

## Chapter 74 UTILITIES\*

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**\*Cross reference(s)**--Administration, ch. 2;  
installation, repair of water service lines, § 2-115;  
buildings and building regulations, ch. 14; businesses, ch.  
18; fees, ch. 26; fire prevention and protection, ch. 30;  
manufactured homes and trailers, ch. 42; sanitation, ch. 54;  
water supply, § 54-81 et seq.; streets, sidewalks and other  
public places, ch. 58; subdivisions, ch. 62.

**State law reference(s)**--Municipal utilities, Minn. Stat.  
§ 412.321 et seq.; local improvements, special assessments,  
Minn. Stat. § 429.011 et seq.  
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**ARTICLE I. IN GENERAL**

**Sec. 74-1. Adoption of statutes.**

The provisions of Minn. Stat. §§ 412.331--412.391 are expressly adopted.

**Sec. 74-2. Public utilities commission.**

(a) *Established.* A public utilities commission is hereby established pursuant to Minn. Stat. § 412.331. The following utilities shall be within the commission's jurisdiction: the water system; the light and power system; and the sanitary and storm sewer system, including the city sewage disposal plant.

(b) *Members; term of office.* The commission shall consist of three members to be appointed by the council. Members shall serve for three year terms; terms shall commence on January 1 and expire on December 31.

(c) *Compensation.* No member of the commission shall receive a salary except as fixed by the council.

(Code 1977, § 3.01)

**Cross reference(s)**--Boards and commissions, § 2-66 et seq.

**Sec. 74-3. Surface water disposal.**

(a) *Surface water not to enter city sewer system.* No surface waters or groundwaters from any source other than the municipal water supply system or private wells shall be discharged into or permitted to enter the municipal sanitary sewer system by any means, including sump pumps, eaves, drains, basement drains or other means.

(b) *Dry wells permitted.* Neither this section or any other provision of this Code shall be interpreted to prohibit the use of dry wells or other similar filtration systems for the disposal of such surface waters or groundwaters.

(c) *Enforcement.* The public utilities commission shall appoint a suitable person for the purpose of making such inspections of premises within the city as necessary to enforce this section, and shall adopt reasonable rules for such inspections. The inspector appointed as provided above shall have the power to enter any premises at any reasonable time for the purpose of enforcing this section, in accordance with such rules.

(Code 1977, § 3.02)

**Sec. 74-4. Applications for service.**

Application for utility installation and service shall be made to the public utilities commission on forms prescribed and furnished by the commission. By his or her signature, the applicant shall agree to conform to this chapter and to rules and regulations that may be established by the city, public utilities commission or public utilities board as conditions for the use of water, sewer and electrical service. The public utilities board shall be constituted as provided in Minn. Stat. § 412.341, subd. 1.

(Code 1977, § 3.04)

**Sec. 74-5. Accounts in name of owner.**

All accounts shall be carried in the name of the owner who personally, or by his authorized agent, shall apply for such service. The owner shall be liable for all electrical, water and sewer services to his or her property, whether he is occupying the property or not. Any unpaid charges for water and sewer services shall be a lien upon the property.

(Code 1977, § 3.05)

**Sec. 74-6. Deposit.**

At the time of filing an application for service, any applicant who has not during his last previous period of service from the city had a record of payment of all his

utility bills for the most recent 12-month period before they have become delinquent shall deposit a sum of not more than an estimated or projected bill for two months' usage. The deposit shall be refunded after 24 consecutive months of prompt payment if requested by the customer or upon prior termination of service with all bills paid. Deposits shall bear interest at the rate of six percent from the date of deposit to the date of refund. If the customer is delinquent in his account, his deposit shall be applied on the delinquent account and an additional deposit shall be required to bring the deposit up to the amount originally required.

(Code 1977, § 3.06)

**Sec. 74-7. Payment.**

Statements for total utility charges for the preceding billing period shall be mailed by the tenth day of the month following the meter reading to each customer. The amount listed on the statement shall be due on or before the 26th day of the same month. If payment is not made by that time, the customer shall be charged a penalty of ten percent of the total bill.

(Code 1977, § 3.07)

**Sec. 74-8. Shutoff for nonpayment.**

(a) The public utilities commission shall endeavor to collect all accounts promptly. In any case where satisfactory arrangements for payment of delinquent accounts have not been made, the commission may, after the procedural requirements of subsection (b) of this section have been complied with, discontinue service to the delinquent customer by shutting off the utility for which payments are delinquent. When service to any premises has been discontinued, service shall not be restored except upon the payment of all current and delinquent amounts due plus a fee for disconnection and reconnection in an amount to be set by the commission.

(b) Utilities shall not be shut off under subsection (a) of this section until notice and an opportunity for a hearing have first been given the customer. The notice shall state that if payment is not made before a date stated in the notice but not less than ten days after the date on which the notice is given, the utility to the premises for which payments are delinquent will be shut off. The notice shall also state that the occupant may, before such date demand a hearing on the matter, in which case the supply will not be cut off until after the hearing is held. If the customer requests a hearing, the hearing shall be held before the public utilities board, to be composed of three members of the council to be appointed by the mayor. If as a result of the hearing, the board finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the utility of the delinquent customer for which payments are delinquent may not be shut off in accordance with this section, the commission may shut off the supply.

(Code 1977, § 3.08)

**Sec. 74-9. Collection with taxes.**

Delinquent water and sewer services shall be certified to the clerk who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment roll shall be delivered to the council for adoption on or before October 1 of each year. Upon such adoption, the clerk shall certify the assessment roll to the county auditor for collection along with taxes.

(Code 1977, § 3.09)

**Sec. 74-10. Area of service.**

The public utilities commission shall not extend the water system or the sanitary and storm sewer system beyond the city limits.

(Ord. No. 151, § 1, 12-19-90)

**Secs. 74-11--74-30. Reserved.**

**ARTICLE II. SEWER USE; SEWER SERVICE CHARGES**

DIVISION 1. GENERALLY

**Sec. 74-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Approving authority* means the public utilities commission or its duly authorized representatives.

*BOD* (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20 degrees Celsius, expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in Standard Methods.

*Building drain* means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.

*Building sewer* means a sanitary sewer which begins immediately outside of the foundation wall of any building or structure being served, and ends at its connection to the public sewer.

*Chlorine requirement* means the amount of chlorine, in mg/l, which must be added to sewage to produce a residual chlorine as specified in the National Pollutant Discharge Elimination System (NPDES) permit.

*Combined sewer* means a sewer intended to receive both wastewater and stormwater or surface water.

*Commercial user* means any place of business which discharges sanitary waste as distinct from industrial wastewater.

*Compatible pollutants* means BOD, suspended solids, nitrogen, pH or fecal coliform bacteria, plus additional pollutants identified in the NPDES permit for the wastewater treatment facility; provided that such facility is designed to treat such additional pollutants, and, in fact, does remove such pollutants to a substantial degree.

*Debt service charge* means that portion of the sewer service charge relating to the cost of retiring outstanding bond issues or other long term obligations of the wastewater collection and treatment facilities.

*Easement* means an acquired legal right for the specified use of land owned by others.

*Floatable oil* means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

*Governmental user* means users which are units, agencies or instrumentalities of federal, state or local government discharging normal domestic strength wastewater.

*Ground garbage* means the residue from the preparation, cooking, dispensing, handling, storage and sale of food products and produce that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

*Incompatible pollutants* means wastewater with pollutants that will adversely affect the wastewater collection and treatment facilities or disrupt the quality of wastewater treatment if discharged to the wastewater collection and treatment facilities.

*Industrial users or industries* means entities that discharge into a publicly owned wastewater treatment works, liquid wastes resulting from the processes employed in industrial or manufacturing processes, or from the development of any natural resources. These are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemental under one of the following divisions:

- (1) Division A. Agriculture, Forestry and Fishing.
- (2) Division B. Mining.
- (3) Division D. Manufacturing.
- (4) Division E. Transportation, Communications, Electric, Gas and Sanitary Sewers.
- (5) Division I. Services.

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

(1) BOD <sub>5</sub> ....less than 250 mg/l.		
(2) Suspended solids....less than 250 mg/l.		

Any user who 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 waste* means any solid, liquid, or gaseous substance discharged or escaping from any industrial or manufacturing process or from the development of any natural resources. Such term includes any wastewater which is not sanitary sewage.

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

*Infiltration/inflow (I/I)* means the total quantity of water from both infiltration and inflow.

*Inflow* means 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.

*Institutional user* means a user of the treatment facilities whose establishment is primarily engaged in activities of an educational, religious, social, cultural, charitable or human services nature.

*National Pollutant Discharge Elimination System (NPDES) permit* means a document issued by the state pollution control

agency which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility. NPDES permit no. \_\_\_\_\_ and modifications thereof pertain to the municipal wastewater treatment facility.

*Natural outlet* means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwaters.

*Normal domestic strength wastewater* means wastewater with concentrations of BOD no greater than 250 mg/l and suspended solids no greater than 250 mg/l.

*Operation and maintenance costs* includes all costs associated with the operation and maintenance of the wastewater collection and treatment facilities during the design or useful life of the wastewater treatment facilities, including administration and replacement costs, all as determined from time to time by the approving authority.

*Person* means any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

*pH* means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of  $10^{-7}$ .

*Public sewer* means any publicly owned sewer, storm drain, sanitary sewer or combined sewer.

*Replacement costs* means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the design or useful life of the wastewater treatment facility whichever is longer to maintain the capacity and performance for which such facilities were designed and constructed. Operation and maintenance costs include replacement costs.

*Residential user* means 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 semidetached housing, apartments and mobile homes; and which discharges primarily normal domestic strength sanitary wastes.

*Sanitary sewage* means a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities.

*Sanitary sewer* means a sewer that carries sewage or wastewater from residences, commercial buildings, industrial plants and institutions together with minor quantities of groundwaters, stormwaters and surface waters which are not admitted intentionally.

*Sewage* means the spent water of a person or community. The preferred term is ``wastewater.''

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

*Sewer service charge* means a charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance expenses, debt service costs, and other expenses or obligations of such facilities. The public utilities commission may levy such additional fees as are appropriate for initial connections, repairs, inspections or other services it may perform.

*Slug* means 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/or adversely affects the wastewater collection system and/or performance of the wastewater treatment facility.

*Standard Methods* means the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

*Storm sewer or drain* means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

*Suspended solids* means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater, and referred to as nonfilterable residue.

*Unpolluted water* means water of quality equal to or better than the effluent of the wastewater treatment facilities 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 charge* means a charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance expenses of such facilities.

*Wastewater* means the spent water of a community or person. 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 groundwater, surface water and stormwater that may be present.

*Wastewater collection facilities or wastewater collection system* means the structures and equipment required to collect and carry wastewater.

*Wastewater treatment facility* means an arrangement of devices and structures for treating wastewater and sludge. Also referred to as wastewater treatment plant.

(Ord. of 12-9-87, §§ 101--145; Mo. of 2-24-88)

**Cross reference(s)**--Definitions generally, § 1-2.

**Sec. 74-32. Appeal procedures.**

Any user, permit applicant or permit holder affected by any decision, action or determination, including cease and desist orders, made by the approving authority interpreting or implementing the provision of this article or in any permit issued under this article, may file with the approving authority a written request for reconsideration within ten days of the date of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. The approving authority shall render a decision on the request for reconsideration to the user, permit applicant or permit holder in writing within 15 days of receipt of the request. If the ruling on the request for reconsideration made by the approving authority is unsatisfactory, the person requesting reconsideration may, within ten days after notification of the action, file a written appeal with the council. A fee of \$15.00 shall accompany any appeal to the council for its ruling. This fee may be refunded if the appeal is sustained in favor of the appellant. The written appeal shall be heard by the council within 30 days from the date of filing. The council shall make a final ruling on the appeal within ten days from the date of hearing.

(Ord. of 12-9-87, § 1001)

**Sec. 74-33. Amendments.**

The city, through its duly authorized officers, reserves the right to amend this article in part or in whole whenever it may deem necessary.

(Ord. of 12-9-87, § 1103)

**Secs. 74-34--74-45. Reserved.**

DIVISION 2. USE OF PUBLIC SEWERS

**Sec. 74-46. Sanitary sewers.**

No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer.

(Ord. of 12-9-87, § 201)

**Sec. 74-47. Storm sewers.**

Stormwater and all other unpolluted water shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the approving authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the approving authority and upon approval and issuance of a discharge permit by the state pollution control agency (MPCA), to a storm sewer, combined sewer or natural outlet.

(Ord. of 12-9-87, § 202)

**Sec. 74-48. Prohibitions and limitations.**

Except as provided in this article, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. Prohibited materials 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) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, that could injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the Clean Water Act.
- (3) Any waters or wastes having a pH lower than 5.0, or in excess of 9.0, or having any corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater collection and treatment facilities.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater collection and treatment facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (5) The following described substances, materials, waters or waste shall be limited in discharges to sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process or equipment; shall not have an adverse effect on the receiving stream and/or soil, vegetation and groundwater; or

shall not otherwise endanger lives, limbs, public property or constitute a nuisance. The approving authority may set limitations more stringent than those established below if such more stringent limitations are necessary to meet the above objectives and/or the city's National Pollutant Discharge Elimination System (NPDES) permit. The approving authority will give consideration to the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment facility and other pertinent factors. Wastes or wastewaters discharged to the sanitary sewers shall not exceed the following limitations:

- a. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
- b. Wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit (zero degrees Celsius and 65.6 degrees Celsius).
- c. Wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not.
- d. 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 in kitchens for the purpose of consumption on the premises or when served by caterers.
- e. Any waters or wastes containing iron, chromium, copper, zinc and other toxic and nonconventional pollutants to such degree that

the concentration exceeds levels specified by federal, state and local authorities.

- f. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the approving authority or limits established by any federal or state statute, rule or regulation.
- g. Any concentration of radioactive wastes or isotopes as may exceed limits established by the approving authority in compliance with applicable state or federal regulations.
- h. Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- i. Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- j. Materials which exert or cause:
  - 1. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
  - 2. Unusual volume of low or concentration of wastes constituting slugs.

3. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).
  4. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- k. Incompatible pollutants in excess of the allowed limits as determined by city, state and federal laws and regulations in reference to pretreatment standards developed by the Environmental Protection Agency, and as contained in 40 CFR 403, as amended from time to time.

(Ord. of 12-9-87, § 203)

**Sec. 74-49. NPDES permit.**

No person shall cause or permit a discharge into the sanitary sewers that would cause a violation of the National Pollutant Discharge Elimination System (NPDES) permit or any other lawful regulation controlling discharges into the sanitary sewers.

(Ord. of 12-9-87, § 204)

**Sec. 74-50. Special arrangements.**

No statement contained in this article shall be construed as prohibiting any special agreement between the approving authority and any person whereby a waste of unusual strength or character may be admitted to the wastewater collection and treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the approving authority without recompense by the person; and further provided that all rates

and provisions set forth in this article are recognized and adhered to and provided that National Categorical Pretreatment Standards and the National Pollutant Discharge Elimination System (NPDES) permit limitations are not violated.

(Ord. of 12-9-87, § 205)

**Sec. 74-51. New connections.**

New connections to the sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities.

(Ord. of 12-9-87, § 206)

**Secs. 74-52--74-60. Reserved.**

DIVISION 3. INDUSTRIAL WASTE

**Sec. 74-61. Submission of basic data.**

The approving authority may require each person who discharges or seeks to discharge industrial wastes to a public sewer to prepare and file with the approving authority, at such times as it determines, a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater collection and treatment facilities. In the case of a new connection, the approving authority may require that this report be prepared prior to making the connection to the public sewers.

(Ord. of 12-9-87, § 301)

**Sec. 74-62. Industrial discharges.**

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in division 2, and which in the judgment of the approving

authority have a deleterious effect upon the wastewater collection and treatment facilities, processes, equipment or receiving waters and/or soil, vegetation and groundwater, or which otherwise create a hazard to life, health or constitute a public nuisance, the approving authority may:

- (1) Reject the wastes.
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to section 307(b) of the Clean Water Act and its amendments.
- (3) Require control over the quantities and rates of discharge.
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this article.

(Ord. of 12-9-87, § 302)

**Sec. 74-63. Control manholes.**

(a) Each person discharging industrial wastes into a public sewer shall, at the discretion of the approving authority, construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of wastes, including sanitary sewage.

(b) Control manholes or access facilities shall be located and built in a manner acceptable to the approving authority. If measuring and/or sampling devices are to be permanently installed, they shall be of a type acceptable to the approving authority.

(c) Control manholes, access facilities and related equipment shall be installed by the person discharging the waste, at the person's expense, and shall be maintained by the person so as to be in safe condition, accessible and in proper operating condition at all times. Plans for

installation of the control manholes or access facilities and related equipment shall be approved by the approving authority prior to the beginning of construction.

(Ord. of 12-9-87, § 303)

**Sec. 74-64. Measurement of flow.**

The volume of flow used for computing sewer service charges shall be the metered water consumption of the person shown in the records of meter readings except as noted in section 74-66.

(Ord. of 12-9-87, § 304)

**Sec. 74-65. Metering of waste.**

Devices for measuring the volume of waste discharged may be required by the approving authority if this volume cannot otherwise be determined from the metered water consumption records. Such metering devices for determining the volume of waste shall be installed, owned, and maintained by the approving authority, which shall have the right to make such charges therefor as it deems appropriate.

(Ord. of 12-9-87, § 305)

**Sec. 74-66. Waste sampling.**

Industrial wastes discharged into the public sewers shall be subject to such inspection and a determination of character and concentration of such wastes as the approving authority shall require. The frequency of such inspections, the manner of collecting samples, the manner of reporting the results of required measurements and laboratory analyses and all other attributes of such inspection shall be under the direction and control of the approving authority. Access to sampling locations shall be granted to the approving authority or its duly authorized representative at all times.

(Ord. of 12-9-87, § 306)

**Sec. 74-67. Pretreatment.**

Persons discharging industrial wastes into any public sewer may be required to pretreat such wastes, if the approving authority determines pretreatment is necessary to protect the wastewater collection and treatment facilities or prevent the discharge of compatible pollutants. In that event, such person shall provide at his expense such pretreatment or processing facilities as may be determined necessary to render wastes acceptable for admission to the sanitary sewers. No user shall increase the process water, or in any manner attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with limitations contained in section 74-48 or contained in the national categorical pretreatment standards or any state requirements.

(Ord. of 12-9-87, § 307)

**Sec. 74-68. Grease, oil, and sand interceptors.**

Grease, oil and sand interceptors shall be provided when, in the opinion of the approving authority, they are necessary for the proper handling of liquid wastes containing floatable grease in amounts in excess of those specified in this article, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the approving authority, and shall be so located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the approving authority. Disposal of the collected materials performed by owner's personnel or currently licensed waste disposal firms must be in accordance with currently acceptable local, county and state rules and regulations.

(Ord. of 12-9-87, § 308)

**Sec. 74-69. Analyses.**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods and with the Federal Regulations 40 CFR 136, Guidelines Establishing Test Procedures for Analysis of Pollutants, as amended from time to time. Sampling methods, location, time, durations and frequencies are to be determined on an individual basis subject to approval by the approving authority.

(Ord. of 12-9-87, § 309)

**Sec. 74-70. Submission of information.**

Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or grease and/or sand interceptor facilities shall be submitted for review and approval of the approving authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers. No construction of such facilities shall commence until the approval has been granted.

(Ord. of 12-9-87, § 310)

**Secs. 74-71--74-80. Reserved.**

DIVISION 4. BASIS FOR SERVICE CHARGES

**Sec. 74-81. Sewer users served by water utility water meters.**

There is hereby levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater collection system and being served with water, a sewer service charge based, in part, on the quantity of water used, as measured by the water meter used upon the premises.

(Ord. of 12-9-87, § 401)

**Sec. 74-82. Billable volume.**

The user charge assessed residential users and those users of other classes discharging normal domestic strength wastewater shall be established proportionately according to billable wastewater volume. Billable wastewater volume shall be calculated as follows:

(1) *Residential users.*

- a. Billable wastewater volume for residential users shall be calculated on the basis of metered water usage. The per monthly billable wastewater volume shall be equal to monthly metered water usage.
- b. The approving authority may require residential users to install water meters for the purpose of determining billable wastewater volume.

(2) *Seasonal-residential users.*

- a. The billable wastewater volume of seasonal-residential users may be determined in the same manner as for residential users. Except that if the approving authority determines that there are significant seasonal variations in the metered water usage of seasonal-residential users resulting in a proportionate increase or decrease in wastewater volume; then billable wastewater volume shall be: calculated on the basis of monthly metered water usage as recorded throughout the year, or, calculated on the basis of wastewater flow meters.
- b. The approving authority may, at its discretion, require seasonal-residential users to install such additional water meters or

wastewater flow meters as may be necessary to determine billable wastewater volume.

(Ord. of 12-9-87, § 402)

**Sec. 74-83. Sewer users served by private wells.**

If any person discharging wastewater into the sanitary sewers procures any part or all of his water from sources other than the approving authority, all or part of which is discharged into the sanitary sewers, the person shall have water meters installed by the approving authority at the person's expense for the purpose of determining the volume of water obtained from these sources. Where sewer meters are already installed, water meters will not be required. The water meters shall be furnished by the approving authority under its supervision, all costs being at the expense of the person requiring the meter. The approving authority will charge for each meter a rental charge set by the approving authority to compensate for the cost of furnishing and servicing the meter. The rental charge shall be billed at the time the sewer service charge is billed.

(Ord. of 12-9-87, § 403)

**Sec. 74-84. Deduct meters.**

If a person feels that a significant amount of metered water does not reach the sanitary sewer, he can at his own expense, with approval of the approving authority, install such additional meters or metered services as are necessary to calculate the volume of water not discharged to the sanitary sewer. Metered water not discharged to the sanitary sewers shall not be subject to sewer service charges. Requests to install additional meters must be made in writing to the approving authority.

(Ord. of 12-9-87, § 404)

**Secs. 74-85--74-95. Reserved.**

**Sec. 74-96. Sewer service charge unit costs.**

The unit costs for the sewer service charge shall be published annually by the approving authority, in accordance with section 74-167.

(Ord. of 12-9-87, § 501)

**Sec. 74-97. Sewer service charge.**

The sewer service charge for all users shall be computed in accordance with the formula presented below:

$$T = FC + (V \times C_{ov}) + (V \times C_{dv})$$

Where:

T=Total sewer service charge		
FC=Fixed charge		
C <sub>ov</sub> =Charge per 1,000 gallons for O&M costs		
C <sub>dv</sub> =Charge per 1,000 gallons for debt service costs		

V=Wastewater volume in 1,000 gallons		
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- (1) The  $C_{ov}$  charge is based upon the annual estimated operation and maintenance costs, less administrative expenses, divided by annual billable water usage.
- (2) The  $C_{dv}$  charge is based upon 30 percent of the annual debt service cost for the bond divided by the annual billable water usage.
- (3) The FC charge is based upon:
  - a. The operation and maintenance costs associated with administration of the facilities divided by the number of sewer connections; and
  - b. Thirty percent of the annual debt service cost for the bond divided by the number of equivalent residential connections (five-eighths-inch meters). The number of equivalent residential connection is based on the demand ratio listed below for each meter size.

Meter size (inches)Demand ratio	
5/81.0	
12.5	

1 1/43.7	
1 1/25.0	
28.0	
2 1/212.5	
315.0	
425.0	
650.0	

(Ord. of 12-9-87, § 502; Mo. of 7-27-88)

**Sec. 74-98. Reassignment of sewer users.**

The approving authority will reassign sewer users into appropriate sewer service charge categories if wastewater flow monitoring and sampling programs or other related information indicate a change of categories is appropriate.

(Ord. of 12-9-87, § 503)

**Sec. 74-99. Operation, maintenance and replacement fund accounts.**

All sewer service charge revenues collected for replacement costs shall be deposited in a separate and distinct fund to be used solely for replacement costs as defined in article I. All sewer service charge revenues collected for other operation and maintenance expenses and debt service costs shall also be deposited in two additional

separate and distinct funds. All revenues for the replacement fund and for operation and maintenance of the wastewater collection and treatment facilities must be used solely for the replacement fund and operation and maintenance of the wastewater collection and treatment facilities.

(Ord. of 12-9-87, § 504)

**Sec. 74-100. Charge for toxic pollutants.**

Any person discharging toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the wastewater treatment facility shall pay for such increased costs, as may be determined by the approving authority.

(Ord. of 12-9-87, § 505)

**Sec. 74-101. Disposal of septic tank sludge, holding tank sewage.**

(a) No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or public sewer unless a permit for disposal has been first obtained from the approving authority. Written application for this permit shall be made to the approving authority and shall state the name and address of the applicant; the number of its disposal units; and the make, model and license number of each unit. Permits shall be nontransferable except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The permit may be obtained upon payment of such fee as the approving authority may determine from time to time. The time and place of disposal will be designated by the approving authority. The approving authority may impose such conditions as it deems necessary on any permit granted.

(b) Any person or party disposing of septic tank sludge or holding tank sewage agrees to carry public liability insurance in an amount not less than \$100,000.00 to protect any and all persons or property from injury and/or damage

caused in any way or manner by an act, or the failure to act, by any of the person's employees. The person shall furnish a certificate certifying such insurance to be in full force and effect and naming the approving authority as an additional insured.

(c) All materials disposed of into the treatment system shall be of domestic origin, or compatible pollutants only, and the party agrees that he will comply with the provisions of any and all applicable ordinances of the city and requirements of the approving authority, and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile or inflammable liquids, or other deleterious substances into the public sewers, nor allow any earth, sand or other solid material to pass into any part of the wastewater collection and treatment facilities.

(d) Persons with a permit for disposing of septic tank sludge and/or holding tank sewage into the wastewater collection and treatment facilities may be charged in accordance with such schedule as the approving authority may establish from time to time.

(e) The person disposing waste agrees to indemnify and hold harmless the approving authority from any and all liability and claims for damages arising out of or resulting from work and labor performed.

(Ord. of 12-9-87, § 506)

**Sec. 74-102. Users with strengths greater than normal domestic strength.**

(a) The sewer service charges established in this article shall not prevent the assessment of additional charges to users who discharge wastes with concentrations greater than normal domestic strength or wastes of unusual character, or contractual agreements with such users, as long as the following conditions are met:

- (1) The user pays operation, maintenance and replacement costs in proportion to the user's

proportionate contribution of wastewater flows and loadings to the treatment plant, and no user is charged at a rate less than that of normal domestic strength wastewater.

- (2) The measurements of such wastes are conducted according to the latest edition of Standard Methods for the Examination of Water and Wastewater in a manner acceptable to the approving authority as provided for in section 74-69.

(b) A study of unit costs of collection and treatment processes attributable to flow, BOD, TSS and other significant loadings shall be developed for determining the proportionate allocation of costs to flows and loading for users discharging wastes of greater than normal domestic strength or wastes of unusual character.

(Ord. of 12-9-87, § 507)

**Secs. 74-103--74-115. Reserved.**

#### DIVISION 6. BILLING

**Sec. 74-116. Calculation of sewer service charges.**

Sewer service charges shall be computed according to the rates and formula set forth in this article except where such charges are left to the discretion of the approving authority and, in such case, the approving authority shall determine the rates or charges.

(Ord. of 12-9-87, § 601)

**Sec. 74-117. Sewer service charge billing period.**

Sewer service charges shall be billed by the approving authority to the sewer users on a monthly basis. Payment shall be made in accordance with the rules and regulations of the approving authority.

(Ord. of 12-9-87, § 602)

**Sec. 74-118. Payment of sewer service charges.**

Payments are due at city hall at the close of the business day on the 26th day of the month. If the 26th falls on a Saturday, Sunday or legal holiday, payments are considered timely delivered until the close of the business day on the next succeeding day which is not a Saturday, Sunday or legal holiday.

(Ord. of 12-9-87, § 603; Mo. of 2-24-88)

**Sec. 74-119. Penalties.**

Sewer service charges levied by the city against the sewer users in accordance with this article shall be a debt due to the city and shall be a lien upon the property. If this debt is not paid within 30 days after it shall be due, it shall be deemed delinquent and may be placed on the next year's tax roll and be collected as other taxes are collected. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

(Ord. of 12-9-87, § 604)

**Sec. 74-120. Civil action.**

Any charges levied pursuant to this article and which have been properly sent to the occupant or owner and not paid may be recovered in a civil action by the city in any court of competent jurisdiction.

(Ord. of 12-9-87, § 605)

**Secs. 74-121--74-130. Reserved.**

DIVISION 7. RIGHT OF ENTRY; SAFETY; IDENTIFICATION

**Sec. 74-131. Right of entry.**

Employees of the approving authority or duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter all properties at reasonable times for the purpose of inspection, observation, or testing, in accordance with the provisions of this article.

(Ord. of 12-9-87, § 701)

**Sec. 74-132. Safety.**

While performing the necessary work on private premises referred to in section 74-131, the duly authorized municipal employees shall observe all safety rules applicable to the premises established by the person.

(Ord. of 12-9-87, § 702)

**Sec. 74-133. Right to enter easements.**

Employees of the approving authority or duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter all private properties through which the city or the approving authority holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, all subject to the terms, if any, of such easement.

(Ord. of 12-9-87, § 703)

**Secs. 74-134--74-145. Reserved.**

DIVISION 8. SEWER CONSTRUCTION AND CONNECTIONS

**Sec. 74-146. Work authorized.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb the

public sewers or appurtenances thereof without first obtaining a written permit from the approving authority.

(Ord. of 12-9-87, § 801)

**Sec. 74-147. Cost of sewer connection.**

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the person making the connection.

(Ord. of 12-9-87, § 802)

**Sec. 74-148. Use of old building sewers.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the approving authority, to meet all requirements for this article.

(Ord. of 12-9-87, § 803)

**Sec. 74-149. Materials and methods of construction.**

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall conform to the requirements of the city's building and plumbing codes or other applicable rules and regulations of the city or other governmental entity having jurisdiction therefor. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(Ord. of 12-9-87, § 804)

**Sec. 74-150. Building sewer grade.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to

permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(Ord. of 12-9-87, § 805)

**Sec. 74-151. Storm and groundwater drains.**

No persons shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a sanitary sewer. All existing downspouts or groundwater drains, etc., connected directly or indirectly to a sanitary sewer must be disconnected within 60 days of the date of an official written notice from the approving authority.

(Ord. of 12-9-87, § 806)

**Sec. 74-152. Conformance to plumbing codes.**

The connection of the building sewer into the sanitary sewer shall conform to the requirements of the building and plumbing codes, or other applicable rules and regulations of the city or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the approving authority before installation.

(Ord. of 12-9-87, § 807)

**Sec. 74-153. Inspection of connection.**

The person making a connection to a public sewer shall notify the approving authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be inspected and approved by the approving authority.

(Ord. of 12-9-87, § 808)

**Sec. 74-154. Barricades, lights; restoration.**

All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the approving authority.

(Ord. of 12-9-87, § 809)

**Secs. 74-155--74-165. Reserved.**

DIVISION 9. AUDIT; NOTIFICATION; RECORDS

**Sec. 74-166. Annual audit.**

The public utilities commission shall annually review the wastewater contribution of its sewer users, the operation and maintenance expenses of the wastewater collection and treatment facilities, and the sewer service charge system in accordance with those procedures established by the state auditor's office and federal statutes (40 CFR 35.2140(d)). Based on this review, the public utilities commission shall revise the sewer service charge system, if necessary, to accomplish the following:

- (1) Maintain a proportionate distribution of operation and maintenance expenses among sewer users based on the wastewater volume and pollutant loadings discharged by the users.
- (2) Generate sufficient revenues to pay the operation and maintenance expenses of the wastewater collection and treatment facilities.
- (3) Apply excess revenues collected from a class of users to the operation and maintenance expenses attributable to that class of users for the next

year and adjust the sewer service charge rates accordingly.

(Ord. of 12-9-87, § 1201)

**Sec. 74-167. Annual notification.**

The public utilities commission shall notify its sewer users annually about the sewer service charge rates. Notification shall separately indicate what portion of the rates are attributable to the user charge, as defined by this article. The notification shall occur in conjunction with a regular bill.

(Ord. of 12-9-87, § 1202)

**Sec. 74-168. Records.**

The public utilities commission shall maintain records regarding wastewater flows and loadings, costs of the wastewater collection and treatment facilities, sampling programs, and other information which is necessary to document compliance with 40 CFR part 35, subpart E, of the Clean Water Act.

(Ord. of 12-9-87, § 1203)

**Secs. 74-169--74-180. Reserved.**

DIVISION 10. VIOLATIONS; PENALTIES

**Sec. 74-181. Written notice of violations.**

Any person found to be violating any provision of this article shall be declared a public nuisance and shall be served by the city with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(Ord. of 12-9-87, § 901)

**Sec. 74-182. Abatement of nuisance without notice.**

If the approving authority determines that a public nuisance exists within the city and that there is great and immediate danger to the wastewater collection and treatment facilities or the public health, safety, peace, morals or decency, the approving authority or the city may cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

(Ord. of 12-9-87, § 902)

**Sec. 74-183. Accidental discharge.**

Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the wastewater collection and treatment facility and/or receiving body of water shall, in addition to a fine, pay an amount to cover any damages, both values to be established by the approving authority.

(Ord. of 12-9-87, § 903)

**Sec. 74-184. Continued violations.**

Any person, partnership, or corporation, or any officer, agency or employee thereof, who shall continue any violation beyond the time limit provided in the notice issued pursuant to section 74-181, shall, upon conviction thereof, forfeit not more than \$700.00, together with the costs of prosecution and such other charges as may be allowed by law. In default of payment of such forfeiture and costs, the violator shall be imprisoned in the county jail for a period not to exceed 30 days. Each day in which any violation is continued beyond the notice time limit shall be deemed a separate offense.

(Ord. of 12-9-87, § 904)

**Sec. 74-185. Liability to city for losses.**

Any person violating any provisions of this article shall become liable to the city for any expense, loss, or damage occasioned by reason of such violation which the city may suffer as a result thereof.

(Ord. of 12-9-87, § 905)