

**TITLE V: PUBLIC WORKS**

Chapter

**50. GENERAL PROVISIONS**

**51. GARBAGE**

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## CHAPTER 50: GENERAL PROVISIONS

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(E) The city has the authority to fix utility rates and establish reasonable policy. Rates and policy will be established by motion of the City Council.

(F) Meters will be read sometime during the last week of each month. Bills will be processed and mailed on or before the fifteenth day of each month. Bills are payable on or before the first day of the following month. If the due date falls on a Saturday, Sunday or holiday, then the due date will be on the next working day.

(Ord. 08-06, passed 12-2-08)

### § 50.01 DEFINITIONS, RATES AND ADMINISTRATION.

(A) The term *UTILITY* shall refer to all utility services furnished by the city including water, sewer, refuse, electric and related fees and taxes.

(B) The term *UTILITY RATES* are usage charges for utilities.

(C) The term *UTILITY FEES* are charges associated with utility rates such as sales tax, surcharges, state and county fees and miscellaneous city fees. Fees may be changed from time to time by the City Council or by other forms of government.

(D) The term *CUSTOMER* means the property owner(s) of record of the property which application for utility service is made and/or for which utility service is provided. A manager, acting as the owner's agent, may also apply for utility service for the property, but the owner of the property is still the customer.

### § 50.02 CUSTOMER RESPONSIBILITY AND DEPOSIT.

(A) All applicants for utility service must fill out an application for service on a form provided by the city. Only the owner(s) of record of the property to be served (or manager of the property acting as the owner's agent) may fill out an application for service to that property. The rule applies even if the owner(s) of record is/are not personally occupying the property. In making application for utility service, the customer is consenting to abide by all ordinances, rules, regulations and utility rates as adopted by the city. Any unpaid utility charges shall be and are hereby constituted a lien upon the property served.

(B) A customer deposit is required at the time of application and prior to connection of any city utility service. The amount of the customer deposit will be in accordance with city policy.

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(C) The customer deposit will accrue interest at a yearly rate determined by state statute. The customer deposit plus accrued interest will be paid to the customer on their anniversary date or upon a change of ownership (sale) of the property. The deposit plus interest may also be applied to any balance due on the utility account.

(D) A customer for utility service shall not receive new utility service in their name until any previous outstanding utility charges for previous accounts with the city in the customer's name have been paid in full.

(Ord. 08-06, passed 12-2-08)

**§ 50.03 PENALTIES FOR DELINQUENCY;  
RETURNED CHECKS.**

(A) Customer bills that are not paid prior to the next month's billing cycle will be charged a late charge fee in accordance with the utility fee schedule.

(B) The customer's account will be billed a fee for any check returned for insufficient funds. The fee will be determined by the maximum amount allowed by statute on bad check charges or \$15, whichever is less.

(C) If a customer writes two or more NSF checks for utilities within a 12-month period, the customer will be informed in writing that future payments by personal check will not be accepted. The city will grant exception if the NSF was due to a bank error.

(Ord. 08-06, passed 12-2-08)

**§ 50.04 SHUT-OFF FOR NON-PAYMENT.**

(A) The city shall endeavor to collect delinquent accounts promptly. A customer who is two or more months past due is considered delinquent.

(B) The city may discontinue service to the delinquent customer by shutting off the water at the shut off valve in the alley/street and/or by disconnecting the power to the meter.

(C) When water and/or electric service to any premises has been discontinued, service shall not be restored until the following are paid in full: the utility bill, a utility reconnect fee, and a new customer deposit fee.

(D) (1) Water and/or electric service shall not be shut off under division (C) of this section until notice and an opportunity for a hearing have been provided to the customer of the premises involved. The notice shall contain the following information:

(a) Date of pending shutoff

(b) Amount due

(c) Who to contact, address and telephone number(s) regarding a remedy to the shutoff or objection to the bill.

(d) How the customer may request to set up a payment plan that is agreeable to the customer and the utility.

(e) How the customer may demand a hearing on the matter, in which case the supply will not be cut off until after the hearing is held.

(2) The notice shall be served by mail and the customer will be given ten working days to respond.

(3) If the customer requests a hearing, the hearing on the matter will be before the City Council at next regular scheduled City Council meeting.

(4) If as a result of the hearing, the City Council finds that the amount owed is due and unpaid and there is no legal reason why the water and electric supply should remain on, the city may shut off the supply.

(5) The city will apply the Minnesota Cold Weather Rule during the period October 15 through April 15 as per M.S. §§ 216B.095 through 216B.097. (Ord. 08-06, passed 12-2-08)

**§ 50.05 COLLECTIONS.**

(A) A delinquent customer account is one in which all efforts to collect the past due bill(s) have been unsuccessful and/or the city may have disconnected the utilities.

(B) Unpaid utility charges shall be certified to the St. Louis County Auditor for collection. Customers will be provided a 30-day notice delivered by first class mail.

(C) Notice shall be mailed to the customer and shall state that if payment is not made before the date for certification, the entire unpaid amount will be certified to the County Auditor for collection as other taxes are collected. The notice shall also state that the customer may schedule a hearing before the City Council in order to object to certification of unpaid utility charges.

(D) If after the scheduled customer hearing, the City Council finds no legal reason sufficient to justify the customer's failure to pay the utility charges, then the unpaid charges will be certified to the County Auditor with the taxes against such property and shall be collected as other taxes against the property are collected.

(Ord. 08-06, passed 12-2-08)

**§ 50.06 CONNECTIONS.**

(A) All water service installations connected to the city water system shall be metered on meters provided by the city. Remote water meters are required at each service and will be installed by the city. The remote shall be accessible at all times to the city public works employees.

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(B) Anyone connecting any electric service installations to the city electrical system shall obtain a meter from the city. Electric services must have the meter located on the exterior of the building.

(C) All electrical work for overhead, underground, single phase, three phase and relocation of poles/lines will be billed in accordance with the city policy fee schedule.

(D) Electric service will not be granted until a state inspection approval is presented to the city. (Ord. 08-06, passed 12-2-08)

**§ 50.07 UNLAWFUL ACTS.**

(A) It is unlawful for any person to willfully or carelessly break, injure, deface or in any way interfere with any city property or machinery.

(B) It is unlawful for any person to make any connection to the city's utility system without first having applied for and received permission from the city to do the same.

(C) It is unlawful for any person to turn on or to connect a utility when the same has been turned off or disconnected by the city for non-payment of a bill or for any other reason.

(D) The customer is responsible for the cost of replacement of utility meters that are carelessly or intentionally damaged.

(E) It is unlawful for any person to jumper or by any means or device fully or partially circumvent a municipal utility meter or to knowingly use or consume non-metered utilities or use the services of the utility system, the use of which the proper billing authority would have no knowledge. (Ord. 08-06, passed 12-2-08)

**§ 50.08 RIGHT-OF-WAY.**

The city has the right to enter in and upon private property, including buildings and dwellings, in or upon which is installed a municipal utility, or connection therewith, at all times reasonable under the circumstances, for the purpose of reading utility meters, for the purpose of inspection and repair of utility meters, and for the purpose of connection and disconnection of service.

(Ord. 08-06, passed 12-2-08)

**§ 50.09 TEMPORARY POWER.**

(A) Customers requesting temporary power must have a building permit for the construction of a new structure and must submit their request in writing to the City Clerk.

(B) The city shall supply power to the meter socket at a cost to the customer for material from the weatherhead down, including meter socket, wire, conduit, etc.

(C) The customer and/or electrical contractor will need to arrange for an outdoor weatherproof load center, GFCI breakers or GFCI outlets and grounding.

(D) Customers are encouraged to install permanent metering point possibly on a lot line pole or pedestal, at which time they may temporarily feed a load center for their own purposes and later feed their permanent build.

(E) Customers must submit an application to the State of Minnesota for an electrical inspection.

(F) Customers will be charged a \$100 fee for the installation of temporary power.

(G) All temporary power will be metered and customers will be billed monthly at the going rate as set forth by the City Council.

(H) All electrical work done either by the city or the customer must be done in accordance with the National Electrical Code.

(I) Temporary power will only be supplied for a period not to exceed 120 days. If for any reason temporary power is needed after 120 days, customer must submit a request to extend temporary power in writing to the Buhl Utility Board.

(Ord. 13-04, passed 8-6-13)

**§ 50.10 PLACEMENT OF ELECTRICAL METERS.**

(A) *Location of electrical service.* New or changed service installations shall be made at the expense of the property owner or the applicant for service. Prior to the sale of any real estate served by the city electric service wherein any electric meter is located in the interior of the building, such meters shall be removed and, at the expense of the owner/seller, reinstalled on the exterior. Failure to comply on or before closing of the sale of said real estate will result in termination of any existing electric service to that property and will result in the failure of said property to qualify for any new electric service. Within ten years of the effective date of this section, all electrical meters located in the interior of any building served by the city electric service must be and shall be relocated onto an exterior wall of the building served, at the expense of the owner or an applicant for service.

(B) *Penalty.* In addition, as to any property that is not sold, but to which the provisions of division (A) above otherwise apply, if said property does not comply with the other provisions of said division (A) within the applicable time limits, a 20% surcharge on the monthly electric charge to said non-compliant property will be added to the monthly electric bill for said property.

(Ord. 06-01, passed 3-21-06)

## CHAPTER 51: GARBAGE

### Section

51.01 Refuse collection

51.02 Storage of refuse

51.99 Penalty

### § 51.01 REFUSE COLLECTION.

The city shall provide for the collection of all refuse from all commercial and residential properties. Such collection shall be made at least once each week from all locations. Grass clippings, leaves, or other material which may be composted shall not be collected.

(Ord. 15, Second Series, passed 2-15-94)

### § 51.02 STORAGE OF REFUSE.

(A) All organic waste shall be kept in plastic bags provided by the city. All organic waste shall be drained of liquids and wrapped paper.

(B) Bags shall be placed on individual premises in an easily accessible location determined by the Public Works Department adjacent to the alley.

(Ord. 15, Second Series, passed 2-15-94)

### § 51.99 PENALTY.

Any person who violates § 51.02 shall be guilty of a misdemeanor.

(Ord. 15, Second Series, passed 2-15-94)





## CHAPTER 52: SEWERS

Section

### *Connections and Installations*

52.01 Connections and installations

#### *Use Regulations*

- 52.15 Definitions
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### **CONNECTIONS AND INSTALLATIONS**

#### **§ 52.01 CONNECTIONS AND INSTALLATIONS.**

(A) *Toilet connections required.* It shall be the duty of every owner or occupant of any abutting property platted into lots and blocks, in the city, having a dwelling house or business property situated thereon, to install a toilet in the dwelling or business property, and make connections thereof with the water and sewer in the street or alley adjacent thereto within 30 days after written notice is given to the owner or occupant to install the toilet and make the connection, by the Administrator/Clerk-Treasurer.

(B) *Sanitary sewer; check valve required.* All property owners or occupants of property having a sanitary sewer connection shall install at the property owner's or occupant's expense a proper back trap or check valve to prevent the backing up of any sewage from the city mains and after installation of the back trap or check valve shall continue to maintain the same in proper working condition.

(C) *Roof connection to sanitary sewer prohibited.* No roof drains of any sort shall be connected in any manner with the sanitary sewage system of the city.

(D) *Sanitary sewer connection to storm sewer forbidden.* No sanitary sewer shall be connected in any manner to the storm sewer system of the city. (Prior Code, § 6.24) Penalty, see § 10.99

**USE REGULATIONS****§ 52.15 DEFINITIONS.**

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

**ACT.** The Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, 33 USC 1251 *et seq.*

**ASTM.** American Society for Testing Materials.

**AUTHORITY.** The City of Buhl, Minnesota, or its representative thereof.

**BOD<sub>5</sub> or BIOCHEMICAL OXYGEN DEMAND.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 200° C, in terms of milligrams per liter (mg/l).

**BUILDING DRAIN.** The 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 10 feet outside the building wall.

**BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.

**CITY.** The area within the corporate boundaries of the City of Buhl, Minnesota, as presently established or as amended by ordinance or other legal actions at a future time. **CITY**, when used herein, may also be used to refer to the City Council and its authorized representative.

**COD or CHEMICAL OXYGEN DEMAND.** 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).

**COMPATIBLE POLLUTANT.** Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS permit if the treatment facilities are designed to treat the pollutants to a degree which complies with effluent concentration limits imposed by the permit.

**CONTROL MANHOLE.** A structure specially constructed for the purpose of measuring flow and sampling of wastes.

**EASEMENT.** An acquired legal right for the specific use of land owned by others.

**FECAL COLIFORM.** Any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

**FLOATABLE OIL.** Oil, fat, or grease in a physical state, such that it will separate by gravity from wastewater.

**GARBAGE.** Animal and vegetable waste resulting from the handling, preparation, cooking, and of serving of food.

**INCOMPATIBLE POLLUTANT.** Any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.

**INDUSTRY.** Any non-governmental or non-residential user of a publicly owned treatment works which is identified in the *Standard Industrial Classification Manual*, latest edition, which is categorized in Divisions A, B, D, E, and I.

**INDUSTRIAL WASTE.** Gaseous, liquid, and solid wastes resulting from industrial or manufacturing processes, trade, or business, or from

the development, recovery, and processing of natural resources, as distinct from residential or domestic strength wastes.

**INFILTRATION.** Water entering the sewage system, including building drains and pipes, from the ground through means such as defective pipes, pipe joints, connections, and manhole walls.

**I/I or INFILTRATION/INFLOW.** The total quantity of water from both infiltration and inflow.

**INFLOW.** 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.

**INTERFERENCE.** The inhibition or disruption of the city's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the city's NPDES and/or SDS permit. The term includes **INTERFERENCE** of 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.

**MAY.** The act is permissive.

**MPCA.** Minnesota Pollution Control Agency.

**NATIONAL CATEGORICAL PRETREATMENT STANDARDS.** Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to be not susceptible to treatment by the treatment facilities or would interfere with the operation of the treatment facilities, pursuant to Section 307(b) of the Act.

**NPDES PERMIT or NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT.**

A permit issued by the MPCA setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act.

**NATURAL OUTLET.** Any outlets, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake, or other body of surface water or ground water.

**NON-CONTACT COOLING WATER.** The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added, is heat.

**NORMAL DOMESTIC STRENGTH WASTE.** Wastewater that is primarily introduced by residential users with a BOD concentration not greater than 240 mg/l and a suspend solids (TSS) concentration not greater than 230 mg/l.

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

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

**PRETREATMENT.** The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works.

**PROPERLY SHREDED GARBAGE.** The wastes from the preparation, cooking, and dispensing of food that have been shredded to a degree that all particles will 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.

**SEWAGE.** The spent water of a community. The preferred term is "wastewater."

**SEWER.** A pipe or conduit that carries wastewater or drainage water.

(1) **COLLECTION SEWER.** A sewer whose primary purpose is to collect wastewater from individual point source discharge and connections.

(2) **COMBINED SEWER.** A sewer intended to serve as a sanitary sewer and a storm sewer.

(3) **FORCE MAIN.** A pipe in which wastewater is carried under pressure.

(4) **INTERCEPTOR SEWER.** A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

(5) **PRIVATE SEWER.** A sewer which is not owned and maintained by a public authority.

(6) **PUBLIC SEWER.** A sewer owned, maintained, and controlled by a public authority.

(7) **SANITARY SEWER.** A sewer intended to carry only liquid and water carried wastes from residents, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.

(8) **STORM SEWER** or **STORM DRAIN.** A drain or sewer intended to carry storm waters, surface runoff, ground water, subsurface water, street wash water, drainage, and unpolluted water from any source.

**SHALL.** The act is mandatory.

**SIGNIFICANT INDUSTRIAL USER.** Any industrial user of the wastewater treatment facility which has a discharge flow:

(1) In excess of 25,000 gallons per average work day;

(2) Has exceeded 5% of the total flow received at the treatment facility;

(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.

**SLUG.** Any discharge of water or wastewater which in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment works.

**SDS PERMIT** or **STATE DISPOSAL SYSTEM PERMIT.** Any permit, including any terms, conditions, and requirements thereof, issued by the MPCA, pursuant to M.S. § 115.07 for a disposal system, as defined by M.S. § 115.01(8), as they may be amended from time to time.

**SUPERINTENDENT.** The Utilities Superintendent or a deputy, agent, or representative thereof.

**SS, SUSPENDED SOLIDS, TOTAL SUSPENDED SOLIDS** or **TSS.** The total suspended matter that either floats on the surface of, or is suspended in water, wastewater, or other liquids, and is removable by laboratory filtering as prescribed in *Standard Methods for the Examination of Water and Wastewater*, latest edition, and referred to as "non-filtering residue."

**TOXIC POLLUTANT.** The concentration of any pollutant or combination of pollutants which upon

exposure to or assimilate into any organism will cause adverse effects, as defined in standards issued pursuant to Section 307(a) of the Act.

**UNPOLLUTED WATER.** Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities.

**USER.** Any person who discharges or causes or permits the discharge of wastewater into the city's wastewater disposal system.

**WASTEWATER.** The spent water of a community and referred to as "sewage." From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water, and storm water that may be present.

**WASTEWATER TREATMENT WORKS or TREATMENT WORKS.** An arrangement of any devices, facilities, structures, equipment, or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, addition 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 the treatment.

**WATERCOURSE.** A natural or artificial channel for the passage of water, either continuously or intermittently.

**WPCF.** The Water Pollution Control Federation. (Prior Code, § 6.32)

#### **§ 52.16 UTILITIES SUPERINTENDENT; CONTROL AND DUTIES.**

The Utilities Superintendent 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 chapter to the end that a proper and efficient public sewer is maintained.

(Prior Code, § 6.33)

#### **§ 52.17 PROHIBITED ACTIVITIES.**

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

(B) 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 chapter and the city's NPDES/SDS permit.

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

(D) (1) 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 owners' expense to install a suitable service connection to the public sewer in accordance with provisions of this code, within 365 days of the date the

public sewer is operational, provided the public sewer is within 150 feet of the structure generating the wastewater.

(2) All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this section, an official 60-day notice shall be served instructing the affected property owner to make the connection.

(E) In the event an owner shall fail to connect to a public sewer in compliance with a notice given under division (D) above, the city must 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 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 chapter.

(Prior Code, § 6.34) Penalty, see § 10.99

#### **§ 52.18 PRIVATE WASTEWATER DISPOSAL.**

(A) Where a public sewer is not available under the provisions of division (D) below, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(B) Prior to commencement of construction of a private wastewater disposal system, the owners shall first obtain a written permit signed by the city. The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary to the city.

(C) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city or its authorized representative. The city or its representative shall be allowed to inspect the work at

any stage of construction, and, in any event, the applicant for the permit shall notify the city when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice.

(D) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of Minnesota Rules Ch. 7080, as it may be amended from time to time, entitled *Individual Sewage Treatment System Program*. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) At a 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 365 days in compliance with the chapter, and within 60 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.

(F) 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.

(G) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the state.

(Prior Code, § 6.35) Penalty, see § 10.99

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

(A) Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, BOD, and suspended solids, as determined by the city.

(B) No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter,

or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

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

(D) (1) There shall be two classes of building sewer permits:

(a) For residential and commercial service; and

(b) For service to establishments producing industrial wastes.

(2) 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 permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

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

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

(G) 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 or her representative, to meet all requirements of this chapter.

(H) 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 Minnesota Building and Plumbing Code or other applicable rules and regulations of the city. In the absence of code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9, shall apply.

(I) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

(J) 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.

(K) The connection of the building sewer into the public sewer shall conform to the requirements of the Minnesota Building and Plumbing Code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All connections shall be made gas-tight and watertight, and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the city prior to installation.

(L) The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer.

The connection and inspection shall be made under the supervision of the Superintendent or authorized representative thereof.

(M) 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 work, shall be restored in a manner satisfactory to the city.

(N) No person shall make a service connection with any public sewer unless regularly licensed under this chapter to perform the work, and no permit shall be granted to any person, except a regularly licensed person.

(O) Any person desiring a license to make a service connection with public sewers, shall apply in writing to the City Council with satisfactory evidence that the applicant or employer is trained or skilled in the business and qualified to receive a license. All applications shall be referred to the Superintendent for recommendations to the Council. If approved by the Council, the license shall be issued by the City Clerk upon filing of a bond as hereinafter provided.

(P) No license shall be issued to any person until a \$5,000 bond to the city, approved by the Council, is filed with the Administrator/Clerk-Treasurer conditioned that the licensee will indemnify and save harmless the city from all suits, accidents and damage that may arise by reason of any opening in any street, alley or public ground, made by the licensee or by those in the licensee's employment for any purpose whatever, and that the licensee will replace and restore the street and alley over the opening to the condition existing prior to installation, adequately guard with barricades and lights and will keep and maintain the same to the satisfaction of the Superintendent, and shall conform in all respects to the rules and regulations of the Council relative thereto, and pay all fines that may be imposed on the licensee by law.

(Q) The Council may suspend or revoke any license issued under this section for any of the following causes:

(1) Giving false information in connection with the application for a licensee;

(2) Incompetence of the licensee; or

(3) Willful violation of any provisions of this section or any rule or regulation pertaining to the making of service connections.

(Prior Code, § 6.36) Penalty, see § 10.99

### **§ 52.20 PUBLIC SERVICES; PROHIBITED DISCHARGE.**

(A) No person(s) shall discharge or cause to be discharged any unpolluted water such as storm water, ground water, roof runoff, surface drainage, or non-contact cooling water to any sanitary sewer.

(B) Storm water and all other unpolluted drainage shall be discharged to the 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.

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

(1) Any liquids, solids, or gases which by reason of either 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 include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

(2) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater



treatment facilities such as, but not limited to, grease, garbage with particles greater than half an inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residue from refining or processing of fuel or lubricating oil, mud, or glass grindings or polishing wastes.

(3) 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.

(4) 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.

(D) (1) The following described substances, materials, water, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works, treatment process or equipment, will not have an adverse effect on the receiving stream and/or soil, vegetation, and ground water, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Superintendent, upon consultation with the City Council, may set limitations lower than limitations established in the regulations below if, in their opinion, the more severe limitations are necessary to meet the objectives.

(2) In forming their opinion as to the acceptability of wastes, the Superintendent and City Council will give consideration to factors such as the quantity subject waste in reaction to flows and

velocities in the 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 treatment of wastes in the sewage treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

(a) Any wastewater having a temperature greater than 150° F, or 65° C, or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104° F, or 40° C, or having heat in amounts which will inhibit biological activity in the wastewater treatment works resulting in interference therein;

(b) Any wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 or containing substances which may solidify or become viscous at temperatures between 32° F and 150° F, or 0° C and 65° C, and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not;

(c) Any quantities of flow, concentration, or both which constitute a "slug," as defined herein;

(d) Any garbage not properly shredded, as defined herein. 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 caterer;

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair;

(f) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to dye wastes and vegetable tanning solutions;

(g) Non-contact cooling water or unpolluted storm, drainage, or ground water;

(h) Wastewater containing inert suspended solids (such as, but not limited to Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to sodium chloride and sodium sulfate) in quantities that would cause disruption with the wastewater disposal system;

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

(j) Any waters or wastes containing any substances as specified by the Minnesota Pollution Control Agency to the degree that any material received in the composite wastewater at the wastewater treatment works in excess of the limits set by the city for the materials.

(k) Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule, regulation, or ordinance of any regulatory agency, or state or federal regulatory body.

(l) Any waters or wastes containing BOD or suspended solids of the 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 division (Q) below.

(E) (1) 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 division (D), and/or which in the judgement of the Superintendent upon consultation

with the City Council may have a deleterious effect upon the wastewater treatment facilities processes, equipment, receiving waters 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 charges.

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

(F) 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 divisions (C) and (D) above, or contained in the national categorical pretreatment standards or any state requirements.

(G) 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).

(H) (1) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in division (D)(2),

any flammable wastes, as specified in division (C)(1), 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.

(2) 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 are subject to review by the Superintendent. Any removal and hauling of the collecting materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm.

(I) 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 the necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. The structure shall be accessible and safety loaded, and shall be constructed in accordance with plans approved by the city. The structure shall be maintained by the owner to be safe and accessible at all times.

(J) (1) 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 chapter and any special condition for discharge established by the city or regulatory agencies having jurisdiction over the discharge.

(2) The number, type, and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the city. The industrial user must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with federal, state, and local standards are being met.

(3) The owner shall report the results of measurements and laboratory analyses to the city at the times and in the manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses and reporting required by the city.

(4) At the times as deemed necessary, the city reserves the right to take measurements and samples for analysis by an independent laboratory.

(K) All measurements, tests, and analyses of the characteristics of waste and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Method for the Examination of Water and Wastewater*, published by the American Public Health Association. Sampling methods, location, times, duration, and frequencies are to be determined on an individual basis subject to approval by the Superintendent.

(L) (1) 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 chapter.

(2) Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense.

(3) 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 procedure shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter.

(4) Users shall notify the Superintendent immediately upon having a slug or accidental discharge of substances of wastewater in violation of this chapter to enable countermeasures to be taken by the Superintendent to minimize damage to the wastewater treatment works.

(5) The notification will not relieve any user of any liability for any expense, loss, or damage to the wastewater treatment system or treatment process, or for any fines imposed on the city on account thereof under any state and federal law.

(6) Employees shall insure that all employees who may cause or discover a discharge, are advised of the emergency notification procedure.

(M) (1) No person, having charge of any building or other premises which drains into the public sewer, shall permit any substances or matter which may form a deposit or obstruction to flow or pass into the public sewer.

(2) Within ten 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 other work as the Superintendent may deem necessary.

(3) 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 ten days, the Superintendent may cause the work to be completed at the expense of the owner or representative thereof.

(N) (1) 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 the work to be done as the Superintendent may direct.

(2) Each day after ten 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.

(O) 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 other mineral deposit from entering the public sewer system.

(P) In addition to other penalties that may be imposed for violation 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 discharge of prohibited wastes by the person, and may collect the assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the city.

(Q) 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 therefore by the industrial concern, providing that national categorical pretreatment standard and the city's NPDES and/or state disposal system permit limitations are not violated.

(Prior Code, § 6.37)

#### **§ 52.21 DAMAGING WASTEWATER FACILITIES.**

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.

(Prior Code, § 6.38) Penalty, see § 10.99

#### **§ 52.22 RATE SCHEDULE FOR CHANGES.**

Each user of sewer service shall pay the charge(s) applicable to the type of service, and in accordance with the provisions herein.

(Prior Code, § 6.39)

### **§ 52.23 INSPECTORS; POWERS AND DUTIES.**

(A) 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, observation, measurement, sampling, and testing pertinent to the discharges to the city's sewer system in accordance with the provisions of this chapter.

(B) 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 must establish that the revelation to the public of the information in question, might result in an advantage to competitors.

(C) 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 § 52.20(I).

(D) 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 negotiated easement for the purposes of, but not limited to industrial 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 negotiated easement pertaining to the private property involved.

(Prior Code, § 6.40)

### **§ 52.24 VIOLATIONS AND LIABILITIES.**

(A) Any person found to be violating any provision of §§ 52.15 through 52.23 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.

(B) Any person violating any of the provisions of this subchapter shall become liable to the city for any expense, loss, or damage occasioned by the city by reason of the violation.

(Prior Code, § 6.41)

## ***SERVICE CHARGE SYSTEM***

### **§ 52.35 DEFINITIONS.**

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

**ADMINISTRATION.** Those fixed costs attributable to administration of the wastewater treatment works. Examples are billing and associated bookkeeping and accounting costs.

**BOD<sub>5</sub> or BIOCHEMICAL OXYGEN DEMAND.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C, expressed in milligrams per liter.

**CITY.** The area within the corporate boundaries of Buhl, Minnesota, as presently established or as

amended by ordinance or other legal action at a future time. When used herein, *CITY* may also refer to the City Council or its authorized representative.

**COMMERCIAL USER.** Any place of business which discharges sanitary waste as distinct from industrial wastewater.

**COMMERCIAL WASTEWATER.** Domestic wastewater emanating from a place of business as distinct from industrial wastewater.

**DEBT SERVICE CHARGE.** A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct the facilities.

**NORMAL DOMESTIC STRENGTH WASTEWATER.** Wastewater that is primarily produced by residential users, with BOD<sub>5</sub> concentrations not greater than 240 mg/l and suspended solids concentrations not greater than 230 mg/l.

**EXTRA STRENGTH WASTE.** Wastewater having a BOD<sub>5</sub> and/or TSS greater than domestic waste as defined herein and not otherwise classified as an incompatible waste.

**GOVERNMENT USER.** Users which are units, agencies, or instrumentalities of federal, state, or local government discharging normal domestic strength wastewater.

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

**INDUSTRIAL USERS or INDUSTRIES.**

(1) Entitles that discharge into a publicly-owned wastewater treatment works, liquid wastes resulting from the processes employed in industrial or manufacturing processes, or from the development of

any natural resources. These are identified in the *Standard Industrial Classification Manual, 1972*, Office of Management and Budget, as amended and supplemental under one of the following divisions:

- (a) Agriculture, Forestry and Fishing;
- (b) Mining;
- (c) Manufacturing;
- (d) Transportation, Communication, Electric, Gas and Sanitary Sewers; and
- (e) Services.

(2) Any non-government 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.

**INDUSTRIAL WASTEWATER.** The liquid processing wastes from an industrial manufacturing process, trade or business including but not limited to all *Standard Industrial Classification Manual* divisions A, B, D, E, and I manufacturing as distinct from domestic wastewater.

**INSTITUTIONAL USER.** Users other than commercial, governmental, industrial, or residential users, discharging primarily normal domestic strength wastewater. A non-profit organization is an example of an **INSTITUTIONAL USER**.

**MAY.** The act is permissive.

**OPERATION AND MAINTENANCE.** Activities required to provide for the dependable and

economical functioning of the treatment works, throughout the design or useful life, which ever is longer of the treatment works, and at the level of performance for which the treatment works were constructed. **OPERATION AND MAINTENANCE** includes replacement.

**OPERATION AND MAINTENANCE COSTS.** Expenditures for operation and maintenance, including replacement.

**PUBLIC WASTEWATER COLLECTION SYSTEM.** A system of sanitary sewers owned, maintained, operated, and controlled by the city.

**REPLACEMENT.** Obtaining and installing of equipment, accessories, or appurtenances which are necessary during the design life or useful life, whichever is longer, of the treatment works to maintain the capacity and performance for which the works were designed and constructed.

**REPLACEMENT COSTS.** Expenditures for replacement.

**RESIDENTIAL USER.** A user of the treatment facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached and semi-detached housing, apartments and mobile homes, and which discharges are primarily normal domestic strength sanitary wastes.

**SANITARY SEWER.** A sewer intended to carry only liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.

**SEWER SERVICE CHARGE.** The aggregate of all charges, including charges for operation, maintenance, replacement, debt service, and other sewer related charges that are billed periodically to users of the city's wastewater treatment facilities.

**SEWER SERVICE FUND.** A fund into which income from sewer service charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditure of the sewer service fund will be for operation, maintenance and replacement costs, and to retire debt incurred through capital expenditure for wastewater treatment.

**SHALL.** The act is mandatory.

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

**STANDARD INDUSTRIAL CLASSIFICATION MANUAL.** Office of Management and Budget, 1972.

**SS, SUSPENDED SOLIDS, TSS or TOTAL SUSPENDED SOLIDS.** The total suspended matter that either floats on the surface or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in *Standard Methods for the Examination of Water and Wastewater*, latest edition, and referred to as "non-filterable residue."

**TOXIC POLLUTANT.** The concentration of any pollutant or combination of pollutants, as defined in standards issued pursuant to Section 307(a) of the Act, which upon exposure to or assimilation into any organism which cause adverse effects.

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

**USERS.** Those residential, commercial, governmental, institutional, and industrial

establishments which are connected to the public sewer collection system.

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

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

(Ord. 162, passed 12-30-85)

### § 52.36 ESTABLISHMENT OF CHARGES.

(A) The city hereby establishes a sewer service charge system whereby all revenue collected from users of the wastewater treatment facilities will be used to affect all expenditures incurred for annual operation, maintenance, and replacement and for debt service on capital expenditure incurred in constructing the wastewater treatment works.

(B) 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.

(C) Each user shall pay debt service charges to retire local capital costs as determined by the City Council.

(D) Sewer 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 herein.

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

(F) Sewer service charges and the Sewer Service Fund will be administrated in accordance with the provisions § 52.39.

(Ord. 162, passed 12-30-85)

### § 52.37 CHARGES; USER CLASSIFICATION AND COST CALCULATION.

(A) *User classification.*

(1) Users of the city wastewater treatment works shall be identified as belonging to one of the following user classes:

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

(2) The allocation of users to these categories for the purpose of assessing user charges and debt service charges shall be the responsibility of the Administrator/Clerk-Treasurer. Allocation of



users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.

(B) *Operation, maintenance and replacement costs.* The user shall pay operation, maintenance, and replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, with the minimum rate for loadings of BOD and of TSS being the rate established for concentrations of 240 mg/l BOD and 230 mg/l TSS, or normal domestic strength wastewater.

(C) *Unit costs for treatment of flow, BOD, and TSS.*

(1) Unit costs for treatment of flow, BOD and TSS shall be determined and fixed annually in the sewer service charge system according to the following procedure:

(a) Determine the annual O, M and R budget;

(b) Allocate total annual O, M and R costs to flow, BOD, and TSS proportionately, according to the costs of collection, and of the specific treatment processes required to affect or reduce flow, BOD, and TSS; and

(c) Divide the O, M and R costs attributable to flow, BOD, and TSS respectively, by the total annual billable volume and loadings of flow, BOD, and TSS, to arrive at unit costs.

(2) For purposes of determining user charges, the following definitions of unit costs shall apply:

$U_F$ . The unit cost for treatment of flow in \$/Kgal.

$U_{BOD}$ . The unit cost for treatment of BOD in \$/lb.

$U_{TSS}$ . The unit cost for treatment of TSS in \$/lb.

(3) Unit costs are provided in the sewer service charge system developed with the assistance of Robert R. Wallace and Associates, Inc. Subsequent calculations of unit costs shall be according to the substantive intent of this SSCS.

(D) *Charges for normal domestic strength users.*

(1) *Calculating billable flows and loadings.*

(a) The billable amount of flow will be calculated from the volume of metered water usage. For residential users, the per quarter billable flow shall be equal to quarterly metered water usage as averaged between the first and last quarters of the calendar year. For non-residential users discharging NDSW, billable flow shall be equal to quarterly water usage measured throughout the year.

(b) The billable amounts of BOD and TSS will be calculated from the volume of metered water usage, as determined above, where the billable quantities will be those attributable to a wastewater concentration of 240 mg/l BOD and 230 mg/l TSS, or normal domestic strength wastewater.

(2) *Calculating user charges.*

$$U_C (\text{NDS}) = (U_F \times F)$$

$U_C (\text{NDS})$ . The user charge for treatment of normal domestic strength wastewater.

$U_F$ . The unit cost for treatment of flow in \$/Kgal.

$F$ . The billable flow in Kgal.

(E) *Charges for users contributing wastes greater than normal domestic strength.*

(1) *Calculating billable flows and loadings.*

(a) The billable amount of flow will be calculated from the volume of metered water usage, or at the discretion of the city, from the measurements of effluent flow at user's point of discharge. Measurements shall be according to a regular program prescribed by the city.

(b) The billable amounts of BOD and TSS will be calculated by the measurement of these wastes according to a program prescribed by the city in keeping with the latest edition of *Standard Methods for the Examination of Water and Wastewater* and in accordance with §§ 52.15 through 52.24.

(2) *Calculating user charges.*

$$U_C (\text{GNDS}) = (U_F \times F) + (U_{\text{BOD}} \times Q_{\text{BOD}}) + (U_{\text{TSS}} \times Q_{\text{TSS}})$$

$U_C (\text{GNDS})$ . The user charge for treatment of wastewater that is greater than normal domestic strength.

$U_F$ . The unit cost for treatment of flow in \$/Kgal.

$F$ . The billable flow in Kgal.

$U_{\text{BOD}}$ . The unit cost for treatment of BOD in \$/lb.

$Q_{\text{BOD}}$ . The quantity of BOD in lbs.

$U_{\text{TSS}}$ . The unit cost for treatment of TSS in \$/lb.

$Q_{\text{TSS}}$ . The quantity of TSS in lbs.

(F) *Flow meter installation.*

(1) The city may, at its discretion, require non-residential users to install wastewater flow meters or additional water meters as may be necessary to determine wastewater volume. The city may require residential connections to install water meters for the purpose of determining wastewater volume. When so

required, the meters shall be of a type approved by the city equipped with remote registering recorders, and located at an accessible site on the owner's property.

(2) Provision for the recovery of local construction costs shall be included in the §§ 52.15 through 52.24 and this subchapter, in accordance with 40 CFR 35.2104. Federal and state regulations do not require that local construction costs be recovered proportionately, as is the case with operation, maintenance and replacement costs, but only that the method of recovery be provided for in this chapter. Consequently, the city may employ a variety of methods to recover the costs.

(3) The alternatives demonstrate provision for the costs, and can be employed to assist in the development of a suitable ordinance. These alternatives are offered as suggestions; neither the EPA nor the MPCA endorse a particular approach.

(G) *Recovery of local construction costs.* Local construction costs for the wastewater treatment facility will be recovered through ad valorem taxes as described above.

(Ord. 162, passed 12-30-85)

**§ 52.38 SEWER SERVICE FUND.**

(A) (1) The city hereby establishes a "Sewer Service Fund" as an income fund to receive all revenues generated by the sewer service charge system, and all other income dedicated to the operation, maintenance, replacement, and construction of the wastewater treatment works, including taxes, special charges, fees, and assessments intended to retire construction debt.

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

(a) Operation and Maintenance Account;

and (b) Equipment Replacement Account;

(c) Debt Retirement Account.

(B) 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 Administrator/Clerk-Treasurer 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" or the "Debt Retirement Account," in accordance with state and federal regulations and the provisions of this subchapter.

(C) 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 account shall remain therein.

(D) 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."

(Ord. 162, passed 12-30-85)

### § 52.39 ADMINISTRATION.

The sewer service charge system and Sewer Service Fund shall be administrated according to the following provisions:

(A) (1) The City Administrator/Clerk-Treasurer shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works, and shall furnish the City Council with a report of the costs annually.

(2) 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 will also determine whether the user charges are distributed proportionately to each user in accordance with § 52.36(B) and Section 204(b)(A) of the federal Water Pollution Control Act, as amended.

(3) The city shall thereafter, but not later than the end of the year, reassess and, as necessary, revise the sewer service charge system then in use to insure the proportionality 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.

(B) In accordance with federal and state requirements each user will be notified annually in conjunction with a regular billing of that portion of the sewer service charge attributable to operation, maintenance, and replacement.

(C) In accordance with federal and state requirements, the Administrator/Clerk-Treasurer shall be responsible for maintaining all records necessary to document compliance with the sewer service charge system adopted.

(D) Bills for 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 30 days after the due date will be considered delinquent. At that time, the city shall notify the delinquent owner/occupant in writing regarding the bill and subsequent penalty. The penalty shall be computed as 5% of the original bill and shall be increased the same 5% for every month the bill is outstanding.

(E) The owner of the premises, shall be liable to pay for the service, and the service is furnished to the premises, the city only upon the condition that the owner of the premises is liable therefore to the city.

(F) 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 discharger(s) of the wastes, at no expense to the city.

(Ord. 162, passed 12-30-85)

#### **§ 52.40 LEVYING TAXES OR ASSESSMENTS FOR DELINQUENCY.**

(A) Each and every sewer service charge levied by and pursuant to this subchapter is hereby made a lien upon the lot or premises served, and all charges which are on October 1 of each year past due and delinquent, shall be certified to the Auditor as taxes or assessments on the real estate. Nothing in this subchapter 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.

(B) As an alternative to levying a lien, the city may, as its discretion, file suit in a civil action to collect the 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.

(C) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate of 5% per annum.

(Ord. 162, passed 12-30-85)

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**GENERAL PROVISIONS****§ 53.001 DEFINITIONS.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**APPLICANT.** Any person or persons applying for water service from the City of Buhl.

**CITY COUNCIL.** Buhl City Council.

**DEPARTMENT.** The Department of Public Works and Utilities.

**DOMESTIC APPLICANT.** A noncommercial or non-industrial applicant who uses water or sewage or both.

**FIRE SERVICE.** An unmetered large capacity water service which is used only for the suppression of fire and which is protected by appropriate backflow preventers to insure that potable water supplies are not contaminated.

**HIGH VOLUME WATER SERVICE.** Any service which is capable of providing in excess of 35 gallons of water per minute at water pressure levels which are normal at the location of such service.

**HOUSE PIPING.** The pipe or system of pipes conveying water from the meter on the house service to the points of use of water.

**HOUSE SERVICE.** That portion of a water service which extends from the curb stop controlling the flow through the house service, to and including the meter through which the flow in the house service is measured.

**METER.** A registration device connected directly to a water service line directly registering the amount of water passing through it.

**SERVICE.** A pipe for conveying an individual supply of water of a premises from the common supply in the main to and including the meter registering the flow of water to the service.

**STANDARD WATER VOLUME WATER SERVICE.** Any water service which is capable of providing up to 35 gallons of water per minute at water pressure levels which are normal at the location of such service.

**STREET.** A street, avenue, alley or other regularly established and existing public highway or public right-of-way.

**STREET SERVICE.** That portion of a water service which extends from its connection with the main to and including the curb stop, which controls the flow through the street service.  
(Ord. 14-02, passed 4-15-14)

**§ 53.002 WATER SHUT-OFF.**

The right is reserved to the department to shut off the water supply at any time it may deem it necessary to avoid potential harm to persons or damage to property.  
(Ord. 14-02, passed 4-15-14)

**§ 53.003 ESTABLISH REGULATIONS.**

The Council is hereby authorized to establish regulations not inconsistent with this chapter. All such regulations shall be published in the official newspaper of the city ten days prior to going into effect and shall be available for examination and copying at the Buhl City Hall during normal business hours.

(Ord. 14-02, passed 4-15-14)

**§ 53.004 FAILURE OF WATER SUPPLY.**

The city shall not be liable for any deficiency or failure in the supply of water.

(Ord. 14-02, passed 4-15-14)

**§ 53.005 PERSONS VIOLATING CHAPTER.**

Any person guilty of violation of the provisions of this chapter shall be liable to the city for any and all expense, cost or damage caused the city by such violation.

(Ord. 14-02, passed 4-15-14)

**§ 53.006 WASTING WATER.**

No person shall take, use, waste, divert or permit the taking, using, wasting or diversion of water from the water system of the city, except by the authority of and in the manner and at the place prescribed by the department. The supply of water may be withheld from any person guilty of unauthorized use, waste or diversion of water until proper authority has been obtained and rules have been complied with and until payment has been made for the water taken, used, wasted or diverted, together with all reasonable charges and expenses entailed by such unauthorized use.

(Ord. 14-02, passed 4-15-14)

**§ 53.007 WATER CHARGES.**

Charges for supplying water shall be made on the basis of such rates for meter registration, demand charges and service charges as may be authorized from time to time by the City Council. The Council shall, at the time of any change in the rate schedule post a copy of the new schedule of rates. All water sold shall be metered, except for fire protection and other specially authorized supplies, provided, that appropriate charges may be made for unmetered water taken or wasted by unauthorized means or by leaks or through meters improperly registering.

(Ord. 14-02, passed 4-15-14)

**§ 53.008 WATER HAS BEEN CONVERTED; DIVERTED**

Should it be found that water has been taken, converted or diverted from the city's water works without authority or by known leak not registered by the meter or should a meter for registering the consumption of water be found to be removed, stopped or registering incorrectly, the city shall make an estimate of the consumption, based upon all available pertinent information and normal charges shall be computed on the basis of the estimate so made.

(Ord. 14-02, passed 4-15-14)

**§ 53.009 METER MALFUNCTION CHARGES.**

In case of incorrect registration by a meter, the applicant shall pay for the estimated consumption for the period of two months previous to the discovering of malfunction of the meter only. In the case of incorrect registration by a remote register, the applicant shall pay for the value of services actually provided by the city as registered on the meter.

(Ord. 14-02, passed 4-15-14)

**§ 53.010 WATER TAKEN WITHOUT AUTHORITY.**

In cases of water taken without authority or of a meter having been willfully removed or registered incorrectly by reason of having been tampered with, the consumption upon which normal charge is computed shall be estimated for the entire period over which, as indicated by the evidence, the irregular taking, conversion or diversion has persisted.

(Ord. 14-02, passed 4-15-14)

**§ 53.011 ESTIMATED CHARGES.**

Charges may be modified by the city upon presentation of material evidence that such modification may be equitably made.

(Ord. 14-02, passed 4-15-14)2015 S-2

**§ 53.012 DAMAGING PROPERTY PROHIBITED.**

No person, without authority from the city, shall break, remove or damage any property of any kind, including any seal, belonging to the city and used in the business of furnishing water to the people of the city, nor fill any excavation made by the city in carrying out its business.

(Ord. 14-02, passed 4-15-14)

**§ 53.013 UNAUTHORIZED CONNECTION OF METERS.**

No person, without authority from the city, shall install meters or use of knowingly permit on his premises the installation, maintenance or use of any pipe, connection or device of any such nature or in such manner for the purpose of, or that will, permit, taking, converting or diverting of water, from the city water distribution system, being registered by a city owned meter. Violation of this provision shall be a misdemeanor.

(Ord. 14-02, passed 4-15-14)

**§ 53.014 USE OF UNMETERED WATER.**

It shall be a misdemeanor for any person to use or to knowingly allow to be used on premises he/she owns, leases, rents or controls water which has not been registered of a city owned meter.

(Ord. 14-02, passed 4-15-14)

**§ 53.015 WATER POLLUTION PROHIBITED.**

No person, in any way, shall willfully or negligently corrupt or render impure any water supplied by the city to the people of the city.

(Ord. 14-02, passed 4-15-14)

**§ 53.016 SERVICE STOPS AND HYDRANTS.**

No person, without being authorized by the city, or by law, shall open or shut any service stop, or fire hydrant or remove or unscrew, wholly or partially, the cap from such fire hydrant.

(Ord. 14-02, passed 4-15-14)

**§ 53.017 UNAUTHORIZED WATER USE.**

No person who has not obtained authority from the city shall take water from any pipe into any specified building or onto any specified premises to be used for any specified purpose or use such water in any other building or upon any other premises, or for any other purpose than that specified in the authority granted by the city.

(Ord. 14-02, passed 4-15-14)

**§ 53.018 EXCAVATIONS PROHIBITED.**

No person in the city shall dig or excavate within two feet of any main pipe, valve, hydrant or blow-off belonging to the city except by use of hand tools or in a manner authorized by the city.

(Ord. 14-02, passed 4-15-14)



**§ 53.019 CONNECTIONS MADE BY AUTHORIZED PERSONS.**

Any person making any attachment or connection to, or doing any work with or on any water house service and any appurtenances thereto, must be authorized by the laws of the state to do such work. The provisions of this section shall not apply to city employees doing work for the city and to any property owner doing work on their single family, owner occupied dwelling.  
(Ord. 14-02, passed 4-15-14)

**§ 53.020 TURNING ON WATER CURB STOP.**

No person whatsoever, other than an authorized employee of the city, shall turn on the supply of water after such water has been shut off by the city.  
(Ord. 14-02, passed 4-15-14)

***SERVICES***

**§ 53.030 PRIVATE WATER SERVICES.**

Any privately owned street services shall be maintained and repaired only by the city and at city cost. Privately owned water services downstream from the curb stop shall be repaired and maintained by the owners at their expense.  
(Ord. 14-02, passed 4-15-14)

**§ 53.031 FROZEN PIPES.**

In the case of frozen pipes, the property owner will be responsible for the repair up to the main line.  
(Ord. 14-02, passed 4-15-14)

**§ 53.032 CENTERING OF NEW SERVICE ON PROPERTY.**

All new water street services will be located at the center of the property to be served unless otherwise agreed upon by the city, or unless the city shall specify otherwise after reasonable notice to the registered property owner and opportunity for said owner to be heard.  
(Ord. 14-02, passed 4-15-14)

**§ 53.033 CITY SERVICE MAINTENANCE.**

All water street services owned by the department shall be maintained and repaired by the city at its expense.  
(Ord. 14-02, passed 4-15-14)

**§ 53.034 NEW SERVICES CONNECTED TO EXISTING MAINS.**

New water street services to be connected to existing mains shall be installed by the city, and the owner of the property so served shall pay the city the reasonable value thereof. All such new services will be located at the center of the property to be served unless otherwise agreed upon by the city or unless the city shall specify otherwise after reasonable notice to the registered property owner and the opportunity for the owner to be heard.  
(Ord. 14-02, passed 4-15-14)

**WATER HOUSE SERVICES****§ 53.045 ABANDONING WATER SERVICE.**

A water service shall be deemed to be abandoned when the structure or premises it served is demolished and not rebuilt within one year or when for any other reason it is anticipated that the service will never be used again. No person shall abandon a water service without giving the city at least three business days written notice so that the service can be properly disconnected at the main. Services serving buildings to be demolished that are deemed suitable for reuse by the city for service to a newly constructed building on the site may be retained.

(Ord. 14-02, passed 4-15-14)

**§ 53.046 WATER HOUSE SERVICE OWNERSHIP.**

All water house services shall be owned, controlled, installed, maintained, repaired, replaced or renewed by the property owner at his/her own expense.

(Ord. 14-02, passed 4-15-14)2015 S-2

**§ 53.047 PLUMBING CODE STANDARDS.**

All water house service plumbing shall conform with the requirements of the Minnesota State Plumbing Code.

(Ord. 14-02, passed 4-15-14)

**CURB STOPS****§ 53.060 CITY PROPERTY.**

All curb stops used in the distribution of water are the property of the city and the city shall have exclusive right to repair, maintain or replace them at its own expense.

(Ord. 14-02, passed 4-15-14)

**§ 53.061 EXPENSE OF INSTALLATION.**

The city will furnish one curb stop for water for connection to each house service. Additional curb stops shall be furnished by the city for a reasonable fee.

(Ord. 14-02, passed 4-15-14)

**§ 53.062 TAMPERING.**

No person who is not a representative of the city shall tamper with, manipulate or disconnect in any manner curb stops, or attempt to do so.

(Ord. 14-02, passed 4-15-14)

**§ 53.063 ACCESS BY CITY.**

The city shall have the right of reasonable access to served premises for the purpose of inspecting, turning on, turning off, maintaining, repairing or replacing curb stops.

(Ord. 14-02, passed 4-15-14)

***FIRE SERVICES*****§ 53.080 MAY BE GRANTED BY CITY.**

Services which are to be used exclusively for supplying water to extinguish fire will be granted by the city where, in its judgment, special protection may be necessary; provided, that the conditions set out in this subchapter are complied with.

(Ord. 14-02, passed 4-15-14)

**§ 53.081 APPLICATION.**

Application for a fire service shall be made by the owner of the premises to be served or his or her legal representative on the form prescribed by the city, in which the applicant shall guarantee compliance with all rules and regulations of the city which apply and shall save the city free and harmless from all damages which may be occasioned by or on account of the service rendered.

(Ord. 14-02, passed 4-15-14)

**§ 53.082 CERTAIN DRAWINGS REQUIRED.**

The application for a fire service shall also furnish with the application a complete and correct drawing or set of drawings, showing the location of the premises to be supplied, together with location of all valves, pipes, hydrants, tanks, sprinkler heads and other appurtenances on the premises. The plans will remain the property of the city. The applicant for a fire service shall also agree to furnish the city with drawings showing revisions to piping or appurtenances whenever the same are made.

(Ord. 14-02, passed 4-15-14)

**§ 53.083 SIZE OF SERVICE PIPE.**

The city expressly reserves the right to determine the size of service pipe which will be granted, depending upon the size of the street main, the available pressure on the main and the nature and capacity of the fire protection equipment within the building.

(Ord. 14-02, passed 4-15-14)

**§ 53.084 INSTALLATIONS.**

All fire services will be installed at the permit applicant or property owner's expense in strict conformance with all specifications set forth by the city, which will ascertain the best location for same and direct the applicant to lay the pipe from the street main to a point just inside the wall or the building line of opening yards where buildings are set back from the building line. All repairs to the service pipe between the street main and to and including the service valve shall be done by the city at its expense. All other repairs shall be done by the owner at the owner's expense.

(Ord. 14-02, passed 4-15-14)

**§ 53.085 SERVICE LIMITATIONS.**

One fire service only will be allowed to any one building or premises, unless in the opinion of the city more than one is absolutely necessary for the proper protection of the premises. All fire protection equipment connected to the city service shall be confined within the building or on the premises named on the application. Where two or more connections are made for one building or premises they shall be kept separated, unless special permission is obtained from the city to connect the same in a manner to be approved by the city.

(Ord. 14-02, passed 4-15-14)

**§ 53.086 DRAWING OF WATER PROHIBITED.**

No water shall be drawn from the fire service pipes downstream from the backflow preventer for any purpose whatever, except for the extinguishment of fire. No connection shall be made between the fire service pipe system downstream from the backflow preventer and the regular water supply to the premises. Valves on hose outlets, drain valves, etc., placed on the pipe system shall be of a style that can be sealed. When any such valve is opened, the owner or occupant of the premises shall notify the city so that the same can be resealed at once. This section shall not be construed as prohibiting a reasonable use of water for fire drills, draining of a system to prevent freezing or other reasonable use in connection with proper fire protection.

(Ord. 14-02, passed 4-15-14)

**§ 53.087 CONNECTIONS.**

Any fire protection system supplied with water from the city service shall be supplied exclusively with such water. No connection will be allowed with any other system drawing its supply from any other source. No auxiliary or secondary suction pipe to any underwriters pump taking water from any contaminated source will be permitted. Any fire protection system, using water from any other source than the city service, shall be kept entirely separate from any such system supplied from the city service.

(Ord. 14-02, passed 4-15-14)

**§ 53.088 WATER SHUT-OFF.**

In any case when the owners or occupants of any premises are found to be using or wasting water from a fire service for other purposes than fire protection, the water shall be shut off from same until the offender shall give reasonable assurance to the city that the offense will not be repeated. Payment of the current service charge plus the estimated charge of water taken or wasted will be required for turning

the water on after it has been shut off for this cause. A second violation of this rule will be considered sufficient cause of cutting the service off at the main, and refusing to reconnect the same while the offender occupies the premises.

(Ord. 14-02, passed 4-15-14)

**§ 53.089 WATER METERS MAY BE REQUIRED.**

The city reserves the right at any time to require the owner of the premises supplied to furnish and install, at his/her expense and under the direction of the city, an approved water meter and keep the same in accurate operating condition.

(Ord. 14-02, passed 4-15-14)

***HOUSE PIPING*****§ 53.100 VALVE REQUIREMENTS.**

A suitable valve shall be installed on house water piping both upstream and downstream of each meter. Where water pressure exceeds 80 pounds per square inch, a suitable pressure reducing and regulating valve shall be installed on the water service pipe adjacent to the water meter.

(Ord. 14-02, passed 4-15-14)

**§ 53.101 REMOVAL OF VALVES, FAUCETS, ETC.**

The right is reserved to the city to enforce the removal of any faucet, water closet, stop cock, valve or other device of a character that will cause or is liable to cause excessive shock to the water pipes, waste of water or pollution of the general or individual water supply.

(Ord. 14-02, passed 4-15-14)

**§ 53.102 DESIGN OF PIPING TO PREVENT FREEZING.**

House piping shall be so designed and installed as to obviate any necessity for allowing water to run to avoid freezing.

(Ord. 14-02, passed 4-15-14)

**§ 53.103 CROSS-CONNECTION CONTROL.**

If, in the judgment of the city, an approved backflow prevention assembly is required for the safety of the water system, the city shall give notice to said customer to install such an approved backflow prevention assembly(ies) at specific location(s) on the customer's premises. The customer shall install such approved assembly(ies) within the time period ordered by the city, at the customer's own expense; and failure, refusal or inability on the part of the customer to install, have tested and maintain said assembly(ies) shall constitute grounds for disconnecting water service to the premises until such requirements have been satisfactorily met.

(Ord. 14-02, passed 4-15-14)

***METERS AND METERING***

**§ 53.115 SUPPLY OF WATER TO BE RECORDED BY METER.**

The supply of water through each house service or authorized branch thereof shall be recorded by a meter furnished and installed by the city.

(Ord. 14-02, passed 4-15-14)

**§ 53.116 APPLICATIONS.**

(A) Permanent and temporary meters will be furnished and installed by the city upon the filing at the office of the Clerk of an approved application

therefor, accompanied by the payment of duly authorized installation charges, if any, and any security deposit required.

(B) The application for a temporary meter shall designate the number of days he/she will require use of the meter. Upon completion of construction he/she shall notify the city, water shall be shut off at the curb and the meter removed from the premises by an authorized employee of the city.

(Ord. 14-02, passed 4-15-14)

**§ 53.117 GROUNDS FOR DISAPPROVAL.**

Any application for installation of meters may be disapproved for premises:

(A) Whose application is in arrears to the city for lawful charges for utility services, street services, or other commodities, supplies or services;

(B) For which premises any regulations to house piping, house service, street service or inspection remain uncomplied with;

(C) When charges for utilities consumed on such premises remain unpaid;

(D) For which an enforceable order condemning said premises for habitation is in effect and the City Building Official has not approved the application because of requirements for repair or safety; or

(E) In the case of new construction, the City Building Official has not approved the structure due to requirements for repair or safety.

(Ord. 14-02, passed 4-15-14)

**§ 53.118 CITY WORK TO BE DONE.**

Meters shall be installed, removed, repaired, connected and disconnected by employees of the city only. Connecting, disconnecting, changing or in any manner tampering with any meter registering water by any person other than the employee of the city shall be unlawful.

(Ord. 14-02, passed 4-15-14)

**§ 53.119 CITY PROPERTY.**

Meters, fittings and appurtenances furnished by the city shall remain the property of the city.

(Ord. 14-02, passed 4-15-14)

**§ 53.120 RESPONSIBILITY FOR DAMAGED METERS.**

(A) The city shall be responsible for all damaged meters due to ordinary wear, improper installation or servicing of equipment by the city or any other damage to the meters that is not due to negligence on the part of the applicant. The applicant shall be responsible for all damaged or destroyed meters resulting from the applicants own negligence and shall be charged for the repairs or replacement thereof.

(B) The applicant for a meter or contractor shall be responsible for the safekeeping of the meter until he/she notifies the city that he/she is through using the meter and it is removed by the city. Contractors shall be liable for any loss or damage sustained by meter or connections during the time they are using the meter and it is in their possession.

(Ord. 14-02, passed 4-15-14)

**§ 53.121 METERING OF MULTIPLE SERVICES.**

Multiple water services and meters may be connected to a house service when, in the judgment of the city, such house service is of sufficient size that service pressures will not be impaired. When more than one meter is connected each meter will be read and billed separately.

(Ord. 14-02, passed 4-15-14)

**§ 53.122 LOCATION.**

Water meters shall be installed as near as is practicable to the point where the house service enters the building served.

(Ord. 14-02, passed 4-15-14)

**§ 53.123 RIGHT-OF-ENTRY.**

Authorized employees of the city shall have access to meters at all reasonable hours for reading or examination of the same or for any other lawful errand. If an applicant denies an employee of the city access at any reasonable time to any meter, the water supply may be shut off until access is gained and payment is made of charges for shutting off and turning on the supply and for any extra trips necessitated. Willful failure to permit an employee to gain access to shut off the water supply or for any other lawful errand shall be a misdemeanor.

(Ord. 14-02, passed 4-15-14)

**§ 53.124 VALVE INSTALLATION.**

All water meters installed for building or construction purposes shall have a suitable valve installed on both sides of the meter and the meter shall be supported by pipe securely fastened to the floor or wall.

(Ord. 14-02, passed 4-15-14)