

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

Interference. The inhibition or disruption of the City's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the City's NPDES or SDS permit. The term includes sewage sludge use or disposal by the City in accordance with published regulations providing guidelines under Section 405 of the Act (33 USC 1345) or any regulations developed pursuant to the Solid Waste Disposal Act (42 USC 6901 et seq.), the Clean Air Act (42 USC 7401 et seq.), the Toxic Substances Control Act (15 USC 2601 et seq.), or more stringent state criteria applicable to the method of disposal or use employed by the City.

May. The term is permissive.

MPCA. The Minnesota Pollution Control Agency.

National Categorical Pretreatment Standards. Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to be not susceptible to treatment by those treatment facilities or would interfere with the operation of those treatment facilities, pursuant to Section 307(b) of the Act (33 USC 1317(b)).

National Pollutant Discharge Elimination System (NPDES) Permit. A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act (33 USC 1342 and 33 USC 1345).

Natural Outlet. Any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.

Non-Contact Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added is heat.

Normal Domestic Strength Waste. Wastewater that is primarily introduced by residential users with a BOD5 concentration not greater than 287 mg/l and a suspended solids (TSS) concentration not greater than 287 mg/l.

Person. Any individual, firm, company, association, society, corporation or group.

PH. The logarithm of a reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.

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

Properly Shredded Garbage. The wastes from the preparation, cooking and dispensing of food that have been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 2-inch (1.27 cm) in any dimension.

Sewage. The spent water of a community. The preferred term is wastewater.

Sewer. A pipe or conduit that carried wastewater or drainage water.

- (1) Collection Sewer. A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.
- (2) Interceptor Sewer. A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.
- (3) Private Sewer. A sewer which is not owned and maintained by a public authority.
- (4) Public Sewer. A sewer owned, maintained and controlled by a public authority.
- (5) Sanitary Sewer. A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters which are not admitted intentionally.
- (6) Storm Sewer or Storm Drain. A drain or sewer intended to carry storm waters, surface runoff, ground water, subsurface water, street wash water, drainage and unpolluted water from any source.

Shall. The term is mandatory.

State Disposal System (SDS) Permit. Any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to M.S. § 115.07, as it may be amended from time to time for a disposal system as defined by M.S. § 115.01(8), as it may be amended from time to time.

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

Toxic Pollutant. The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse affects as defined in standards issued pursuant to Section 307(a) of the Act (33 USC 1317(a)).

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

User. Any person who discharges or causes or permits the discharge of wastewater into the City's wastewater disposal system.

Utilities Superintendent. The person appointed by the City Council to supervise the sewer and water systems of the City.

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

Wastewater Treatment Works or Treatment Works. An arrangement of any devices, facilities, structures, equipment or processes owned or used by the City for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall

sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from that treatment.

WPCF. The Water Pollution Control Federation.

**54.002 Control of Sewers; Administration of Chapter.** The Utilities Superintendent, or other official designated by the City Council, shall have control and general supervision of all public sewers and service connections in the City, and shall be responsible for administering the provisions of this chapter to the end that a proper and efficient public sewer is maintained.

**54.003 Building Sewers; General Requirements.** Building sewer construction shall meet the pertinent requirements of the Minnesota State Building Code, which is those chapters of Minn. Rules referenced in Minn. Rules part 1300.2400, subpart 6, as they may be amended from time to time, and the Minnesota Plumbing Code, Minn. Rules Ch. 4715, as it may be amended from time to time. The applicant shall notify the City Clerk when the building sewer and connection is ready for inspection. The connection shall be made under the supervision of the Building Official or the Building Official's representative, if the City has adopted the State Building Code. If the City has not adopted the State Building Code, the Utilities Superintendent, shall perform the inspection. If the City does not have a Utilities Superintendent, an installer licensed under § 54.022 shall certify that the building sewer and connection comply with the State Building Code. No backfill shall be placed until the work has been inspected and approved, or until the certification has been received.  
Penalty, see 54.045.

**54.004 Tampering with Wastewater Facilities.** No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.  
Penalty, see 54.045.

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

## **GENERAL REGULATIONS**

**54.006 Deposits of Unsanitary Manner Prohibited.** It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the City's jurisdiction, any human or animal excrement, garbage or objectionable waste.  
Penalty, see 54.045

**54.007 Discharge of Wastewater or Other Polluted Waters.** It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and City's NPDES/SDS permit.  
Penalty, see 54.045.

**54.008 Restrictions on Wastewater Disposal Facilities.** Except as otherwise provided in this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.  
Penalty, see 54.045.

**54.009 Installation of Service Connection to Public Sewer (Amended by Ordinance adopted November 22, 2010).**

- A. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated within the City and adjacent to any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the City shall be required at the owner's expense to install a suitable service connection to the public sewer in accordance with provisions of this code immediately. If sewer connections are not made pursuant to this section, an official ten-day notice shall be served instructing the affected property owner to make the connection.  
Penalty, see 54.045.
- B. Sanitary sewer connections shall be restricted to properties within the City limits.

#### **PRIVATE WASTEWATER DISPOSAL**

**54.010 Public Sewer not Available.** Where a public sewer is not available under the provisions of 54.009, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this subchapter and Minn. Rules Ch.7080, Individual Sewage Treatment Systems Program, as they may be amended from time to time.  
Penalty, see 54.045.

**54.011 Permits.**

- (A) Required. Prior to commencement of construction of a private wastewater disposal system, the owner shall first obtain permission from the City Council. Final approval must be obtained from the Swift County Environmental Services representative. All inspections will be done by the Swift County Environmental Services representative.

**54.012 Type, Capacities, Location and Layout.** The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of Minn. Rules Ch. 7080, Individual Sewage Treatment Systems Program, as they may be amended from time to time. No septic tank or cesspool shall be permitted to discharge to any natural outlet.  
Penalty, see 54.045.

**54.013 Operation and Maintenance by Owner.** The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the City.

**54.014 Application of Subchapter.** No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Minnesota Department of Health.

## **BUILDING SEWERS AND CONNECTIONS**

**54.015 Restrictions on New Connections.** Any new connections 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, BOD5 and suspended solids, as determined by the Utilities Superintendent.  
Penalty, see 54.045.

### **54.016 Building Sewer Permits.**

- (A) Required. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.
- (B) Applications. Applications for permits shall be made by the owner or authorized agent and shall state the location, name of owner, street number of building to be connected and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.
- (C) Classes. There shall be two classes of building sewer permits: one for residential and commercial service, and one for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any information considered pertinent in the judgment of the city. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.
- (D) Inspection and Connection. The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the Utilities Superintendent or authorized representative thereof.

Penalty, see 54.045.

**54.017 Costs and Expenses.** All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.  
Penalty, see 54.045.

**54.018 Separate Building Sewers Required.** A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The City does not and will not assume any obligation or responsibility for damages caused by or resulting from any connection.  
Penalty, see 54.045.

**54.019 Old Building Sewers; Restricted on Use.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Utilities Superintendent or his or her representative, to meet all requirements of this chapter.

**54.020 Surface Runoff or Groundwater Connections Prohibited.** No person shall make connection of roof downspouts, sump pumps, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or indirectly to the wastewater disposal system.

**54.021 Excavations.** All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. Penalty, see 54.045.

**54.022 Licenses.**

- (A) Required. No person shall make a service connection with any public sewer unless regularly licensed under this chapter to perform work, and no permit shall be granted to any person except a regularly licensed person. A person licensed as a plumber by the state of Minnesota, or a person in the ditch installing the pipe who has a card showing that they have completed a program of training that incorporates the Plumbing Code installation requirements, issued by either the Associated Builders and Contractors, Laborers-Employers Cooperation Education Trust, or Minnesota Utility Contractors Association, is not subject to the licensing requirements of this section.
- (B) Application. Any person desiring a license to make a service connection with public sewers shall apply in writing to the City Council with satisfactory evidence that the applicant or employer is trained or skilled in the business and qualified to receive a license. All applications shall be referred to the Utilities Superintendent for recommendations to the Council. If approved by the Council, the license shall be issued by the City Clerk upon the filing of a bond as hereinafter provided.
- (C) Issuance. No license shall be issued to any person until a policy of insurance to the City, approved by the Council, is filed with the City Clerk conditioned that the licensee will indemnify and save harmless the City from all suits, accidents and damage that may arise by reason of any opening in any street, alley or public ground made by the licensee or by those in the licensee's employment for any purpose whatever, and that the licensee will replace and restore the street and alley over that opening to the condition existing prior to installation, adequately guard with barricades and lights, and will keep and maintain the same to the satisfaction of the Utilities Superintendent, and shall conform in all respects to any rules and regulations of the Council relative thereto, and pay all fines that may be imposed on the licensee by law.
- (D) Suspension or Revocation. The Council may suspend or revoke any license issued under this subchapter 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 chapter or any rule or regulation pertaining to the making of service connection.

**USE OF PUBLIC SERVICES**

**54.023 Discharges of Unpolluted Water.**

- (A) No person shall discharge or cause to be discharged any water such as storm water, ground water, roof runoff, surface drainage or non-contact cooling water to any sanitary sewer.
- (B) Storm water and all other unpolluted drainage shall be discharged to those sewers as are specifically designed as storm sewers or to a natural outlet approved by the City and other

regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval by the City and upon approval and the issuance of a discharge permit by the MPCA.

**54.024 Discharges of Waters or Wastes.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (A) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- (B) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than 2-inches in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- (C) Any wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater disposal system.
- (D) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act (33 USC 1317(a)).

Penalty, see 54.045.

**54.025 Limited Discharges.**

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



- (1) Any wastewater having a temperature greater than 150°F (65.6°C), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104°F (40°C), or having heat in amounts which will inhibit biological activity in the wastewater treatment works resulting in interference therein.
- (2) Any wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65.6°C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not.
- (3) Any quantities of flow, concentrations, or both which constitute as sludge as defined in 54.001.
- (4) Any garbage not properly shredded, as defined in 54.001 of this chapter. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food on the premises or when served by caterers.
- (5) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.
- (6) Any wastewater with objectionable color not removed in the treatment process such as but not limited to dye wastes and vegetable tanning solutions.
- (7) Non-contact cooling water or unpolluted storm, drainage or ground water.
- (8) Wastewater containing inert suspended-solids such as but not limited to fullers earth, lime slurries, and lime residues, or of dissolved solids such as but not limited to sodium chloride and sodium sulfate, in quantities that would cause disruption with the wastewater disposal system.
- (9) Any radioactive wastes or isotopes of half-life or concentration as may exceed limits established by the Utilities Superintendent in compliance with applicable state or federal regulations.
- (10) Any waters or wastes containing the following substances to the degree that any material received in the composite wastewater at the wastewater treatment works is detrimental to treatment process, adversely impacts land application, adversely effects receiving waters, or is in violation of standards pursuant to Section 307(b) of the Act (33 USC 1317(b)): Arsenic, Cadmium, Copper, Cyanide, Lead, Mercury, Nickel, Silver, total Chromium, Zinc and Phenolic compounds which cannot be removed by the city's wastewater treatment system.
- (11) Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule, regulation or ordinance of any regulatory agency, or state or federal regulatory body.



- (12) Any waters or wastes containing BOD<sub>5</sub> or suspended solids of character and quantity that unusual attention or expense is required to handle the materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of 54.037.

**54.026 Discharges Hazardous to Life or Constitute Public Nuisances.**

- (A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in 54.025 or which in the judgment of the Utilities Superintendent may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment, receiving waters or soil, vegetation, and ground water, or which otherwise create a hazard to life or constitute a public nuisance, the City 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 Act (33 USC 1317(b)) and all amendments thereof;
  - (3) Require control over the quantities and rates of discharge; and
  - (4) Require payment to cover the added costs of handling, treating and disposing of wastes not covered by existing taxes or sewer service charges.
- (B) If the City permits the pretreatment or equalization of waste flows, the design, installation and maintenance of the facilities and equipment shall be made at the owner's expense and shall be subject to the review and approval of the City pursuant to the requirements of the MPCA.

**54.027 Increasing Use of Process Water.** 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 54.024 and 54.025 or contained in the National Categorical Pretreatment Standards or any state requirements.  
Penalty, see 54.045.

**54.028 Pretreatment or Flow-Equalizing Facilities.** Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner.

**54.029 Grease, Oil and Sand Interceptors.** Grease, oil and sand interceptors shall be provided when, in the opinion of the Utilities Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in 54.025(B)(2), any flammable wastes as specified in 54.024(A), sand or other harmful ingredients; except that interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Utilities Superintendent. Any removal and hauling of the collecting materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm.  
Penalty, see 54.045.

**54.030 Industrial Wastes; Installations.** Where required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, or control manhole, with

necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. The structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The structure shall be installed by the owner at his or her expense and shall be maintained by the owner to be safe and accessible at all times.

Penalty, see 54.045.

**54.031 Industrial Wastes; Requirements.** The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the City, be required to provide laboratory measurements, tests or analyses of waters or wastes to illustrate compliance with this chapter and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with federal, state and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the City at times and in the manner as prescribed by the City. The owner shall bear the expense of all measurements, analyses and reporting required by the City. At those times as deemed necessary, the City reserves the right to take measurements and supplies for analysis by an independent laboratory.

Penalty, see 54.045.

**54.032 Measurements, Tests and Analyses of Waters and Wastes.** All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Utilities Superintendent. Penalty, see 54.045.

**54.033 Protection from Accidental Discharge of Prohibited Materials.** Where required by the City, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this chapter. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Utilities Superintendent for review and approval prior to construction of the facility. Review and approval of the plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. Users shall notify the Utilities Superintendent immediately upon having a slug or accidental discharge of substances of wastewater in violation of this chapter to enable countermeasures to be taken by the Utilities Superintendent to minimize damage to the wastewater treatment works. The notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the City on account thereof under any state and federal law. Employers shall ensure that all employees who may cause or discover a discharge are advised of the emergency notification procedure. Penalty, see 54.045.

**54.034 Permitting Substance or Matter to Flow or Pass into Public Sewers.** No person having charge of any building or other premises which drains into the public sewer shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within 30 days after receipt of written notice from the City, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same, and perform other work as the Utilities Superintendent may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of 30 days, the Utilities Superintendent may cause the work to be completed at the expense of the owner or representative thereof.

Penalty, see 54.045.

**54.035 Repairing Service Connection.** Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause the work to be done as the Utilities Superintendent may direct. Each day after 30 days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Utilities Superintendent may then cause the work to be done, and recover from the owner or agent the expense thereof by an action in the name of the City.

Penalty, see 54.045.

**54.036 Catch Basin or Waste Traps Required for Motor Vehicle Washing or Servicing Facilities.** The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times a catch basin or waste trap in the building drain system to prevent grease, oil, dirt or any mineral deposit from entering the public sewer system.

Penalty, see 54.045.

**54.037 Special Agreement and Arrangement.** No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern; provided, that National Categorical Pretreatment Standards and the city's NPDES/SDS Permit limitations are not violated.

#### **USER RATE SCHEDULE FOR CHARGES**

**54.038 Charges Generally.** Each user of sewer service shall pay the charges applicable to the type of service received.

**54.039 Purpose.** The purpose of the subchapter is to provide for sewer service charges to recover costs associated with operation, maintenance and replacement to ensure effective functioning of the City's wastewater treatment system, and local capital costs incurred in the construction of the City's wastewater treatment system.

**54.040 Establishment of a Sewer Service Charge System.**

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

**54.041 Determination of Sewer Service Charges.** The sewer service rates and charges to users of the wastewater treatment facility shall be as established by resolution prior to the adoption of this code, and may be amended from time to time.

**54.042 Administration.** The sewer service charge system and sewer service fund shall be administrated according to the following provisions:

- (A) The City Clerk shall maintain a sewer system account suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment operation. The Council shall assess periodically and as necessary revise the Sewer Service Charge System in use to ensure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.
- (B) In accordance with federal and state requirements, the City Clerk shall be responsible for maintaining all records necessary to document compliance with the Sewer Service Charge System adopted.

- (C) All charges for sewer service shall be billed monthly on the first of the month and shall be due and payable on the first of the next month and shall be delinquent thereafter. The City shall endeavor to collect delinquent accounts promptly. In any case, where satisfactory arrangements for payment have not been made, the City may discontinue service to the delinquent customer in accordance with 54.042(F).
- (D) The owner of the premises shall be liable to pay for the service to their premises, and the service is furnished to the premises by the City only upon the condition that the owner of the premises is liable therefore to the City.
- (E) Any additional costs caused by discharges to the treatment works of toxics or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs, and sludge disposal, shall be borne by the discharger of the wastes, at no expense to the city.
- (F) Service shall not be discontinued until notice and an opportunity for a hearing have first been given to the occupant of the premises involved. The notice shall be sent and shall state that if payment has not been made before a day stated in the notice but not less than 10 days after the date on which notice is given, service to the premises shall be discontinued. The notice shall also state that the occupant may request a hearing with the City Council before the 10 days after the date on the notice are up, in which case the service will not be discontinued until after a hearing is held. If as a result of the hearing the City Council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the service should not be discontinued, the city may shut off the sewer service.

## **POWERS AND AUTHORITY OF INSPECTORS**

**54.043 Authorized Employees Permitted to Enter All Properties.** The Utilities Superintendent or other duly authorized employees of the City, bearing proper credentials and identification, are authorized, with the permission of the licensee, owner, resident or other person in control of property within the City, to enter all properties for the purpose of inspection, observations, measurement, sampling and testing pertinent to the discharges to the city's sewer system in accordance with the provisions of this chapter.

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

### **54.045 Penalty.**

- (A) (1) Any person found to be violating any provisions of 54.001 through 54.037 and 54.043 through 54.044 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

- (2) Any person violating any of the provisions of 54.001 through 54.037 and 54.043 through 54.044 shall become liable to the city for any expense, loss or damage occasioned by the City by reason of that violation.
- (B)
  - (1) Each and every sewer service charge levied by and pursuant to 54.001 through 54.037 is made a lien upon the lot or premises served, and all charges which are on October 31 of each year past due and delinquent shall be certified to the County Auditor by November 29, for collection.
  - (2) As an alternative to levying a lien, the City may, at its discretion, file suit in a civil action to collect amounts as are delinquent and due against the occupant, owner or user of the real estate, and shall collect as well all attorney's fees incurred by the city in filing the civil action. Attorney's fees shall be fixed by order of the court.
  - (3) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate of 8% per annum.

This Ordinance introduced by Council Member Jerry Goblirsch on July 14, 2008

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