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**State Law reference**— Municipal water and sewer utilities, Minn. Stats. ch. 444; municipal ownership of public utilities, Minn. Stats. ch. 452.; utilities authorized, Minn. Stats. § 412.321. [\(Back\)](#)

**ARTICLE I. IN GENERAL**

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**ARTICLE II. WATER SYSTEM**

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**Sec. 24-19. Use of water service installation connected to city system.**

- (a) *Use restrictions.* No person shall make or use any water service installation connected to the city water system, except pursuant to application and permit as provided in this article. No person shall make or use any such installation contrary to the regulatory provisions of this article.
- (b) *Applications for service.*

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- (1) *Procedure.* Application for a water service installation and for water service shall be made to the city administrator/clerk on forms prescribed by the city administrator/clerk and furnished by the city. By his signature, the applicant shall agree to conform to this article and to rules and regulations that may be established by the city as conditions for the use of water.
  - (2) *Fees or deposit.* Application for a service installation shall be made by the owner of the property to be serviced or by the owner's agent. The applicant shall at the time of making application pay to the city the amount of the fees or deposit required for the installation of the service connection as provided in this article. When a water service connection has been installed, application for water service may be made either by the owner or his agent or by the tenant or occupant of the premises.
- (c) *Charges for service connections.*
- (1) *Permit and fee.* No connection shall be made to the city water system without a permit received from the city administrator/clerk. The permit shall be valid for a six-month period from and after the date of issuance and if the connection is not finalized within said six-month period, a new permit and permit fee must be obtained. The fee for each such permit shall be as provided by the city's adopted fee schedule. These fees shall be in addition to any fees required under subsection (b) and (c)(2) of this section.
  - (2) *Connection fees.* When a connection requires installation of a service line from the main to the property line, the applicant for a permit shall pay to the city an amount no less than the cost of making the necessary connections, taps, and installation of pipe and appurtenances to provide service to the property and the necessary street repairs.
- (d) *Certification.* No permit shall be issued to connect with any water main unless the city administrator/clerk certifies to the truth of one of the following or the payment required under subsection (c)(2) of this section is made:
- (1) That the lot or tract to be served has been assessed for the cost of construction of the main with which the connection is made or that proceedings for levying such assessment have been or will be commenced in due course;
  - (2) That the cost of construction of the main has been paid by the developer or builder platting the lot or tract; or
  - (3) That, if neither of the foregoing is true, a sum equal to the portion of the cost of constructing the main which would be assessable against the lot or parcel has been paid to the city.
- (e) *Additional connection fee.* If no such certificate can be issued, the applicant shall pay an additional connection fee equal to the portion of the cost of construction of the main upon the same basis as any assessment previously levied against other property for the main. The determination shall be made by the city administrator/clerk. If no such assessment has been levied, the assessable cost shall be determined upon the basis of the uniform charge which may have been or will be charged for similar connection with the main. The amount shall be determined on the basis of the total assessable cost of the main allocated on the basis of frontage. Where the assessable cost cannot be determined, the charge shall be fixed at the average per front foot assessed by the city in its three most recent construction projects.

(Ord. of 9-9-1998; Ord. No. 700.01, 12-4-2002)

**Sec. 24-20. Accounting, billing, and collecting.**

- (a) *Bills in the name of owner.* Each metered service shall have an account maintained in the name of the property owner. The property owner shall be liable for water supplied to his property, whether he is occupying the property or not. Any charges unpaid shall be a lien upon the property.

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- (b) *Bills for service.* Water and sewer service charges shall be billed together. Bills shall be mailed to the customer bimonthly (every other month) and shall specify the water consumed and sanitary sewer collected, along with the related charges in accordance with rates set by the city's adopted fee schedule.
- (c) *Rates.* Each account shall pay for water used and sewer collected for the billing cycle as follows:
  - (1) *Water.* Rates for water shall be by the city's adopted fee schedule.
  - (2) *Sanitary sewer.* Rates for sanitary sewer shall be by the city's adopted fee schedule. Unless provided for in the city's adopted fee schedule, sanitary sewer collection shall be billed according to the average water usage for the first billing cycle of the year or the current cycle's water usage, whichever is less.
  - (3) *Definitions.* The definitions of the terms "user" and "unit," previously defined for the purposes of minimum billing, are hereby retracted and amended. Minimum bill amounts are further set by the city's adopted fee schedule.
- (d) *Delinquent accounts.* If water or sanitary sewer bills are not paid within 45 days after the date of billing, the city administrator/clerk shall cause a notice to be delivered to the person or entity responsible for the bill, as set forth in subsection (a) of this section. Such notice shall specify that the service will be discontinued on a specified date, which date shall not be less than ten days from the date of the notice. The service will be disconnected on or after 1:00 p.m. on the date specified in the notice, unless the person or entity requests a hearing to be conducted by a hearing officer designated by the council or pays the outstanding bill together with all penalties and/or interest due thereon prior to such date. A request for hearing must be in writing and delivered to the city clerk's office by 4:00 p.m. on the date prior to the date specified for the termination. Such notice shall contain an address for the person or entity requesting the hearing and notice of the hearing shall be sent to that address at least five days prior to the hearing. If a hearing is requested and the hearing officer determines that the bill is proper, the service will be discontinued at such time as the hearing officer determines, which time shall not be less than 48 hours after the date of hearing unless the outstanding bill together with any and all penalties and interest are paid prior to said discontinuance. If water and/or sewer service is disconnected, the same shall not be reconnected until all bills, penalties, interest, plus a disconnection fee in the amount established by the city's adopted fee schedule has been paid to the city administrator/clerk.
- (e) *Certification to the county.* Every charge made pursuant to this section shall be a lien upon the premises served, and each year the city administrator/clerk shall prepare an assessment roll providing for assessment of the delinquent amounts against the respective property served. The assessment roll shall be delivered to the council for adoption and following said adoption shall be certified to the county auditor for collection along with real estate taxes. In addition, the city may take such legal action as necessary to collect delinquent accounts, as the city deems necessary.

(Ord. No. 700.03, 12-4-2002; Ord. No. 2006-108, §§ 1—3)

**Sec. 24-21. Water system.**

- (a) *Discontinuance of service.* The city may discontinue service to any water consumer without notice for necessary repairs or, upon notice as provided in section 24-20(d) for nonpayment of charges, or for violation of rules and regulations affecting utility service.
- (b) *Repair of leaks.* The consumer or owner shall be responsible for maintaining the service pipe from the curb box into the building served. If he fails to repair any leak in such service pipe within 24 hours after the notice by the city, the city may turn the water off. The water shall not then be turned on again until the sum established by the city's adopted fee schedule has been paid to the city. When the waste

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of water is great or damage is likely to result from the leak, the city shall turn the water off immediately upon the giving of notice if repair is not commenced immediately.

- (c) *Use of fire hydrants.* No person other than an authorized city employee shall operate a fire hydrant or interfere in any way with the city water system without first obtaining authority to do so from the city engineer.
- (d) *Restricted hours.* Whenever the council determines that a shortage of water supply threatens the city, it may, by resolution, limit the times and hours during which city water may be used for sprinkling, irrigation, car washing, air conditioning, or other specified uses. After publication of the resolution or two days after the mailing of the resolution to each customer, no person shall use or permit water to be used in violation of the resolution and any customer who does so shall be charged the amount established in the city's adopted fee schedule for each day of violation and the charge shall be added to his next water bill. If the emergency requires immediate compliance with terms of the resolution, the council may provide for the delivery of a copy of the resolution to the premises of each customer, and any customer who has received such notice and thereafter uses or permits water to be used in violation of the resolution shall be subject to the charge provided in this section. Continued violation shall be cause for discontinuance of water service.
- (e) *Meters.*
  - (1) *Required.* Except for the extinguishment of fires, no person other than an authorized city employee shall use water from the city water supply system or permit water to be drawn therefrom unless the water passes through a meter supplied or approved by the city. Persons not authorized by the city administrator/clerk shall not connect, disconnect, take apart, or in any manner charge or interfere with any such meter or its use.
  - (2) *Maintenance.* The city shall maintain and repair at its expense any meter that has become unserviceable through ordinary wear and tear and shall replace it if necessary. Where repair or replacement is made necessary by act or neglect of the owner or occupant of the premises it serves, any city expense caused thereby shall be a charge against and collected from the water consumer, and water service may be discontinued until the cause is correct and the amount charged is paid.
  - (3) *Property of city.* Water meters shall be the property of the city and may be removed or replaced as to size and type when deemed necessary.
  - (4) *Reading and inspection.* Authorized meter readers shall have free access at reasonable hours of the day to all parts of every building and premises connected with the city water supply in order to read meters and make inspections.

(Ord. No. 700.05, 12-4-2002)

**Sec. 24-22. Water availability charges.**

- (a) *Definitions.* For purposes of this section, the following definitions have the meaning given:

*Commercial/industrial property* means any use of a property other than for residential purposes.

*Equivalent dwelling unit (EDU)* means a unit of measurement of estimated water usage. An EDU is equal to the water access charge (WAC) for a residential single family unit.

*Multiple-family units* means dwelling units which are part of dwellings containing more than a single family dwelling unit, including apartments and duplexes.

*Single-family unit* means a dwelling which contains only a single-family dwelling unit. Townhomes, patio homes or other structures which share less than two walls and do not share an entrance, shall be considered a single-family unit for purposes of this article.

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- (b) *Adopt revised residential WAC schedule.* Pursuant to Minn. Stat. ch. 444.075 and all other police powers delegated by the State of Minnesota, the city adopts charges for the availability of water services for all residential structures within the city as described below:
- (1) Single-family structures: One WAC.
  - (2) Multiple-family structures: One-half WAC for each multiple-family unit.
  - (3) Adopt revised commercial/industrial EDU criteria: Pursuant to Minn. Stat. ch. 444.075 and all other police powers delegated by the State of Minnesota, the city adopts charges for the availability of water services for all commercial and industrial structures within the city as provided in the attached "EDU Criteria for Commercial and Industrial Properties" [section 24-56]. The city engineer shall determine an equivalent dwelling unit by using the EDU criteria.

(Ord. No. 2010-101A, §§ 2—4, 1-6-2010)

**Sec. 24-23. Connection to municipal water system required.**

- (a) Where the municipal water system is reasonably available to any parcel of property within the city, the owner of such parcel of property shall make connection to the municipal water system within 90 days after written notice of said availability has been served on the owner or occupant of the property. Where a parcel of property in the city has connected to the municipal water system or where the municipal water system is available to a parcel of property, no owner or occupant of the said property or any other person shall construct or make use of any private water supply or well on said property for human consumption or potable water, except for such purposes as may be allowed by this section or by the city council.
- (b) For the purposes of this section "reasonably available" shall mean a parcel of property within the city within 300 feet of a municipal water system via a public right-of-way.
- (c) This section does not prohibit the use or installation of private sand-point wells pounded into the ground to a maximum depth of 25 feet for irrigation purposes only. Existing private drilled wells are allowed for irrigation purposes until time of failure, at which time they must be sealed. New private drilled wells at any depth are prohibited.
- (d) Any person convicted of a violation of any of the provisions of this section shall be guilty of a misdemeanor.

(Ord. No. 2015-100, §§ 1—4, 2-4-2015)

**Secs. 24-24—24-45. Reserved.**

**ARTICLE III. SEWERS AND SEWAGE DISPOSAL**

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**Sec. 24-46. Definitions.**

Unless the context specifically indicates otherwise, the terms used in this article shall have the meanings hereby designated:

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

*Biochemical oxygen demand 5 (BOD<sub>5</sub>)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees Centigrade and as expressed in terms of milligrams per liter (mg/l).

*Building drain* means that point of a building which conveys wastewater to the building sewer, beginning ten feet outside the building wall.

*City* means the area within the corporate boundaries of the city, the city council, or its authorized representative.

*Debt service charge* means a charge to users of the wastewater treatment facility for the purpose of repaying capital costs.

*Equivalent residential unit (ERU)* means a unit of wastewater volume of gallons per day at a strength not greater than NDSW.

*Industrial user* means:

- (1) Any entity, as defined in the Standard Industrial Classification Manual (latest edition) as categorized, that discharge wastewater to the public sewer.

Division A: Agriculture, Forestry, and Fishing

Division B: Mining

Division D: Manufacturing

Division E: Transportation, Communications, Electric, Gas, and Sanitary Sewers

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- (2) Any user whose waste discharges, singly or by interaction with others:

- a. Contaminate the sludge of the wastewater treatment system;
- b. Injure, or interfere with the treatment process;
- c. Create a public nuisance or hazard;
- d. Have an adverse effect on the waters receiving wastewater treatment plant discharges;
- e. Exceed NDSW limitations;

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f. Exceed normal residential unit volumes of wastewater.

*Infiltration/inflow (I/I)* means water other than wastewater that enters the sewer system from the ground or from surface runoff, as defined in Minnesota Rules.

*MPCA* means Minnesota Pollution Control Agency.

*National Categorical Pretreatment Standards* means federal regulations establishing pretreatment standards for introduction of pollutants in publicly owned wastewater treatment facilities, section 307(b) of the Act.

*National Pollutant Discharge Elimination System (NPDES) permit* means a permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge pursuant to sections 402 and 405 of the Act.

*Natural outlet* means any outlet, including storm sewers and combined sewers, which flow into a body of surface water or groundwater.

*Nonresidential user* means a user of the treatment facility whose building is not used as a private residence, and discharges NDSW.

*Normal domestic strength waste (NDSW)* means wastewater that is primarily introduced by residential users with BOD<sub>5</sub> concentrations not greater than 250 milligrams per liter and total suspended solids (TSS) concentrations not greater than 300 milligrams per liter.

*Operation, maintenance, and replacement costs (OM&R)* means expenditures necessary to provide for the dependable, economical, and efficient functioning of the treatment facility throughout its design life, including operator training, and permit fees. The term "replacement" refers to equipment replacement costs, not the cost of future replacement of the entire facility.

*Residential user* means a user of the treatment facility whose building is used primarily as a private residence and discharges NDSW.

*Sewer* means a pipe or conduit that carries wastewater or drainage water.

*Sewer, building*, means the extension from the building drain to the public sewer or other place of disposal, also referred to as a service connection.

*Sewer, sanitary*, means a sewer designed to carry only liquid and water-carried wastes from residential, nonresidential, and industrial sources together with minor quantities of I/I.

*Sewer, storm*, means a sewer intended to carry unpolluted surface and sub-surface water from any source.

*Sewer service charge* means the total of the user charge and the debt service charge.

*Slug* means a discharge of water or wastewater which in concentration 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.

*State disposal system (SDS) permit* means a permit issued by the MPCA pursuant to Minn. Stats. § 115.07 for a disposal system as defined by Minn. Stats. § 115.01, subd. 8.

*Total suspended solids (TSS)* means the total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and is removable for laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater (latest edition).

*Unpolluted water* means 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. An example could be noncontact cooling water.

*User charge* means a charge of users of a treatment facility for the user's proportionate share of the cost of operation and maintenance, including replacement.

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*Wastewater* means liquid and water-carried wastes from residential, nonresidential, and industrial users, together with any groundwater, surface water, and stormwater that may be present.

*Wastewater treatment facilities* or *treatment facilities* means the land, devices, facilities, structures, equipment, and processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal wastewater, and the disposal of residues resulting from such treatment.

(Ord. No. 700.7, art. I, 12-4-2002)

**Sec. 24-47. Penalties.**

- (a) Upon determination that a user has violated or is violating applicable provisions of this article or related permits, the authorized representative may issue a notice of violation. Within ten days of such notification, the violator shall submit to the authorized representative an adequate explanation for the violation and a plan for the correction and prevention of such occurrences, including specific actions required. Submission of such a plan in no way relieves the violator of liability for any violations occurring before or after the issuance of the notice of violation.
- (b) Any violation is subject to a fine not exceeding \$2,000.00. Each day in which any such violation occurs shall be deemed as a separate offense. Such fines may be added to the user's next sewer service charge, and will hence be subject to the same collection regulations as specified in section 24-54. Users desiring to dispute a fine must file a request for the authorized representative to reconsider within ten days of the issuance of the fine. If the authorized representative believes that the request has merit, a hearing on the matter shall be convened within 20 days of the receipt of the request.
- (c) To collect delinquent sewer service charge accounts, the city may file a civil action suit or levy a lien against the violator. Related attorney's fees fixed by court order shall also be collected. The violator shall be liable for interest on all balances at a rate of 18 percent annually.
- (d) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss, or damage occasioned by the city by reason of such violation.

(Ord. No. 700.7, art. X, 12-4-2002)

**Sec. 24-48. Control by the authorized representative.**

The city administrator/clerk 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 article to ensure that a proper and efficient public sewer is maintained. The city administrator/clerk may delegate responsibilities to designated representatives.

(Ord. No. 700.7, art. II, 12-4-2002)

**Sec. 24-49. Use of public sewers required.**

- (a) Within 90 days of receiving official notification the owners of all properties within 300 feet of a sanitary sewer collection system shall install a suitable service connection, at their own expense in accordance with the provisions of this article.
- (b) In the event an owner shall fail to connect to a public sewer in compliance with a notice given under this article, the community or sewer district will have said connection made and shall assess the cost against the benefited property.



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- (c) Except as provided hereinafter, it shall be unlawful to construct or maintain any private facility intended or used for the disposal of wastewater.

(Ord. No. 700.7, art. III, 12-4-2002)

**Sec. 24-50. Private wastewater disposal.**

- (a) Where a public sewer is not available under the provisions of section 24-49, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.
- (b) Before construction of a private wastewater disposal system, the owner shall obtain a written permit signed by the authorized representative. The permit shall not become effective until the installation is completed to the representative's satisfaction. A designated representative shall be allowed to inspect any stage of construction. The applicant for the permit shall give notification when ready for the system's final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice.
- (c) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of Minn. Rules ch. 7080, and applicable local ordinances.
- (d) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the community or sewer district.
- (e) When the public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 90 days in compliance with this section, and within 120 days the private wastewater disposal systems will be cleaned of all sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.
- (f) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the MPCA, the state department of health, or other responsible federal, state, and local agencies.

(Ord. No. 700.7, art. IV, 12-4-2002)

**Sec. 24-51. Building sewers and connections design.**

- (a) No person shall make any alterations to the public sewer or any appurtenances thereof without first obtaining a written permit from the city. No private building drain shall extend beyond the limits of the building or property for which the permit has been given. Any new connection 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<sub>5</sub>, and TSS as determined by the authorized representatives.
- (b) A separate and independent building sewer shall be provided for each building. Old building sewers may be used to service new buildings only when they are found to meet all requirements of this article. 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, wastewater shall be lifted by an approved means and discharged to the building sewer.
- (c) The construction and connection of the building sewer to the public sewer shall conform to the requirements of the state building and plumbing code, applicable rules and regulations of the city and the materials and procedural specifications set forth in the American Society of Testing Materials (ASTM) and the Water Environment Federation (WEF) Manual of Practice No. 9. All such connections shall be made gastight and watertight, and verified by proper testing to prevent I/I.
- (d) No unpolluted water sources shall be connected to the sanitary sewer.

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- (e) The applicant for the building sewer permit shall notify the city when the building sewer is ready for connection to the public sewer. The connection shall be made under the supervision of a designated representative. Simultaneously with the application, the applicant shall pay a sewer access charge as established by the city's adopted fee schedule. The payment of said fee shall permit a connection within 180-day period from and after the date of said payment. Said permit shall expire, if the connection is not established within said 180-day period.
- (f) An appropriate construction license is required to install a service connection. Any person desiring a license shall apply in writing to the city council, providing satisfactory evidence of the applicant's qualifications. If approved by the council, the license shall be issued by a designated representative upon the filing of a bond as hereinafter provided.
- (g) A license for sewer service connection installation shall not be issued until a \$2,000.00 bond to the city is filed and approved by the council. The licensee will indemnify 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.
- (h) The cost of a license for making service connections is as established by the city's adopted fee schedule. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked by the council for any reasonable cause.
- (i) 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 license.
  - (2) Incompetence of the licensee.
  - (3) Willful violation of any provisions of this section or any rule or regulation pertaining to the making of service connections.
  - (4) Failure to adequately protect and indemnify the city and the user.

(Ord. No. 700.7, art. V, 12-4-2002)

**Sec. 24-52. Use of public wastewater treatment facilities.**

- (a) No unpolluted water or stormwater shall be discharged to the sanitary sewer. Such water shall be discharged only to storm sewers or to natural outlets approved by the city and other regulatory agencies.
- (b) No person shall discharge any of the following substances to the public sewer:
  - (1) Liquids, solids, gases, or other substances which singly or by interaction with others may cause fire or explosion.
  - (2) Solid or viscous substances which may cause obstruction to the flow in a sewer.
  - (3) Wastewater having a pH of less than 5.0 or greater than 9.5, or having any other corrosive or caustic property capable of causing damage or hazard.
  - (4) Wastewater containing toxic pollutants, as defined in section 307(a) of the Water Pollution Control Act and Minn. Stats. § 115.01, subd. 20.
- (c) Discharges of the following substances shall be limited to concentrations or quantities which will not harm the wastewater facility, streams, soils, vegetation, groundwater and will not otherwise create a hazard or nuisance. The authorized representative may set limitations lower than the prohibition limits outlined in this section. Consideration will be given to such factors as the quantity of waste in relation

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to flows and velocities, materials of construction, the city's NPDES and SDS permits, capacity of the treatment plant, degree of treatability of wastes and other pertinent factors.

- (1) Wastewater having a temperature greater than 150 degrees Fahrenheit (65.6 degrees Celsius), or causing, individually or in combination with other wastewater, the influent at the treatment facilities to have a temperature exceeding 104 degrees Fahrenheit (40 degrees Celsius), or having heat in amounts which will be detrimental to biological activity in the treatment facilities.
  - (2) Wastewater containing fats, wax, grease, or oils in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 and 65.6 degrees Celsius).
  - (3) A discharge of water or wastewater which in concentration 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.
  - (4) Food wastes not properly shredded to such a degree that all particles will be carried freely under normal flow conditions with no particle greater than one-half inch in any dimension.
  - (5) Noxious or malodorous liquids, gases, or solids.
  - (6) Wastewater with objectionable color not removed in the treatment process.
  - (7) Wastewater containing inert suspended solids in such quantities that would cause disruption to the wastewater treatment facilities.
  - (8) Radioactive wastes or isotopes in concentrations that exceed limits established by applicable state and federal regulations.
  - (9) Wastewaters with BOD<sub>5</sub> or suspended solids levels that require additional treatment, except as may be permitted by specific written agreement with the city subject to section 24-51.
  - (10) Wastewater containing substances which cannot be treated to produce effluent quality required by the permit or causes a violation of any applicable local, state, or federal regulation.
- (d) In the event of discharges to the public sewers which contain substances or possess characteristics prohibited in subsections (a) and (b) of this section or which in the judgment of the representative, may have a deleterious effects to the treatment facility, receiving waters, soils, vegetation, or which create a hazard or nuisance, the representative may:
- (1) Refuse to accept the wastes.
  - (2) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to section 307(b) of the Act and all addenda thereof.
  - (3) Require control over the quantities and rates of discharge.
  - (4) Require payment to cover all the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer charges.

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

- (e) No user shall increase the use of process water or in any manner attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this section, the National Categorical Pretreatment Standards, and any state or local requirement.
- (f) Grease, oil, and sand interceptors shall be provided at the owners expense when, in the opinion of the representative, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, any flammable wastes, sand, or other harmful ingredients. All interceptors shall

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be readily and easily accessible for cleaning and inspection. The owner shall be responsible for the maintenance of interceptors, including 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 representative. Any material removal and hauling must be performed by the owner's personnel or a currently licensed waste disposal firm and in compliance with all applicable laws and regulations.

- (g) Where required by the representative, industrial users shall install and maintain at their own expense a suitable structure or control manhole with such necessary meters and other testing equipment needed to facilitate observation, sampling, and measurement of wastewater. The manhole will be safe and accessible at all times. The council may require submission of laboratory analyses to illustrate compliance with this article and any special conditions for discharge established by the council or responsible regulatory agency. All measurements, tests, and analyses to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association and kept for a period of two years.
- (h) Where required by the representative:
  - (1) Users shall provide protection from an accidental discharge of substances regulated by this article. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans and operating procedures of said facilities shall be submitted to the representative for review and approval prior to construction of the facility. Approval of such plans and operating procedures shall not relieve user from the responsibility of modifying the facility as necessary to meet the requirements of this article.
  - (2) Users shall notify the representative immediately if a slug or accidental discharge of wastewater occurs in violation of this article. Notification will allow measures to be taken to minimize damage to the treatment facilities. Notification will not relieve users of liability for any expense, loss, or damage to the treatment facilities, or for fines imposed on the city by any state or federal agency as a result of their actions.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of the emergency notification procedure in the event of a slug or accidental discharge.

- (i) No person shall permit any substance or matter which may form a deposit or obstruction of flow to be discharged into the public sewer. Whenever any service connection becomes clogged, obstructed, detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall make repairs as directed by the representative. Each day after seven days that the owner neglects to make said repairs, shall constitute a separate violation of this section. The representative may then cause the work to be done and recover related expenses from the owner or agent by an action in the name of the city.
- (j) In addition to penalties that may be imposed for violation of any provision of this section, the city may assess against the user/owner the cost of repairing or restoring sewers and associated facilities damaged as a result of the discharge of prohibited wastes and may collect the assessment as an additional charge for the use of the public sewer system.
- (k) No statement contained in this section shall prevent any special agreement or arrangement between the city and any industrial user. As alternatives to an agreement, the city may issue discharge permits to individual industrial users, or issue a general discharge permit to all industrial users, or use any combination of the preceding two alternatives in order to regulate the discharges of industrial users. Industrial waste of unusual strength or character may be accepted by the facility for treatment, subject to adequate payment by the industrial user, provided that National Categorical Pretreatment Standards and the city's NPDES and SDS permit limitations are not violated.

(Ord. No. 700.7, art. VI, 12-4-2002)

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**Sec. 24-53. Powers and authority of inspectors.**

- (a) Duly authorized city employee, bearing proper credentials and identification, shall be permitted to enter all properties for inspection, observations, measurement, sampling, testing, repair, and maintenance in accordance with the provisions of this article.
- (b) Industrial users shall be required to provide information concerning industrial processes which have a direct bearing on the type and source of discharge to the collection system. An industry may withhold information considered confidential. However, the industry must establish that the information in question might result in an advantage to competitors and that the industrial process does not have deleterious results on the treatment process.

(Ord. No. 700.7, art. VIII, 12-4-2002)

**Sec. 24-54. Sewer service charge system.**

- (a) The city hereby establishes an interim sewer service charge system as set forth in section 24-56. All revenue collected from users of the wastewater treatment facilities will be used for annual operation, maintenance, replacement, and capital costs. Each user shall pay a proportionate share of operation, maintenance, and replacement costs, based on the user's proportionate contribution to the total wastewater loading. Charges to users of the wastewater treatment facility shall be determined as set forth in section 24-56. The sewer service charge system (SSCS) adopted by resolution upon enactment of this article shall be published in the local newspaper and shall be effective upon publication. Subsequent changes in the sewer service rates and charges shall be adopted by council resolution and published in the local paper. Revenues collected through the SSCS shall be deposited in a separate fund known as the sewer service fund (SSF).
- (b) The city hereby establishes a sewer service fund as an income fund to receive all revenues generated by the SSCS and all other income dedicated to the wastewater treatment facility. The SSF administered by a designated representative shall be separate and apart from all other accounts. Revenue received by the SSF shall be transferred to the following accounts established as income and expenditure accounts:
  - (1) Operation and maintenance.
  - (2) Equipment replacement.
  - (3) Debt retirement for the treatment facility, if any.
- (c) Administration of the sewer service fund.
  - (1) A designated representative shall maintain a proper system of accounts and records suitable for determining the operation, maintenance, replacement (OM&R) and debt retirement costs of the treatment facilities, and shall furnish the council with a report of such costs annually.
  - (2) At that time, the council shall determine whether sufficient revenue is being generated for the effective management of the facilities and debt retirement. The council will also determine whether the user charges are distributed proportionately. If necessary, the SSCS shall be revised to ensure proportionality of user charges and sufficient funds.
  - (3) In accordance with state requirements, each user will be notified annually in conjunction with a regular billing of that portion of the sewer service charge attributable to OM&R.
  - (4) Sewer service charges shall be as established by the city's adopted fee schedule and shall be billed on a quarterly basis. Any bill not paid in full 45 days after the due date will be considered delinquent. At that time, the user will be notified regarding the delinquent bill and subsequent

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penalty. The penalty shall be computed as ten percent of the original bill and shall be increased by the same percentage for every quarter the bill is outstanding.

(Ord. No. 700.7, art. IX, 12-4-2002)

**Sec. 24-55. Sewer availability charges**

(a) *Definitions.* For purposes of this section, the following definitions have the meaning given:

*Commercial/industrial property* means any use of a property other than for residential purposes.

*Equivalent dwelling unit (EDU)* means a unit of measurement of estimated sewer usage. An EDU is equal to the sewer access charge (SAC) for a residential single-family unit.

*Multiple-family unit* means dwelling units which are part of dwellings containing more than a single-family dwelling unit, including apartments and duplexes.

*Single-family unit* means dwelling which contains only a single-family dwelling unit. Townhomes, patio homes or other structures which share less than two walls and do not share an entrance, shall be considered a single-family unit for purposes of this section.

(b) *Application.* This section does hereby replace any conflicting provision of any previous ordinance or resolution providing for charges for sewer availability for structures included by this section. However, nonconflicting provisions of existing ordinances are not repealed or otherwise affected, except as provided herein.

(c) *Adoption of revised residential SAC schedule.* Pursuant to Minn. Stats. § 444.075 and all other police powers delegated by the state, the city adopts charges for the availability of sewer services for all residential structures within the city as described as follows:

- (1) Single-family structures: One SAC.
- (2) Multiple-family structures: One-half SAC for each multiple-family unit.

(d) Adopt revised commercial/industrial EDU criteria.

Pursuant to Minn. Stats. § 444.075 and all other police powers delegated by the state of Minnesota, the city adopts charges for the availability of sewer services for all commercial and industrial structures within the city as provided in section 24-56. The city engineer shall determine an equivalent dwelling unit by using the EDU criteria.

(Ord. No. 2006-112, §§ 1—4, 11-1-2006)

**Sec. 24-56. EDU criteria for commercial and industrial properties.**

[EDU criteria for commercial and industrial properties is listed in the following table:]

FACILITY	PARAMETER	EDU
<b>Animal clinic</b> (humane societies, animal research, boarding, etc.):		
Animal holding areas	17 fixture units	1

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Animal runs (kennels)	34 fixture units	1
<b>Archery</b> (6 feet/lane)	6 lanes	1
<b>Arenas</b> (bleachers 18 inches/person)	110 seats	1
<b>Auditoriums</b> (7 square feet/person)	110 seats	1
<b>Automobile service:</b>		
Fast service (less than 4 hours/car)	2 service bays	1
Major service (more than 4 hours/car)	14 employees	1
Car dealership (charges for office, retail, etc. are separate at established rates)	2 service bays	1
Fast service (number of service bays × 30%)	2 service bays	1
Major service (Number of service bays × 70% × 1 Employee/bay)	14 employees	1
<b>Ballroom</b> (exclude dance floor):		
Facility without liquor service	825 square feet	1
Facility with liquor service	590 square feet	1
<b>Bank</b> (exclude bank vault)	2,400 square feet	1
<b>Banquet room</b> (15 square feet/person):		
Food catered	2,060 square feet	1

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Food catered with dishwashing	1,180 square feet	1
Food catered with liquor	1,028 square feet	1
Food catered with dishwashing and liquor	750 square feet	1
Food preparation and dishwashing	825 square feet	1
Food preparation with dishwashing and liquor	590 square feet	1
<b>Barber</b>	4 chairs	1
<b>Batting cages</b> (6 feet/lane)	6 lanes	1
<b>Beauty salon</b>	4 cutting stations	1
<b>Bingo hall</b> (used only for bingo)	110 seats	1
<b>Boarding house</b> (dorm rooms)	5 beds	1
<b>Body shop</b> (major service — more than 4 hours/car, no vehicle washing)	14 employees	1
<b>Bowling alleys</b> (does not include bar or dining area)	3 alleys	1
<b>Camps</b> (number of gallons × occupant or site):		
Children's camps (central toilet and bath; overnight, primitive cabins; number of occupants × 50 gallons/occupant)	274 gallons	1



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Day camps (no meals served; number of occupants × 10 gallons/occupant)	274 gallons	1
Labor/construction camps (number of occupants × 50 gallons/occupant)	274 gallons	1
Resorts (housekeeping cabins; number of occupants × 60 gallons/occupant)	274 gallons	1
<b>Travel trailer parks:</b>		
With water and sewer hookup (number sites × 100 gallons/site)	274 gallons	1
With central toilet and showers (number of sites × 75 gallons/site)	274 gallons	1
Sanitary dump (sites without hookup; number of sites × 10 gallons/site)	274 gallons	1
<b>Carwash:</b>		
Self-serve	1 wash bay	3
Automatic wash (average gallons per wash × 100 cars)	274 gallons	1
<b>Churches</b> (for sanctuary, nave, chancel; 7 square feet/person seating area; remainder use other criteria; sacristy and ambulatory at no charge)	275 seats	1
<b>Cocktail lounge</b> (no food service)	23 seats	1
<b>Coffee shop</b> (no food service)	23 seats	1
<b>Correction facility</b> (prison)	2.5 inmates	1
<b>Court rooms</b>	1,650 square feet	1
<b>Dorm rooms</b> (on and off campus; charge for classrooms is additional)	5 students	1
<b>Daycare:</b>		

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Number of children for which facility is licensed	14 children	1
Child/adult play area (not licensed)	490 square feet	1
<b>Dry cleaners (retail)</b>	3,000 square feet	1
<b>Elder housing</b> (at 100% of current EDU rate; see formula below to determine the number of residents)		
No washer/dryer in each unit	3 residents	1
Washer/dryer in each unit	2.5 residents	1
Three bedroom unit with washer/dryer (formula below)		
Calculate the number of residents as follows:		
Number of efficiency units × 1.0 residents/unit		
+Number of one-bedroom units × 1.5 residents/unit		
+Number of two-bedroom units × 2.0 residents/unit		
+Number of three-bedroom units × 3.0 residents/unit		
Total number of residents for SAC calculation		
<b>Exercise area/gym</b> (juice bars at no charge; sauna and whirlpool included)	700 square feet	1
No showers	2,060 square feet	1
<b>Fire station</b> (charges for office, meeting rooms, etc., are separate, at established rates)		

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Washing (hose tower, truck)	274 gallons	1
Full time, overnight people (75 gallons/person)	274 gallons	1
Volunteer (occasional overnight stays)	14 volunteers	1
<b>Funeral home</b> (charge for viewing areas only: i.e., chapel)		
	770 square feet	1
Apartment	1 apartment	1
<b>Game room</b> (billiards, video and pinball games)		
With bar	590 square feet	1
Without bar	2,060 square feet	1
<b>Golf course</b> (if facility has showers, use locker room criteria for those areas)		
18 hole		3
9 hole (par 3)		2
Miniature		3
Country club (private):		
Dining room (used only on evenings and week-ends)	15 seats	1
Bar and grill (with bar and grill separate)		
Bar only	23 seats	1
Grill	15 seats	1

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<b>Golf dome or driving range</b>	6 driving stations	1
<b>Greenhouse:</b>		
Area not open to the public	15,000 square feet	1
Area open to the public	5,000 square feet	1
General retail area	3,000 square feet	1
<b>Group home:</b>		
Secondary treatment (residents leave during the day)	5 beds	1
Primary treatment (residents stay all day)	3 beds	1
<b>Guest rooms (in an apartment or condominium complex; charge as apartment):</b>		
Washer/dryer	100% of current SAC rate	
No washer/dryer	80% of current SAC rate	
No kitchen	50% of current SAC rate	
<b>Handball and racquetball courts</b>	1 court	2
<b>Hospitals (licensed beds or baby cribs)</b>	1 bed	1
Outpatient clinic	17 fixture units	1

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Sterilizers (4 hours × gallons per minute × 60 minutes)	274 gallons	1
X-ray film processors (9 hours continuous operation; 4 hours intermittent operation; operation time (hours) × gallons per minute × 60 minutes)	274 gallons	1
Dental clinic vacuum device (9 hours × gallons per minute × 60 minutes)	274 gallons	1
<b>Ice arena:</b>		
Showers (see Locker rooms)		
Team rooms (plumbing fixture units)	17 fixture units	1
Bleachers	110 seats	1
Ice resurfacers (if discharge goes to the sanitary sewer)		4
<b>Laundromat</b> (required water volume for cycle time × 8 cycles/day)	274 gallons	1
<b>Library</b> (subtract book storage areas, file areas; charge for common plumbing fixture units in public areas)	17 fixture units	1
Meeting rooms, board rooms, reception, book checkout offices	2,400 square feet	1
<b>Loading dock</b>	7,000 square feet	1
<b>Locker rooms</b> (if showers — 20 gallons/locker)	14 lockers	1
<b>Medical clinic</b> (see Hospitals, outpatient clinic)		

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<b>Meeting rooms</b> (conference rooms)	1,650 square feet	1
<b>Mini-storage</b> (storage area — no charge):		
Living area		1
Public restroom	17 fixture units	1
<b>Mobile home</b>		
<b>Motels and hotels</b> (assume 2 persons/room; no charge for pools, saunas, whirlpools, game rooms, or exercise rooms used exclusively by guests):		
Breakfast only (complimentary)	45 seats	1
Cocktail hour (complimentary)	55 seats	1
Kitchenettes (number of kitchenettes × 10 gallons/day)	274 gallons	1
<b>Museum</b>		
	2,400 square feet	1
<b>Nursing home</b>		
	3 beds	1
<b>Office:</b>		
General office (deduct mechanical rooms, elevator shafts, stairwells, restroom and storage areas)	2,400 square feet	1
Dental and doctor's offices see hospital, outpatient clinic		
<b>Police station</b> (charge as office):		
Cells (overnight — jail)	3 people	1

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Cells (holding are with no overnight stays)	14 people	1
<b>Recording/film studios</b>	7,000 square feet	1
<b>Restaurant:</b>		
Drive-in	9 parking spots	1
Fast food (with disposable plates, drink cups, and table utensils)	22 seats	1
Take-out (no seating)	3,000 square feet	1
Full service (with disposable plates, drink cups, and table utensils)	8 seats	1
<b>Retail stores</b> (deduct mechanical rooms, elevator shafts, stairwells, escalators, restrooms and unfinished storage areas)	3,000 square feet	1
<b>Roller rink</b> (skating area only)	825 square feet	1
<b>Rooming houses</b> (no food service)	7 beds	1
<b>RV dumping station</b> (not in association with camp grounds)		1
<b>Schools:</b>		
Elementary schools (15 gallons/student; 30 square feet/student)	18 students	1
Colleges/technical/vocational (30 square feet/student)	18 students	1
Lecture halls (15 square feet/student)	18 students	1
Labs (50 square feet/student)	18 students	1

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Dorm rooms (on and off campus students)	5 students	1
Nursery schools (number of children for which facility is licensed)	14 students	1
House of worship nurseries (used during worship service only; 30 square feet/child)	55 children	1
Nursery (health clubs, bowling alleys, etc.)	2,400 square feet	1
Secondary schools (30 square feet/student, at 20 gallons/student)	14 students	1
Labs (50 square fee/student)	14 students	1
Weekly worship schools (i.e., not daily parochial schools; 30 square feet/student)	55 students	1
<b>Service station:</b>		
Gas pumping		1
Convenience center	3,000 square feet	1
Service bays	2 bays	1
Car wash (see Car Wash)		
<b>Shooting ranges</b> (rifle and handgun ranges, @ 6 feet per lane)	6 lanes	1
<b>Swimming pools</b> (public, swimming pool area only; no charge for private residential, townhouse, apartments, condominiums, hotels/motels)	900 square feet	1
<b>Tanning rooms</b>	3,000 square feet	1



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<b>Tennis courts</b> (public; shower facilities available)	1 court	2
<b>Theatre</b>		
	64 seats	1
Drive-in (parking spaces)	55 spaces	1
<b>Vehicle garage</b>		
Employees stationed in garage	14 employees	1
Vehicle drivers (per day)	28 drivers	1
Vehicle washing (number of vehicles per day × gallons per minute × minutes/vehicle)	274 gallons	1
<b>Warehouses:</b>		
Assembly areas	7,000 square feet	1
Office/warehouse:		
Minimum 30% office	2,400 square feet	1
Maximum 70% warehouse	7,000 square feet	1
<b>Whirlpools, therapy</b> (at doctor's office or clinic; number of gallons to fill tank × 8 fills/day)	274 gallons	1
<b>Yard storage buildings</b> (i.e., lumber storage; customer pickup; no Permanent employees)	15,000 square feet	1

Note: EDU = Equivalent Dwelling Unit

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(Ord. No. 2006-112, app. A, 11-1-2006; Ord. No. 2010-101A, App. A, 1-6-2010)

**Sec. 24-57. Plumbing waste fixture units.**

Unit values for types of plumbing fixtures are listed in the following table:

**Plumbing Waste Fixture Units**

Type of Fixture	Fixture Unit Value (f.u.)
<b>Drinking fountain</b>	1
<b>Floor Drain</b>	
2" waste (only if hose bib included)	2
3" waste (only if hose bib included)	3
4" waste (only if hose bib included)	4
<b>Trench drain:</b> Per 6-foot section	2
<b>Sinks</b>	
Lab in exam room, bathroom	1
Kitchen and others	2
Surgeon	3
Janitor	4
<b>Water closet</b>	6

Note: 17 fixture units (f.u.) = 1 EDU

(Ord. No. 2006-112, app. A, 11-1-2006; Ord. No. 2010-101A, App. A, 1-6-2010)