

AN ORDINANCE REGULATING  
THE USE OF PUBLIC SEWERS  
FOR THE CITY OF NEW MUNICH

47

THE COUNCIL OF THE CITY OF NEW MUNICH HEREBY ORDAINS:

Section 1.00 - Sewer Use Code

Section 1:00. Definitions.

Subd. 1. For the purpose of this ordinance, the following words and terms shall have the meaning set out below, unless the context specifically indicates otherwise.

Subd. 2. "BOD" (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the chemical oxidation of Organic matter expressed in milligrams per liter, as determined in accordance with laboratory procedure as set out in the latest edition of Standard Methods for the Examination of Water and Wastewater.

Subd. 3. "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Subd. 4. "Building Sewer" means the extension from the building drain to the public sewer or other place of disposal.

Subd. 5. "Garbage" means solid wastes resulting from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage or sale of meat, fish, fowl, fruit, vegetables and condemned food.

6. "Industrial Wastes" mean the solid, liquid or gaseous wastes resulting from any industrial or manufacturing processes, trade or business, or from the development, recovery or processing of natural resources.
- Subd. 7. "Natural Outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- Subd. 8. "Other Wastes" shall mean other substances except sewage and industrial wastes.
- Subd. 9. "Person" means any individual, firm, company, association, society, corporation, municipal corporation, governmental unit, or group.
- Subd. 10. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- Subd. 11. "Process Water" means any water used in the manufacturing, preparation or production of goods, materials or food.
- Subd. 12. "Public Sewer" means any sewer owned or operated by the City.
- Subd. 13. "Sanitary Sewer" means a sewer which carries sewage and to which storm surface, and ground water are not intentionally admitted.
- Subd. 14. "Sewage" means the water-carried waste products from residences, public buildings, institutions, industrial establishments or other buildings including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground water infiltration and storm and surface water as may be present.

Subd. 15. "Sewer" means a pipe or conduit for carrying sewage, industrial waste or other waste liquids.

Subd. 16. "Sewer System" means pipe lines or conduits, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes or other wastes to a point of ultimate disposal.

Subd. 17. "Shall" is mandatory: "May" is permissive.

Subd. 18. "Slug" means any discharge of water, sewage, or industrial waste 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 twenty-four (24) hour concentration of flows during the normal operation.

Subd. 19. "Storm Sewer" (sometimes termed "storm drain") means a sewer which carries storm and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling or process water.

Subd. 20. "Suspended Solids" mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering, in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

Subd. 21. "Unpolluted Water" means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety

or welfare, to domestic, commercial, industrial or recreational use, or to livestock, wild animals, bird, fish, or other aquatic life.

Section 1.05. Use of Public Sewers.

Subd. 1. It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

Subd. 2. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Subd. 3. The owner of any building or property which is located within the City, or in any area under the jurisdiction of the City, and from which sewage is discharged, shall be required to connect to a public sewer at his expense within ninety (90) days after service of official notice to do so, provided that said public sewer is reasonably available for connection. Additionally, if the building or property is used for human occupancy, employment or recreation, the owner shall be required to install at the same time toilet facilities in accordance with the State Building Code and other ordinances of the City. Said official notice shall be served upon the owner personally or by certified mail.

Subd. 4. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Section 1.05, Subd. 3 of this Ordinance, the City may undertake to have said connection made and shall assess the cost thereof against the benefited property and said assessment shall be a lien against said property. Such assess-

ment, when levied, shall bear interest at the rate of eight percent (8%) per annum and shall be certified to the auditor of the County in which the land is situated and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City under this subdivision shall be in addition to any other remedial or enforcement provisions of this Ordinance.

Subd. 5. No person shall discharge or cause to be discharged directly or indirectly any storm water, surface water, ground water, roof runoff, subsurface drainage, unpolluted cooling or process water to any sanitary sewer, except as permitted by the City.

Subd. 6. Storm water and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or process water shall only be so discharged upon approval by the City. The City may also approve discharge of unpolluted water into a natural outlet, provided such discharge complies with applicable State and Federal regulations.

Subd. 7. No person shall discharge or cause to be discharged, directly or indirectly, any of the following described substances to any public sewer:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (b) Any water or wastes containing toxic or poisonous solids, liquids, or gasses in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the sewerage works.

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(c) Any water or wastes having a pH lower than 4.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewerage works.

(d) Solid or viscous substances, either whole or ground, in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewerage works such as, but not limited to ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cutting or polishing wastes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and sanitary napkins, paper dishes, cups, milk containers, and other paper products.

(e) Noxious or malodorous liquids, gasses or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

Subd. 8. No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewer unless in the opinion of the City such discharge will not harm the sewerage works, nor cause obstruction to the flow in sewers, nor otherwise endanger life, limb or public property, nor constitute a nuisance. In forming it's opinion as to the acceptability of these wastes, the City may give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and

other pertinent factors. The City may make such determinations either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur.

The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65°C).
- (b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred fifty (150) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0° and 65°C).
- (c) Any garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in public sewers, with no particles greater than one-half ( $\frac{1}{2}$ ) inch in any dimension.
- (d) Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (e) Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment or personnel of the sewerage works, or which prevent sewage treatment which meets the requirements of the State and Federal government and any other public agency with proper authority to regulate the discharge from the sewage treatment plant.
- (f) Radioactive wastes or isotopes of such half-life or concentrations that they are in noncompliance with regulations issued by the

appropriate authority having control over their use or which have caused or may cause damage or hazards to the sewerage works or personnel operating it.

(g) Any water or wastes having a pH in excess of 10.0.

(h) Materials which exert or cause:

(1) Unusual concentrations or 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).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting a slug.

(i) Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other governmental agencies having jurisdiction over discharge from the sewage treatment plant. The following are the maximum concentrations acceptable for discharge into the City sewerage system.



| <u>Waste or Chemical</u>                                   | <u>ppm<br/>Concentration</u> |
|------------------------------------------------------------|------------------------------|
| Boron                                                      | 1.0                          |
| Chromium (Total)                                           | 25.0                         |
| Chromium (Hexavalent)                                      | 10.0                         |
| Copper                                                     | 3.0                          |
| Cyanide (Total)                                            | 10.0                         |
| Cyanide (Readily released at 150<br>degrees F. and pH 4.5) | 2.0                          |
| Iron                                                       | 50.0                         |
| Lead                                                       | 0.5                          |
| Nickel                                                     | 15.0                         |
| Cadmium                                                    | 2.0                          |

Subd. 9. If any water or wastes are discharged, or are proposed to be discharged directly or indirectly to the public sewers, which water or wastes do not meet the standards set out in or promulgated under this Subsection or which in the judgment of the City may have a deleterious effect upon the sewerage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may take any or all of the following steps:

- (a) Refuse to accept the discharges, or
- (b) Require pretreatment to an acceptable condition for the discharge to the public sewers, or
- (c) Require control over the quantities and rates of discharge, or
- (d) Require payment to cover the added cost of handling and treating the wastes.

The design and installation of plants and equipment for pretreatment or equalization of waste flows shall be subject to the review and

approval of the City and subject to the requirements of all applicable codes, ordinances, and laws.

Subd. 10. Grease, oil and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease, or any flammable wastes, sand or other harmful ingredients. All interceptors required under this Subdivision shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection.

Subd. 11. Where preliminary treatment, flow equalizing facilities or interceptors are provided for any water or wastes, they shall be effectively operated and maintained continuously in satisfactory and effective condition by the owner at his expense, and shall be available for inspection by the City at all reasonable times.

Subd. 12. When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure and equipment when required shall be constructed at the owner's expense in accordance with plans approved by the City and shall be maintained by the owner so as to be safe and accessible at all times.

Subd. 13. All measurements, tests, and analyses of the characteristics of water 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, and shall be determined at the control structure provided, or upon suitable samples

taken at said control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewerage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

Subd. 14. The City may conduct such tests as are necessary to enforce this Ordinance, and employees of the City

may enter upon any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to such enforcements. Entry shall be made during operating hours unless circumstances require otherwise. In all cases where tests are conducted by the City

for the purpose of checking to determine if a previously found violation of this ordinance has been corrected, the cost of such tests shall be charged to the user and added to the user's sewer charge. In those cases where the City determines that the nature or volume of a particular user's sewage requires more frequent than normal testing, the City may charge such user for the tests, after giving the user ten (10) days written notice of its intention to do so, and the cost thereof shall be added to the user's sewer charge. In any

case where industrial wastes are discharged to a public sewer, the City may require the user at his own expense to test his discharge on a regular basis and to report the test results to the City Clerk within a reasonable time. All such tests shall be as ordered by the City and shall be conducted by qualified personnel and in accordance with the standards set out in Subd. 13 of this Subsection.

Subd. 15. No garbage grinder equipped with a motor of three-fourth ( $3/4$ ) horsepower or greater shall be installed in any building which is connected directly or indirectly to a public sewer, without prior approval of the City. The City shall not approve any garbage grinder which does not grind garbage to a degree so that no particle is greater than one-half ( $1/2$ ) inch in any dimension and shall be empowered to order that any garbage grinder regardless of its size or when it was installed, which does not grind garbage to a degree so as to make it acceptable under Subd. 7 and 8 of this Subsection, not be used to grind garbage which is thereafter directly or indirectly discharged into a public sewer.

Subd. 16. Accidental discharges of prohibited waste into the sewerage works, directly or through another disposal system, or to any place from which such waste may enter the sewerage works, shall be reported to the Office of the City Clerk by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of such discharge.

Subd. 17. No statement contained in this Subsection shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual

strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern, in accordance with applicable ordinances and any supplemental agreement with the City.

Section 1:10. Private Sewage Disposal.

Subd. 1. Where a public sanitary or combined sewer is not available under the provision of Section 1.105, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Subsection.

Subd. 2. Before commencement of construction of a private sewage disposal system other than for a single family residence the owner shall first obtain a written permit signed by the City or its authorized agent. 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 by the City. A permit and inspection fee, as established by resolution of the City Council, shall be paid at the time the application is filed.

Subd. 3. A permit for a private sewage disposal system other than for a single family residence shall not become effective until the installation is completed to the satisfaction of the City. Employees of the City shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the City Clerk when the work is ready for final inspection, and no underground portions shall be covered before the final inspection is completed.

Subd. 4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all requirements of the City and the State of Minnesota. No private sewage disposal system employing sub-surface soil absorption facilities shall be constructed where the area of the lot is less than 40,000 square feet, unless the owner presents evidence to the City demonstrating that special conditions exist which assures the system will meet the minimum standards of the Minnesota Individual Sewage Disposal System Code. No septic tank shall be permitted to discharge to any natural outlet.

Subd. 5. At the time a connection is made to the public sewer any septic tanks or other private sewage disposal facilities shall be removed or filled with suitable material approved by the City.

Subd. 6. The owner shall effectively operate and continuously maintain the private sewage disposal facilities in a sanitary, satisfactory and effective manner at all times, at his own expense.

Subd. 7. The employees of the City may enter upon any property having a private sewage disposal system for the purpose of inspecting such system and making such other investigations and tests as are deemed necessary. Entry shall be made during the daylight hours unless abnormal or emergency circumstances require otherwise.

Subd. 8. The provisions of this Subsection shall be in addition to any requirements established by applicable federal, state or local laws and regulations, and shall not be construed to relieve any liability or obligation imposed by such laws and regulations.

Section 1:15. Building Sewers and Connections.

- Subd. 1. No person unless authorized shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof, except as approved by the City.
- Subd. 2. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify and hold harmless the City from any loss or damage to the public sewer that may directly or indirectly be occasioned by the installation of the building sewer.
- Subd. 3. 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 as one building sewer, provided that the City shall require a written agreement between the property owners as to the share of the costs of construction and maintenance which each will contribute.
- Subd. 4. Old building sewers may be used in connections with new buildings only when they are found, on examination and test by the City to meet all requirements of this ordinance.
- Subd. 5. The size, slope, alignment, materials, of construction of a building sewer, and the method to be used in excavation, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations. In the absence of code

provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9 and applicable American Society for Testing and Materials (A.S.T.M.) standards shall apply.

Subd. 6. 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 such building drain shall be provided with a lifting device approved by the City and discharged to the building sewer.

Subd. 7. No persons shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to public sanitary sewer.

Subd. 8. The construction of the building sewer and its connection into the public sewer shall conform to the requirements of the building and plumbing code, the sewer specifications included herein or other applicable rules and regulations and the procedures set forth in appropriate specifications of the Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9, and the American Society for Testing and Materials (A.S.T.M.). All such construction shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City before installation.

Subd. 9. Employees of the City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for



the permit shall notify the City when the work is ready for final inspection and no underground portions shall be covered before the final inspection is completed. The connection shall be made under the supervision of the City or designated agent thereof.

Section 1:20. Main and Lateral Sewer Construction.

Subd. 1. No person unless authorized, shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.

Subd. 2. No sanitary or storm sewers shall be constructed in the City (except house or building service sewers) except by the City or by others in accordance with plans and specifications approved by the City and subject to inspection during construction by Engineers and employees of the City. No such sewers shall be considered to be a part of the public sewer system unless accepted by the City.

Subd. 3. The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, back-filling and other work connected with the construction of sewers shall conform to the requirements of the City.

Section 1:25. Protection from Damage.

Subd. 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Sewer System.

Section 1:30. Authority of Inspectors.

Subd. 1. Duly authorized employees of the City

bearing proper credentials and identification

shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance.

Subd. 2. While performing the necessary work on private properties referred to in Subd. 1 of this Subsection, the authorized employees of the City shall observe all safety rules applicable to the premises established by the company.

Subd. 3. Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Sewer System 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 easement pertaining to the private property involved.

Section 1:35. Penalties.

Subd. 1. Any person violating any of the provisions of this Ordinance shall be guilty of a penal offense. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

Subd. 2. Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

Subd. 3. Whenever a violation of the provisions of this Ordinance is likely to cause damage to the Sewer System, or is of such a nature as to be a menace to the health or safety of any person, the City may summarily discontinue and sever connections with its sewerage system.

Subd. 4. No connection discontinued in that manner shall be reestablished unless the cost of such discontinuance and reestablishment is paid to the City together with reimbursement for any damage to the sewerage works caused by said violation.

Subd. 5. Violation by a permittee of any provisions of this Ordinance prescribing conditions or requirements relative to permits held by such a permittee, or giving any false information on a permit application either orally or in writing, shall be grounds for revocation of such permit. Whenever grounds exist, the City may revoke any permit by resolution.

Section 1:40. Repeal of Ordinance.

The following Ordinance is hereby repealed in its entirety:

Ordinance No. 42. An Ordinance Regulating the Use of the Municipal Sewage Disposal System in the Village of New Munich and Providing Penalties for Violation Thereof.

Section 1:45. Effective Date.

This ordinance shall be in full force and effect from and after

2 day of May, 1978.

Adopted by the Council of the City of New Munich, Minnesota, at a regular meeting held May 2, 1978, by the following vote:

Ayes: 3

Nays: 0

Approved by the Mayor of the City of New Munich this 2 day of May, 1978.

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Mayor of the City of New Munich

ATTEST;

Samuel B. [Signature]  
City Clerk