

## **TITLE V: PUBLIC WORKS**

### Chapter

- 50. GARBAGE AND REFUSE**
- 51. STORM WATER MANAGEMENT**
- 52. RESERVED**
- 53. WATER AND SEWERS**



## CHAPTER 50: GARBAGE AND REFUSE

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### § 50.01 DEFINITIONS.

As used in this chapter, the following words or terms shall mean:

**ADDITIONAL COLLECTION SERVICES.** All refuse collected in excess of the maximum volume allowed per single family residential unit.

**CITY.** The City of Wanamingo.

**COMMERCIAL ESTABLISHMENT.** Any premises where commercial or industrial enterprise of any kind is carried on, and shall include clubs, churches and establishments of non-profit organizations where food is prepared or served or goods are sold, with the exception of single-family residential units in which a lawful home occupation is conducted. **COMMERCIAL ESTABLISHMENT** shall also include any multiple-family units consisting of more than a duplex, including triplexes, 4-plexes and any form of apartment, building, congregate housing or boarding house.

**COMPOST.** Organic material consisting of grass clippings, leaves and garden debris, but excluding items described as yard waste.

**CONSTRUCTION WASTE.** All items usually and customarily used in the course of the construction of building, including, but not limited to, bricks, plaster, wood, metal, roofing materials, pipes, cement, rocks, stone, tile, all debris from demolished houses, buildings and other structures, sand, dirt, gravel and all related items.

**CONTAINER.** A cylindrical receptacle made of metal or plastic used to contain garbage or refuse (commonly called a garbage can) and shall be of a minimum size as determined by the city from time to time.

**GARBAGE.** Animal and vegetable waste, and other wastes or putrescible matter including but not limited to grease, wrappings, shells, grounds, bones, entrails, and similar materials resulting from the handling, preparation, cooking, service and consumption of food or related vegetable or animal substances.

**GARBAGE COLLECTION CONTRACTOR.** Any person, firm or entity whom the city has from time to time entered into an exclusive franchise license contract for the collection of any of garbage or refuse subject to this chapter.

**HUMAN WASTE.** Any human or body waste, excreta or urine, except any items that may be attached to diapers, which shall be considered **REFUSE**.

**LIGHT COMMERCIAL ESTABLISHMENT.** Any commercial establishment which elects to be treated as a residential unit. In the case of any premises being used as a triplex, 4-plex, apartment, congregate housing or boarding house, each dwelling unit located upon the premises shall be treated as 1 single-family residential unit for all purposes of this chapter.

**MULTIPLE-FAMILY UNITS.** Any household where more than 2 families reside, particularly units which are divided into separate living units; for example, triplexes, apartment buildings, congregate housing and boarding houses.

**RECYCLABLES.** Any substance which is from time to time considered reusable by any form of recycling and for which the city has established a recycling program, including, but not limited to: paper and newsprint, glass, plastic, aluminum cans, steel or tin cans, cardboard, or other material identified from time to time as capable of reuse by recycling, specifically excluding refuse, rubbish, garbage or compost.

**REFUSE.** Solid wastes from residences and city buildings that is a result of normal operations which includes garbage and rubbish, but excludes compost, yard waste, recyclables, construction waste, toxic and hazardous waste, and human waste. **REFUSE** further excludes industrial, commercial and agricultural waste.

**RUBBISH.** Inorganic solid waste including both combustible and noncombustible wastes like wood, bedding, crockery, and other nonreusable waste. **RUBBISH** also includes non-recyclable types of paper, glass, cardboard, and metal, but specifically excludes construction waste.

**SINGLE-FAMILY RESIDENTIAL UNIT.** Any premises or household consisting of a single family residing therein. Duplexes shall be considered 2 single-family residential units.

**TOXIC OR HAZARDOUS WASTE.** Any waste that is defined by any law, statute, ordinance or regulation, as being hazardous or toxic and that requires special handling in its storage or disposition, or which is otherwise considered dangerous or harmful to human health or the environment. These items shall include, but are not limited to: vehicle tires, gasoline, kerosene, fuel oil, benzene, lubricating oil, or other similar petroleum products; solvents, paints, varnishes, thinners and similar or related products; acids and other corrosives, including vehicle batteries; toxic household cleaners and other chemicals; medical wastes and medical by-products like blood, tissue, used bandages, syringes, compresses, bodily fluids or used surgical or treatment devices; toxic metals like mercury including batteries; and any other item which may include as a part thereof any of the foregoing.

**WHITE OR HARD GOODS.** Large items including refrigerators, stoves, dishwashers, washers and dryers, air conditioners, water heaters, carpeting and padding, mattresses, chairs, couches, tables and other items which due to size require special handling collection of disposal.

**YARD WASTE.** Any vegetable substance resulting from tree or shrub clippings, stems, twigs, tree trunks, branches, Christmas trees, sod, and all other similar substances generated from yard maintenance or attendance, except those defined as compost.  
(Ord. 119, passed 12-8-2003)

**§ 50.02 GENERALLY.**

All construction waste, human waste, toxic or hazardous waste, and yard waste shall be disposed of only in the manners as provided by law, and in no case shall any items be disposed of as garbage or refuse. The inclusion of any items with garbage and refuse for collection as provided for herein is strictly prohibited and shall constitute a violation of this chapter. White or hard goods, compost and recyclables shall also be disposed of only as provided for in this chapter and shall not be disposed of as garbage and refuse, except as permitted herein. All garbage and refuse accumulated in the city shall be collected and disposed of only in the manners provided for in this chapter. It shall be unlawful for any person, firm, or other legal entity to fail to dispose of garbage and refuse which accumulates upon property owned and or occupied by any person, firm, or legal entity, in the city. Unless a specific written exemption is granted by the city, any person, firm, or legal entity must use the services of the city licensed garbage collection contractor and shall pay the fees therefore at those rates as set from time to time by the city.  
(Ord. 119, passed 12-8-2003)

**§ 50.03 CONTAINERS.**

All garbage and refuse containers shall be kept and placed for collection at those places as designated by the city-licensed garbage collection contractor and shall be accessible to the contractor at all city-established times for collection.

(Ord. 119, passed 12-8-2003)

**§ 50.04 EXCLUSIVE FRANCHISE LICENSE.**

The City Council is authorized to grant an exclusive franchise license giving the right to the licensed garbage collection contractor to collect all garbage and refuse within the city. The City Council is permitted to agree to the terms and conditions in any franchise licensing contract as it deems in the best interest of the city, subject to the provisions of this chapter. No person, firm, or other legal entity is authorized to collect, haul, or remove any garbage, refuse, rubbish, yard waste, compost, recyclables or similar items on a commercial basis except for the exclusive franchise licensee. Bona fide construction contractors may remove construction waste from construction sites, provided a valid building permit has been issued for construction upon the particular construction site the construction waste is removed from.

(Ord. 119, passed 12-8-2003)

**§ 50.05 COLLECTION TIMES.**

The City Council shall from time to time establish the days and hours of collection of garbage and refuse and provide notice of the same as the City Council deems reasonable notice to the residents of the city.

(Ord. 119, passed 12-8-2003)

**§ 50.06 FRANCHISE LICENSE TERMS AND FEE.**

The term of an exclusive franchise license described in § 50.05 shall not exceed 3 years from the date of issuance unless terminated earlier. The annual franchise license fee shall be \$500, or any other amount set by City Council resolution from time to time. In determining the amount of the license fee, the City Council shall include all costs by the city to administer the license and to enforce the provisions of this chapter.

(Ord. 119, passed 12-8-2003)

**§ 50.07 COLLECTION FEES.**

The City Administrator-Clerk/Treasurer shall levy and collect all garbage and refuse collection fees together with additional collection services by billing all single-family residential unit owners for the

services of the city-licensed garbage collection contractor. The City Administrator-Clerk/Treasurer may, upon the express written request of the residential unit owner, bill the occupant of the property, but in no case shall the request absolve an owner from responsibility for the payment for the charges of garbage and refuse collection fees. The specific charge for collection for each residential unit of collection shall be set from time to time by resolution of the City Council, and shall be charged even if the services are not used upon the premises. The City Administrator-Clerk/Treasurer shall give notices as the City Council may deem appropriate upon any rate being adjusted or changed.  
(Ord. 119, passed 12-8-2003)

**§ 50.08 BILLING PROCEDURES.**

The billing for collection of the disposal of garbage and refuse within the city for a single-family residential unit will be made on a periodic basis for any term (monthly, quarterly, and the like) as the City Council shall from time to time determine by resolution, and any unpaid cost as of August 1 of each year may be assessed against the property so served for which the charge is unpaid in the manner as provided for as a special assessment. Any payment which is delinquent for more than 30 days shall include a penalty of 10% of the amount unpaid and shall bear interest at the rate of 8% per annum on the unpaid balance. Any billing unpaid after 30 days from the date the bill was sent by the City Administrator-Clerk/Treasurer shall be considered an unpaid and delinquent bill. On August 1st of each year the City Administrator-Clerk/Treasurer shall prepare an assessment roll of any delinquent and unpaid account, including the name and address of the owner and the amount unpaid. Written notice shall be given to the owner of each respective property by United States mail at least 2 weeks prior to the regular September meeting of the City Council that the city intends to assess these sums as a special assessment to be certified to the County Auditor, and levied against the land, and collected in the manner of taxes. The City Administrator-Clerk/Treasurer shall also give published notice in the official newspaper setting forth the city's intention to place the assessment, including a list of the owner's property addresses and amounts delinquent, together with a statement of the city's intention of the assessment.  
(Ord. 119, passed 12-8-2003)

**§ 50.09 RECYCLING.**

The City Council shall have the power to establish and contract for recycling programs, subject to any state or federal regulations. The owner of each property within the city shall make all due effort to recycle any recyclable material which the city may from time to time arrange for collection. Materials that the city arranges to have collected as recyclable shall be placed for collection at times and places and manners as the city from time to time shall direct. In no case shall the City Council be required to provide for the recycling of recyclables for which the city is unable in its judgment to secure an adequate collection arrangement or a market within the financial capabilities of the community.  
(Ord. 119, passed 12-8-2003)

**§ 50.10 COMMERCIAL OR INDUSTRIAL USERS.**

Except as otherwise provided in this chapter for unless a specific written exemption is granted by the city, the owner of a commercial or industrial establishment must dispose of all waste of any type by using only the services of the garbage collection contractor licensed by the city. All billings and collections of commercial users shall be by the garbage collection contractor subject to rate approval by the City Council.

(Ord. 119, passed 12-8-2003)

**§ 50.11 FRANCHISES; PUBLIC LIABILITY INSURANCE.**

(A) No exclusive franchise license described in § 50.05 shall be issued until the proposed licensee files with the City Administrator-Clerk/Treasurer, a current policy of public liability insurance covering all vehicles used by the proposed licensee in the licensed business.

(B) The minimum limits of coverage of the insurance shall be:

- (1) Each person injured, at least \$500,000;
- (2) Each accident at least \$1,000,000;
- (3) Property damage, at least \$500,000; and
- (4) Workers' compensation with statutory limits on all employees.

(C) This insurance shall be kept in full force and effect during the term of the license and shall contain a provision requiring the city to be notified at least 30 days prior to the expiration or cancellation of any insurance policy. Failure to carry the required insurance shall be grounds for termination of the collection license.

(Ord. 119, passed 12-8-2003)

**§ 50.12 FRANCHISE LICENSE ASSIGNMENT OR TRANSFER.**

An exclusive franchise license described in § 50.05 issued by the city may not be assigned or transferred in whole or in part by the licensee unless the City Council gives its approval prior to any proposed assignment or transfer. Any attempt to assign or transfer the license in whole or in part without prior approval of the City Council shall be grounds for termination of the license.

(Ord. 119, passed 12-8-2003)

**§ 50.13 FRANCHISE LICENSE TERMINATION.**

An exclusive franchise license described in § 50.05 may be terminated by the city upon occurrence of any of the following:

(A) The licensee fails to comply with the provisions of this chapter, or is in violation of other city ordinances, Goodhue County ordinances, state or federal laws or regulations; or

(B) The city determines that the licensee's performance of garbage and refuse collection, hauling, or disposal is unsatisfactory.

(Ord. 119, passed 12-8-2003)

**§ 50.14 SPECIAL CLEANUP PROGRAMS.**

The City Council may, from time to time, establish special cleanup programs for the disposition of compost material, yard waste, white or hard goods, but in no case is the use of these programs required although they are encouraged. The disposition of toxic and hazardous waste, white or hard goods, compost, recyclables, human waste, yard waste and construction waste, shall strictly comply with applicable city, county, state and federal ordinances, statutes, laws and regulations.

(Ord. 119, passed 12-8-2003)

**§ 50.15 EFFECTIVE DATE.**

This chapter becomes effective from and after its passage and publication.

(Ord. 119, passed 12-8-2003)

**§ 50.99 PENALTY.**

A violation of this chapter is a misdemeanor punishable in accordance with Minnesota law. Each day or act of violation shall be considered a separate offense.

(Ord. 119, passed 12-8-2003)



## **CHAPTER 51: STORM WATER MANAGEMENT**

### Section

- 51.01 Title and purposes
- 51.02 Establishment of a Storm Sewer Improvement Tax District
- 51.03 Procedure for making assessments
- 51.04 Obligations of property owners
- 51.05 Construction of this chapter

### **§ 51.01 TITLE AND PURPOSES.**

(A) The regulations set forth in this chapter shall be applicable to all territory within the city and shall govern the development and use of land and structures therein. This chapter shall be known as Storm Water Management.

(B) The purpose of this chapter is to protect and promote the public health, safety and general welfare, and to safeguard the natural and man-made resources of the city by regulating storm water runoff. Among the objectives accomplished by improved storm water management are:

- (1) Reducing the discharge of pollutants into local waterways;
  - (2) Reducing the amounts of soil erosion resulting from storm water runoff;
  - (3) Providing for the creation, inspection and maintenance of adequate storm water facilities;
  - (4) Prevention of illicit discharges of material into local waterways; and
  - (5) Minimizing conflict among landowners within the city limits, as well as conflicts between uses within the city and those in other jurisdictions. These purposes are best accomplished by regulating existing and proposed uses of land and water within the city limits and by establishing procedures by which these regulations are to be administered.
- (Ord. 110, passed 3-25-2002)

### **§ 51.02 ESTABLISHMENT OF A STORM SEWER IMPROVEMENT TAX DISTRICT.**

The City Council, pursuant to authority granted in Minnesota Statutes, hereby establishes a Storm Sewer Improvement Tax District within the boundaries of the following tracts, listed below, for the

purpose of acquisition, development, maintenance and repair of storm water facilities and spreading an equitable part of the costs through assessments against benefitted properties. The boundaries of the Storm Sewer Improvement Tax District are the corporate limits of the city.  
(Ord. 110, passed 3-25-2002)

### **§ 51.03 PROCEDURES FOR MAKING ASSESSMENTS.**

(A) The procedures for financing and assessing benefitted property will be those procedures established under Minnesota Statutes, not to exclude any other procedures and powers now or hereafter provided by general law.

(B) Special assessments will be determined on a project-by-project basis within the Storm Sewer Improvement Tax District, pursuant to Minnesota Statutes.

(C) Assessments made by the city shall be disbursed by only for the benefit of district that is established by this chapter.  
(Ord. 110, passed 3-25-2002)

### **§ 51.04 OBLIGATIONS OF PROPERTY OWNERS.**

(A) It is the policy of the city that all land within the city shall have sufficient storm water management controls to provide adequate protection of life, property and natural resources. To this end, it shall be the responsibility of individual property owners of land within the city, whether developed or undeveloped, to maintain storm water conveyance facilities, like waterways, streams, creeks, ditches, swales, channels, canals, conduits and culverts, and storm water control facilities, like ponds or lakes, within their property. Further, it shall be the duty and responsibility of all property owners, in order to abate and prevent nuisances resulting from improper drainage, to provide at their own expense a proper and adequate drainage system of their respective premises in accordance with the provisions of this chapter.

(B) Where conditions of existing storm water facilities are determined to be deficient and a public nuisance, and the property owner fails to correct the deficiencies after being notified by the city, the city may arrange for the deficiencies to be corrected and recover all costs thereto from the property owner.

(C) Development of property within the city shall be planned and constructed in a manner that minimizes the extent of disturbed areas, amount of erosion, runoff velocities and runoff volumes. Disturbed areas within the city shall be stabilized as soon as practicable and development methods that maintain sediment on the construction site shall be used.  
(Ord. 110, passed 3-25-2002)

**§ 51.05 CONSTRUCTION OF THIS ORDINANCE.**

(A) Nothing whatsoever in this chapter may be construed as or be deemed to create additional duties on the part of the city or establish the city's liability for any damages incurred in a flood or from adverse water quality due to storm water runoff. Further, nothing in this chapter shall be deemed to waive the city's immunity or defenses under Minnesota law or reduce the need or necessity for flood insurance.

(B) The requirements of this chapter shall be construed, administered and enforced consistently with applicable county, state and federal requirements for the control of storm water.

(Ord. 110, passed 3-25-2002)



**CHAPTER 52: RESERVED**

[Text continues on page 29.]



## CHAPTER 53: WATER AND SEWERS

### Section

#### *General Provisions*

- 53.01 Water and sewer use rates and charges
- 53.02 Water and sewer connections
- 53.03 Termination of water service
- 53.04 Future rates and fees
- 53.05 Unlawful acts and violations
- 53.06 Reserved
- 53.07 Requirement of sewer and water main service lateral installation

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- 53.16 Use of public sewers required
- 53.17 Private sewage disposal
- 53.18 Building sewers and connections
- 53.19 Use of the public sewers
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### **GENERAL PROVISIONS**

#### **§ 53.01 WATER AND SEWER USE RATES AND CHARGES.**

(A) *Metered water and sewer rates.* Charges for water and sewer used per month shall be in amounts set by City Council from time to time.

(B) *Water and sewer service statements.* A statement for water and sewer charges shall be mailed on a monthly basis succeeding the period for which the service was rendered and shall be due 10 days from the date of mailing. Any statement of charges not paid in full within 20 days after the due date will be considered delinquent. Thereafter, the city shall mail written notification to the delinquent property

owner regarding the delinquent charges and penalty. The penalty shall be computed as 10% of each charge on the original statement and shall be increased the same 10% for every month thereafter the statement of charges remain unpaid.

(C) *Water user connection fee.* The State of Minnesota requires the city to charge a water use fee. The fee will be charged at a monthly rate and will appear on the statement as a separate charge.

(D) *Owner's responsibility and certification.*

(1) The city's recorded property owner for premises served by the city water and/or sewer utility system shall be responsible for the payment of all water and sewer charges and other fees as set forth in this chapter.

(2) Delinquent accounts may be certified at any regularly scheduled City Council meeting. The City Administrator shall have the discretion to bring periodic lists of delinquent accounts for certification to the County Auditor/Treasurer's office for collection when events such as a sale or foreclosure of a property owner's premises has occurred. All delinquent accounts shall have the delinquent amounts certified to the County Auditor/Treasurer's office before November 15 of each year to meet the Minnesota statutory certification deadline.

(3) All certification fees added by the County Auditor/Treasurer's office will be evenly distributed among the parcels where certification has been made in accordance with § 53.02 herein.

(E) *Effective date.* This section shall be in full force and effect from and after its publication as provided by law.

(Ord. 104, passed 2-13-2001; Am. Ord. 123, passed 2-14-2005; Am. Ord. 155, passed 10-17-2011)

## **§ 53.02 WATER AND SEWER CONNECTIONS.**

(A) Any new connections to the water and/or sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including but not limited to capacity for flow, BOD(5), and suspended solids, as determined by the Utilities Operator, city's Engineer, and/or City Council.

(B) Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of the building to be connected and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been approved.

(C) The applicant for the water and/or sewer permit shall notify the city when the building water and/or sewer is ready for inspection and connection to the public service. The connection inspection shall be made under the supervision of the Utilities Superintendent, or authorized representative thereof.

(D) All costs and expenses incidental to the installation and connection of the building water and/or sewer service lines to the city water and/or sewer main shall be the responsibility of the property owner. After such installation and connection, the property owner shall be responsible for all maintenance and repairs to the water and/or sewer service lines from the building to the city water and/or sewer main. The property owner shall be responsible for and shall indemnify the city for any loss or damages to city property including, but not limited to, water or sewer mains, boulevard, sidewalk, curbs, streets, and alleys, damaged directly or indirectly by the installation or repairs to any building water and/or sewer service lines.

(E) No water pipe of the water system shall be connected with any pump, well, tank, or piping that is connected with any other source of water supply except to service municipal systems.

(F) All applications for water and/or sewer service installations shall be made by the owner or agent of the property to be served and shall state the size and location of the service connection required. The application shall be submitted to City Hall. The size of the service connection shall be subject to the approval of the City Council and the city's Engineer.

(G) It is the responsibility of the property owner to fit and equip water service connection with a curb stop, or what is commonly referred to as the "shut off valve" to the premises, which shall be located in the boulevard adjacent to each lot or parcel or at such other location to be approved by the city. The water curb stop shall be constructed in accordance with the State Plumbing Code and the top of the water curb stop shall be level with the finish grade. No permanent improvements shall be placed over the water curb stop.

(H) Charges for water and sewer connection shall be established from time to time by City Council.

(I) All connection charges are due in full with the completion and approval of a requested permit by the City Council. The property owner or its agent shall be responsible for the payment thereof.

(J) This section shall be in full force and effect from and after its publication as provided by law. (Ord. 99, passed 12-12-2000; Am. Ord. 162, passed 2-11-2013)

### **§ 53.03 TERMINATION OF WATER SERVICE.**

(A) Anything to the contrary notwithstanding, the city shall have the right to terminate any water service to premises now or hereafter connected with its water system following expiration of 15 days from and after the statement date appearing on a water/sewer statement reflecting delinquency charges. Prior to such termination, the city shall mail a written notification of service disconnection to the delinquent property owner with notice that the city will, after 5 business days from the date on the written notification, terminate the water service to the premises by the city turning off or shutting off the curb stop, or what is commonly referred to as the "shut-off valve" to the premises. Upon the termination of such water service as herein provided, the water service shall not be re-connected to the premises until all delinquent water and sewer charges, penalties, and disconnect, reconnect and administrative fees, in amounts set by City Council from time to time, are paid in full.

(B) All property owners requesting a water service shut-off will be charged the applicable disconnect and/or fees together with the then existing monthly rate for the debt service for water. (Ord. 123, passed 2-14-2005)

#### **§ 53.04 FUTURE RATES AND FEES.**

All future charges in monthly water and sewer rates for metered water and sewer utility services and other fees as provided in this chapter, shall be established from time to time by resolution of the City Council. All future changes in rates and fees shall become effective at the month commencement of the next month immediately following a resolution of the City Council adopting such rate and fee changes. (Ord. 123, passed 2-14-2005)

#### **§ 53.05 UNLAWFUL ACTS AND VIOLATIONS.**

(A) It is unlawful for any person to willfully or carelessly break, injure, mar, deface, disturb, or in any way interfere with any buildings, attachments, machinery, apparatus, equipment, fixture or appurtenance of any public water system or public sewer system owned, operated and controlled by the city, or commit any act tending to obstruct or impair the use of such system.

(B) It is unlawful for any person to make any connection with, opening into, use or alter in any way any public water or sewer system without first having applied for and receiving written permission to do so from the city.

(C) It is unlawful for any person to turn on or connect a water utility service when the same has been turned off or disconnected by the city for nonpayment of a statement, or for any reason, without first having a written permit to do so from the city.

(D) It is unlawful for any person to “jumper“ or by means or devices fully or partially circumvent a municipal utility meter, or to knowingly use or consume un-metered utilities or use the services for any utility system, the use of which the city has no knowledge.

(E) Any person who violates this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with Minnesota law. (Ord. 123, passed 2-14-2005)

#### **§ 53.06 RESERVED.**

**§ 53.07 REQUIREMENT OF SEWER AND WATER MAIN SERVICE LATERAL INSTALLATION.**

(A) *Requirement of sewer and water laterals.* No petition for the improvement of a street shall be considered by the City Council if that petition contemplates constructing therein any part of a pavement or stabilized base, or curb and gutter, unless all sewer and water main installations shall have been made therein, including the installation of service laterals to the curb, if the area along that street will be served by the utilities installed in the street.

(B) *Sewer system service and water main service laterals.* No sewer system shall be hereafter constructed or extended unless service laterals to platted lots and frontage facing thereon shall be extended simultaneously with construction of mains.

(C) *Waiver.* The City Council may waive the requirements of this subchapter, only if it finds the effects thereof are burdensome and upon notice and hearing, as the Council may deem necessary or proper.

(Ord. 89, passed 11-9-1998)

***SEWER REGULATIONS*****§ 53.15 DEFINITIONS.**

Unless the context specifically indicates otherwise, the meaning of terms used in this subchapter shall be as follows:

***BIOCHEMICAL OXYGEN DEMAND (BOD).*** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20° C, expressed in 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 walls of the building and conveys it to the building sewer, beginning 5 feet (1.5 meters) outside the inner face of the building wall.

***BUILDING INSPECTOR.*** The City Building Inspector or his or her authorized deputy, agent or representative.

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

***COMBINED SEWER.*** A sewer receiving both surface runoff and sewage.

**COMMERCIAL USER CLASS.** Any transient lodging, retail and wholesale establishments or places engaged in selling merchandise for personal, household, or industrial consumption, and/or rendering services to others.

**C.F.R.** Code of Federal Regulations.

**DEBT SERVICE CHARGE.** The total charge levied on users for the purpose of paying construction costs (including principals and associated interest) or obligations incurred to finance the acquisition and/or construction of the wastewater facility.

**ENGINEER.** The City Engineer or his or her authorized deputy, agent or representative.

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

**GOVERNMENTAL USERS.** Any municipalities, townships, counties, states, and federal government or branches of the same.

**INDUSTRIAL USER CLASS.** Any users who discharge to the city's wastewater facility, any liquid, solid or gaseous wastes resulting from the processes employed in industry or manufacturing or in the development of any natural resources.

**INDUSTRIAL WASTES.** The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

**INSTITUTIONAL USERS.** Any hospitals, schools, sanitariums, penal or charitable institutions.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT.** A permit issued by the U.S. EPA setting limits on pollutants that a permitter may legally discharge into navigable waters of the U.S. pursuant to the Federal Water Pollution Control Act of 1972, §§ 402 and 405.

**NATURAL OUTLET.** Any outlet in a watercourse, pond, ditch, lake, or other body of surface or ground water.

**NORMAL DOMESTIC STRENGTH WASTE.** Wastewater characterized by wastes created in the preparation of foods, bathing, laundry facilities (resulting from normal living functions) and whose wastewater characteristics do not exceed 270 mg/l BOD(5) and 320 mg/l TSS, and is identified for the purpose of determining surcharge rates.

**OPERATION AND MAINTENANCE (O&M) COSTS.** The annual expenditures necessary for the adequate wastewater collection, transport and treatment on a continuing basis, to produce an effluent for discharge which conforms to all related federal, state and local requirements. The term **OPERATION AND MAINTENANCE** includes replacement.

**PERSON.** Any individual, firm, company, association, society, corporation or group.

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

**PLUMBING INSPECTOR.** The City Plumbing Inspector, or his or her authorized deputy, agent or representative.

**PROPERLY SHREDDED GARBAGE.** The wastes from the preparation, cooking and dispensing of food that have been shredded to the 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 centimeters) in any dimension.

**PUBLIC SEWER.** A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

**REPLACEMENT.** Expenditures for obtaining and installing equipment, accessories or appurtenances necessary for useful life of treatment works.

**RESIDENTIAL USER CLASS.** All dwelling units like detached and row houses, mobile homes, apartments and permanent multi-family dwellings (transient lodging, considered commercial in nature, is not included).

**SANITARY SEWER.** A sewer which carries sewage and to which storm, surface and ground waters are not admitted.

**SEWAGE.** A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with the ground, surface and storm waters as may be present.

**SEWAGE TREATMENT PLANT.** Any arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS.** All facilities for collecting, pumping, treating and disposing of sewage.

**SEWER.** A pipe or conduit for carrying sewage.

**SEWER SERVICE CHARGE.** The user charge plus the debt service charge.

**SHALL.** Mandatory; **MAY** is permissive.

**SLUG.** 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 15 minutes more than 5 times the average 24-hour concentration of flows during normal operation.

**STORM DRAIN** or **STORM SEWER.** A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

**SUPERINTENDENT.** The Superintendent of Sewage Works and/or of Water Pollution Control of the city, or his or her authorized deputy, agent or representative.

**SURCHARGE.** A fee which is imposed upon any user discharging wastewater with BOD(5) and TTS, in excess of those values defined as normal domestic sewage.

**TOTAL SUSPENDED SOLIDS (TSS).** 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.

**USER CHARGE.** A charge levied on users of a treatment works for user's proportionate share of cost of operation and maintenance including replacement.

**USER CLASSES.** The division of wastewater treatment customers by wastewater characteristics and process or discharge similarities.

**WATERCOURSE.** A channel in which a flow of water occurs, either continuously or intermittently.

(Ord. 70, passed 5-14-1984)

### **§ 53.16 USE OF PUBLIC SEWERS REQUIRED.**

(A) 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 of the city any human or animal excrement, garbage, or other objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet within the city, or in any area under jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided, in accordance with subsequent provisions of this subchapter.

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, within the corporate limits of the city.

(D) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located in a public sanitary sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper public sewer, in accordance with the provisions of this subchapter,

within 90 days after date of official notice to do so, provided that the public sewer is within 100 feet (30.5 meters) of the property line.  
(Ord. 70, passed 5-14-1984)

### **§ 53.17 PRIVATE SEWAGE DISPOSAL.**

(A) Where a public sanitary sewer is not available under the provisions of § 53.16 (D), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this subchapter.

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the City Engineer. Where topographic conditions, soil and percolation tests may be questionable, the application shall be referred to the Engineer. The application for this 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 Engineer and/or County Board of Health Offices. A permit and inspection fee in an amount set by City Council from time to time shall be paid to the city 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 Engineer and County Board of Health Officer. He or she shall be allowed to inspect the work at any stage of construction, in the event, the applicant for the permit shall notify the Engineer 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.

(D) The type, capacities, locations and layout of a private sewage disposal system shall comply with all requirements of Minn. Rules Part 4715.030. 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 40,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) At any time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 53.17(D), a direct connection shall be made to the public sewer in accordance with this subchapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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

(G) No statement contained in this chapter shall be constructed to interfere with any additional requirements that may be imposed by the Health Officer.

(H) When a public sewer becomes available, the building sewer shall be connected to the sewer within 90 days, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel.

(Ord. 70, passed 5-14-1984)

### **§ 53.18 BUILDING SEWERS AND CONNECTIONS.**

(A) No unauthorized person 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 Engineer.

(B) 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 owner or his or her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Engineer. A permit and inspection fee in an amount set by City Council from time to time, for an industrial building sewer permit shall be paid to the city at the time the application is filed.

(C) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(D) 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. Additional sewer service availability, tap fee and hold harmless clause is necessary for separate ownerships.

(E) Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Plumbing Inspector, to meet all requirements of this subchapter.

(F) The size, slope, alignment, materials of construction of a building sewer and the methods 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.

(G) 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 sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

(H) No person shall make or have any 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 a public sanitary sewer.

(I) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. All of the connections shall be made gas-tight and water-tight and deviation from the prescribed procedures and materials must be approved by the Plumbing Inspector before installation.

(J) The applicant for the building sewer permit shall notify the Plumbing Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the general supervision of the City Engineer, or his or her representative, and the City Plumbing Inspector.

(K) 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.

(L) Future connections to the sewer system shall be limited in accordance to the availability of sufficient treatment capacity.  
(Ord. 70, passed 5-14-1984)

### **§ 53.19 USE OF THE PUBLIC SEWERS.**

(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 all other unpolluted drainage shall be discharged to those sewers that are specifically designated as storm sewers, or to a natural outlet approved by the Engineer. Industrial cooling water of unpolluted process waters may be discharged, on approval of the Engineer, to a storm sewer, or natural outlet, subject to permits of regulative agencies.

(C) No person shall discharge, or cause to be discharged, any of the following-described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
- (2) 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 sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to, cyanides in excess of federal and state requirements in the wastes as discharged to the public sewer;
- (3) Any waters or wastes having a pH lower than 5.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works; and
- (4) Solid or viscous substances in quantities or the a capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, including, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders.

(D) No person shall discharge, or cause to be discharged, the following-described substances, materials, waters or wastes, if it appears likely in the opinion of the Engineer and/or Superintendent that these wastes can harm either the sewers, sewage 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 to the acceptability of these wastes, the Engineer and/or Superintendent will give consideration to those factors as the quantities of subject wastes in relation to the flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity 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 substances prohibited are:

- (1) Any wastewater that would directly or indirectly result in a violation of the city's NPDES Permit;
- (2) Any liquid or vapor having a temperature higher than 150°F (65°C);
- (3) Any water or waste 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° and 150°F (0° to 65°C);
- (4) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater, shall be subject to review and approval of the Superintendent, Engineer or his or her authorized representative;

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

(6) Any waters or wastes containing iron, chromium, copper, zinc, nickel, lead, cadmium, mercury, cyanide, P.C.B.'s, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to the degree that any material received in the composite sewage at the sewage treatment works exceeds the limits established by the Minnesota Pollution Control Agency for those materials;

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

(8) Any radioactive wastes or isotopes of the half-life or concentration as may exceed limits established by the Superintendent, in compliance with applicable state and federal regulations;

(9) Any waters or wastes having a pH less than 5.0 or in excess of 9.5;

(10) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (including, but not limited to, fullers earth, lime slurries, and lime residues), or of dissolved solids (including, but not limited to, sodium chloride and sodium sulfate);

(b) Excessive discoloration (including, but not limited to, dye wastes and vegetable tanning solutions);

(c) Unusual BOD, chemical oxygen demand, or chlorine requirements in quantities as to constitute a significant load on the sewage treatment works, except by permit or special agreement; and

(d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(11) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to a degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(E) (1) 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 division (D), and which in the judgment of the Engineer and/or Superintendent 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 Engineer and/or Superintendent may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge, and/or public sewers;
- (c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of division (J).

(2) If the Engineer and Superintendent 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 Engineer and Superintendent, and subject to the requirements of all applicable codes, ordinances, and 40 C.F.R. 307, pretreatment standards.

(F) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Engineer, Plumbing Inspector, and Superintendent, they are necessary for the proper handling of liquid wastes and containing grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the Engineer and shall be located as to be readily and easily accessible for cleaning and inspection.

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

(H) When required by the Engineer and/or Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with any necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Any manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Engineer. 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. (See § 53.17(H))

(I) All measurements, tests, and analyses of the characteristics of waters, and wastes, to which reference is made in this subchapter, shall be determined in accordance with the latest edition of *Standards Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples, taken at the 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 to constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise 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.)

(J) Any waters or wastes containing BOD(5) and/or TWW of the character and quantity that unusual attention or expense is required to handle those materials at the wastewater treatment works, except as may be permitted by specific written agreement with the city, whereby the agreement provides for specific charges, payments, or provisions of treating, testing equipment provided, however, that the agreement shall have the prior approval of the Superintendent and the payments for those services meet the requirements of § 204(B) of the Act and § 53.22, establishing the city's Sewer Service Charge System.

(Ord. 70, passed 5-14-1984)

### **§ 53.20 RESERVED.**

### **§ 53.21 AUTHORITY OF INSPECTORS.**

(A) The Engineer and/or Superintendent and other 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 subchapter. The Superintendent or his or her representatives 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 § 53.20, the Engineer or 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 may be caused by negligence or failure of the company to maintain safe conditions as required in § 53.19(G).

(C) The Engineer and/or Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the property. All entry and subsequent work, if any, on the property shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 70, passed 5-14-1984)

**§ 53.99 PENALTY.**

(A) Any person found to be violating any provisions of this chapter including, but not limited to, any written notice from the city directing corrective action for violations, shall be guilty of a misdemeanor and shall be subject to the penalties imposed by § 10.99.

(B) If any person discharges sewage, industrial wastes, or other wastes into the city sewage works contrary to the provisions of this chapter, the City Attorney may commence an action for appropriate legal and equitable relief in the District Court of Goodhue County. In addition to the other penalties provided herein, the city may recover reasonable attorney fees, court costs, and any expenses, loss, or damages incurred by the city as a result of the violations of this chapter.

(Ord. 162, passed 2-11-2013)