

## CHAPTER 52: SEWER

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## **GENERAL PROVISIONS**

### **§ 52.01 DECLARATION OF INTENT.**

These rules and regulations are declared to be necessary for the efficient, economic, and safe operation of the city's wastewater treatment works, and for the protection of the health, safety, and general welfare of the public.

('75 Code, § 5.001) (Ord. 1043.83, passed 12-15-83)

### **§ 52.02 DEFINITIONS.**

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

***B.O.D. (BIOCHEMICAL OXYGEN DEMAND).*** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter (mg/l).

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

**BUILDING SEWER.** The extension from the building drain to the municipal sewer or other place of disposal.

**COMPATIBLE POLLUTANT.** For the purposes of establishing federal requirements for pretreatment, the term **COMPATIBLE POLLUTANT** means biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned treatment works were designed to treat such pollutants, and in fact do remove such pollutants to a substantial degree. Examples of such additional pollutants may include:

(1) Chemical oxygen demand

(2) Total organic carbon

(3) Fats, oils, and greases of animal or vegetable origin except as prohibited under § 52.50 et seq.

**GARBAGE.** Solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

**INCOMPATIBLE POLLUTANT.** Any pollutant which is not a compatible pollutant.

**INDUSTRIAL WASTE.** Trade or process waste or nondomestic wastewater discharged from a unit of service which exceeds 25 gallons per employee per day or whose wastewater characteristics exceed 250 milligrams per liter B.O.D., exceed 300 milligrams per liter suspended solids or whose wastewater characteristics are significantly different from normal domestic sewage.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT.** Any permit or equivalent document or requirements issued by the Environmental Protection Agency or where appropriate by the Minnesota Pollution Control Agency to regulate the discharge of pollutants.

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

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

**PRETREATMENT.** Treatment of wastewaters from sources before introduction into the treatment works.

**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 municipal sewers, with no particle greater than 1/2-inch in any dimension.

**SANITARY SEWAGE.** The water and waterborne domestic wastes discharged into the sewerage system from premises on which any structure has been erected.

**SANITARY SEWER.** A pipe or conduit designed and operated to carry sanitary sewage and industrial wastes.

**SEWERAGE SYSTEM.** Includes all lateral, main, and intercepting sewers, lift stations, pumps, the sewage treatment and disposal plant or system, and structures and other appurtenances for the collection, transportation, treatment, and disposition of sanitary sewage. This shall not include plumbing inside or in connection with buildings services or service sewers from a building to the street lateral.

**SLUG.** A discharge of any pollutant, including oxygen demanding pollutants (BOC, etc.), released in a discharge of such volume or strength as to cause inhibition or disruption of the POTW's sewer system or treatment operation which contributes to a violation of any requirement of its NPDES permit, or to cause prevention of sewage sludge use or disposal by means described in the POTW's sludge management plan.

**STORM SEWER.** A pipe or conduit designed and operated to carry water and/or surface runoff but not sanitary sewage.

**SUSPENDED SOLIDS.** Solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.

**TREATMENT WORKS.** All facilities used by the city in the collection, transportation, storage, treatment, recycling, and reclamation of sanitary sewage to remove pollutants, including the recycling, reusing, or other ultimate disposal of the treated wastewaters and residues resulting from the treatment process.

**WASTEWATER.** A watercourse in which a flow of water occurs either continuously or intermittently.  
(‘75 Code, § 5.002) (Ord. 1043.83, passed 12-15-83)

### **§ 52.03 INTERPRETATION.**

The provisions of this chapter shall be interpreted whenever possible as being in conformity with applicable federal, state, and local regulations, and with other ordinances that may be adopted from time to time by the City Council prescribing additional terms and conditions for users of the treatment works. If any portion of this chapter shall be adjudged invalid, such invalidity shall not affect the remaining portions.

(‘75 Code, § 5.061) (Ord. 1045.84, passed 1-19-84)

## **REGULATIONS AND RESTRICTIONS**

### **§ 52.15 USE OF MUNICIPAL SEWERS REQUIRED.**

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the municipality, or in any area under the jurisdiction of said municipality, any human or animal excrement, garbage, or other objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet within the municipality, or in any area under the jurisdiction of said municipality, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and where such discharge is in compliance with a currently-in-force NPDES permit issued by the state.

(C) 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.

(D) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the municipality and abutting on 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 municipality is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper municipal sewer in accordance with the provisions of this chapter within 90 days after the date of official notice to do so, provided that said municipal sewer is within 300 feet of the property line; provided, however, that buildings used for human occupancy at the time of passage of this chapter and located more than 100 feet from the municipal sewer shall not be affected by this subsection. Parks and recreational facilities owned by the city shall not be affected by the provisions of this subsection except as otherwise determined by the City Council.

('75 Code, 5.003) (Ord. 1043.83, passed 12-15-83) Penalty, see § 10.99

***Cross-reference:***

*Public nuisances affecting health; privy vaults and pollution of public waters, see § 93.02*

*Public nuisances affecting peace and safety; waste water on streets and the like, see § 93.04*

### **§ 52.16 PRIVATE SEWAGE DISPOSAL.**

(A) Where a municipal sanitary sewer is not available under the provisions of § 52.15(D), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Building Inspector. The application for such permit shall be made on a form furnished by the Building Inspector and the applicant shall supplement the requested information by plans, specifications, and other information as are

deemed pertinent or necessary. A permit and inspection fee as may be adopted from time to time by Council resolution or ordinance shall be paid to the Building Inspector at the time the application is filed.

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Building Inspector. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Building Inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Building Inspector.

(D) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the state. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any municipal sewer or natural outlet unless such discharge is approved by State Board of Health and/or is in compliance with a currently-in-force NPDES permit issued by the Minnesota Pollution Control Agency.

(E) At such time as a municipal sewer becomes available to a property served by a private sewage disposal system, as provided in subsection (C), a direct connection shall be made to the municipal sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable materials, to the satisfaction of the Building Inspector at the owner's expense.

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

(G) No statements contained in this section shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer.  
(75 Code, § 5.004) (Ord. 1043.83, passed 12-15-83) Penalty, see § 10.99

#### **§ 52.17 DISPOSAL OF SEPTIC TANK SLUDGE; PERMITS; FEES.**

(A) No person shall discharge materials originating from septic tanks, sewage holding tanks, vaults, storage compartments, or other similar facilities without prior issuance of an annual special use permit from the city. Application for such a permit shall be made to the City Manager of forms provided. A permit fee as may be adopted from time to time by Council resolution of ordinance shall be paid to the City Manager at the time the application is filed. Evaluation and approval of special use permits shall be made by the City Manager including any special conditions that the City Manager may deem appropriate.

(B) Special use permits as described in (A) shall be renewable on an annual basis, at the discretion of the City Manager, on January 1 of each year. Failure to renew a special use permit and/or failure to pay the annual renewal fee shall invalidate the permit as of the renewal date.

(C) Discharge of material described in (A) and sanctioned by a valid special use permit shall be made to the sewerage system only during normal working hours. A minimum of one hour prior notification shall be given to the City Manager to enable the presence of city personnel during the discharge operation.

(D) No discharge of waste material described in (A) shall be made to the sewerage unless such discharge is made at the Benson Wastewater Treatment Plant or other site within the system previously approved by the City Manager.

(E) No discharge of waste material described in (A) shall be made to the system in a quantity greater than 1,200 gallons at any one time unless specifically allowed by a valid special use permit or the City Manager.

(F) A charge shall be levied to the holder of a valid permit for each discharge as may be adopted from time to time by Council resolution or ordinance.  
(75 Code, § 5.005) (Ord. 1043.83, passed 12-15-83) Penalty, see § 10.99

#### **§ 52.18 PROTECTION FROM DAMAGE.**

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 sewerage system.

(75 Code, § 5.008) (Ord. 1043.83, passed 12-15-83) Penalty, see § 10.99

### ***BUILDING SEWERS AND CONNECTIONS***

#### **§ 52.30 PERMITS; FEES.**

(A) No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any municipal sewer or appurtenance thereof without obtaining a written permit from the city.

(B) Any person desiring sewer service from the municipal sewer system for premises not theretofore connected with the system shall apply to the Building Inspector for a permit. There shall be two classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. The owner or his or her agent shall make application on a special form furnished by the municipality. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the city. A permit and inspection fee as may be adopted from time to time by Council resolution or ordinance shall be paid to the city at the time the application is filed.

(C) No permit shall be issued for a sewer connection unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant, including B.O.D. and suspended solids capacity.

('75 Code, § 5.006) (Ord. 1043.83, passed 12-15-83) Penalty, see § 10.99

### **§ 52.31 LIABILITY FOR COSTS AND DAMAGE.**

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

('75 Code, § 5.006) (Ord. 1043.83, passed 12-15-83)

### **§ 52.32 SEPARATE BUILDING SEWER REQUIREMENT; EXCEPTIONS.**

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. Under exceptional circumstances where an industrial or institutional establishment maintains its own internal sewer system serving a multiplicity of buildings, the city may waive the provisions of this section.

('75 Code, § 5.006) (Ord. 1043.83, passed 12-15-83) Penalty, see § 10.99

### **§ 52.33 OLD BUILDING SEWER USAGE.**

Old building sewers may be used in connection with new buildings only when they are found on examination and testing by a licensed plumber to meet all requirements of this chapter.

('75 Code, § 5.006) (Ord. 1043.83, passed 12-15-83) Penalty, see § 10.99

### **§ 52.34 CONSTRUCTION, CONNECTION, AND MATERIAL RESTRICTIONS.**

(A) The alignment and materials of construction of a building, and the method to be used in excavating, 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 of the city.

(B) The size and slope of the building sewer shall be subject to the approval of the Building Inspector, but in no event shall the diameter be less than four inches. The slope of such 4-inch pipe shall not be less than 1/8-inch per foot. It shall be required that the service stub or "Y" connection and the building drain shall be uncovered and the differential elevation be determined before construction is begun. Where practicable, the building connection shall be laid on a uniform grade between those two points.

(C) Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

(D) In all buildings in which any building drain is too low to permit gravity flow to the municipal sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

(E) The connection of the building sewer into the municipal sewer shall be made at a "Y" branch or other suitable connection, if such branch is available at a suitable location. If the public sewer is 12 inches in diameter or less, and no properly located "Y" branch or other suitable connection is available, the owner shall at his expense install a "Y" branch or other suitable connection in the municipal sewer at the location and of the type specified by the city.  
(75 Code, § 5.006) (Ord. 1043.83, passed 12-15-83) Penalty, see § 10.99

#### **§ 52.35 INSPECTION AND CONNECTION.**

The applicant for the building sewer permit shall notify the Building Inspector when the building sewer is ready for inspection and connection to the municipal sewer. The connection shall be made under the supervision of the city representative.  
(75 Code, § 5.006) (Ord. 1043.83, passed 12-15-83) Penalty, see § 10.99

#### **§ 52.36 EXCAVATIONS.**

All excavation for building sewer installations 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 municipality. (75 Code, § 5.006) (Ord. 1043.83, passed 12-15-83) Penalty, see § 10.99

#### **§ 52.37 NEW CONNECTIONS TO SEWERAGE SYSTEM.**

No premises shall be connected to the sewerage system unless properly designed and constructed. No connections shall be permitted from such sources as roof leaders, yards, area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage.  
(75 Code, § 5.057) (Ord. 1045.84, passed 1-19-84) Penalty, see § 10.99

## **§ 52.38 LICENSES; FEES.**

(A) No connection shall be made with any sewer or drain except by persons regularly licensed to perform that description of work, and no permit shall be granted to any person except such regularly licensed person.

(B) Any person desiring a license to make connections with the sewer and drains in the city shall make application in writing therefor to the City Council and furnish the Council satisfactory evidence that he or she is, or has in his or her employ, a person regularly trained and skilled in the business and qualified to receive a license.

(C) No license shall be issued to any person as aforesaid until he or she shall have paid to the City Manager a license fee as may be adopted from time to time by Council resolution or ordinance. Every license so issued shall expire one year after the date thereof, or it may be suspended or revoked at any time by the City Council, on satisfactory proof of any willful failure or inexcusable neglect of the licensee to observe the rules and regulations prescribed by any ordinance or resolution passed by the City Council relating to streets, sewers, and drains or to obey any reasonable direction given by the City Council respecting the performance of any services undertaken by such licensee in connection with said sewers and drains.  
(‘75 Code, § 5.010) (Ord. 1047.84, passed 5-3-84) Penalty, see § 10.99

## ***USE OF MUNICIPAL SEWERS***

## **§ 52.50 STORM WATER, UNPOLLUTED WATER, AND THE LIKE.**

(A) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(B) Storm water and surface runoff shall be directed to inlets of sewers specifically designated as storm sewers, or to a natural outlet approved by the city.  
(‘75 Code, § 5.007) (Ord. 1043.83, passed 12-15-83) Penalty, see § 10.99

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

*Streets and sidewalks; water discharge, see § 92.02*

*Subdivisions; drainage, see § 153.45*

## **§ 52.51 CONFORMANCE TO PRETREATMENT STANDARDS.**

No person shall discharge or cause to be discharged any waters or wastes that do not conform to the pretreatment standards established by the Minnesota Pollution Control Agency and the United States Environmental Protection Agency. No sewage, water, or waste, including commercial and industrial waste, shall contain any substance which is determined to be in violation of any state or federal pretreatment standards, the NPDES Permit Requirements, or which may otherwise be determined by the city to be unduly deleterious or harmful to the sewerage system or operation of the sewerage system. All major contributing industries

discharging incompatible pollutants shall comply with applicable pretreatment requirements and standards.

('75 Code, § 5.007) (Ord. 1043.83, passed 12-15-83) Penalty, see § 10.99

### **§ 52.52 PROHIBITED DISCHARGES.**

In addition to the requirements of § 52.51, no person 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 be injurious in any other way to the wastewater disposal system or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system, be more than 5% nor any single reading be over 10% of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides;

(B) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant, including but not limited to the following concentrations of materials in the wastes as received at the influent of the wastewater treatment plant:

<i>Material</i>	<i>Concentration</i>
Copper	.10 mg/l
Zinc	.18 mg/l
Lead	.40 mg/l
Chromium +6	.40 mg/l
Chromium +3	.40 mg/l
Nickel	.47 mg/l
Cyanide (HCN)	.13 mg/l
Chloroform	1.00 mg/l
Free Oil	50.00 mg/l

(C) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewerage system;

(D) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facility such as, but not limited to, grease, garbage with particles greater than ½-inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes,

cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastic, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes. ('75 Code, § 5.007) (Ord. 1043.83, passed 12-15-83) Penalty, see § 10.99

### **§ 52.53 RESTRICTED DISCHARGES.**

No person shall discharge or cause to be discharged the following described substances, material, waters, or wastes if it appears likely in the opinion of the city that such wastes can harm either the sewers, wastewater treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as the acceptability of these wastes, the City Manager will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, the materials of construction of the sewers, the nature of the wastewater treatment process, the capacity of the wastewater treatment plant, the degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors. The substances prohibited are:

(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°F (40°C);

(B) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 50 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F or 150°F (0°C and 65°C);

(C) Any garbage that has not been properly shredded;

(D) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not;

(E) Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the city as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters;

(F) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations;

(G) Any waters or wastes having a pH in excess of 9.5;

(H) Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids such as, but not limited to, fuller's earth, lime slurries, and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate;

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

(3) Unusual B.O.D., 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 "slugs" as defined herein;

(I) Waters 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 agencies having jurisdiction over discharge to the receiving waters.

('75 Code, § 5.007) (Ord. 1043.83, passed 12-15-83) Penalty, see § 10.99

#### **§ 52.54 OPTIONS OF CITY REGARDING HARMFUL DISCHARGES.**

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this subchapter, and which in the judgment of the city may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

(1) Reject the wastes;

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

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

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

(B) If the city permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City Manager and to the requirements of all applicable codes, ordinances, and laws.

('75 Code, § 5.007) (Ord. 1043.83, passed 12-15-83)

#### **§ 52.55 INTERCEPTORS.**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, 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 a type and

capacity approved by the city, and shall be located as to be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times. ('75 Code, § 5.007) (Ord. 1043.83, passed 12-15-83) Penalty, see § 10.99

#### **§ 52.56 PRELIMINARY TREATMENT AND FLOW-EQUALIZING FACILITIES.**

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

('75 Code, § 5.007) (Ord. 1043.83, passed 12-15-83) Penalty, see § 10.99

#### **§ 52.57 CONTROL MANHOLES.**

When required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the city. The manhole shall be installed by the owner with plans approved by the city. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

('75 Code, § 5.007) (Ord. 1043.83, passed 12-15-83) Penalty, see § 10.99

#### **§ 52.58 MEASUREMENTS, TESTS, AND ANALYSES.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association and the Environmental Protection Agency's "Test Procedures for Analysis of Pollutants" found in the Federal Register issue of October 16, 1973 (40 CFR 136), and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to 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 sewage works and to determine the existence of hazards to life, limb, and property. (The particular analysis involved will determine whether a 24-hour composite of all outfalls of the premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analysis are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

('75 Code, § 5.007) (Ord. 1043.83, passed 12-15-83)

## **§ 52.59 SPECIAL CONTRACTS.**

No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern. Such contracts will be governed by all provisions and rates set forth in applicable ordinances.

('75 Code, § 5.007) (Ord. 1043.83, passed 12-15-83)

## **§ 52.60 PRETREATMENT OF INDUSTRIAL SEWAGE.**

Each industrial unit of service or commercial unit of service discharging industrial waste shall conform to the pretreatment standards established by the Minnesota Pollution Control Agency and the United States Environmental Protection Agency. No sewage, including commercial and industrial waste, shall contain any substance which is determined to be in violation of any state or federal pretreatment standards incorporated above, in violation of the current sewer use ordinance of the city, or which may otherwise be determined by the city to be unduly deleterious or harmful to the operation of the sewerage system or treatment works.

('75 Code, § 5.058) (Ord. 1045.85, passed 1-19-84) Penalty, see § 10.99

## ***RATES AND BILLING***

## **§ 52.70 DECLARATION OF INTENT.**

These rules, regulations, and rates are declared to be necessary for the efficient, economic, and safe operation of the city's wastewater treatment works, and for the protection of the health, safety, and general welfare of the public. The rates and charges hereby imposed are intended to distribute the costs of operation and maintenance of the treatment works in the most proportionate manner possible upon all users of the treatment works and in compliance with applicable standards and regulations of the Minnesota Pollution Control Agency and the United States Environmental Protection Agency. ('75 Code, § 5.051) (Ord. 1045.84, passed 1-19-84)

## **§ 52.71 DEFINITIONS.**

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

***CAPITAL CHARGE.*** The portion of the sewer service charge associated with the capital cost.

***CAPITAL COSTS.*** The city's portion of the capital cost of the treatment works.

**COMMERCIAL UNIT OF SERVICE.** For purposes of sewer service charges, any aggregation of space or area occupied for a distinct purpose such as a retail store, office, laundry, restaurant, or other like unit, which is equipped with one or more water fixtures draining into the treatment works, separate and distinct from other units of service. In office buildings or other premises containing more than one tenant, only those tenants shall be classified as users of service who occupy space or area equipped with a distinct opening or fixture or set of fixtures for the use of water separately from other tenants and with waste draining into the treatment works.

**COMMERCIAL WASTE.** A normal domestic sewage discharged by a non-residential or non-industrial unit of service into the treatment works.

**CONNECTION.** A residential, commercial, or industrial establishment served by a water or sewage meter, public or private, the metered flow of which is subsequently discharged to the treatment works. Establishments with more than one meter, the metered flow of which is subsequently discharged to the treatment works, are hereby determined to have one connection for each such meter.

**INDUSTRIAL UNIT OF SERVICE.** For purposes of sewer service charges, any aggregation of space or area occupied for a distinct purpose such as manufacturing which results in the discharge of industrial wastes (as defined below) into the treatment works.

**MINIMUM CHARGE.** The fee imposed by § 52.72 hereof upon all sewer system users of zero or low usage to recover nonvariable costs associated with the treatment works.

**NORMAL DOMESTIC SEWAGE.** Wastewater characterized by wastes created in the preparation of foods, bathing, laundry facilities, and sanitary facilities, i.e., resulting from normal living functions.

**OPERATION AND MAINTENANCE COSTS.** The current, reasonable, and necessary costs of operation and maintenance of the treatment works paid or incurred, determined in accordance with generally accepted accounting principles, including replacement costs, but excluding payments of principal and interest on obligations issued to finance the costs of acquisition and construction of the treatment works.

**REPLACEMENT COSTS.** Those costs incurred in obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which the treatment works were designed and constructed.

**RESIDENTIAL UNIT OF SERVICE.** For purposes of sewer service charges, any aggregation of space or area occupied as a single residence, and any apartment or flat which is equipped with one or more fixtures for supplying sewer service separate and distinct from the other users on the premises. In multiunit dwellings, only those divisions of the building will be considered as units of service where the suite or apartment has facilities for cooking.

**SEWER SERVICE CHARGE.** The fee imposed by § 52.72 hereof upon all units of service of the treatment works, and the sum of the “user charges” and “capital charges.”

**USER CHARGE.** The fee imposed by § 52.72 hereof associated with the proportionate distribution of costs to users for operation and maintenance, including replacement of the treatment works.

**WASTEWATER.** Water carrying both sanitary sewage and industrial wastes.  
(’75 Code, § 5.052) (Ord. 1045.84, passed 1-19-84; Am. Ord. 1076.92, passed 5-21-92)

### **§ 52.72 RATES.**

(A) A sewer service charge is hereby imposed upon all units of service in a total amount sufficient to pay the costs of operation and maintenance and capital cost of the treatment works. The sewer service charge shall be the greater of either the minimum charge or the sum of capital and user charges.

(B) The minimum charge shall be in an amount necessary to recover the nonvariable costs associated with the treatment works including, but not limited to, capital costs, costs of administration, sewer billings, salaries, and the like. The minimum charge as established in the current rate structure shall be levied against each and every residential, commercial, and industrial unit of service. Connections which include more than one unit of service shall be charged the minimum amount per month per unit of service, regardless of the number of connections. Appendix Schedule A itemizes the initial non-variable costs.

(C) The user sewer service charge for residential, commercial, and industrial connections shall be based upon the estimated flow and load characteristics of sewage discharged by each user, as estimated by water meter readings pursuant to § 52.86, and shall be collected in a total amount sufficient to recover the annual operation and maintenance costs and the capital costs of the treatment plant and sanitary sewerage system. The sewer service charge for such residential and commercial connections shall be as may be adopted from time to time from Council resolution or ordinance. Appendix Schedules A and B contain unit rates for B.O.D., SS, and NH<sub>3</sub>-N and unit charges for domestic users.

(D) Each industrial unit of service shall be subject to appropriate metering and monitoring. The sewer service charge for each industrial connection is contained in Appendix Schedule C.  
(’75 Code, § 5.053) (Ord. 1045.84, passed 1-19-84; Am. Ord. 1076.92, passed 5-21-92)

### **§ 52.73 BILLING AND PAYMENTS.**

(A) Statements for all sewer service charges shall be rendered monthly for the services of the sewage system.

(B) The amounts duly billed for sewer service shall be payable on or before the 15th day of the month of billing. Upon failure to pay the sewer charges duly billed, the City Manager is hereby authorized to add a penalty of an amount identified in the current rate structure to the unpaid sewer service charge. If the charges remain unpaid after penalties have been issued, the City Council may certify to the County Auditor the sums due and owing for sewer service furnished, including penalties, to said premises, which premises shall be described in said certificate with directions for collection for the city with other taxes levied against said premises. Sewer charges shall be an obligation of the owner, lessee, and occupant of the premises served, and of all of them. In the alternative, the city may, by its Council, bring an action in any court of competent jurisdiction against either the owner, the lessee, or the occupant of the premises served, or all of them, for collection of delinquent sewer charges together with reasonable attorney fees and penalties.  
(’75 Code, § 5.054) (Ord. 1045.84, passed 1-19-84; Am. Ord. 1076.92, passed 5-21-92)

#### **§ 52.74 RATE REVIEW AND CHANGES.**

An annual audit shall be made of the treatment works, including such detail as is necessary and appropriate to determine the annual fixed costs thereof and the annual operation, maintenance, and replacement costs. The City Manager shall be responsible for documenting compliance with the city's annual audit. As soon as practicable following receipt of the report of audit, the City Council shall review the sewer service charges for sewage service imposed hereby and review the same as necessary to insure their continuing compliance with all applicable state and federal regulations. The sewer service charges may be adjusted by City Council resolution at any time. The city shall revise the charges for users or user classes to accomplish the following:

(A) Maintenance of the proportionate distribution of operation and maintenance costs among users and user classes as required herein;

(B) Generation of sufficient revenue to pay the total Operation, Maintenance, & Replacement costs as necessary to the proper operation and maintenance (including replacement) of the treatment works; and

(C) Application of excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year, and adjustment of the rate accordingly.

(’75 Code, § 5.055) (Ord. 1045.84, passed 1-19-84; Am. Ord. 1076.92, passed 5-21-92)

#### **§ 52.75 SEWER FUND.**

All amounts received from collection of sewer service charges shall be credited upon receipt to a special fund, separate from all other funds of the city, and used solely for the payment of the costs of operation, maintenance, repairs, and replacement of the treatment works. Nothing contained herein shall prevent the City Council from appropriating money from the General Fund to the Sewer Fund when and to the extent permitted by law.

(’75 Code, § 5.060) (Ord. 1045.84, passed 1-19-84)

## ***ADMINISTRATION AND ENFORCEMENT***

### **§ 52.85 RIGHT OF ENTRY.**

(A) 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 chapter. The city shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in subsection (A) above, the 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 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 § 52.57.

(C) 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 sewage works 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.  
(‘75 Code, § 5.009) (Ord. 1043.83, passed 12-15-83)

### **§ 52.86 METERING AND REPORTING REQUIREMENTS.**

The city shall have the right at all times to measure the characteristics and volume of sewage discharged by any unit of service by installing meters or conducting tests, or by any other systems or techniques considered appropriate and necessary under the circumstances. Each residential, commercial, and industrial unit of service may be required to meter and sample its wastes, and to conduct tests and provide such additional information as necessary to enable the city to conform to the requirements of the Minnesota Pollution Control Agency and the United States Environmental Protection Agency. Water meters will be used as a basis for determining the flow of sanitary sewage from residential connections based on a winter quarter reading. Flow from all other connections shall be determined on the basis of actual quarterly water or wastewater meter readings. (‘75 Code, § 5.056) (Ord. 1045.84, passed 1-19-84)

**§ 52.87 FEE REVISIONS.**

The City Council shall have authority to revise all permit and inspection fees as set forth in the provisions of this chapter by resolution of the City Council.

('75 Code, § 5.012) (Ord. 1043.83, passed 12-15-83)

**§ 52.88 VIOLATIONS; DISCONTINUANCE OF DISCHARGE REQUIRED.**

Any unit of service discharging wastes in violation of § 52.60 or otherwise detrimental to the treatment works shall be required to discontinue the discharge of such substance or substances. If after ten days' notice in writing delivered to the owner or occupant at the premise receiving service such user continues to discharge such substance(s) into the sewerage system, that user shall be subject to immediate exclusion from further use of the treatment works and to any other legal remedy or sanction permitted by law.

('75 Code, § 5.059) (Ord. 1045.84, passed 1-19-84) Penalty, see § 10.99

## **APPENDIX: SEWER SERVICE CHARGES**

Sewer service charges may be adopted from time to time by Council resolution or ordinance.