

Chapter 11. Utilities**Section 1100 - Plumbing Code**

1100.01 Minnesota Plumbing Code Adopted. The Minnesota Plumbing Code, as adopted by Olmsted County, shall be hereby adopted as the plumbing code of the City for the purpose of regulating the installation of plumbing and plumbing fixtures in all buildings within the City.

1100.02 Enforcement and Penalty. The City engineer or other authorized City or County employees as determined by action of the Council shall enforce the provisions of this Chapter. All plumbing work installed after the effective date of this Code shall be inspected, and if found to be in violation of this Chapter shall be corrected. Written notice stating the corrections to be made shall be served upon the person doing the installation work, and if the person fails or refuses to comply with the notice, the City engineer or any duly appointed inspector may remove the work and charge the cost thereof to the person installing the same. Any person who covers a plumbing installation before it is inspected or refuses or fails to comply with a correct order or is otherwise guilty of a violation of this Chapter, and upon conviction thereof, shall be punished by a fine or by imprisonment or both, not to exceed the maximum penalty authorized by State law for a misdemeanor.

Section 1110 - General

1110.01 Penalty for Unauthorized Use of Water, Sewer Service, Connections. Any person taking any service described in this Chapter without proper authority therefor or making any connection with the City water or sewerage system without proper authority for the connection shall be guilty of a misdemeanor.

1110.02 Authority to Discontinue Water, Sewer Service. The City reserves the right to discontinue service of water and sanitary sewage disposal without notice when the same shall be necessary in the repair of the system or any part thereof or for the nonpayment of a bill.

Section 1120 - Water

1120.01 Use of Private Pipes for Water Supply. No water from the City water system shall be taken or used through any private service pipe unless approved by the City and the pipe shall be provided with a sufficient stop-cock or shut-off valve under the exclusive control of the City or its employees or other authorized representatives.

1120.02 Connection Approval Required. Any person desiring a connection with the water system of the City shall apply for such connection on a zoning certificate provided by the City.

1120.03 Application

Subd. 1 Form. An application for connection with the water system shall be made to the Clerk-Administrator on a form provided by the Council.

Subd. 2 Required Information. The application shall state an exact description of the property to be served, the uses to which the water is to be put, and shall also state the estimated and maximum amount of water to be used per month.

1120.04 Fees. When filing an application for connection to the water system, the applicant shall, at the same time, pay to the Clerk-Administrator a fee as set in the fee schedule adopted from time to time by the Council. The applicant shall, at the same time, also pay for any required water meter required under this Chapter.

1120.05 Investigation of Proposed Installation Required; Report to Council. Upon the receipt of an application for connection to the water system, , the designated City or County employees shall make an investigation of the proposed water installation and report back to the Council their findings together with their recommendations.

1120.06 Council Authorized to Accept or Reject Application. The Council shall have the right to accept or reject an application for connection to the water system if the proposed installation does not meet the rules and regulations established by the Council.

1120.07 Intent of Council in Establishing Specifications. It shall be the intent of the Council in establishing rules and regulations regarding connections with the water system that the type of installation, materials used, manner of installation and place of installation shall be for the purpose of securing the best operation of its water system.

1120.08 Costs and Inspections . The cost of the original installation of all plumbing for water service between the service line and curb, as well as all extensions thereafter made to the plumbing, shall be borne entirely by the consumer, although the plumbing shall at all reasonable times be subject to inspection by a duly authorized City or County employee and any repairs found to be necessary by the City or County representative shall be made promptly by the customer or the City may discontinue the service.

1120.09 Water Service Pipes . All pipes connected with the water system shall be copper or brass and shall be laid not less than six (6) feet below the established grade. All water service connections shall be of such size, material, and type as may be required from time to time by the Council in order to secure safe and serviceable operations of its water system.

1120.10 Separate Connections. No more than one (1) house or building shall be connected with the water distributing mains through one (1) curb stop, and where two (2) or more houses or buildings are not supplied with water through one (1) curb stop, failure on the part of the

owners of any such houses or buildings to comply with the terms of this Chapter governing the collection of water rents shall be deemed sufficient cause for the shutting off of the water from the service without any liability on the part of the City. All water service connections shall be made and installed according to the regulations established by the Council.

1120.11 Location of Curb Stop Boxes. In subdivisions where a 10 foot utility easement has been established on the structure side of the sidewalk the curb stop shall be placed in the center of each lot or as depicted on the construction plan and 9 feet in on the utility easement from the property line. In subdivisions where the utilities are installed or existing on the road right-of-way the curb stop shall be placed in the center of each lot or as depicted on the construction plan and 13-1/2 feet behind back of curb on the property line. Curb stops shall be marked with either a T-post, a 4 x 4 timber, or a four-inch PVC pipe extending four feet out of the ground and painted blue. This marker shall remain in place until final landscaping has been completed. The curb stop shall be installed by the owner to final grade of lot and shall be placed in an accurate vertical position after backfilling and proved operational to City staff or the designated inspector. Curb stops are designed to travel up or down and shall be placed in the ground at the midpoint of the adjustment and shall be adjusted to the surface after all landscaping has occurred. If the curb box is located in an impervious surface, then an approved casting must be used to protect the curb stop for city staff accessibility. The property owner owns from the City water main to the structure and all plumbing thereafter, and is responsible of the repair, maintenance, and operation of their curb stop and water service. City staff is not responsible to locate or attempt to locate curb stops. If the owner of the curb stop fails to maintain the accessibility and operation of said service, the City shall be held harmless. Any action taken to access the owners curb stop by the City or a designated contractor will instigate a bill of time and materials to be promptly paid by said owner. Failure of payment shall result in a water shutoff until the obligation has been satisfied. All curb stop shut offs found to be inoperable or leaking shall be the responsibility of the homeowner/builder to repair or replace and shall be corrected within 30 days of notice to do so or service may be discontinued.

(Am. Ord. 2002-05, passed 5-28-02; Am. Ord. 2004-07, passed 5-11-04; Am. Ord. 2004-08, passed 5-11-04; Am. Ord. 2004-13, passed 12-14-04)

1120.12 Water Meters.

Subd. 1 Residential Meters.

A. All residential water meters and transmitters in new homes providing primary service for water and sewer metering shall be purchased by the homeowner/builder. A homeowner/builder may choose to put in a secondary meter for metering external water use, the homeowner/builder shall be responsible for purchasing the meter. Residential meters shall be meters of 3/4 inch. All primary and secondary meters shall have meter stop valves on both sides of meters. All meters must be purchased through the City.

B. Every residential water customer of the City shall provide a suitable place where the meter can be installed by the homeowner/builder. Upon meter installation, the homeowner/builder shall immediately notify the City so a radio transmitter can be connected to the meter and programmed for reading.

C. The City shall maintain and repair, or replace if necessary, any residential meter, and/or transmitter that have become inaccurate or inoperable through ordinary wear and tear. All meter shut off valves that are found to be inoperable, leak during meter maintenance or replacement, shall be the responsibility of the homeowner/builder to repair or replace. Where repair or replacement is made necessary by act or neglect of the owner or occupant of the premises the meter serves, any City expense caused by the act or neglect shall be charged against and collected from the water consumer and water service may be discontinued until the cause is corrected and the amount charged has been paid.

D. The service line from the water main to the meter shall be brought through the floor in a vertical position where the pipe enters the building and shall have a meter stop valve installed between 12 inches and 48 inches above the finished floor on the street side of the meter. Any un-metered water usage without prior consent shall constitute a misdemeanor.

E. The water meter and transmitter shall be easily accessible to authorized City employees. An unobstructed area extending not less than 12 inches above the meter and transmitter, and on all sides and the front of the meter and transmitter, shall be provided to authorized employees to easily read and maintain the meter and transmitter, and operate the meter stop valves.

F. The life expectancy of a meter is 20 years. At or near this time, the City may begin the meter replacement program. The City will cover the expense of the meters.

Subd. 2 Commercial/Industrial Meters.

A. All commercial/industrial meters and transmitters larger than 3/4 inch shall be approved and ordered by the City at the expense of the premises owner. All repairs and replacements required by the City shall be the responsibility of the owner and shall be corrected within 30 days of notice to do so or service may be discontinued by the City.

B. The commercial/industrial water meter and the transmitter shall be easily accessible to authorized City employees. An unobstructed area extending not less than 12 inches above the meter and transmitter, and on all sides and the front of the meter and transmitter shall be provided to permit authorized employees to easily read and maintain the meter and transmitter and operate the meter stop valves.

Subd. 3 Radio transmitters. A radio transmitter shall be installed for all water meters. The transmitter shall be installed by authorized city staff and shall be placed in an area as high as possible above the meter. In cases where the transmitter can not be read from this location, the City reserves the right to run wire to, and place the transmitter to an unfenced, easily accessible location and/or adjacent to the gas meter. If an existing gas meter is relocated, the transmitter shall also be relocated. All wiring and transmitters shall be installed by authorized City employees within 30 days. All transmitters shall be readily accessible to City employees. (Am. Ord. 2004-07, passed 5-11-04; Am. Ord. 2004-13, passed 12-14-04)

1120.13 Connection Charge Required. A connection charge as provided in the fee schedule adopted from time to time by the Council shall be paid to the Clerk-Administrator before approval of the connection can be provided.

1120.14 Water Accounts Carried in Owner's Name. All accounts for water service shall be carried in the name of the owner of the premises, who personally, or by his or her authorized agent, shall apply for-the service.

1120.15 Owner's Liability for Water Service. The owner of the premises receiving City water service shall at all times be liable for water service consumed upon the premises whether he or she is occupying the premises or not, and any charges not promptly paid may be assessed against the premises in the manner provided by law. At the request of the property owner, billings may be sent to renters or occupants but in such case the owner shall remain ultimately liable for payment of the bill if unpaid by the renter or occupant. The City reserves the right to demand of each and every customer, when water service is turned on, a deposit with the City in such a reasonable amount as the Council determines. Deposits shall be held as a guarantee to hold the City free from any loss incurred by the failure of an owner to pay bills legally rendered.

1120.16 When Water Bills Payable. Water bills shall be payable monthly on the dates fixed by the Council at the rates for water used for each month as indicated by the meter supplied to each water service connection, as may be set from time to time in the fee schedule adopted by the Council.

1120.17 Penalty for Delinquent Payments. A 10% penalty shall be levied against all water bills not paid in full within 30 days of the date of the bill and a 10% penalty shall be levied against the unpaid balance for each billing period thereafter.

1120.18 Authority to Set Water Rates. The Council shall have the authority to establish from time to time the water rates. All water sold shall be measured by meters as required by this Section, but where necessary, a flat rate of not less than the minimum charge may be established by the Council

1120.19 Minimum Fee for Use of Water. A minimum fee charged for the use of water per month may be established to cover water pumpage, bookkeeping expenses and meter rental.

1120.20 Senior Citizen Discount. All users 65 years of age or older and occupying a homesteaded residence shall receive a 10% discount from the water service rates. The discount shall be automatically provided after the user has provided the Clerk-Administrator's Office with sufficient proof of age and residence.

1120.21 Delinquent Accounts. All charges for water service shall be due on the monthly due date specified by the City for the respective account and shall be delinquent if not paid on or before the due date . The City shall endeavor to collect delinquent accounts promptly. In any case, where satisfactory arrangements for payment have not been made, the Water and Sewer Department may, after the procedural requirements of this Section have been complied with, discontinue service to the delinquent customer by shutting off the water at the stop box. When payment for water service to any premises has been considered delinquent , service shall not be restored except upon the payment of all delinquent bills and a fee as set from time to time in the fee schedule adopted by the council. Delinquent accounts shall be certified by the Clerk-Administrator who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment roll shall be delivered to the Council for adoption on or before November 30 of each year for certification to the county auditor for collection along with taxes. The action shall be optional and may be subsequent to taking legal action to collect delinquent accounts.

1120.22 Procedure for Shutoff of Service. Water shall not be shut off for a violation of rules and regulations affecting utility service or for lack of payment until notice and an opportunity for a hearing have first been given the occupant of the premises involved. The notice shall be personally served and shall state that if payment is not made before a date stated in the notice but not less than 10 days after the date on which the notice is given, the water supply to the premises shall be shut off. The notice shall also state that the occupant may, before the date demand a hearing on the matter, in which case the supply shall not be cut off until after the hearing is held. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the Clerk-Administrator at least one week after the date on which the request is made. If as a result of the hearing, the Clerk-Administrator finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off the supply, the service shall be shut off. If the water service is part of the primary heating source, no shutoff of service shall occur between October 15 and April 15 except in compliance with Minn. Stat. section 216B.097.

1120.23 Abandoned Water Lines. Whenever a water service line is abandoned, the City will require that the water main in the street be exposed, the water corporation on the main be shut off, and the copper line removed from the corporation. Before burying, an inspection must be performed by the Public Works Department.
(Ord. 2003-05, passed 2-11-03)

1120.24 Penalties. It shall be a misdemeanor for any person, firm, or corporation to take any water service regulated by this Section without proper authority or to make any connection to the City water service without proper authority to make such a connection, or to otherwise violate the

provisions of this Section. Any person who commits such a violation shall be subject to a fine, imprisonment, or both, not to exceed the maximum penalty authorized by State law for a misdemeanor.

Section 1130 - Sewers

1130.01 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this Section shall have the meanings designated:

Subd. 1 Act. “Act” shall mean the Federal Water Pollution Control Act also referred to as the Clean Water Act, as amended, 33. U.S.C. 1251, et seq.

Subd. 2 ASTM. “ASTM” shall mean American Society for Testing Materials.

Subd. 3 Authority. “Authority” shall mean the City of Stewartville, Minnesota or its designated representative.

Subd. 4 BOD₅ or Biochemical Oxygen Demand. “BOD₅” or “Biochemical Oxygen Demand” shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade in terms of milligrams per liter (mg/l).

Subd. 5 Building Drain. “Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the building wall.

Subd. 6 Building Sewer. “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.

Subd. 7 City. “City” shall mean the area within the corporate boundaries of the City of Stewartville as presently established or as amended by ordinance or other legal actions at a future time. The term “City” when used in this Section may also be used to refer to the City Council and its authorized representative.

Subd. 8 Chemical Oxygen Demand (COD). “Chemical Oxygen Demand (COD)” shall mean the quantity of oxygen utilized in the chemical oxidation of organic matter as determined by standard laboratory procedures, and as expressed in terms of milligrams per liter (mg/l).

Subd. 9 Compatible Pollutant. “Compatible Pollutant” shall mean biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS Permit if the treatment facilities shall be designed to treat the

pollutants to a degree which complies with effluent concentration limits imposed by the permit.

Subd. 10 Control Manhole. “Control Manhole” shall mean a structure specially constructed for the purpose of measuring flow and sampling of wastes.

Subd. 11 Easement. “Easement” shall mean an acquired legal right for the specific use of land owned by others.

Subd. 12 Fecal Coliform. “Fecal Coliform” shall mean any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

Subd. 13 Floatable Oil. “Floatable Oil” shall mean oil, fat, or grease in a physical state, such that it shall separate by gravity from wastewater.

Subd. 14 Garbage. “Garbage” shall mean animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.

Subd. 15 Incompatible Pollutant. “Incompatible Pollutant” shall mean any pollutant that is not defined as a compatible pollutant (Subd. 9) including non-biodegradable dissolved solids.

Subd. 16 Industry. “Industry” shall mean any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, which is categorized in Divisions A, B, O, E and I.

Subd. 17 Industrial Waste. “Industrial Waste” shall mean gaseous, liquid, and solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development, recovery, and processing of natural resources, as distinct from residential or domestic strength wastes.

Subd. 18 Infiltration. “Infiltration” shall mean water entering the sewage system (including building drains and pipes) from the ground through the means as defective pipes, pipe joints, connections, and manhole walls.

Subd. 19 Infiltration/Inflow (I/I). “Infiltration/Inflow (I/I)” shall mean the total quantity of water from both infiltration and inflow.

Subd. 20 Inflow. “Inflow” shall mean water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

Subd. 21 Interference. “Interference” shall mean the inhibition or disruption of the City's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the City's NPDES and/or SOS Permit. The term shall include sewage sludge use or disposal by the City in accordance with published regulations providing guidelines under Section 405 of the Act or any regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria applicable to the method of disposal or use employed by the City.

Subd. 22 MPCA. “MPCA” shall mean Minnesota Pollution Control Agency.

Subd. 23 National Categorical Pretreatment Standards. “National Categorical Pretreatment Standards” shall mean Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to, be not susceptible to treatment by such treatment facilities or would interfere with the operation of such treatment facilities, pursuant to Section 307(b) of the Act.

Subd. 24 National Pollutant Discharge Elimination System (NPDES) Permit. “National Pollutant Discharge Elimination System (NPDES) Permit” shall mean a permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act.

Subd. 25 Natural Outlet. “Natural Outlet” shall mean any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.

Subd. 26 Non-contact Cooling Water. “Non-contact Cooling Water” shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added, shall be heat.

Subd. 27 Normal Domestic Strength Waste. “Normal Domestic Strength Waste” shall mean wastewater that shall be primarily introduced by residential users with a BOD₅ concentration not greater than 200 mg/l and a suspended solids (TSS) concentration not greater than 250 mg/l.

Subd. 28 Person. “Person” shall mean any individual, firm, company, association, society, corporation, or group.

Subd. 29 pH. “pH” shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.

Subd. 30 Pretreatment. “Pretreatment” shall mean the treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works (See also Subd. 23).

Subd. 31 Properly Shredded Garbage. “Properly Shredded Garbage” shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than ½ inch (1.27 cm) in any dimension.

Subd. 32 Sewage Defined. “Sewage” shall mean the water-carried waste products from residences, public buildings, institutions or other buildings, including the excrementitious or other discharge from the bodies of human beings or animals, together with the ground water infiltration and surface water as may be present, and any other spent water of the community. The preferred term shall be “wastewater”.

Subd. 33 Sewer. “Sewer” shall mean a pipe or conduit that carries wastewater or drainage water. Sewers may be classified as follows:

A. Collection Sewer. “Collection Sewer” shall mean a sewer whose primary purpose shall be to collect wastewaters from individual point source discharges and connections.

B. Combined Sewer. “Combined Sewer” shall mean a sewer intended to serve as a sanitary sewer and a storm sewer.

C. Force Main. “Force Main” shall mean a pipe in which wastewater is carried under pressure.

D. Interceptor Sewer. “Interceptor Sewer” shall mean a sewer whose primary purpose shall be to transport wastewater from collection sewers to a treatment facility.

E. Private Sewer. “Private Sewer” shall mean a sewer which shall not be owned and maintained by a public authority.

F. Public Sewer. “Public Sewer” shall mean a sewer owned, maintained and controlled by a public authority.

G. Sanitary Sewer. “Sanitary Sewer” shall mean a sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.

H. Storm Sewer or Storm Drain. “Storm Sewer or Storm Drain” shall mean a drain or sewer intended to carry storm waters, surface runoff, ground water, sub-surface water, street wash water, drainage, and unpolluted water from any source.

Subd. 34 Shall. “Shall” is mandatory; “May” is permissive.

Subd. 35 Significant Industrial User. “Significant Industrial User” shall mean any industrial user of the wastewater treatment facility which has a discharge flow (1) in excess of 25,000 gallons per average work day, or (2) has exceeded five percent (5%) of the total flow received at the treatment facility, or (3) whose waste contains a toxic pollutant in toxic amounts pursuant to Section 307(a) of the Act, or (4) whose discharge has a significant effect, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or emissions generated by the treatment system.

Subd. 36 Slug. “Slug” shall mean any discharge of water or wastewater which in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five per times the average 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment works.

Subd. 37 State Disposal System (SOS) Permit. “State Disposal System (SOS) Permit” shall mean any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to Minnesota Statutes § 115.07 for a disposal system as defined by Minnesota Statutes § 115.01, Subd. 5.

Subd. 38 Suspended Solids (SS) or Total Suspended Solids (TSS). “Suspended Solids (SS)” or “Total Suspended Solids (TSS)” shall mean the total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and shall be removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater”, latest edition, and referred to as non-filterable residue.

Subd. 39 Toxic Pollutant. “Toxic Pollutant” shall mean the concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism shall cause adverse effects as defined in Standards issued pursuant to Section 307(a) of the Act.

Subd. 40 Unpolluted Water. “Unpolluted Water” shall mean water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities. (See “Non-contact Cooling Water”, Subd. 26.)

Subd. 41 User. “User” shall mean any person who discharges or causes or permits the discharge of wastewater into the City's wastewater disposal system.

Subd. 42 Wastewater. “Wastewater” shall mean the spent water of a community and referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water and storm water that may be present.

Subd. 43 Wastewater Treatment Works or Treatment Works. “Wastewater Treatment Works or Treatment Works” shall mean an arrangement of any devices, facilities, structures, equipment, or processes owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

Subd. 44 Watercourse. “Watercourse” shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.

Subd. 45 WPCF. “WPCF” shall mean the Water Pollution Control Federation.

1130.02 Control of Sewer System. Only authorized city personnel or representatives, or their designees, shall have control and general supervision of all public sewers and service connections in the City, and shall be responsible for administering the provisions of this Section to the end that a proper and efficient public sewer shall be maintained.

1130.03 Unlawful Deposits. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under jurisdiction, any human or animal excrement, garbage or objectionable waste.

1130.04 Natural Outlets. It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Section and the City's NPDES/SDS Permit.

1130.05 Privies. Except as provided after the enactment of this Code, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

1130.06 Connections Required. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated within the City and adjacent to any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the City, shall be required at the owner(s) expense to install a suitable service connection to the public sewer in accordance with provisions of this Code, within 90 days of the date the public sewer is operational, provided the public sewer shall be within 200 feet of the structure generating the wastewater. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections shall not be made pursuant to this Section, an official 30-day notice shall be served instructing the affected property owner to make the connection.

In the event an owner shall fail to connect to a public sewer in compliance with a notice given under this subsection, the City shall undertake to have the connection made and shall assess the cost thereof against the benefitted property. The assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the County Auditor and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City shall be in addition to any remedial or enforcement provisions of this Section.

1130.07 Insufficient Capacity. Any new connections to the sanitary sewer system shall be prohibited unless sufficient capacity shall be available in all downstream facilities including, but not limited to capacity for flow, BOD₅, and suspended solids, as determined by the Superintendent.

1130.08 Connection Application. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. Any person desiring connection with the City sewer system shall apply for such connection on a zoning certificate supplied by the City. .

1130.09 Application. Applications for sewer connections shall be made to the City Clerk-Administrator 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 is sought. . At the time of application, the applicant shall pay a fee as set in the fee schedule adopted from time to time by the Council.

1130.10 Connection Classification. There shall be two (2) classes of building sewer connections: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgement of the City. The industry, as a condition of connection authorization, shall provide information describing its wastewater constituents, characteristics, and type of activity.

1130.11 Expenses and Liability. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall defend, indemnify, and hold harmless the City from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

1130.12 Separate Connections Required. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The City does not and shall not assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.

1130.13 Use of Old Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent or his representative, to meet all requirements of this Section.

1130.14 Plumbing Code. The size, slopes, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the State of Minnesota Building and Plumbing Code as adopted by Olmsted County, or other applicable rules and regulations of the City. In the absence of code provisions or in the enhancement thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9, shall apply.

1130.15 Connection Elevation. 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 such building drain shall be lifted by an approved means and discharged to the building sewer.

1130.16 Prohibited Connections. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or indirectly to the wastewater disposal system.

1130.17 Minimum Standards. The connection of the building sewer into the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code as adopted by Olmsted County or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of

Practice No. 9. All such connections shall be made gastight and watertight, and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials shall be approved by the City prior to installation.

1130.18 Inspection. The applicant for the building sewer connection shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the superintendent or his or her authorized representative.

1130.19 Excavations and Restoration. 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. In addition, an excavation bond in the amount set in the fee schedule adopted from time to time by the council, shall be deposited with the City.

1130.20 Unpolluted Water. No person(s) shall discharge or cause to be discharged any unpolluted water such as stormwater, ground water, roof runoff, surface drainage, or non-contact cooling water to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the City and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the City and upon approval and the issuance of a discharge permit by the MPCA.

1130.21 Prohibited Discharges. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

A. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. Prohibited materials shall include, but shall not be limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfide.

B. Solid or viscous substances which shall cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half (1/2) inch in an 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, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

C. Any wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater disposal system.

D. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

1130.22 Restricted Discharges. The following described substances, materials, water, or wastes shall be limited in discharges to municipal sewer systems to concentrations or quantities which shall not harm either sewers, the wastewater treatment works treatment process or equipment, shall not have an adverse effect on the receiving stream and/or soil, vegetation and ground water, or shall not otherwise endanger lives, limb, public property, or constitute a nuisance. The superintendent may set limitations lower than limitations established in the regulations below if, in his or her opinion, such more severe limitations shall be necessary to meet the above objections. In forming his or her opinion as to the acceptability of wastes, the Superintendent shall give consideration to such factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the City's NPDES and/or SDS permit, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the superintendent shall be as follows:

A. Any wastewater having a temperature greater than 150 degrees F (65.6 degrees C), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104 degrees F (40 degrees C), or having heat in amounts which shall inhibit biological activity in the wastewater treatment works resulting in interference therein.

B. Any wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees F and 150 degrees F (0 degrees C and 65.6 degrees C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not.

C. Any quantities or flow, concentrations, or both which constitute "slug" as defined in this Section. (See Subsection 1130.01, Subd. 36.)

D. Any garbage not properly shredded, as defined in Subsection 1130.01, Subd. 31. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food on the premises or when served by caterers.

- E. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes shall be capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.
- F. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to dye wastes and vegetable tanning solutions.
- G. Non-contact cooling water or unpolluted storm, drainage, or ground water.
- H. Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that would cause disruption with the wastewater disposal system.
- I. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable State or Federal regulations.
- J. Any waters or wastes containing the following substances to such degree that any such material received in the composite wastewater at the wastewater treatment works in excess of the following limits for such materials:

Waste or Chemical	Daily Maximum Concentration (mg/l)	30-Day Average Concentration (mg/l)
Arsenic		
Cadmium	1.2	0.5
Copper	4.5	1.8
Cyanide	0.8	0.23
Lead	0.6	0.3
Mercury		
Nickel	4.1	1.8
Silver		
Total Chromium	7.0	2.5
Zinc	4.2	1.8
Total Heavy Metals (Copper, Chromium, Nickel, Zinc)	10.5	5.0

Phenolic compounds which cannot be removed by City's wastewater treatment system.

- K. Any wastewater which creates conditions at or near the wastewater disposal system which violate any statute, rule, regulation, or ordinance of any regulatory agency, or State or Federal regulatory body.

L. Any waters or wastes containing BOD₅ or suspended solids of such character and quantity that unusual attention or expense is required to handle the materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of Subsection 1130.35 of this Section.

1130.23 Response to Improper Discharge. If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in Subsection 1130.22 of this Section, and/or which in the judgement of the Superintendent, may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment; receiving water and/or soil, vegetation, and ground water; or which otherwise create a hazard to life or constitute a public nuisance, the City may:

- A. Reject the wastes,
- B. Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act and all addendums thereof,
- C. Require control over the quantities and rates of discharge, and/or,
- D. Require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer service charges.

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

1130.24 Dilution Prohibited. No user shall increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this Section, or contained in the National Categorical Pretreatment Standards or any State requirements.

1130.25 Pretreatment. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner(s).

1130.26 Interceptors. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they shall be necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Subsection 1130.23(b), any flammable wastes as specified in Subsection 1130.22(a), sand or other harmful ingredients; except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain

a record of dates and means of disposal which shall be subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by the owner's personnel, shall be performed by a currently licensed waste disposal firm.

1130.27 Access Facility. Where required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, or control manhole, with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. The structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The structure shall be installed by the owner at his or her expense and shall be maintained by the owner to be safe and accessible at all times.

1130.28 Tests and Measurements Required. The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the City, be required to provide laboratory measurements, tests, or analyses of waters or wastes to illustrate compliance with this Section and any special conditions for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the City. The industry shall supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with Federal, State and local standards shall be met. The owner shall report the results of measurements and laboratory analyses to the City at such times and in such manner as prescribed by the City. The owner shall bear the expense of all measurements, analyses, and reporting required by the City. At such times as shall be deemed necessary, the City reserves the right to take measurements and samples for analysis by an independent laboratory.

1130.29 Tests and Measurements Standards. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Section shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, location, times, duration and frequencies shall be determined on an individual basis subject to approval by the Superintendent.

1130.30 Accidental Discharge Protection and Response. Where required by the City, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this Section. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Superintendent for review and approval prior to construction of the facility. Review and approval of the plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this Section. Users shall notify the Superintendent immediately upon having a slug or accidental discharge of substances of wastewater in violation of this Section to enable countermeasures to be taken by the Superintendent to minimize damage to the wastewater treatment works. The notification shall not relieve any user of any liability

for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the City on account thereof under any State and Federal law. Employees shall insure that all employees who may cause or discover such a discharge, shall be advised of the emergency notification procedure.

1130.31 Obstruction Prohibited. No person, having charge of any building or other premises which drains into the public sewer, shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within 90 days after receipt of written notice from the City, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same, and perform such other work as the Superintendent may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of 120 days, the Superintendent may cause such work to be completed at the expense of the owner or representative thereof.

1130.32 Repairs. Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause such work to be done as the Superintendent may direct. Each day after seven (7) days that a person neglects or fails to so act shall constitute a separate violation of this Section, and the Superintendent may then cause the work to be done, and recover from the owner or agent the expense thereof by an action in the name of the City.

1130.33 Car Washes. The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times, a catch basin or waste trap in the building drain system to prevent grease, oil, dirt or any mineral deposit from entering the public sewer system.

1130.34 Assessment. In addition to any penalties that may be imposed for violation of any provision of this Chapter, the City may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge of prohibited wastes by the person, and may collect such assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the City.

1130.35 Special Agreements. No statement contained in this Section 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, providing that National Categorical Pretreatment Standards and the City's NPDES and/or State Disposal System Permit limitations shall not be violated.

1130.36 Tampering and Damage. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

1130.37 Powers and Authority of Inspectors.

Subd. 1 Entrance to Property. The superintendent or other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling, and testing pertinent to the discharges to the City's sewer system in accordance with the provisions of this Section.

Subd. 2 Required Information. The superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential however, the industry shall establish that the revelation to the public of the information in question, might result in an advantage to competitors.

Subd. 3 Safety. While performing necessary work on private properties, the superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in of this Section.

Subd. 4 Easements. The superintendent or other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

1130.38 Private Wastewater Disposal.

Subd. 1 When Allowed. Where a public sewer is not available under the provisions of this Section, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Subsection.

Subd. 2 Permit. Prior to commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the County.

Subd. 3 Installation. A permit for a private wastewater disposal system shall not become effective until the installation shall be completed to the satisfaction of the County or its

authorized representative. The County or its representative shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the County when work is ready for final inspection, and before any underground portions shall be covered.

Subd. 4 Minimum Standards. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of Minnesota Rules Chapter 7080 , entitled, "Individual Sewage Treatment Systems". No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Subd. 5 Conversion to Sewer. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 90 days in compliance with this Section and within 30 days any septic tanks, cesspools, and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.

Subd. 6 Maintenance. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the City.

Subd. 7 Additional Requirements. No statement contained in this Subsection shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the State of Minnesota.

1130.39 Penalties.

Subd. 1 Notice. Any person found to be violating any provision of this Section, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

Subd. 2 Misdemeanor. Any person who shall continue any violation beyond the time limit provided for in Subdivision 1 of this , shall be guilty of a misdemeanor, and on conviction thereof, shall be fined or imprisoned, or both, not to exceed the maximum penalty authorized by State law for a misdemeanor. Each day in which any such violation occurs shall be deemed as a separate offense.

Subd. 3 Liability. Any person violating any of the provisions of this Section shall become liable to the City for any expense, loss, or damage occasioned by the City by reason of the violation.

Section 1140 - Sewer Service Charge System

1140.01 Definitions. Unless the context specifically indicates otherwise, the meaning of the terms used in this Section shall be as hereafter designated:

Subd. 1 Administration. “Administration” shall mean those fixed costs attributable to administration of the wastewater treatment works (i.e., billing and associated bookkeeping and accounting costs).

Subd. 2 Biochemical Oxygen Demand or BOD. “Biochemical Oxygen Demand or BOD” shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter.

Subd. 3 City. “City” shall mean the area within the corporate boundaries of the City of Stewartville, as presently established or as amended by ordinance or other legal actions at a future time. When used in this Section the term City may also refer to the City Council or its authorized representative.

Subd. 4 Commercial User. “Commercial User” shall mean any place of business which discharges sanitary waste as distinct from industrial wastewater.

Subd. 5 Commercial Wastewaters. “Commercial Wastewaters” shall mean domestic wastewater emanating from a place of business as distinct from industrial wastewater.

Subd. 6 Debt Service Charge. “Debt Service Charge” shall mean a charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct the facilities.

Subd. 7 Normal Domestic Strength Wastewater. “Normal Domestic Strength Wastewater” shall mean wastewater that is primarily produced by residential users, with BOD concentrations not greater than 200 mg/l and suspended solids concentrations not greater than 250 mg/l.

Subd. 8 Extra Strength Waste. “Extra Strength Waste” shall mean wastewater having a BOD and/or TSS greater than normal strength domestic wastewater as defined in Subd. 7 above and not otherwise classified as an incompatible waste.

Subd. 9 Governmental User. “Governmental User” shall mean users which are units, agencies or instrumentalities of Federal, State, or local government discharging Normal Domestic Strength wastewater.

Subd. 10 Incompatible Waste. “Incompatible Waste” shall mean waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works.

Subd. 11 Industrial Users or Industries. “Industrial Users” or “Industries” shall mean:

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

Division A.	Agriculture, Forestry and Fishing
Division B.	Mining
Division D.	Manufacturing
Division E.	Transportation, Communications, Electric, Gas, and Sanitary Sewers
Division I.	Services

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

BOD	less than 200 mg/l
Suspended Solids	less than 250 mg/l

B. Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

Subd. 12 Industrial Wastewater. “Industrial Wastewater” shall mean the liquid processing wastes from an industrial manufacturing process, trade, or business including but not limited to all Standard Industrial Classification Manual Divisions A, B, D, E and I manufacturers as distinct from domestic wastewater.

Subd. 13 Institutional User. “Institutional User” shall mean users other than commercial, governmental, industrial or residential users, discharging primarily Normal Domestic Strength wastewater (e.g. Non-profit organizations.)

Subd. 14 Operation and Maintenance. “Operation and Maintenance” shall mean activities required to provide for the dependable and economical functioning of the treatment works, throughout the design or useful life, whichever is longer of the treatment works, and at the level of performance for which the treatment works were constructed. Operation and Maintenance shall include replacement.

Subd. 15 Operation and Maintenance Costs. “Operation and Maintenance Costs” shall mean expenditures for operation and maintenance, including replacement.

Subd. 16 Public Wastewater Collection System. “Public Wastewater Collection System” shall mean a system of sanitary sewers owned, maintained, operated and controlled by the City.

Subd. 17 Replacement. “Replacement” shall mean obtaining and installing of equipment, accessories, or appurtenances which shall be necessary during the design life or useful life, whichever is longer, of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

Subd. 18 Replacement Costs. “Replacement Costs” shall mean expenditures for replacement.

Subd. 19 Residential User. “Residential User” shall mean a user of the treatment facilities whose premises or building shall be used primarily as a residence for one or more persons, including dwelling units such as detached and semi-detached housing, apartments, and mobile homes; and which discharges primarily normal domestic strength sanitary wastes.

Subd. 20 Sanitary Sewer. “Sanitary Sewer” shall mean a sewer intended to carry only liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters which shall not be admitted intentionally.

Subd. 21 Sewer Service Charge. “Sewer Service Charge” shall mean the aggregate of all charges, including charges for operation, maintenance, replacement, debt service, and other sewer related charges that are billed periodically to users of the City's wastewater treatment facilities.

Subd. 22 Sewer Service Fund. “Sewer Service Fund” shall mean a fund into which income from Sewer Service charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditure of the Sewer Service Fund shall be for operation, maintenance and replacement costs; and to retire debt incurred through capital expenditure for wastewater treatment.

Subd. 23 “Shall” is mandatory; “May” is permissive.

Subd. 24 Slug. “Slug” shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

Subd. 25 Standard Industrial Classification Manual. “Standard Industrial Classification Manual” shall mean Office of Management and Budget, 1972.

Subd. 26 Suspended Solids (SS) or Total Suspended Solids (TSS). “Suspended Solids (SS) or Total Suspended Solids (TSS)” shall mean the total suspended matter that either floats on the surface or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater, latest edition, and referred to as nonfilterable residue.

Subd. 27 Toxic Pollutant. “Toxic Pollutant” shall mean the concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to Section 307 (a) of the Act, which upon exposure to or assimilation into any organism shall cause adverse effects.

Subd. 28 User Charge. “User Charge” shall mean a charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement.

Subd. 29 Users. “Users” shall mean those residential, commercial, governmental, institutional and industrial establishments which are connected to the public sewer collection system.

Subd. 30 Wastewater. “Wastewater” shall mean the spent water of a community, also referred to as sewage. From the standpoint of source it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water and storm water that may be present.

Subd. 31 Wastewater Treatment Works or Treatment Works. “Wastewater Treatment Works or Treatment Works” shall mean an arrangement of any devices, facilities, structures, equipment, or processes owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

1140.02 Sewer Charge System Created. The City of Stewartville shall continue a Sewer Service Charge System whereby all revenue collected from users of the wastewater treatment facilities shall be used to affect all expenditures incurred for annual operation, maintenance, and replacement and for debt service on capital expenditure incurred in constructing the wastewater treatment works.

1140.03 Proportionate Share. Each user shall pay its proportionate share of operation maintenance and replacement costs of the treatment works, based on the users proportionate contribution to the total wastewater loading from all users.

1140.04 Debt Service Charges. Each user shall pay debt service charges to retire local capital costs as determined by the City Council and as indicated in this Section and the Sewer Service Chart System.

1140.05 How Rates Determined. Sewer Service rates and charges to users of the wastewater treatment facility shall be determined and fixed in a “Sewer Service Charge System” developed according to the provisions of this Section. The Sewer Service Charge System shall be adopted by resolution upon enactment of this Section, shall be published in the local newspaper, and shall be effective upon publication. Subsequent changes in Sewer Service rates and charges shall be adopted by Council resolution and shall be published in the local newspaper.

1140.06 Sewer Service Fund. Revenues collected for sewer service shall be deposited in a separate fund known as “The Sewer Service Fund”. Income from revenues collected shall be expended to offset the cost of Operation, Maintenance and equipment replacement for the facility and to retire the debt for capital expenditure. Sewer Service Charges and the Sewer Service Fund shall be administrated in accordance with the provisions of Subsection 1140.15 of this Section.

1140.07 User Classification. Users of the City of Stewartville wastewater treatment works shall be identified as belonging to one of the following user classes:

- A. Residential
- B. Commercial
- C. Industrial
- D. Institutional
- E. Governmental

1140.08 Connection Charges. The application for connection shall be accompanied by a connection fee which fee shall be returned to the applicant should the connection application be refused. The connection fee shall be as set forth in the fee schedule adopted from time to time by the council.

1140.09 General. The wastewater service charge for the use of and for service supplied by the wastewater facilities of the City shall consist of a basic user charge for operation and maintenance plus replacement, a debt service charge, a service charge, and a surcharge, if applicable. All user charges shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations:

- A. A five day, 20 degree centigrade (20 degree C) biochemical oxygen demand (BOD) of 200 mg/l.
- B. A total suspended solids (TSS) content of 250 mg/l.
- C. A total phosphorus solids (P) content of 10 mg/l.

It shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

- A. Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all works categories.
- B. Estimate wastewater volume, pounds of TSS and pounds of BOD to be treated by user class.
- C. Proportion the estimated costs to non-industrial and industrial users by volume, total suspended solids and BOD.
- D. Compute costs per 1000 gal. for normal sewage strength.

The adequacy of the wastewater service charge shall be reviewed annually by Certified Public Accountants for the City in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in operation and maintenance costs including replacement costs.

1140.10 Measurement of Flow. The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of 1000 gallons.

Subd. 1 Additional Meters. If the person discharging wastes into the public sewers procures any part, or all, of his or her water from sources other than the Public Waterworks System, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his or her expense, water meters of a type approved by the City for the purpose of determining the volume of water obtained from these other sources.

Subd. 2 Special Meters. Devices for measuring the volume of waste discharged may be required by the City if these volumes cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, the meters shall not be removed unless service is canceled, with the consent of the City.

1140.11 Debt Service (Sewer Service Charge for Recovery of Local Construction Costs). Local Construction costs for the Wastewater Treatment Facility shall be recovered as part of the basic user charge as noted in subsection 1140.12. The dollar amount of multiplier set in the formula below shall be as set in the fee schedule adopted from time to time by the Council.

$$\begin{array}{rcl} \text{Gallons billed x per 1000 gallons} & = & \text{monthly user charge} \\ \text{per month per account} & = & \frac{\text{monthly user charge}}{\text{TOTAL BILLING}} \end{array}$$

1140.12 Basic User Charge (Operation, Maintenance, Replacement & Debt Service). There shall be continued a basic user charge for the use of and for service supplied by the wastewater facilities of the City. The basic user charge shall include costs associated with operation and maintenance, equipment replacement, and debt service. A basic user charge per 1,000 gallons shall be applied to all users for water consumption in excess of the minimum charge for 2,000 gallons per month. The cost per 1,000 gallons of metered water usage is established by dividing the total annual operation, maintenance, replacement, and debt service costs by the total billable water usage which generates an average cost per 1,000 gallon of water usage. This cost shall be established as the basic user charge for every 1,000 gallons of water usage.

There shall be continued a minimum charge for the use of and for service supplied by the wastewater facilities of the City. A minimum charge shall be applied to all users whose water consumption does not exceed 2,000 gallons per month. This charge and water consumption basis of 2,000 gallons over 1 month represents an amount at least equal to the fixed costs of the treatment works system, applied on an equal share which includes collection and treatment costs for the handling of infiltration and inflow including operation, maintenance, replacement, and administrative costs. All users shall be metered. The basic user charges, as discussed above, shall be in accordance with the Sewer Service Charge System.

1140.13 Surcharge Service Charges. A surcharge shall be levied to all users whose waters exceed the normal concentrations for BOD (200 mg/l) and TSS (250 mg/l). The surcharge shall be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 200 mg/l and 250 mg/l concentrations for BOD₅ and TSS respectively.

The surcharge shall be computed as follows:

- A. Proportion the estimated costs to wastewater facility categories by Volume, Total Suspended Solids, and BOD.

- B. Compute surcharge costs per 1000 gal. per mg/l in excess of normal sewage strength for BOD and TSS.

The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the City and shall be binding as a basis for surcharges. The formula used for surcharge computation and the surcharge rates are shown in the Sewer Service Charge System.

1140.14 Sewer Service Fund.

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

The City also shall continue the following accounts as income and expenditure accounts within the Sewer Service Fund:

- 1) Operation and Maintenance Account
- 2) Equipment Replacement Account
- 3) Debt Retirement Account

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

Subd. 3 Equipment Replacement Account. Revenue generated by the Sewer Service Charge System sufficient to insure adequate replacement throughout the design of useful life, whichever is longer, of the wastewater facility shall be held separate and apart in the “Equipment Replacement Account” and dedicated to affecting replacement costs. Interest income generated by the “Equipment Replacement Account” shall remain in the “Equipment Replacement Account”.

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

1140.15 Administration. The Sewer Service Charge System and Sewer Service Fund shall be administrated according to the following provisions:

Subd. 1 Accounts and Reports. The Clerk-Administrator shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement debt retirement costs of the treatment works, and shall furnish the City Council with a report of the costs annually in March.

Subd. 2 Revenue Determination. The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works, and whether sufficient revenue is being generated for debt retirement. The Council shall also determine whether the user charges are distributed proportionately to each user in accordance with Subsection 1140.03 and Section 204 (b) (2) (A) of the Federal Water Pollution Control Act, as amended.

The City shall thereafter, but no later than the end of the year, reassess, and as necessary revise the Sewer Service Charge System then in use to insure the proportions of the user charges and to insure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.

Subd. 3 Notice. In accordance with Federal and State requirements each user shall be notified annually in conjunction with a regular billing of that portion of the Sewer Service Charge attributable to operation, maintenance and replacement.

Subd. 4 Records. In accordance with Federal and State requirements, the Clerk-Administrator shall be responsible for maintaining all records necessary to document compliance with the Sewer Service Charge System adopted.

Subd. 5 Billing. Bills for Sewer Service charges shall be rendered on a monthly basis succeeding the period for which the service was rendered and shall be due 30 days from the date of rendering. Any bill not paid in full on or before the due date shall be considered delinquent. At that time the City shall notify the delinquent owner/occupant in writing regarding the delinquent bill and subsequent penalty. The penalty shall be computed as 10% of the original bill and shall be increased the same 10% for every quarter the bill is outstanding.

Subd. 6 Owner Liability. The owner of the premises, shall be liable to pay for the service to such premises, and the service is furnished to the premises by the City only upon the condition that the owner of the premises shall be liable therefore to the City.

Subd. 7 Other Costs. Any additional costs caused by discharges to the treatment works of toxic or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs, and sludge disposal, shall be borne by the dischargers of the wastes, at no expense to the City.

1140.16 Senior Citizen Discount. All users of the City's sewer system aged 65 years or older and occupying a homesteaded residence shall receive a ten percent (10%) discount from the sewer use rates. This discount shall be automatically provided after the user has provided the Clerk-Administrator with sufficient proof of age and residence.

1140.17 Penalties and Collection.

Subd. 1 Lien and Assessment. Each and every sewer service charge levied by and pursuant to this Section shall be made a lien upon the lot or premises served, and all such charges which are on November 30 of each year past due and delinquent, shall be certified to the County Auditor as taxes or assessments on the real estate. Nothing in this Section shall be held or construed as in any way stopping or interfering with the right of the City to levy as taxes or assessments against any premises affected any delinquent or past due sewer service charges.

Subd. 2 Civil Action. As an alternative to levying a lien, the City may, at its discretion, file suit in a civil action to collect such amounts as are delinquent and due against the occupant, owner, or user of the real estate, and shall collect as well all attorney's fees incurred by the City in filing the civil action. The attorney's fees shall be fixed by order of the court.

Subd. 3 Interest. In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civic action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate of 8% per annum, or the minimum then allowable by statute.

Subd. 4 Shutoff. Procedures for shutoff of delinquent accounts shall be as per Section 1120.26.

1140.18 Relation to Other Laws. The sewer service charge system shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of section 204(b) (1) (A) of the Act and Federal regulation 40 CFR (Code of Federal Regulations) 35.2140 of the Environmental Protection Agency's grant regulations.

Section 1150 - Storm Water Utility

1150.01 Storm Water Utility Established. The municipal storm drainage system shall be operated as a public utility pursuant to Minn. Stat. § 444.075 from which revenues will be derived subject to the provisions of this Chapter and the Minnesota Statutes. The administrator of the storm drainage system shall be the City Administrator of the City.
(Ord. 2001-05, passed 7-24-01)

1150.02 Storm Drainage Fees.

(a) Definitions. Residential Equivalent Factor (REF) - One (1) REF is defined as the ratio of the average volume of runoff generated by one (1) acres of a given land use to the average volume of runoff generated by one (1) acre of typical single-family residential land, during a standard one (1) year rainfall event.

(b) Storm Drainage Fees. Storm drainage fees for parcels of land that are classified as Commercial, Industrial, Public Schools, Government Buildings, and Churches shall be determined by multiplying the REF for a parcel's land use by the impervious surface, and then multiplying the resulting product by the storm drainage rate. The storm drainage rate shall be \$4.00 per month. A minimum fee of \$4.50 based on 1/4 acre or less shall be charged per month. The REF values for various land uses are as follow:

<i>Land Uses</i>	<i>REF</i>
Commercial	4.5
Industrial	4.5
Public Schools, Government Buildings, Churches	4.5

For the purpose of calculating storm drainage fees, all developed living units (single-family, duplex, triples sites, condominium units, townhouse units, apartments, and mobile home sites) shall be charged \$1.00 per living unit per month.

Fees will be reviewed annually as part of the Fee Structure.

(c) Credits. The Council may consider adjustment of the storm drainage fee for parcels based upon hydrologic data to be supplied by property owners, which data demonstrates a hydrologic response substantially different from the standards. Such adjustments of storm drainage fees shall not be made retroactively.

(Ord. 2001-05, passed 7-24-01; Am. Ord. 2003-10, passed 5-13-03)

1150.03 Exemptions. The following land uses are exempt from storm drainage fees:

- (a) Public rights-of-way;
- (b) Vacant, unimproved land with ground cover;
- (c) Parks, cemeteries and golf courses;
- (d) Undeveloped agricultural land which does not contribute storm water runoff into the City's storm drainage system.

(Ord. 2001-05, passed 7-24-01)

1150.04 Billing and Collections. Bills for the charges for the use and service of the storm drainage system shall be prepared by the City, in accordance with its usual and customary practices. The time of preparing such bills and the period covered thereby shall be in accordance with the practices of the City. All bills shall be payable to the City.

(Ord. 2001-05, passed 7-24-01)

1150.05 Revenues, Deposits, and Disbursements. The revenues derived from the rates and charges shall be deposited with the City Administrator in the Storm Drainage Fund. The revenues shall be used solely for the purpose of paying the costs of administration, operation, and maintenance of the storm drainage facilities, including street sweeping, and to pay the interest and principal on any bonds of the City which have been issued or shall be issued on account of the construction of said facilities, and to maintain an equipment and replacement fund for use at any time in making repairs to the storm drainage facilities.

(Ord. 2001-05, passed 7-24-01)

1150.06 Unpaid Charges; Assessment. On or before November 1 of each year, the City Administrator shall certify a list of unpaid accounts showing the names and addresses of all unpaid storm drainage accounts up to September 30 of that year. On or before November 25, the City Council shall assess the unpaid accounts against the property receiving the use and service of the storm drainage system(s), which said assessments, including interest at the lawful rate from October 1 to May 31 following, shall be certified against the affected properties as shown in the assessment tabulation, and shall be collected in the same manner as other special assessment. The sum collected, together with interest, shall be credited to the Storm Drainage Fund.

(Ord. 2001-05, passed 7-24-01)

1150.07 Periodic Review of Charges. The City Council will review the storm drainage charge system established herein on an annual basis. Thereafter, the Council may periodically revise the rate charged for storm drainage service to reflect any change in the cost of providing said service.

(Ord. 2001-05, passed 7-24-01)

Section 1160 - Sub-Drains

1160.00 Sub-Drains Defined. Sub-drains shall mean a 4-inch line provided in some subdivisions with a lateral brought into each separate property to provide means of the disposing of ground water from foundation drain tile, sump baskets and ground water sump pumps only. Under no circumstance shall the sub-drain be used for the disposal of any other substance under penalty of law.

(Ord. 2004-14, passed 12-14-04)

1160.01 Specifications. In subdivisions where sub-drains are provided, the sub-drain shall be stubbed 9 feet in to the structure side of the utility easement into the property and 1 foot offset from the sanitary sewer. Sub-drain extension to the building shall be a minimum of 4 inch diameter schedule SDR 35, impervious with end caps painted pink and labeled sub-drain. The

sub-drain extension shall be brought into the building and located adjacent to the sump basket. If drain tile and/ or sump basket are non existent the sub-drain shall be brought into the utility room, located near the exterior wall, brought up vertically to finished floor grade and sealed with a threaded clean out cap. In cases where elevation does not make this feasible the sub-drain shall be brought to the front outside wall of the building and brought up vertically to the finish course of block or sill plate.

The sub-drain shall be brought to an outside wall of the building and brought up vertically to a point one foot above the finished outside grade with an air break (manufactured fitting) from the interior line to the exterior sub-drain line.

In areas of the city where sub-drain utility is present, no property owner shall directly discharge a sump pump/foundation drain on the public right-of-way. Property owners may connect to the sub-drain utility where service connections are provided.
(Ord. 2004-14, passed 12-14-04; Am. Ord. 2014-4, passed 10-14-14)

1160.02 Powers and Authority of Inspectors.

Subd. 1 Entrance to property. The Public Works Director or his/her designee shall be permitted to enter all properties for the purpose of inspection and/or observations.
(Ord. 2004-14, passed 12-14-04)

1160.03 Penalties.

Subd. 1 Notice. Any person found to be violating any provision of this Section, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction. A certificate of occupancy will not be issued until all corrections are made.

Subd. 2 Liability. Any person violating any of the provisions of the Section shall become liable to the City of any expense, loss or damage incurred by the City by reason of the violation.
(Ord. 2004-14, passed 12-14-04)

Section 1170 - Nonessential Water Usage upon Critical Water Deficiency

1170.01 Purpose.

This Section establishes water conservation restrictions that will be in effect at any time the Governor declares by executive order a critical water deficiency, pursuant to Minn. Stat. § 103G.291.
(Ord. 2020-4, passed 6-10-20)

1170.02 Definitions.

Subd. 1 Clerk. In statutory cities, “Clerk” means the person assigned duties pursuant to Minn. Stat. § 412.151; or the City Manager pursuant to Minn. Stat. §§ 412.601 to 412.751 or in charter cities as determined by city charter.

Subd. 2 Department. “Department” means the City Water Department.

Subd. 3 Emergency. “Emergency” means the declaration of a critical water deficiency by the Governor.

Subd. 4 Irrigation. “Irrigation” means the watering of shrubs, trees, sod, seeded areas, gardens, lawns, or any other outdoor vegetation, except outdoor vegetation utilized for agricultural purposes.

Subd. 5 Notification to Public. “Notification to Public” means notification through local media, including interviews and the issuance of news releases.

Subd. 6 Public Water Supplier. “Public Water Supplier” means the City or other entity that owns, manages, or operates a public water supply, as defined in Minn. Stat. § 144.382, Subd. 4.

Subd. 7 Reclaimed Water. “Reclaimed Water” means water collected from rooftops, paved surfaces, or other collection devices and all water utilized more than once before re-entering the natural water cycle.

Subd. 8 Water Recirculation System. “Water Recirculation System” means any system that enables a user to reuse water at least once prior to returning the water to the natural water cycle.

(Ord. 2020-4, passed 6-10-20)

1170.03 Application.

Subd. 1 This Section applies to all customers of public water suppliers who own or control water use on any premises.

Subd. 2. No person shall make, cause, use, or permit the use of water received from a public water supply for residential, commercial, industrial, governmental, or any other purpose in any manner contrary to any provision in this Section.

Subd. 3. Mandatory emergency conservation measures shall be implemented based upon the declaration of a critical water emergency by the Governor.

(Ord. 2020-4, passed 6-10-20)

1170.04 Declaration of Critical Water Deficiency.

Upon the declaration of a critical water deficiency by the Governor, the public water supplier shall immediately post notice of the emergency declaration at the usual meeting place of the City Council, or the official City bulletin board. The City shall provide notification to the public as quickly as possible or through established water supply plans, emergency response plans or procedures.

(Ord. 2020-4, passed 6-10-20)

1170.05 Mandatory Emergency Water Conservation Measures.

Upon declaration of a water emergency and notification to the public, the following mandatory restrictions upon nonessential water use shall be enforced.

Subd. 1 Outdoor irrigation of yards, gardens, golf courses, parklands, and other non-agricultural land, except for those areas irrigated with reclaimed water, is prohibited.

Subd. 2 Washing or spraying of sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas with water from any pressurized source, including garden hoses, except to alleviate immediate health or safety hazards, is prohibited.

Subd. 3 The outdoor use of any water-based play apparatus connected to a pressurized source is prohibited.

Subd. 4 Restaurants and other food service establishments are prohibited from serving water to their customers, unless water is specifically requested by a customer.

Subd. 5 Operation of outdoor misting systems used to cool public areas is prohibited.

Subd. 6 The filling of swimming pools, fountains, spas, or other exterior water features is prohibited.

Subd. 7 The washing of automobiles, trucks, trailers, and other types of mobile equipment is prohibited, except at facilities equipped with wash water recirculation systems, and for vehicles requiring frequent washing to protect public health, safety, and welfare.

(Ord. 2020-4, passed 6-10-20)

1170.06 Variances.

The City Clerk, or his or her designee, is authorized to grant variances to this Section where strict application of its provisions would result in serious hardship to a customer. A variance may

be granted only for reasons involving health or safety. An applicant may appeal the denial of a variance within five (5) days of the decision by submitting a written appeal to the City Clerk. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final.

(Ord. 2020-4, passed 6-10-20)

1170.07 Violation.

Subd. 1 Violations shall be determined and cited by the City Clerk or his or her designee. A violator may appeal the citation within five (5) days of its issuance by submitting a written appeal to the City. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final. Violators may be granted an administrative waiver if evidence is provided that equipment failure was the cause of the violation. A letter from a qualified vendor or equipment invoice will be required to show proof of equipment failure,

Subd. 2 Upon discovery of a first violation, the violator shall be issued, either personally or by mail, a warning letter that sets forth the violation and that describes the remedy and the fines for future violations.

Subd. 3 Upon subsequent violations at the same location, the violator shall be issued, either personally or by mail, a citation that sets forth the violation and shall describe the remedy. Fines shall be added to the monthly water bill of the owner or current occupant of the premises where the violation occurred. The imposition of the fine shall in no way limit the right of the City to pursue other legal remedies.

(Ord. 2020-4, passed 6-10-20)

1170.08 Enforcement.

The City Clerk, or his or her designee, is authorized to designate City employees or law enforcement personnel to enforce the provisions of this Section

(Ord. 2020-4, passed 6-10-20)

Attachment A - The City of Stewartville, Olmsted County, Minnesota
Application for Sanitary Sewer Service Connection

The undersigned, representing himself or herself as owner of the property, located at _____, Stewartville, Minnesota, hereby makes application for sanitary sewerage service for the property, and in consideration of the furnishing of the service covenants and agrees as follows:

1. I agree to abide by all rules and regulations as specified in and by ordinances of the City of Stewartville now in effect or enacted and passed from time to time providing for the regulation of the sanitary sewer system or specifying fees and rates to be charged for connection and sanitary sewer service furnished by the City of Stewartville, it is further acknowledged and agreed that the undersigned, his or her heirs, executors, administrators, successors and assigns shall pay all charges for connection fees and sewer usage which shall become due as the result of the connecting of the sewerage mains and the furnishing of sanitary sewerage service to the above property, and that all such charges and fees for sanitary sewer service rendered to the property together with penalties, if any, and the costs of collection are to be considered and become a charge against the property, the lien so created to be enforced in accordance with the ordinances of the City.
2. All bills for the aforesaid charges are payable at City Hall, Stewartville, Minnesota within 15 days following the receipt of the bill and if not paid, are subject to a ten percent (10%) penalty.
3. Each and all of the agreements and covenants herein contained shall run with the real estate above described whose present owner is signatory to this application.
4. I understand that after making this application I am to await installation permit and instructions therewith.
5. Permit fee \$_____ is enclosed herewith, payable to the City of Stewartville.
6. Permission shall be hereby granted to the City of Stewartville and its authorized representatives at any reasonable time to enter the premises of the applicant and any portion thereof for the purpose of inspecting all connections appurtenant to the sewerage outlets, pipes, and mains.

(Connection shall be inspected before backfilling)

Signature

Street Number and Name of Street

City, State and Zip Code

Telephone No.

Date

Do not fill in the spaces to the right
if the information is the same as the
applicant above.

	Mail Bills To:	_____
-		Name

-		Street Number and Name of Street

-		City, State and Zip Code

This space for office use only.	Date signed application rec. _____
Date application mailed _____	Amount of inspection fee rec. _____

Attachment B - City Of Stewartville, Olmsted County, Minnesota
Receipt

Receipt is hereby acknowledged of executed Application for Sanitary Sewer Service Connection from the person and for the property indicated below.

This receipt does not authorize service connection of the premises to the City of Stewartville Sanitary Sewerage System; it is understood that before such connection is made, inspection and approval of the customer service line by an authorized representative of the City is required, and approval of such connection and issuance of a Certificate of Inspection, Approval and Permit is conditioned upon compliance with all the ordinances, Rules, and Regulations of the City of Stewartville.

NOTE:

1. In the event the location of the sewer service connection is unknown, this office is to be contacted.
2. This office is to be notified the day before the work is to be done so that inspection may be arranged in accordance with specifications furnished. For example, if you desire inspection on Tuesday, contact us on Monday. If you desire inspection on Monday, contact us on Friday, etc.
3. If the sewer line is deep enough to drain your basement, if you have one, then the wastes from the basement as well as the other floor(s) of the property shall go into the sanitary sewers. Downspout and surface drainage shall be prohibited inasmuch as this is not a storm sewer system.

WARNING: In order to coordinate our inspections, we must be advised a day in advance before the work is done. The inspection must be made before the trench is backfilled. If the trench is backfilled before the inspection is made, it will have to be reopened to permit inspection.

City of Stewartville
Olmsted County, Minnesota

No. _____
Date _____
Address _____
Owner _____

Attachment C - City of Stewartville, Olmsted County, Minnesota
Certificate of Inspection, Approval and Permit

IT IS HEREBY CERTIFIED that inspection has been made of the individually owned sewer mains and sanitary service connection for the property described below, and the installation shall be hereby approved as in compliance with the Specifications, Rules and Regulations established by applicable ordinances.

Permission shall be hereby granted to complete the connection of the individually owned sewer main to the City of Stewartville Sanitary Sewerage System and to utilize the same for waste disposal in compliance at all times, with applicable ordinances of the City of Stewartville, Olmsted County, Minnesota.

NO. _____

ADDRESS _____

TYPE OF CONNECTION: (Single-family residence) _____
(Multi-family unit) _____
(Commercial) _____
(Industrial) _____
(Institutional) _____
(Governmental) _____

INSTALLATION BY _____

The service is in operation
as of this date:

CITY OF STEWARTVILLE
OLMSTED COUNTY, MINNESOTA

_____ BY _____

Attachment D - City of Stewartville, Olmstead County, Minnesota
Sewer Service Charge System

A. Background

The City of Stewartville will be constructing a new wastewater treatment facility, interceptor sewer and relief sewer with the assistance of the (Federal and/or State Construction Grants Programs)

The present population is 4,170. The projected design year domestic population ((20) years after completion is 9,300.

Design Data for the treatment facility are as follows:

		ADF	LBS-BOD/DAY	LBS-
TSS/DAY				
First Year	.50	MGD		
of Operation	<u>-.15</u>	<u>MGD</u> Infiltration & Inflow		
	.35	MGD Billable Gallons	827	1084
Design Year	.95	MGN	1586	1850

B. Development of a Sewer Service Charge System. The Sewer Service Charge System for the City of Stewartville is to be developed in accordance with the provisions of the City's "Ordinance Establishing a Sewer Service Charge System" to insure the following:

1. Pollution Abatement in accordance with the City's NPDES Permit.
2. Allocation of OM&R costs of wastewater treatment to users in proportion to their total contribution of wastewater flows and loadings.
3. Sufficient generation of revenue to insure effective Operation, Maintenance, and Replacement of the treatment works throughout its useful or design life, whichever is longer.
4. A description of how the City intends to recover its capital costs for the Treatment Works and a rate determination for the portion of such costs to be recovered as part of the Sewer Service Charge.

C. Adoption of the Sewer Service Charge System. The Sewer Service Charge System shall be revised and adopted by resolution in accordance with Article V of the "Ordinance Establishing a Sewer Service Charge System."

*BOD & TSS based upon 1988 Monthly Operation reports. The high and low reports (March 1988 and June 1988) were eliminated in order to obtain a more representative sample.

D. Operation and Maintenance Account

Operating

1. Personnel Services	\$ 51,000	
2. Utilities (Est)	\$	60,300
3. Materials, Supplies, & Misc.. Repairs	\$ 20,700	
4. Miscellaneous	\$	5,500
TOTAL OPERATION	<u>\$ 137,500</u>	

Administrative

1. Office Supplies and Postage	\$ 2,025	
2. Insurance	\$	18,200
3. Miscellaneous	\$	1,800
4. Licenses	\$	3,000
TOTAL ADMINISTRATIVE	<u>\$ 25,025</u>	

TOTAL \$ 162,525

E. Debt Service Account

A. Sewerage Principal and Interest Account	\$ 81,406	
B. Sewerage Bond Reserve Account	\$	500
TOTAL	\$	81,906

(1) Based on 55% Federal Grant of total allowable project costs, additional 20% of allowable project costs associated with them that meet alternative technology criteria, and a state matching grant of 22 ½ % of allowable costs.

F. Equipment Replacement Account [begins on following page]

Item	Value	Service Life (Years)	Actual Cost
1. Influent Pumping Units	43,000	20	\$ 2, 400
2. Mechanical Cleaned Bar Screen	32,000	20	\$1,535
3. Grit Removal System	34,000	20	\$1,630
4. Oxidation Ditch System	94,000	20	\$4,510
5. Sludge Collector Units	59,000	20	\$2,830
6. Cl /SO Supply System	15,700	20	\$755
7. Secondary Sludge Pumps	7,000	20	\$336
8. Sludge Storage Mixers	10,000	20	\$480
8a. Sludge Aeration	15,000		\$720
9. Emergency Generator	35,000	20	\$1,679
10. Parshall Flume Recorder and Totalizer	5,000	20	\$240
11. Laboratory Equipment and Furniture	35,000	15	\$2,320
12. Maintenance Equipment and Tools	10,000	15	\$665
13. Painting	27,500	10	\$2,810
14. Sludge Application Vehicle	90, 000	20	4,320
15. Miscellaneous Mechanical Equipment	70,000	20	\$3,360
16. Miscellaneous and Miscellaneous Specialties	60,000	20	\$2,880
SUBTOTAL	642,200		\$33,470
Additional Sewer Equipment			
1. Vehicles (Sewer Dept. Pickup)			\$ 3,000
TOTAL			\$36,470

*Costs were determined from a breakdown on construction payment requests. Depreciation calculations include a 4% inflation rate and assume a reinvestment of funds accumulated at 8%.

G. Wastewater Service Charge Computation Method

A. Expenses

1.	Operation and Maintenance Account	
	a. Operating:	\$137,500
	b. Administrative:	<u>\$ 25,025</u>
	TOTAL O & M	\$162,525
2.	Debt Service Account:	
	(Principal & Interest, Principal & Interest Reserve and Depreciation Account)	\$81,906

3.	Equipment Replacement Account:	\$36,470
B.	Revenue (Income) from Other Sources:	
1.	Operation and Maintenance Account Other than User Charge	
a.	Connection Fees (tap-ons)	
b.	Service Charge	\$14,400
c.	Reimbursements:	
TOTAL O & M REVENUE		
2.	Debt Service Accounts:	
C.	Service Charge Revenue Required (Expenses less "Other" Revenue):	\$184,595
D.	Total O & M Debt Service Charge, Replacement Revenue Required:	\$266,501
1.	Percent of O & M Charge to Total Revenue Required: $162,525 - 14,400 = 148,125$ 266,501	55.6%
2.	Percent of Debt Service Charge to Total Revenue Required:	30.7%
3.	Percent of Replacement Charge to Total Revenue Required: 100%	<u>13.7%</u>
E.	Service Charge per 1000 gallons:	
1.	Total billable flow: $349,677 \times 365 \text{ days} = 127,632,000$ gallons per year	
2.	Cost: Total Revenue Required /year = 2.09/1000 gallons $127,632 [1000 \text{ gal/year (rounded to 2.10)}]$	
F.	User Charge (O & M & R) and Debt Service Charge. The City of Stewartville has decided that the fairest system for recovering the entire cost of operation, maintenance, replacement and debt service of the sewer fund is to charge a fee based on	

user rates. Therefore, a separate calculation for debt service is unnecessary, and the overall formula simplified. A service charge of \$1 per month per billing account has been added to cover the costs of mailing & statement preparation.

1. User charge per 1000 gallons =
 Gallons billed x \$2.10 per 1000 gallons = monthly user charge
 \$1.00 per month per account = monthly service charge

Total Sewer Billing

G. Residential, Commercial, Industrial, Institutional and Governmental Breakdown:

USER CLASS SUMMARY

USER CLASS	EXISTING		EXISTING	
	USERS (connected)	(1) Q(gpd) Billable	BOD #/day	TSS#/day
Residential	1098	271,000	641	840
Commercial	71	47,661	113	148
Industrial	10	17,092	40	53
Governmental	17	13,924	33	
TOTAL	1196	349,677	827	1084

*Actual data for BOD & TSS for various user classes is presently unavailable. The City has purchased a portable sampler and intends on compiling data throughout the coming year.

AVG. DAILY WATER USAGE

User Class	Debt Service Charge	Basic User Charge	Total
<u>%(1)</u>	<u>(Bond Annual Cost)</u>	<u>0 & M & R</u>	
Residential 77.5%	\$63,477	\$143,061	\$205,538
Commercial 13.5%	11,057	24,920	35,977
Industrial 5%	4,095	9,230	13,325
Governmental 4%	3,277	7,384	10,661
Total Annual Cost	\$81,906	\$184,595	\$266,501
Total Cost/1000 Gallons			

H. Minimum Service Charge Calculations:

1. Minimum User Charge
 - a. 2,000 gallons per month minimum
 $2,000 \times \text{user charge cost}/1000 \text{ gallons} =$
 $2,000 \times 2.10/1000 \text{ gallons} = 4.20 \text{ per month}$
2. Service Charge - \$1 per billing per month
 Minimum Wastewater Rate = \$5.20 per month

Example Computation: $8,000 \text{ gallons per month} \times 2.10 = \16.80
 $\$1 \text{ Service charge per month} \quad 1.00$
\$17.80

Surcharge (S):

A. Distribution of Revenue Required to Flow, Biochemical Oxygen Demand (BOD) and Suspended Solids (SS)

1. Distribution
 - a. Flow Related = $50\% \times \text{Total Revenue Required}$:
 $0.5 (266,501) = \$133,250.50$
 - b. BOD Related = $25\% \times \text{Total Revenue Required}$:
 $0.25 (266,501) = \$66,625.25$
 - c. SS Related = $25\% \times \text{Total Revenue Required}$:
 $0.25 (266,501) = \$66,625.25$

- B. Cost per pound BOD (BC):

$$\frac{127,643,000 \times 8.34 \times 200 \text{ mg/liter}}{1,000,000} = 212,890 \text{ annual lbs of BOD}$$

$$\frac{\text{BOD Related Revenue Required}}{\text{Annual lbs. of BOD}} = \frac{\$66,625.25}{191,820 \text{ \#BOD/yr}} = .35 \text{ \#BOD/yr}$$

- C. Cost per pound of TSS (SC):

$$\frac{127,632,000 \times 8.34 \times 250 \text{ mg/liter}}{1,000,000} = 266,113 \text{ annual lbs. of TSS}$$

$$\frac{\text{TSS Related Revenue Required}}{\text{Annual lbs. of TSS}} = \frac{66,625.25}{266,113} = \$.25 / \text{\#TSS/yr}$$

D. Surcharge Computation Method:

Formula: $C =$ Surcharge for BOD and SS

$B =$ Cost per pound of BOD treatment

$B =$ BOD concentration (must be greater than 200mg/l)

$S =$ Cost per pound for SS treatment

$S =$ SS concentration (must be greater than 250mg/l)

$V =$ Volume discharge in million gallons

8.34 = Conversion factor

*****Based on annual billable flow