The owner shall be responsible for the maintenance of interceptors, including 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.

(G) Any material removal and hauling must be performed by the owner's personnel or a currently licensed waste disposal firm and in compliance with all applicable laws and regulations.

(H) Where required by the Director, industrial users shall install and maintain at their own expense a suitable structure or control manhole with the necessary meters and other testing equipment needed to facilitate observation, sampling, and measurement of wastewater. The manhole will be safe and accessible at all times. The City may require submission of laboratory analyses to illustrate compliance with this Section and any special conditions for discharge established by the City or responsible regulatory agency. All measurements, tests, and analyses to which reference is made in this Section shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association and kept for a period of five years.

(I) Where required by the Director, users shall provide protection from an accidental discharge of substances regulated by this Section. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans and operating procedures of the facilities shall be submitted to the Director for review and approval prior to construction of the facility. Approval of the plans and operating procedures shall not relieve user from the responsibility of modifying the facility as necessary to meet the requirements of this Section.

(J) Users shall notify the Director immediately if a slug or accidental discharge of wastewater occurs in violation of this Section. Notification will allow measures to be taken to minimize damage to the treatment facilities. Notification will not relieve users of liability for any expense, loss, or damage to the treatment facilities or for fines imposed on the City by any State or Federal agency as a result of their actions.

(K) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of the emergency notification procedure in the event of a slug or accidental discharge.

(L) No person shall permit any substance or matter which may form a deposit or obstruction of flow to be discharged into the public sewer. Whenever any service connection becomes clogged, obstructed, or detrimental to the use of the public sewer, the owner shall make repairs as directed by the Director.

(M) Each day that the owner neglects to make the repairs shall constitute a separate violation of this Section. The Director may then cause the work to be done and recover related expenses from the owner or agent by an action in the name of the City.

(N) In addition to penalties that may be imposed for violation of any provision of this Section, the City may assess against the user/owner the cost of repairing or restoring sewers and associated facilities damaged as a result of the discharge of prohibited wastes and may collect the assessment as an additional charge for the use of the public sewer system.

(O) No statement contained in this Section shall prevent any special agreement or arrangement between the City and any industrial user. Industrial waste of unusual strength or character may be accepted by the facility for treatment, subject to adequate payment by the industrial user, providing that National Categorical Pretreatment Standards and the City's NPDES and SDS permit limitations are not violated.

#### **§ 53.19 TAMPERING PROHIBITED.**

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

#### **§ 53.20 UNMETERED WATER SUPPLY.**

If any premises discharge normal sewage or industrial waste into the sanitary sewage system, either directly or indirectly, obtain part or all of the water used thereon from sources other than the City, and the water so obtained is not measured by a meter of equivalent specifications to the meters used by the City, then in such case the City shall permit the discharge of normal sewage or industrial waste into its

sanitary sewage system only when the owner of the premises or some other interested party shall at their own expense install and maintain for the purpose of metering the water supply a water meter of equivalent specifications to those installed by the City in connection with the City water system. Each water meter shall be installed to measure all water received on such premises and the above charges and rates shall be applied to the quantity of water received as measured by the meter. If, because of the nature of the source of the water supply the City deems it impracticable to thus meter the water on any premises, the Council may by resolution establish a flat charge per month in accordance with the established use of water on the premises.

### ***RATES AND CHARGES***

#### **§ 53.35 SERVICE CHARGE SYSTEM.**

(A) The City establishes a sewer service charge system. All revenue collected from users of the wastewater treatment facilities will be used for annual operation, maintenance, replacement, and capital costs. Each user shall pay a proportionate share of operation, maintenance, and replacement costs based on the users proportionate contribution to the total wastewater loading.

(B) Charges to users of the wastewater treatment facility shall be determined and fixed in a sewer service charge system (SSCS).

(C) Revenues collected through the SSCS shall be deposited in a separate fund known as the Wastewater Fund (WWF).

(D) A separate enterprise fund shall be maintained to account for all revenues, expenses, and debt service requirements and included as part of the annual audit of the City's financial statement, in accordance with "Government Auditing Standards."

#### **§ 53.36 GENERAL SEWER SERVICE.**

(A) ***Metered and unmetered.*** Applicable to sewage contributors discharging domestic strength waste (or less) into the sanitary system and applicable to significant industrial user discharging waste into the sanitary system together with other charges that apply to the significant industrial users.

(B) ***Unmetered.*** Available to sewage customers discharging only normal domestic strength sewage into the sanitary sewer. When the utility cannot immediately install its water meter to measure discharges into sewers, or for special discharge requirements, service shall be billed at a rate established by the Council by resolution, which resolution may be changed from time to time by resolution. This rate shall be applied to only single-family residential and small commercial customers and approximates the cost of 6,000 gallons per month. If it is determined by the utility that usage is in excess of 6,000 gallons per month, an additional volume charge as set forth in § 50.02 will be made for estimated additional usage.

**§ 53.37 SIGNIFICANT INDUSTRIAL USER SERVICE.**

(A) *Metered.* Available for sewage contributors determined by the City to be a significant industrial user. Each water sources shall be metered. Significant industrial users shall not discharge waste into the sanitary system until the significant industrial user is issued a wastewater discharge permit by the City.

(B) *Unmetered.* Significant industrial users shall not discharge waste into the sanitary sewer without a metered water service.

**§ 53.38 MULTIPLE USERS.**

(A) Charges for sewer service to manufactured home courts, apartment houses and other facilities where there are multiple users of the sewer system but only a single water meter, the billing shall be the monthly service charge specified in § 53.36.

(B) Owners must notify the City by the tenth day of each month as to the number of housing units occupied during the previous month. Failure to notify the City by the tenth day of the month will result in a billing based on the total number of units serviced by the single water meter.

**§ 53.39 ADDITIONAL CHARGES.**

(A) The private sewage disposal permit and inspection fee shall be established by the Council by resolution, which resolution may be changed from time to time by resolution.

(B) The public sanitation sewer connection permit fee shall be established by the Council by resolution, which resolution may be changed from time to time by resolution.

(C) The residential and commercial service line permit and inspection fee for new buildings shall be established by the Council by resolution, which resolution may be changed from time to time by resolution.

(D) The residential and commercial service line permit and inspection fee for modifications to an existing sanitary sewer service line, not to include a new sewer main connection, shall be established by the Council by resolution, which resolution may be changed from time to time by resolution.

(E) The industrial service permit and inspection fee for new buildings shall be established by the Council by resolution, which resolution may be changed from time to time by resolution.

(F) The industrial service permit and inspection fee for modification to an existing sanitary sewer service line, not to include a sewer main connection, shall be established by the Council by resolution, which resolution may be changed from time to time by resolution.

(G) (1) Any person connecting their property to City sewer service shall pay a connection charge in lieu of special assessment if their property has not been assessed a special assessment for sewer service.

(2) The connection charge shall be a rate established by the Council by resolution, which resolution may be changed from time to time by resolution or the actual per benefitted front foot project cost if higher.

(3) The connection charge shall be paid in full prior to obtaining sewer service unless the Council agrees to allow payment on an installment basis.

(4) Benefitted front foot shall be determined in the same manner as benefitted front foot for street improvement assessments, including equalization for irregular shaped lots.

(H) Any user discharging water from roof drain systems, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary system shall pay a surcharge with the monthly sewer billing at a rate established by the Council by resolution, which resolution may be changed from time to time by resolution for residential users and at a rate established by the Council by resolution, which resolution may be changed from time to time by resolution for all other users. The Director shall apply the surcharge as deemed necessary. Any user refusing the City access to inspect the sewer drain system shall pay the surcharge as though the user is discharging into the sanitary sewer.

### *ADMINISTRATION*

#### **§ 53.50 PERMITS.**

All users proposing to connect or to commence a new discharge to the wastewater disposal system shall obtain a connection permit from the Director before commencing construction of the building sewer. This requirement applies to residential, commercial and industrial users of the system. Additional requirements regarding the connection permit are further explained under § 53.17. Connection permit and inspection fees, as set forth in § 53.39, shall be paid prior to the granting of the permit.

#### **§ 53.51 WASTEWATER DISCHARGE PERMIT.**

The City may require special agreements with certain industries or other significant users of the system.

**§ 53.52 AGREEMENT 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. Existing users shall apply for a Wastewater Discharge Permit within 30 days after the effective date of this Section, and proposed new users shall apply at least 60 days prior to connecting or discharging into the wastewater disposal system.

(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 City may issue a Wastewater Discharge Permit subject to terms and conditions herein.

**§ 53.53 AGREEMENT CONDITIONS.**

Wastewater Discharge Permits shall be expressly subject to all provisions of this Section and all other applicable regulations, user charges, and fees established by the City. Agreements may contain the following:

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

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

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

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

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

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

(G) Compliance schedules;

(H) Requirements for submissions of technical reports or discharge reports;

(I) 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;

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

(K) Requirements for notification of slug or accidental discharges as provided in § 53.18 and reporting of agreement violations;

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

(M) Other conditions as deemed appropriate by the City to ensure compliance with this Chapter; and

(N) The above notwithstanding, no condition of the agreement shall allow the City's NPDES permit limitation or National Categorical Pretreatment Standards to be violated.

#### **§ 53.54 PERMIT DURATION.**

Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five years. The terms and conditions of the agreement may be subject to modification by the Director during the term of the agreement as limitations or requirements as identified in § 53.18 are modified or other just cause exists. The City or user shall be informed of any proposed changes in the agreement at least 90 days prior to the effective date of change. Any changes or new conditions in the agreement shall include a reasonable time schedule for compliance.

#### **§ 53.55 PERMIT TRANSFER.**

A Wastewater Discharge Permit is issued to a specific user for a specific operation. A 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 City. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

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

(A) Duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all properties for inspection, observations, measurement, sampling, testing, repair, and maintenance in accordance with the Provisions of this Section.

(B) Industrial users shall be required to provide information concerning industrial processes which have a direct bearing on the type and source of discharge to the collection system. An industry may withhold information considered confidential. However, the industry must establish that the information in question might result in an advantage to competitors and that the industrial process does not have deleterious results on the treatment process.

**§ 53.57 ADMINISTRATION OF THE SEWER SERVICE FUND.**

(A) A designated representative shall maintain a proper system of accounts and records suitable for determining the operation, maintenance, replacement (OM&R) and debt retirement costs of the treatment facilities and shall furnish the Council with a report of such costs annually.

(B) At the time the Council shall determine whether sufficient revenue is being generated for the effective management of the facilities and debt retirement, the Council will also determine whether the user charges are distributed proportionately. If necessary, the SCS shall be revised to insure proportionality of user charges and sufficient funds. The City shall cause notice of any proposed changes in user charges to be published in the official newspaper of the City at least 30 days prior to the changes being adopted by the Council. Failure to publish the notice shall not invalidate any change in user charges.

(C) Sewer service charges shall be billed on a monthly basis as defined in Ch. 50.

**§ 53.60 STORM WATER DRAINAGE UTILITY**

(A) *Establishment.* Pursuant to Minnesota Statutes §444.075, the City hereby establishes a Storm Water Drainage Utility and authorizes the imposition of just and reasonable charges for the use and availability of a storm water drainage system. The Storm Water Drainage Utility operation shall be part of the Public Works Division and under the administration of the Director of Public Works.

**(B) Findings and Determination.**

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

(2) The system, as constructed heretofore, has been financed and paid for through the imposition of special assessments and ad valorem taxes. It is now necessary and desirable to provide an additional method of recovering some or all of the future costs of improving, establishing, enlarging, replacing, repairing, 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 improving, establishing, enlarging, replacing, repairing, maintaining, and operating the system on the basis of the expected storm water runoff from the various parcels of land within the City during a standard 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 the section undertake to establish a reasonable and practical methods for making such

**(C) Establishment of Storm Water Drainage Utility.** The system shall be operated as a public utility pursuant to Minnesota Statutes §444.075. Pursuant thereto, the City establishes a Storm Water Drainage Utility and authorizes the imposition of just and reasonable charges for the use and availability of the system, subject to the provisions of this section. Such charges shall be placed in a storm water drainage utility fund to be used for improving, establishing, enlarging, replacing, repairing, maintaining, and operating the system.

**(D) Equivalent Residential Unit (hereinafter “ERU” defined).** For the purpose of this Section, one ERU is defined as a ratio of the average volume of surface water runoff generated by one acre of a given land use to the average volume or runoff generated by one acre of typical single family residential land, during the standard one year rainfall event.

**(E) Storm Water Drainage Charges.** In determining the charges, the City Council shall fix, determine, and amend from time to time by resolution, a basic per acre system rate to be charged monthly. The charge to be made against each parcel of land shall be determined multiplying the ERU for the parcel’s land use classification times the parcel acreage times the basic system rate. Multiple parcels of land under common ownership and use shall be deemed as one parcel of land for calculation of charges. The calculation of charges shall include 100 percent of the first five acres, 50 percent of the second five acres, and 20 percent of the balance of the acreage of the parcel of land. No parcel of land shall be charged less than an equivalent 1/3 acre residential parcel of land, unless otherwise specified herein. The ERA values for various land types are as follows:

**STORM WATER DRAINAGE UTILITY – RATE STRUCTURE**

<u>Land Use Classification:</u>	<u>ERU</u>
(a) Single Family.	1
(b) Manufactured Home.	1
(c) Multi-Family Residential	2.5
(d) Commercial/Industrial (the impervious area only), or	2.5
(e) Commercial/Industrial (entire parcel of land).	1.5
(f) Schools, Churches, Institutional (the impervious area only), or	2.5
(g) Schools, Churches, Institutional (entire parcel of land).	1.5
(h) City-Owned Land.	0
(i) Vacant, Vegetative, and Unimproved Land.	0

**(F) Standardize Acreage.** For the purpose of calculating storm water drainage charges, all developed single-family parcels of land, including manufactured home lots, shall be considered to have an area of 1/3 acre.

**(G) Other Land Uses.** Other land uses not listed in the foregoing table shall be classified by the Director of Public Works by assigning them to classes most nearly like the listed uses, from the standpoint of runoff value for the standard rainfall event. An appeal of such classifications from the determination by the Director of Public Works may be made to the City Council.

**(H) Adjustment of Charges.** The City Council authorizes the Director of Public Works to negotiate storm water drainage charges for parcels of land based upon land use status supplied by affected lands owners which demonstrate a runoff volume for a standard rainfall event or other

for storm water drainage charges shall not be made retroactively.

**(I) Exemptions.** Public street right-of-ways, vacant, and unimproved land with substantially all of its surface having vegetation as ground cover, or land owned by the City are exempt from storm water drainage charges.

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

**(K) Payment of Charges.** Storm water drainage charges shall be billed on a monthly basis on the utility statement for that parcel of land, or such other method as deemed necessary by the City Council.

**(L) Establishment of Tax Lien.** Any past due storm water drainage charges will be certified to the County Auditor for collection with real estate taxes against the parcel of land served by the Storm Water Drainage Utility established in this Section for collection as other taxes are collected in the following year pursuant to Minnesota Statutes §444.075, Subd. 3, and City Code. In addition, the City shall have the right to bring a civil action or take other legal remedies to collect unpaid storm water drainage charges.

*(Ord. No. 10, 3<sup>rd</sup> Series – adopted 08/10/04)*