

Chapter IV - WATER AND SEWER

Part 1. General Provisions on Water and Sewer Systems

Sec. 401.01. USE OF WATER OR SEWER SYSTEM RESTRICTED

No person other than a city employee shall uncover or make or use any water service installation connected to the city water system except pursuant to application and permit as provided in this chapter. No person shall make or use any such installation contrary to the regulatory provisions of this chapter.

Sec. 401.02. APPLICATIONS FOR SERVICE

Subd. 1. Procedure - Application for a water service installation and for water service shall be made to the clerk on forms approved by the council and furnished by the city. The applicant's signature shall be an agreement to conform to this chapter and to rules and regulations that may be established by the city as conditions for the use of water.

Subd. 2. Fees or Deposit - Application for a service installation shall be made by the owner of the property to be served or by the owner's agent. The applicant shall at the time of making application pay to the city the amount of the fees or deposit required for the installation of the service connection as provided in this chapter. When a water service connection been installed, application for water service may be made either by the owner or the owner's agent or by the tenant or occupant of the premises.

Sec. 401.03. CHARGES FOR SERVICE CONNECTIONS

Subd. 1. Permit and Fee - No connection shall be made to the city water system without a permit received from the clerk. The fee for each such permit shall be ~~set annually by ordinance \$320.00 in the city and \$500 outside the city for a water main connection permit.~~ The fees shall be in addition to any fees required under subdivisions 3, 4, and 5.

Subd. 2. Connection Fees - When a connection requires installation of a service line from the main to the property line, the applicant for a permit shall pay to the city an amount not less than the costs of making the necessary connections, taps, and installation of pipe and appurtenances to provide service to the property and the

necessary street repairs.

Subd. 3. Certification - No permit shall be issued to connect with any water main unless the clerk certifies to the truth of one of the following or the payment required under subdivision 4 is made:

- (a) That the lot or tract to be served has been assessed for the cost of construction of the main with which the connection is made or that proceedings for levying such assessment have been or will be commenced in due course; or
- (b) That the cost of construction of the main has been paid by the developer or builder platting the lot or tract; or
- (c) That, if neither of the foregoing is true, a sum equal to the portion of the cost of constructing the main which would be assessable against the lot or parcel has been paid to the city.

Subd. 4. Additional Connection Fee - If no such certificate can be issued, the applicant shall pay an additional connection fee equal to the portion of the cost of construction of the main upon the same basis as any assessment previously levied against other property for the main. The determination shall be made by the council. If no such assessment has been levied, the assessable cost shall be determined upon the basis of the uniform charge which may have been or will be charged for similar connection with the main. The amount shall be determined on the basis of the total assessable cost of the main allocation on the basis of frontage or other equitable means.

Sec. 401.04. ACCOUNTING, BILLING, AND COLLECTING

Subd. 1. Owner Responsibility - The owner shall be liable for water supplied to the owner's property, whether the owner is occupying the property or not, and any charges unpaid shall be a lien upon the property.

Subd. 2. Bills for Service - Water bills shall be mailed to the customers monthly and shall specify the water consumed and water charges in accordance with the rates set out in this chapter.

Subd. 3. Delinquent Accounts - All charges for water shall be due on the monthly due date specified by the city for the respective account and shall be delinquent 30 days thereafter. The city shall endeavor

to collect delinquent accounts promptly. In any case where satisfactory arrangements for payment have not been made, the Clerk may, after the procedural requirements of Subd. 4 have been complied with, cause a discontinuance of service to the delinquent customer by shutting off the water at the stop box. When water service has been discontinued, service shall not be restored except upon payment of all delinquent bills and a restoration fee to be established by ~~ordinance~~ ordinance of the city council. Delinquent accounts shall be certified to the city clerk who shall

prepare an

assessment roll each year providing for assessment of the delinquent accounts against the respective properties served. The assessment roll shall be delivered to the council for adoption on or before October 1st of each year for certification to the County Auditor for collection along with taxes. Such action is optional and may be subsequent to taking legal action to collect delinquent accounts.

- Subd. 4. Procedure for Shutoff of Service - Water shall not be shut off under Subdivision 3 or for a violation of rules and regulations affecting utility service until notice and an opportunity for a hearing have first been given the occupant of the premises involved. The notice shall be personally served and shall state that if payment is not made before a day stated in the notice but not less than 10 days after the date on which the notice is given, the water supply to the premises will be shut off. The notice shall also state that the occupant may, before such date, demand a hearing on the matter, in which case the supply will not be cut off until after the hearing. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the council at least one week after the date of the request. If as a result of the hearing, the council finds that the amount claimed to own is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this ordinance, the city may shut off the supply.

Part 2. Water System

Sec. 402.01. GENERAL WATER REGULATIONS

- Subd. 1. Discontinuance of Service - The city may discontinue service to any water consumer without notice for necessary repairs or, upon notice as provided in section 401.05, Subdivision 4, for non-payment of charges, or for violation of rules and regulations affecting utility service.

- Subd. 2. Supply from One Service - No more than one house or building shall be supplied from one service connection except by special permission of the council. Whenever two or more parties are supplied from one pipe connecting with a service main, each building or part of building separately supplied shall have a separate stop box and a separate meter.
- Subd. 3. Turning on Water, Tapping Mains - No personnel except an authorized city employee shall turn on any water supply at the stop box or tap any distributing main or pipe of the water supply system or insert a stop cork or other appurtenance therein without a city permit.
- Subd. 4. Repair of Leaks - The consumer or owner shall be responsible for maintaining the service pipe from the city water main into the building served. If the consumer fails to repair any leak in such service pipe within 24 hours after notice by the city, the city may turn the water off. The water shall not then be turned on again until the restoration fee has been paid in full, sum of \$50.00 has been paid to the city
- Subd. 5. Use of Fire Hydrants - No person other than an authorized city employee shall operate a fire hydrant or interfere in any way with the city water system without first obtaining authority to do so from the clerk.
- Subd. 6. Private Water Supply - No water pipe of the city water supply system shall be connected with any pump, well, or tank that is connected with any other source of water supply. When any such connection is found, the clerk shall notify the owner to sever the connection and if this is not done immediately, the city shall turn off the water supply forthwith. Before any new connection to the city system is permitted, city employees shall ascertain that no cross connection will exist when the new connection is made.
- Subd. 7. Restricted Hours - Whenever the council determines that a shortage of water supply threatens the city, it may, by resolution, limit the times and hours during which city water may be used for sprinkling, irrigation, car washing, air conditioning, or other specified uses. After publication of the resolution or two days after the mailing of the resolution to each customer, no person shall use or permit water to be used in violation of the resolution and any customer who does so will be charged a sum of \$10.00 for each day of violation and the charge shall be added to his next water bill. If the emergency requires immediate compliance with terms of the resolution, the council may provide for the delivery of a

copy of the resolution to the premises of each customer, and any customer who has received such notice and thereafter uses or permits water to be used in violation of the resolution shall be subject to the above charge. Continued violation shall be cause for discontinuance of water service.

Sec. 402.02. METERS

Subd. 1. Meters Required - Except for extinguishing of fires, no person other than an authorized city employee shall use water from the city water supply system or permit water to be drawn therefrom unless the water passes through a meter supplied or approved by the city. No person not authorized by the clerk shall connect, disconnect, take apart, or in any manner change or interfere with any such meter or its use. All water furnished through the municipal water system shall be measured by water meters furnished by the City for City purpose, unless special permission is granted in writing by the City Council for unmetered service.

Subd. 2. Meter Installation - The City will provide up to a 5/8 inch meter at the expense of the City. Residents and/or owners will pay the additional cost incurred by the City for any upgrade in size. The installation of the meters shall be installed by a license plumber at the expense of the customer, with inspection by a duly authorized representative of the City. Replacement meters are furnished and installed by the City at the expense of the City.

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Subd. 3. Maintenance - The city shall maintain and repair at its expense any meter that has become unserviceable through ordinary wear and tear and shall replace it if necessary. Where repair or replacement is made necessary by act or neglect of the owner or occupant of the premises it serves, any city expense caused thereby shall be a charge against and collected from the water consumer, and water service may be disconnected until the cause is corrected and the amount charged is paid.

Subd. 4. Meter Damage - The City shall maintain and repair the meter, except that the customer shall be laible for the cost of repairing or replacing any meter damaged by freezing, fire, hot water, neglect, or willful action.

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Subd. 5. Complaints; Meter Testing - When a consumer complains that the bill for any past service period is excessive, the city shall have the meter reread on request. If still dissatisfied, the consumer may, on written request and the deposit of \$25.00 have the meter tested. If the test shows an error in the city's favor exceeding five percent of

the water consumed, the deposit shall be refunded, an accurate meter shall be installed, and the bill shall be adjusted accordingly. Such adjustment shall not extend back more than one service period from the date of the written request.

Subd. 6. Meters Property of City - Water meters shall be the property of the city and may be removed or replaced as to size and type when deemed necessary.

Subd. 7. Meter Reading and Inspection - Authorized meter readers shall have free access at reasonable hours of the day to all parts of every building and premises connected with the city water supply system in order to read meters and make inspections.

Sec. 402.03. PLUMBING REGULATIONS

Subd. 1. Service Pipes - Every service pipe shall be laid with sufficient bend to allow not less than one foot of extra length and in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than six feet below the surface and be so arranged as to prevent rupture by freezing. A shut-off or other stop cork with waste valve of the size and strength required shall be placed close to the inside wall of the building and be well protected from freezing. Copper tubing shall be used for all services of two inches or less. Joints on copper tubing shall be as few as possible and not more than one joint shall be used for a service up to 70 feet in length. Each joint shall be left uncovered until inspected by the city. Every service over two inches shall be cast iron. Connections with the mains for domestic supply shall be at least three-fourths of an inch per residential unit, or equivalent.

Subd. 2. Water Meter Setting - Every water meter shall be installed in accordance with the following provisions.

(a) The service pipe from the water main to the meter shall be brought through the floor in a vertical position where the pipe enters the building. The stop and waste valve shall be 12 inches above the floor.

(b) The bottom of the meter shall be between 6 and 12 inches above the finished floor line. The meter shall be set not more than 12 inches horizontally from the inside line of the basement wall unless a different position is approved by the city clerk or the clerk's designee. A suitable bracket shall be provided to support the meter in a proper vertical position and prevent noise from vibration.

- (c) Each meter installation shall have a stop and waste valve on the street side of the meter. In no case shall more than 12 inches of pipe be exposed between the point of entrance through the basement floor and the stop and waste valve. A stop and waste valve shall also be installed on the house side of the meter.
- (d) The water pipe connecting the main shall not exceed two feet under the basement floor from the inside of the basement wall to the water meter connection.
- (e) Deviation from the installation specifications in the subdivisions shall be by council approval only.

Sec. 402.04. WATER RATES

~~The rate charged for water furnished to any premises shall be fixed by a "Fee Schedule" and may be adjusted from time to time by ordinance.~~

~~Subd. 1. — \$3.58 per 1,000 gallons with a \$3.58 minimum on 1,000-gallon minimum usage for city residents.~~

~~Subd. 2. — \$6.83 per 1,000 gallons or each fraction thereof for rural residents. \$3.80 per 1,000 gallons with a \$3.80 minimum on 1,000-gallon minimum for commercial usage.~~

~~Subd. 3. — Subsequent water rates shall be in accordance with the provisions of resolutions as may be adopted from time to time by the city council.~~

Sec. 402.05. WELL CONSTRUCTION PERMIT

~~Residents within the corporate limits of the City is required to connect into the City's water system.~~

~~Subd. 1. — Permits — Before proceeding within the city with construction or reconstruction of any well, which involves drilling or casing insertion, the owners of the premises upon which the well is located or to be located shall obtain a permit from the council.~~

~~Subd. 2. — Application and Fee — Application for a well permit shall be in writing on a form provided by the clerk, shall contain the information required thereon and shall be accompanied by a fee of \$25.00.~~

~~Subd. 3. — Council Consideration — The council shall study the proposed well location, design, depth, capacity, cost, and proposed water use, and consider the impact of the proposed private well upon present and~~

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~~planned public water supply and the health safety and welfare of the city and surrounding areas. The council shall issue the permit unless it finds facts that show, and determines by resolution that the health, safety, and welfare of the public, require a denial.~~

Part 3. Sanitary Sewer Use Regulations

Sec. 403.01. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall have the meanings hereinafter designated:

- Subd. 1. Act - The Federal Water Pollution Control Act also referred to as the Clean Water Act, as amended, 33. U.S.C. 1251, et seq.
- Subd. 2. ASTM- American Society for Testing Materials.
- Subd. 3. Authority- The City of Sherburn, Minnesota or its representative thereof.
- Subd. 4. BOD₅ or Biochemical Oxygen Demand - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° centigrade in terms of milligrams per liter (mg/l).
- Subd. 5. 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 immediately outside the building wall.
- Subd. 6. Building Sewer -The extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.
- Subd. 7. City -The area within the corporate boundaries of the City of Sherburn 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.
- Subd. 8. 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).
- Subd. 9. Compatible Pollutant - Biochemical oxygen demand, suspended

solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS Permit if the treatment facilities are designed to treat such pollutants to a degree which complies with effluent concentration limits imposed by the permit.

- Subd. 10. Control Manhole - A structure specially constructed for the purpose of measuring flow and sampling of wastes.
- Subd. 11. Easement - An acquired legal right for the specific use of land owned by others.
- Subd. 12. 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.
- Subd. 13. Floatable Oil - Oil, fat, or grease in a physical state, such that it will separate by gravity from wastewater.
- Subd. 14. Garbage - Animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.
- Subd. 15. Incompatible Pollutant - Any pollutant that is not defined as a compatible pollutant (Subd. 9) including non-biodegradable dissolved solids.
- Subd. 16. Industry - Any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, which is categorized in Divisions A, B, D, E, and I.
- Subd. 17. 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.
- Subd. 18. 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.
- Subd. 19. Infiltration/Inflow (I/I) - The total quantity of water from both infiltration and inflow.
- Subd. 20. Inflow - Water other than wastewater that enters a sewage 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.

- Subd. 21. 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 application to the method of disposal or use employed by the city.
- Subd. 22. MPCA - Minnesota Pollution Control Agency.
- Subd. 23. 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.
- Subd. 24. National Pollutant Discharge Elimination System (NPDES) Permit - A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act.
- Subd. 25. Natural Outlet - Any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.
- Subd. 26. Non-contact Cooling Water - The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added, is heat.
- Subd. 27. Normal Domestic Strength Waste - Wastewater that is primarily introduced by residential users with a BOD₅ concentration not greater than 175 mg/l.
- Subd. 28. Person - Any individual, firm, company, association, society, corporation, or group.
- Subd. 29. pH - The logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.

- Subd. 30. Pretreatment - The treatment of wastewater from industrial sources prior to the introduction of the waster effluent into a publicly-owned treatment works. (See Subd. 23).
- Subd. 31. Properly Shredded Garbage - The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 1/2 inch (1.27 cm) in any dimension.
- Subd. 32. Sewage - The spent water of a community. The preferred term is wastewater.
- Subd. 33. Sewer - A pipe or conduit that carries wastewater or drainage water.
- (a) Collection Sewer-A sewer whose primary purpose is to collect waste waters from individual point source discharges and connections.
 - (b) Combined Sewer-A sewer intended to serve as a sanitary sewer and a storm sewer.
 - (c) Forcemain-A pipe in which wastewater is carried under pressure.
 - (d) Interceptor Sewer-A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.
 - (e) Private Sewer-A sewer which is not owned and maintained by a public authority.
 - (f) Public Sewer-A sewer owned, maintained and controlled by a public authority.
 - (g) Sanitary Sewer-A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.
 - (h) Storm Sewer or Storm Drain-A drain or sewer intended to carry storm waters, surface runoff, ground water, sub-surface water, street wash water, drainage, and unpolluted water from any source.

- Subd. 34. Shall - is mandatory; May is permissive.
- Subd. 35. Significant Industrial User - Any industrial user of the wastewater treatment facility which has a discharge flow (1) in excess of 25,000 gallons per average work day, or (2) has exceeded five percent (5%) of the total flow received at the treatment facility, or (3) whose waste contains a toxic pollutant in toxic amounts pursuant to Section 307 (a) of the Act, or (4) whose discharge has a significant effect, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's affluent quality, or emissions generated by the treatment system.
- Subd. 36. Slug - Any discharge of water or wastewater which in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment works.
- Subd. 37. State Disposal System (SDS) Permit- Any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to Minnesota Statutes 115.07 for a disposal system as defined by Minnesota Statutes 115.01, Subdivision 8.
- Subd. 38. Superintendent - The wastewater superintendent or a deputy, agent or representative thereof.
- Subd. 39. 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.
- Subd. 40. 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.
- Subd. 41. Unpolluted Water-Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities. (See "Non-contact Cooling Water", Subd. 26).

- Subd. 42. User-Any person who discharges or causes or permits the discharge of wastewater into the city's wastewater disposal system.
- Subd. 43. Wastewater-The spent water of a community and referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with ground water, surface water and storm water that may be present.
- Subd. 44. Wastewater Treatment Works or Treatment Works-An arrangement of any devices, facilities, structures, equipment, or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling, and reclamation or municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.
- Subd. 45. Watercourse-A natural or artificial channel for the passage of water, either continuously or intermittently.
- Subd. 46. WPCF-The Water Pollution Control Federation.

Sec. 403.02. CONTROL BY THE WASTEWATER SUPERINTENDENT

The Wastewater Superintendent shall have control and general supervision of all public sewers and service connections in the city, and shall be responsible for administering and provisions of this ordinance to the end that a proper and efficient public sewer is maintained.

Sec. 403.03. REGULATIONS FOR USING COLLECTION SYSTEM

- Subd. 1. 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.
- Subd. 2. 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 ordinance and the city's NPDES/SDS Permit.
- Subd. 3. 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.
- Subd. 4. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated within the city and adjacent to any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the city, shall be required at the owner(s) expense to install a suitable service connection to the public sewer in accordance with provisions of this code, within thirty (30) days of the date said public sewer is operational, provided said public sewer is within 500 feet of the structure generating the wastewater. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this section, an official thirty (30) day notice shall be served instructing the affected property owner to make said connection.
- Subd. 5. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Article III, Section 4 of the Ordinance, the city must undertake to have said connection made and shall assess the cost thereof against the benefited property. Such assessment, when levied, shall bear interest at the rate determined by the city council and shall be certified to the Auditor

of the County of Martin, Minnesota and shall be collected and remitted to the city in the same manner as assessments for local improvements. The rights of the city shall be in addition to any remedial or enforcement provisions of this ordinance.

Sec. 403.04. PRIVATE WASTEWATER DISPOSAL

- Subd. 1. Where a public sewer is not available under the provisions of Article III, Subd. 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.
- Subd. 2. 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.
- Subd. 3. 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 72 hours of the receipt of notice.
- Subd. 4. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of 5 MCAR 4.8040, entitled, "Individual Sewage Treatment System Standards." No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- Subd. 5. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within thirty (30) days in compliance with the Ordinance and, within thirty (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.
- Subd. 6. 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.

Subd. 7. No statement contained in this article 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.

Sec. 403.05. BUILDING SEWERS AND CONNECTIONS

- Subd. 1. Any new connection(s) to the sanitary system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, BOD₅, and Suspended Solids, as determined by the Superintendent.
- Subd. 2. No unauthorized person(s) shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.
- Subd. 3. 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 beyond the limits of the building or property for which the service connection permit has been given.
- Subd. 4. There shall be (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the city. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.
- Subd. 5. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.
- Subd. 6. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The city does not and will not assume any obligation or responsibility for damage caused by or

resulting from any such connection aforementioned.

- Subd. 7. Old buildings' sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent or his representative, to meet all requirements of this ordinance.
- Subd. 8. The size, slopes, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the city. In the absence of code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9, shall apply.
- Subd. 9. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewer carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- Subd. 10. No person(s) shall make or continue to maintain or permit connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or indirectly to the wastewater disposal system.
- Subd. 11. The connection of the building sewer into the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. 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.
- Subd. 12. The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the superintendent or authorized representative thereof.
- Subd. 13. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from

hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work, shall be restored in a manner satisfactory to the city.

- Subd. 14. No person shall make a service connection with any public sewer unless regularly licensed under this chapter to perform such work, and no permit shall be granted to any person except such regularly licensed person.
- Subd. 15. Any person desiring a license to make a service connection with public sewers, shall supply in writing to the city clerk with satisfactory evidence that the applicant or employer is trained or skilled in the business and qualified to receive a license. All applications shall be referred to the Superintendent for approval. If approved by the Superintendent, such license shall be issued by the city clerk upon the filing of a bond as hereinafter provided.
- Subd. 16. No license shall be issued to any person until a \$2,000.00 bond or a \$300.00 cash bond to the city, is filed with city clerk conditioned that the licensee will indemnify and save harmless 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 will replace and restore the street and alley over such opening to the condition existing prior to installation, adequately guard with barricades and lights and will keep and maintain the same to the satisfaction of the city, and shall conform in all respects to the rules and regulations of the Council relative thereto, and pay all fines that may be imposed on the licensee by law.
- Subd. 17. The permit fee for making service connections is ~~\$100.00 in the city and \$500.00 outside the city~~, referred to in the "Fee Schedule".
- Subd. 18. The council may suspend or revoke any license issued under this article for any of the following causes:
- (a) Giving false information in connection with the application for a license.
 - (b) Incompetence of the licensee.
 - (c) Willful violation of any provisions of this article or any rule or regulation pertaining to the making of service connections.

Sec. 403.06. USE OF PUBLIC SERVICES

- Subd. 1. No person(s) shall discharge or cause to be discharged any unpolluted water such as storm water, ground water, roof runoff, surface drainage, or non-contact cooling water to any sanitary sewer.
- Subd. 2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the city and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the city and upon approval and the issuance of a discharge permit by the MPCA.
- Subd. 3. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (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 to 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, ketone, aldehydes, peroxides, chlorates, bromates, carbides, hydrides, and sulfides.
 - (b) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to; grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, pauch manure, bones, hair, hides or fleshing, 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.
 - (c) 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.
 - (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.

- Subd. 4. The following described substances, material, water, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works treatment process or equipment, will not have an adverse effect on the receiving stream and/or soil, vegetation and ground water, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of wastes, the Superintendent will give consideration to such factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the city's NPDES and/or SDS permit, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:
- (a) 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° (40°C); or having heat in amounts which will inhibit biological activity in the wastewater treatment works resulting in interference therein.
 - (b) 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.
 - (c) Any quantities of flow, concentrations, or both which constitute a "slug" as defined herein. (See Article I, Subd.

36).

- (d) Any garbage not properly shredded, as defined in Article I, Subd. 31. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparations of food on the premises or when served by caterers.
- (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 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) Non-contact cooling water or unpolluted storm, drainage, or ground water.
- (h) 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.
- (i) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
- (j) 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 the following limits for such materials:

- 0.5 mg/l arsenic
- 0.5 mg/l cadmium
- 1.5 mg/l copper
- 0.5 mg/l cyanide
- 1.5 mg/l lead
- 0.05 mg/l mercury
- 1.5 mg/l nickel

0.5 mg/l silver
0.5 mg/l total chromium
1.5 mg/l zinc

phenolic compounds which cannot be removed by city's wastewater treatment system

- (k) 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.
- (l) Any waters or wastes containing BOD₅ or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of Subd. 15 of this Article.

Subd. 5. If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in Section 4 of this Article, and/or which in the judgment of the Superintendent, may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment; receiving waters, and/or soil, vegetation, and ground water; or which otherwise create a hazard to live or constitute a public nuisance, the city may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public 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 sewer service charges.

If the city permits the pretreatment or equalization of waste flows, the design, installation, and maintenance of the facilities and equipment shall be made at the owners' expense, and shall be subject to the review and approval of the city pursuant to the requirements of the MPCA.

- Subd. 6. 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 Sections 3 and 4 of this Article, or contained in the National Categorical Pretreatment Standards or any state requirements.
- Subd. 7. 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).
- Subd. 8. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 4 (b), any flammable wastes as specified in Section 3 (a), 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 maintenance 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 Superintendent. Any removal and hauling of the collecting materials not performed by the owner's personnel, must be performed by a currently licensed waste disposal firm.
- Subd. 9. Where required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, or control manhole, with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the city. The structure shall be installed by the owner at his expense and shall be maintained by the owner to be safe and accessible at all times.
- Subd. 10. The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the city, be required to provide laboratory measurements, tests, or analysis of waters or wastes, illustrate compliance with this Ordinance and any special condition for discharge established by the city or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses to be

performed by the owner shall be as stipulated by the city. The industry must supply a complete analyses of the constituents with Federal, State and local standards being met. The owner shall report the results of measurements and laboratory analysis 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.

- Subd. 11. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance 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 Superintendent.
- Subd. 12. 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 ordinance. 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 Superintendent 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 ordinance. Users shall notify the Superintendent immediately upon having a slug or accidental discharge of substances of wastewater in violation of this ordinance to enable countermeasures to be taken by the Superintendent to minimize damage to the wastewater treatment works. Such notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the city on account thereof under any State and Federal law. Employers shall insure that all employees who may cause or discover such a discharge, are advised of the emergency notification procedure.
- Subd. 13. No person, having charge of any building or other premises which drains into the public sewer, shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within thirty (30) days that a person neglects or fails

to so act shall constitute a separate violation of this section, and the Superintendent may then cause the work to be done, and recover from such owner or agency the expense thereof by an action in the name of 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 Superintendent 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 thirty (30) days, the Superintendent may cause such work to be completed at the expense of the owner or representative thereof.

- Subd. 14. Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit the purpose of drainage, the owner shall repair or cause such work to be done as the Superintendent may direct. Each day after thirty (30) days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Superintendent may then cause the work to be done, and recover from such owner or agency the expense thereof by an action in the name of the city.
- Subd. 15. The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in waste trap in the building drain system to prevent grease, oil, dirt or any mineral deposit from entering the public sewer system.
- Subd. 16. 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 sewers or associated facilities damaged as a result of the discharge or prohibited wastes by such applicable to the type of service.

Subd. 17. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City of Sherburn and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, providing that National Categorical Pretreatment Standards and the city's NPDES and/or State Disposal System Permit limitations are not violated, and the user pays Operation, Maintenance, and Replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, and no user is charged at a rate less than that of "Normal Domestic Strength Wastewater."

Sec. 403.07. DAMAGE OF WASTEWATER FACILITIES

- Subd. 1. 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 misdemeanor.

Sec. 403.08. USER RATE SCHEDULE FOR CHARGES

- Subd. 1. Each user of sewer service shall pay the charge(s) applicable to the type of service, and in accordance with the provisions of ordinances and resolutions as may be adopted by the city council.

Sec. 403.09. POWERS AND AUTHORITY OF INSPECTORS

- Subd. 1. The Superintendent or other duly authorized employees of the city, bearing proper credential and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to the discharges to the city's sewer system in accordance with the provisions of this ordinance.
- Subd. 2. The Superintendent 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.
- Subd. 3. While performing necessary work on private properties, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article VI, Section 9 of this ordinance.
- Subd. 4. The Superintendent or other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying

within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 403.10. PENALTIES

- Subd. 1. Any person found to be violating any provision of this ordinance, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- Subd. 2. Any person who shall continue any violation beyond the time limit provided for in Section 2 of this Article, and conviction thereof, shall be fined in the amount not exceeding \$500.00 for each violation. Each day in which any such violation occurs shall be deemed as a separate offense.
- Subd. 3. Any person violating any of the provisions of this ordinance shall become liable to the city for any reason of such violation.

Sec. 403.11. DEFINITIONS

- Subd. 1. Administration - Those fixed costs attributable to administration of the wastewater treatment works (i.e., billing and associated bookkeeping and accounting costs).
- Subd. 2. Biochemical Oxygen Demand for BOD₅ - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.
- Subd. 3. City - The area within the corporate boundaries of the City of Sherburn, as presently established or as amended by Ordinance or other legal actions at a future time. When used herein the term "city" may also refer to the city council or its authorized representative.
- Subd. 4. Commercial User - Any place of business which discharges sanitary waste as distinct from industrial wastewater.
- Subd. 5. Debt Service Charge - A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct said facilities.

Subd. 6. Governmental User - Users which are units, agencies or instrumentalities of Federal, State, or local government discharging Normal Domestic Strength wastewater.

Subd. 7. Normal Domestic Strength Wastewater - Wastewater that is primarily produced by residential users, with BOD₅ concentrations not greater than 150 mg/l and suspended solids concentrations not greater than 175 mg/l.

Subd. 8. Extra Strength Waste - Wastewater having a BOD₅ and/or TSS greater than domestic waste as defined in Article I, Section 7 above and not otherwise classified as an incompatible waste.

Subd. 9. Incompatible Waste - Waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works.

Subd. 10. Industrial Users or Industries are:

(a) Entities that discharge into a publicly owned wastewater treatment works, liquid wastes resulting from the processes employed in industrial or manufacturing processes, or from the development of any natural resources. These are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemental under one of the following divisions:

-Division A - Agriculture, Forestry and Fishing

-Division B - Mining

-Division D - Manufacturing

-Division E - Transportation, Communications, Electric, Gas, and Sanitary Sewers

-Division I - Services

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

-BOD₅ Less than 150 mg/l

-Suspended Solids Less than 175 mg/l

(b) Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids,

or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

- Subd. 11. Industrial Wastewater - The liquid processing wastes from an industrial manufacturing process, trade, or business including but not limited to all Standard Industrial Classification Manual Divisions A, B, D, E, and I manufacturers as distinct from domestic wastewater.
- Subd. 12. Institutional User - Users other than commercial, governmental, industrial or residential users, discharging primarily Normal Domestic Strength wastewater (e.g. Non-profit organizations).
- Subd. 13. Operation and Maintenance - Activities required to provide for the dependable and economical functioning of the treatment works, throughout the useful life of the treatment works, and at the level of performance for which the treatment works are constructed. Operation and Maintenance includes replacement.
- Subd. 14. Operation and Maintenance Costs - Expenditures for operation and maintenance, including replacement.
- Subd. 15. Public Wastewater Collection System - A system of sanitary sewers owned, maintained, operated and controlled by the city.
- Subd. 16. Replacement - Obtaining and installing of equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- Subd. 17. Replacement Costs - Expenditures for replacement.
- Subd. 18. Residential User - A user of the treatment facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached and semi-detached housing, apartments, and mobile homes; and which discharges primarily normal domestic strength sanitary wastes.
- Subd. 19. Sanitary Sewer - A sewer intended to carry only liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground,

- storm, and surface waters which are not admitted intentionally.
- Subd. 20. Sewer Service Charge - The aggregate of all charges, including charges for operation, maintenance, replacement, debt service, and other sewer related charges that are billed periodically to users to the city's wastewater treatment facilities.
- Subd. 21. Sewer Service Fund - A fund into which income from Sewer Service Charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditure of the Sewer Service Fund will be for operation, maintenance and replacement costs; and to retire debt incurred through capital expenditure for wastewater treatment.
- Subd. 22. Shall - is mandatory; May - is permissive.
- Subd. 23. Slug - Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- Subd. 24. Standard Industrial Classification Manual - Office of Management and Budget, 1972.
- Subd. 25. Suspended Solids (SS) or Total Suspended Solids (TSS) - The total suspended matter that either floats on the surface or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater," latest edition, and referred to as non-filterable residue.
- Subd. 26. Toxic Pollutant - The concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to Section 307 (a) of the Act, which upon exposure to or assimilation into any organism will cause adverse effects.
- Subd. 27. 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.
- Subd. 28. Users - Those residential, non-residential, and industrial establishments which are connected to the public sewer collection system.

- Subd. 29. Wastewater - The spent water of a community, also referred to as sewage. From the standpoint of source it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water and storm water that may be present.
- Subd. 30. Wastewater Treatment Works or Treatment Works - An arrangement of any devices, facilities, structures, equipment, or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

Sec. 403.12. ESTABLISHMENT OF A SEWER SERVICE CHARGE SYSTEM

- Subd. 1. The City of Sherburn hereby establishes a Sewer Service Charge System whereby all revenue collected from users of the wastewater treatment facilities will be used to affect all expenditures incurred from annual operation, maintenance, and replacement and for debt service on capital expenditure incurred in constructing the wastewater treatment works.
- Subd. 2. Each user shall pay its proportionate share of operation maintenance and replacement costs of the treatment works, based on the users proportionate contribution to the total wastewater loading from all users.
- Subd. 3. Each user shall pay debt service charges to retire local capital costs as determined by the city council.
- Subd. 4. Sewer service rates and charges to users of the wastewater treatment facility shall be determined and fixed in a "Sewer Service Charge System" developed according to the provisions of this Ordinance. The Sewer Service Charge System developed with the assistance of Bolton and Menk, Inc. and shall be adopted by resolution upon enactment of this Ordinance, shall be published in the local newspaper, and shall be effective upon publication.

Subsequent changes in Sewer Service rates and charges shall be adopted by council resolution and shall be published in the local newspaper.

Subd. 5. Revenues collected for sewer service shall be deposited in a separate fund known as "The Sewer Service Fund". Income from revenues collected will be expended to offset the cost of operation, maintenance and equipment replacement for the facility and to retire the debt for capital expenditure.

Subd. 6. Sewer service charges and the sewer service fund will be administered in accordance with the provision of Article V of this Ordinance.

Sec. 403.13. DETERMINATION OF SEWER SERVICE CHARGES

Subd. 1. Users of the City of Sherburn wastewater treatment works shall be identified as belonging to one of the following user classes:

- (a) Residential
- (b) Commercial
- (c) Governmental
- (d) Institutional
- (e) Industrial

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

Subd. 2. Each user shall pay operation, maintenance, and replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, with the minimum rate for loadings of BOD and TSS being the rate established for concentrations of 150 mg/l BOD and 175 mg/l TSS (i.e. Normal Domestic Strength Wastewater). Those "Industrial Users" discharging segregated "Normal Domestic Strength Wastewater" only, can be classified as "Commercial Users" for the purpose of rate determination.

Subd. 3. The charges assessed residential users and those users of other

classes discharging "Normal Domestic Strength Wastewater" shall be established proportionately according to billable wastewater volume. Billable wastewater volume shall be calculated as follows:

(a) *Residential & Rural Users*

Billable wastewater volume for residential users shall be calculated on 100 percent of the average metered water usage during the fourth quarter.

(b) *Commercial Users*

The billable wastewater volume of non-residential users will be calculated on 100 percent of the metered water usage throughout the year or calculated on the basis of wastewater flow meters.

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

Subd. 4. DETERMINATION OF USER CHARGES

User Charges for Normal Domestic users shall be determined as follows:

(a) *Calculation of Unit Cost for Treatment of Normal Domestic Strength Wastewater*

$$U_{omr} = \frac{Comr}{Tbwv}$$

Where: U_{omr} = Unit cost for operation, maintenance and replacement in \$/kgal.

$Comr$ = Total annual OM & R costs.

$Tbwv$ = Total annual billable wastewater volume in kgal.

(b) *Calculation of User Charge*

$$UC = U_{omr} \times \text{Units}$$

Where: UC = User Charge
 Uomr = Unit cost for operation, maintenance and replacement in \$/kgal.
 bmv = Billable wastewater volume of a particular user in kgal.

Subd. 5. RECOVERY OF LOCAL CONSTRUCTION COSTS

Local construction costs of the wastewater treatment facility will be recovered through a Debt Service Charge calculated using usage and connection as follows:

- (a) *Calculation of Debt Service Unit Cost for Wastewater Volume:*

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

Where: U_{ds} = Unit Cost for debt service in \$/kgal.
 $*C_{ds}$ = Cost of annual debt service assigned for wastewater volume.
 T_{bwv} = total annual billable wastewater volume in Kgal.

- (b) *Calculation of Debt Service Billable Connection Cost:*

$$U_D = \frac{C_{DC}}{TC}$$

Where: U_D = Unit Billable Connection Cost for debt service.

$*C_{DC}$ = Costs of Annual Debt Service Assigned for Connections.

T_c = Total Number of Billable Connections

- (c) *Calculation of Debt Service Charge*

$$C_c = U_{ds} \times b_{wv} + U_D \times U$$

Where: D_c = Debt Service Charge
 U_{ds} = Unit Cost for Debt Service in \$/kgal

$U_D =$ Unit Billable Connection Cost for Debt Service
 $U =$ Number of Billable Connections for Particular User
 $bm_v =$ Billable Wastewater Volume of a Particular User in Kgal

Subd. 6. DETERMINATION OF SEWER SERVICE CHARGES

The Sewer Service Charge for a particular connection shall be determined as follows:

$$SSC = U_c + D_c$$

Where: SSC = Sewer Service Charge
 $U_c =$ User Charge
 $D_c =$ Debt Service Charge

Subd. 7. The Sewer Service charges established in this Ordinance shall not prevent the assessment of additional charges to users who discharge wastes with concentrations greater than Normal Domestic Strength or wastes of unusual character, or contractual agreements with such users, as long as the following conditions are met:

1. The user pays Operation, Maintenance, and Replacements costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, and no user is charged at a rate less than that of "Normal Domestic Strength Wastewater."
2. The measurements of such wastes are conducted according to the latest addition of Standard Methods for the Examination of Water and Wastewater in a manner acceptable to the City.

A study of unit costs of collection and treatment processes attributable to Flow, BOD, TSS and other significant loadings shall be developed for determining the proportionate allocation of costs to flows and loadings for users discharging wastes of greater than normal domestic strength or wastes of unusual character.

Subd. 8. WASTEWATER SYSTEM CHARGES

An additional fee may be charged for wastewater system

replacement or construction of necessary structures or collection system lines. This charge will be added to the SSC and determined annually by the city council.

Sec. 403.14. SEWER SERVICE FUND

Subd. 1. The City of Sherburn hereby establishes a "Sewer Service Fund" as an income fund to receive all revenues generated by the Sewer Service Charge System, and all other income dedicated to the operation, maintenance, replacement and construction of the wastewater treatment works, including taxes, special charges, fees, and assessments intended to retire construction debt.

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

- (a) Operation and Maintenance Account
- (b) Equipment Replacement Account
- (c) Debt Retirement Account

Subd. 2. All revenue generated by the Sewer Service Charge System, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be held by the Clerk separate and apart from all other funds of the city. Funds received by the Sewer Service Fund shall be transferred to the "Operation and Maintenance Account," the "Equipment Replacement Account," and the "Debt Retirement Account" in accordance with State and Federal regulations and the provisions of this ordinance.

Subd. 3. Revenue generated by the sewer service charge sufficient to ensure adequate replacement throughout the useful life of the wastewater facility shall be held separate and apart in the "Equipment Replacement Account" and dedicated to affecting replacement costs. Interest income generated by the "Equipment Replacement Account" shall remain in the "Equipment Replacement Account."

Subd. 4. Revenue generated by the Sewer Service Charge System sufficient for operation and maintenance shall be held separate and apart in the "Operation and Maintenance Account."

Subd. 5. The owner of the premises, shall be liable to pay for the service to such premises, and the service is furnished to the premises by the city only upon the condition that the owner of the premises is liable

therefore to the city.

- Subd. 6. Any additional costs caused by discharges to the treatment works of toxics or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs, and sludge disposal, shall be borne by the discharger(s) of said wastes, at no expense to the city.

Sec. 403.15. PENALTIES

- Subd. 1. Each and every sewer service charge levied by and pursuant to this Ordinance is hereby made a lien upon the lot or premises serviced, and all such charges which are on December of each year past due and delinquent, shall be certified to the County Auditor as taxes or assessments on the real estate. Nothing in this Ordinance shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected any delinquent or past due sewer service charges.
- Subd. 2. As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect such amounts as are delinquent and due against the occupant, owner, or user of the real estate, and shall collect as well all attorney's fees incurred by the city in filing the civil action. Such attorney's fees shall be fixed by order of the court.
- Subd. 3. In addition to all penalties and costs attributable and chargeable to recording notices on the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the State's allowable interest rate.

Sec. 403.16. SEVERABILITY AND VALIDITY

- Subd. 1. If any section or subdivision of this Ordinance shall be held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance, which shall continue in full force and effect.

- Subd. 2. The sewer service charge system shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of Section 204 (b) (1) (A) of the Clean Water Act and Federal Regulation 40 CFR (Code of Federal Regulations) 35.2140 of the Environmental Protection Agency's grant regulations.