

TITLE V: PUBLIC WORKS

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CHAPTER 50: GARBAGE

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(B) *Refuse in streets and the like.* No person shall place any refuse in any street, alley or public place or upon any private property except in proper containers for collection. No person shall throw or deposit refuse in any stream or other body of water.

(C) *Scattering of refuse.* No person shall deposit anywhere within the city any refuse in such manner that it may be carried or deposited by the elements upon any public or private premises within the city.

(D) *Burying of refuse; composting.* No person shall bury any refuse in the city except in an approved sanitary landfill. Leaves, grass clippings and easily biodegradable, non-poisonous garbage may be composted on the premises where the refuse has been accumulated. Garbage may be composted only in a rodent-proof structure and after the Council (City Health Officer) gives its approval to the composting after it, he or she finds that the composting will be done in accordance with these standards.

(E) *Restrictions.* There shall be no garbage picked up in containers larger than 32-gallon containers. Christmas trees, branches and cardboard boxes must be cut to 30 inches and tied in bundles. Lawn grass, garden waste, flowers and ashes shall be placed in a plastic trash bag and placed in containers that can be adequately handled by one man. No refrigerator boxes will be allowed. If the containers are wet and fall apart, the contractor is not obligated to pick them up. The contractor will not pick up any dead animals, tires, auto parts, sno-cat parts, caustic containers or live ashes. (Ord. 135, passed 9-18-1990) Penalty, see ' 10.99

COLLECTION AND DISPOSAL

' 50.01 DEFINITIONS.

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

GARBAGE. Organic waste resulting from the preparation of food and decayed and spoiled food from any source.

REFUSE. Garbage and rubbish.

RUBBISH. Inorganic solid waste such as tin cans, glass, paper, sweepings and the like. (Ord. 135, passed 9-18-1990)

' 50.02 GENERAL REGULATIONS.

(A) *Unauthorized accumulation.* Any unauthorized accumulation of refuse on any premises is a nuisance and prohibited.

' **50.03 DISPOSAL REQUIRED.**

Every person shall, in a sanitary manner, dispose of refuse that may accumulate upon property owned or occupied by him or her. Garbage shall be collected or otherwise lawfully disposed of at least once a week. (Ord. 135, passed 9-18-1990)

' **50.04 CONTAINERS.**

(A) *General requirement.* Every householder, occupant or owner of any residence shall provide on the premises one or more containers to receive and contain all refuse which may accumulate between collections. All normal accumulations of refuse shall be deposited in such containers. In lieu of the containers, the City Council may authorize, by resolution, a system of suitable disposable bags to be used for garbage collection. Leaves, trimmings from shrubs, grass clippings, shavings, excelsior and other rubbish of similar volume and weight may be stored in closed containers not meeting the requirements of division (B) below.

(B) *Container requirements.*

(1) Each container shall be watertight, shall be impervious to insects and rodents, shall be fire-proof and shall not exceed 32 gallons in capacity, except that for certain types of businesses, residences or manufacturing plants having refuse volume exceeding two cubic yards per week, the City Council may authorize the use of special bulk or box type refuse storage containers that are adaptable to the truck used for collection. These special containers may be purchased by the individual, businesses or rented from the contractor furnishing the collection service.

(2) Containers shall be maintained in good and sanitary condition. Any container not conforming to the requirements of this subchapter or having ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents shall be promptly replaced after notice by the city.

(C) *Placement.* Containers shall be placed next to the alley or next to the street depending on where the hauler elects to pick up the containers. For street pick up, the containers shall not be so placed before 6:00 p.m. the night before collection and shall be removed by 8:00 p.m. the day of collection.

(D) *Use of containers.* Refuse shall be drained of liquid and household garbage shall be wrapped before being deposited in a container. Highly inflammable or explosive material shall not be placed in containers. (Ord. 135, passed 9-18-1990) Penalty, see ' 10.99

' **50.05 CONTRACT FOR REFUSE COLLECTION.**

(A) *Council let to contract.* Subject to the provisions of this part, the Council, by contract let to the local hauler, shall grant the authority to collect and dispose of all refuse originating within the city. The City Clerk Treasurer, under the direction of the City Council, shall prepare specifications for the contract and shall see that when let, the contract is executed in accordance with its terms and this part.

(B) *Terms.* The contract shall be made for fixed terms and may have provision for renewals.

(C) *Liability insurance and license.* It shall be a condition of the contract that the applicant file with the City Clerk Treasurer a current policy of public liability insurance covering all vehicles to be used by the applicant in the licensed business. The limits of coverage of the insurance are a minimum of \$100,000 combined single limit. The applicant shall be approved and licensed by Clearwater County and Polk County.

(D) *Contract collector.* No person shall collect refuse within the city except a person holding a contract with the city to do so. No person shall permit refuse to be picked up from his or her premises except by the contractor.

(Ord. 135, passed 9-18-1990) Penalty, see ' 10.99

50.06 RATES AND CHARGES.

(A) *Charges.* The City Council shall, by resolution, establish a system of service charges for refuse collection, and shall fix and declare the maximum charges; including special charges for extra hauling or collecting from a excessive number of containers, and shall classify refuse collection and disposal according to the type of service required and given based on the type of residence or dwelling, type of business conducted and the number of collection and removals each week, fixing and establishing a service charge for each class. A copy of the fee schedule shall be adopted by the City Council by resolution and be on file in the City Clerk Treasurer=s office.

(B) *Billing.* The service charge shall be made to the owner or occupant of each building or housing unit served. If the building is served by city utilities, the refuse collection charge shall be billed as a separate entry on the utility bill.

(C) *Payment.* Service charges shall be payable at the same time as bills for the utilities and subject to the same conditions of payment.
(Ord. 135, passed 9-18-1990)

50.07 REFUSE COLLECTION SCHEDULE.

The City Council shall set, by resolution, the schedule by which the refuse collector shall collect refuse from the property in the city.
(Ord. 135, passed 9-18-1990)

50.08 COLLECTION VEHICLES.

Every refuse collection vehicle shall be lettered on the outside so as to identify the licensee (contractor). Every vehicle used for hauling garbage shall be covered, leak-proof, durable and easily cleanable. Every vehicle used for hauling refuse shall be sufficiently airtight and so used as to prevent unreasonable quantities of dust, paper or other collected materials to escape. Every vehicle shall be kept clean to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.
(Ord. 135, passed 9-18-1990)

CHAPTER 51: SEWERS AND WASTEWATER

Section

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GENERAL PROVISIONS

' 51.01 SEWER DISTRICT.

There shall be, and hereby is, established in and for the city, a sewer district to be known as Sewer District Number 1, the district to embrace and include all territory within the corporate limits of the city. (Ord. 37, passed 4-6-1939)

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REGULATING THE USE OF PUBLIC SEWERS

' 51.15 DEFINITIONS.

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

BOD (BIOCHEMICAL OXYGEN DEMAND).

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter. Laboratory procedures shall be in accordance with the latest edition of *Standard Methods for Examination of Water and Wastewater*.

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BUILDING DRAIN. That part of the lower horizontal piping of a drainage system which receives

the discharge from soil, waste and other drainage pipes inside the wall of the building and conveys it to the

building sewer beginning five feet outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal, also called **HOUSE CONNECTION** or **LATERAL CONNECTION**.

COD (CHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedures as set out in the latest edition of *Standard Methods for Examination of Water and Wastewater*.

CITY. The area within the corporate boundaries of the City of Bagley, as presently established or as amended by ordinance or other legal actions at a future time. The term **CITY**, when used herein, may also be used to refer to the City Council, the Public Utilities Commission or its authorized representatives.

COMBINED SEWER. A sewer originally designated to receive both surface and water runoff and sewage.

GARBAGE. Solid waste resulting from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage or sale of meat, fish, fowl, fruit, vegetable or condemned food.

INDUSTRIAL WASTES. The solid, liquid or gaseous wastes resulting from an industrial or manufacturing process, trade, business or from the development, recovery or processing of natural resources.

MAY. The action referred to is permissive.

NPDES PERMIT (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT). The system for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the continuous zone and the oceans by the Environmental Protection Agency pursuant to the Federal Water Pollution Control Act of 1972, ' ' 402 and 405.

SEWER SYSTEM. Pipelines or conduits,

NATURAL OUTLET. Any outlet into a water course, pond, ditch, lake or other body of surface or groundwater.

NORMAL DOMESTIC STRENGTH WASTES. Wastes which are characterized by a per capita discharge of 100 gallons per day at a loading of 300 mg per liter BOD, and 250 mg per liter suspended solids.

OTHER WASTES. Garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil, tar, chemicals, offal and other substances except sewage and other wastes.

PERSON. Any individual, firm, company, association, society, corporation, municipal corporation, governmental unit or group.

pH. The logarithm of reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROCESS WATER. Any water used in the manufacturing, preparation or production of goods, materials or food. **PROCESS WATER** is an industrial waste.

PUBLIC SEWER. Any sewer owned or operated by a unit or agency of government.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.

SANITARY WASTE. The liquid and water carried wastes discharged from sanitary plumbing facilities.

SEWAGE or WASTEWATER. The water carried waste products from residences, public buildings, institutions, industrial enlistsments or other buildings, including the excrementitious or other discharge from the bodies of human beings or animals, together with ground, surface and storm waters as may be present.

SEWER. A pipe or conduit for carrying sewage, industrial waste or other waste liquids.

pumping stations, force mains and all other devices and

appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes or other wastes to a point of ultimate disposal.

SHALL. The action referred to is mandatory.

SLUG. Any discharge of water, wastewater or industrial waste 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.

STORM SEWER. Sometimes termed **STORM DRAIN** means a sewer which carries storm or surface water and drainage but excludes sewage and industrial waste, other than unpolluted cooling or process water.

SUSPENDED SOLIDS. Solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

UNPOLLUTED WATER. Clean water uncontaminated by industrial wastes, other wastes or any substance which renders the water unclean, noxious or impure so as to be actual or potentially harmful, detrimental or injurious to public health, safety or welfare to domestic commercial, industrial, recreational uses, to livestock, wild animals, birds, fish or other aquatic life.

WASTEWATER FACILITIES. The structures, equipment or processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS or **TREATMENT WORKS.** All arrangement of devices and structures for the treatment of wastewater, industrial waste and sludge. Sometimes used as synonymous for wastewater treatment plant, waste treatment plant, water pollution control plant and sewage treatment plant. (Ord. 143, passed 3-10-1997)

' 51.16 USE OF PUBLIC SEWERS.

(A) It shall be unlawful to discharge to any natural outlet within the city, or any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.

(B) Except as hereinafter provided, 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 sewage if adequate and feasible city facilities are available.

(C) The owner of any building or property which is located in the city and from which wastewater is discharged, shall be required to connect to a public sewer at his or her expense, within 60 days of the dated the public sewer is operational, provided that the public sewer is within 200 feet of the structure generating the wastewater and the public sewer is located in a public right-of-way or easement for sewer purposes adjacent to the property. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not being made pursuant to this division, an official 90-day notice shall be served instructing the affected property owner to make the connection.

(D) In the event an owner shall fail to connect to a public sewer in compliance with a notice given under division (C) above, the city may undertake to have the connection made and all assess the cost thereof against the benefitted property. The assessment shall be a lien against the property. The assessment, when levied, shall bear interest at the legal rate for local improvements and shall be certified to the Auditor of the County of Clearwater, Minnesota and shall be collected and remitted to the city in the same manner as assessments for local improvements. The rights of the city shall be in addition to any remedial or enforcement provisions of this subchapter.

(E) No person shall discharge, or cause to be discharged directly or indirectly any storm water, ground water, roof runoff, subsurface drainage, sump pump, waste from on-site disposal systems or unpolluted cooling or processing water to any sanitary sewer except as permitted by the Public Utilities.

(F) Storm water and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or processing water shall only be so discharged upon approval by the city, Public Utilities Commission or other unit of local government.

(G) No person shall discharge or cause to be discharged, directly or indirectly, any of the following described substances to any public sewer:

(1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(2) Any water or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the wastewater treatment works;

(3) Any water or waste having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the wastewater treatment works;

(4) Solid or viscous substances, either whole or ground, in quantities or of the size capable of causing obstruction to the flow in the sewers, or other interference with the proper continuation of the wastewater facilities, but not limited to ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cuttings or polishing wastes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, unground garbage, whole blood, paunch manure, hair, fleshings, entrails, sanitary napkins, paper dishes, cups, milk containers and other paper products; and

(5) Noxious or malodorous liquids, gases or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance, hazard to life or are sufficient to prevent entrance into the sewers for their maintenance repairs.

(H) (1) No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewer unless in the opinion of the Public Utilities Superintendent, the discharge will not harm the wastewater facilities, cause obstruction to the flow in sewers, endanger life, limb or public property nor constitute a nuisance. In forming its opinion as to the acceptability of the wastes, the Public Utilities may give consideration to such factors as the quantities of the subject wastes in relation to flows and velocities in the sewers, process, capacity of the sewage treatment plant, the city's NPDES permit and other pertinent factors. The Public Utilities may make their determinations either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur.

(2) Prohibited substances are as follows:

(a) Any liquid or vapor having a temperature in excess of 150°F (65°C);

(b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter, or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65°C);

(c) Any garbage that has not been ground or comminuted to such degree that all particles will be carried freely in suspension under flows normally prevailing in the public sewers, with no particles greater than one-half inch in any dimension;

(d) Any water or wastes containing strong acid, iron pickling wastes or concentrated plating solutions, whether neutralized or not;

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(e) Any water or wastes containing phenols, other taste or odor producing substances which constitute a nuisance or hazard to the structure, equipment or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the state or federal government, or any other public agency with proper authority to regulate the discharge from the sewage treatment plant;

(f) Any radioactive wastes or isotopes of such half-life or concentration that they are not in compliance with regulations issued by the appropriate authority having control over their use, may cause damage or hazards to the treatment works or personnel operating it;

(g) Any water or wastes having a pH in excess of 9.5; and

(h) Materials which exert or cause:

1. Unusual concentrations of suspended solids, such as but not limited to Fuller=earth, lime slurries, lime residues or dissolved solids such as but not limited to sodium chloride or sodium sulfate;

2. Excessive discoloration such as but not limited to dye wastes and vegetable tanning solutions;

3. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works;

4. Unusual volume of flow or concentration of wastes constituting a slug; and

5. Water or waste containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirements of the NPDES permit, or requirements of other governmental agencies having jurisdiction over discharge from the sewage treatment plant.

(I) (1) If any water or wastes are discharged or

(L) When required by the Public Utilities, the owner of any property serviced by a building sewer

are proposed to be discharged directly or indirectly to the public sewers, which water or wastes do not meet the standards set out in or promulgated under this section or which in the jurisdiction of the Public Utilities may have deleterious effect upon the treatment works, processes, equipment, receiving waters, create a hazard to life or constitute a public nuisance, the Public Utilities may take all or any of the following steps:

(a) Refuse to accept the discharge;

(b) Require control over the quantities and rates of discharge;

(c) Require pretreatment to an acceptable condition for the discharge to the public sewers; and

(d) Require payment to cover the added cost of handling or treating the waste.

(2) The design and installation of the plant and equipment for pretreatment of equalization of flows shall be subject to the review and approval of the Public Utilities and subject to the requirements of 40 C.F.R. 403, entitled Pretreatment Standards, and the Minnesota Pollution Control Agency.

(J) Grease, oil and mud interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in division (H)(2)(b) above, or any flammable wastes, sand or other harmful ingredients, except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Public Utilities and shall be located as to be readily and easily accessible for cleaning and inspection.

(K) Where preliminary treatment flow equalization or interceptors are required for any water or waste, they shall be effectively operated and maintained continuously in a satisfactory and effective condition by the owner at his or her expense and shall be available for inspection by the Public Utilities at all reasonable times.

carrying industrial wastes shall install a suitable control structure together with the necessary meters and other

appurtenances in the building sewer to facilitate observing, sampling and measurement of wastes. The structure and equipment, when required, shall be constructed at the owner's expense in accordance with plans approved by the Public Utilities and shall be maintained by the owner so as to be safe and accessible at all times.

(M) All measurements, tests and analyses of the characteristics of the water and waste to which reference is made in this subchapter shall be determined in accordance with 40 C.F.R. 136 Guidelines Establishing Test Procedures for the analysis of pollutants; the latest edition of *Standard Methods for the Examination of Water and Wastewater* and shall be determined at the control structure provided or upon suitable samples taken a control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effluent constituents and their effect upon the treatment works and to determine the existence of hazards to life, health and property. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Public Utilities.

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

(O) New connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all down stream facilities, including but not limited to capacity for flow, BOD and suspended solids.

(P) No statement contained in this section shall be constructed as preventing any special agreement or arrangement between the Public Utilities and any industrial concern whereby and industrial waste of unusual strength or character may be accepted by the Public Utilities for treatment, subject to payment therefore by the industrial concern, in accordance with applicable ordinances and any supplemental agreements with the Public Utilities.

(Ord. 143, passed 3-10-1997) Penalty, see ' 51.99

' 51.17 PRIVATE SEWAGE DISPOSAL.

(A) Where a public sanitary sewer is not available under the provisions of ' 51.16, the building sewer shall be connected to a private sewage disposal system complying with the rules and regulations of the city.

(B) No new private sewer systems or sewer system extensions shall be constructed within the city without

first obtaining written approval of the system plan and the materials used in the construction of the system.

(Ord. 143, passed 3-10-1997)

' 51.18 BUILDING SEWERS AND CONNECTIONS.

(A) (1) It is unlawful for any person to engage in the work or business of installing or repairing private sewer service lines and appurtenances for others without a license therefor from the city.

(2) Any person desiring to engage in such work shall make application to the city on forms supplied by the city together with a fee in the amount of \$100. All licenses issued shall be for one calendar year only and each renewal shall be made by application together with a \$100 annual fee. A plumber licensed by the State Board of Health shall pay no fee to the city, but shall show evidence of the state license before the city shall issue a license.

(3) Each applicant for license shall sign an agreement on a form, supplied by the city, agreeing to pay the city the actual cost of repair for any damage caused to the city sewer system or streets by the applicant or by any of his or her employees or agents. This agreement shall accompany the license application.

(4) Each applicant shall accompany his or her application with a certificate of insurance in a company acceptable to the city, showing public liability insurance coverage with limits of at least \$100,000 per person, \$250,000 per occurrence and \$10,000 for property damage. The certificate shall specifically state that it covers underground construction operations and shall contain a provision that the coverage afforded under the policies will not be cancelled or materially changed until at least 15 days prior written notice has been given to the city.

(B) No person, unless authorized by a written permit from the Public Utilities, shall make, install, repair, alter, disturb, uncover, open or break any sewer connection to the sanitary sewer system of the city. Permits for connection of a new sewer service or repairs to an existing service shall be issued by the Public Utilities after consideration of the application for the permit, with regard to compliance with other sections of this subchapter. Permits shall be issued in the following

manner.

(1) Application for a permit to perform work on a sewer service connection within the city shall be made on a form supplied by the Public Utilities by the person or firm who will be performing the works to the Public Utilities, along with a \$500 connection fee for the installation of a new sewer connection for properties located within the corporate city limits. The Public Utilities may waive the fee requirements for repair work. The person or firm performing the work shall be licensed to perform the work by the city.

(2) After approval of the permit application by the Public Utilities, the applicant shall furnish to the Public Utilities a performance bond in the amount of \$ _____. The performance bond shall be for the good and faithful performance of all work on public and private property relative to the work being performed. The bond shall be payable to the Public Utilities and the owner of the property on which the work is being performed. The bond shall warrant the work for a period of one year from the date of completion.

(3) The Public Utilities shall issue a permit for the work after the application is approved and the bond is received.

(C) All costs and expenses incidental to the installation and connection of the building sewer or repairs to an existing connection shall be borne by the owner of the property. The owner shall indemnify and hold harmless the city from any loss or damage to the public sewer that may directly or indirectly be occasioned by the installer of the building sewer.

(D) A separate and independent building sewer shall be provided for every building; except where two or more buildings are situated on one parcel such that the parcel may not be subdivided. Such a joint use private sewer may be extended to the rear building or buildings and the whole considered as one joint use private sewer, provided the buildings are the property of a single owner. Special variances will be considered by the Public Utilities.

(E) Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the Public Utilities, to meet all the requirements of this subchapter.

(F) Unused septic tanks, cesspools, leaching pits and similar devices and structures shall be backfilled or made safe and unusable in a manner acceptable to the Public Utilities.

(G) The size, slope, alignment and materials of construction of a building sewer and the method used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Building Code and the Plumbing Code; or other applicable rules and regulations. In the absence of code provisions, or amplifications thereof, the materials and procedures set forth in appropriate specifications of the *Water Pollution Control Federation (WPCF) Manual of Practice No. 9* and the American Society for Testing Materials (ASTM) standards shall apply.

(H) Whenever possible, the building sewer shall be brought to the buildings 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, the building drains shall be provided with a lifting device by an approved means and discharged to the building sewer.

(I) No person shall make connection of roof downspouts, sump pumps, roof drains, 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 public sanitary sewer.

(J) The construction of the building sewer and its connection into the public sewer shall conform to the requirements of the State of Minnesota Plumbing Code, the sewer specifications included herein and other applicable rules, regulations and procedures adopted by the city. All such construction shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Public Utilities prior to installation.

(K) Employees of the Public Utilities shall be allowed to inspect work at any stage of construction, and in any event the applicant for the permit shall notify the Public Utilities when the work is ready for final inspection, and no underground portions shall be covered before the final inspection is complete. The connection shall be made under the supervision of the Public Utilities.

(L) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed during the course of the work shall be restored in a manner satisfactory to the city.
(Ord. 143, passed 3-10-1997) Penalty, see ' 51.99

' 51.19 MAIN AND LATERAL SEWER CONSTRUCTION.

(A) No person, unless authorized, shall uncover, make any connection with or opening into, alter or disturb any sanitary or storm sewer within the city, or any part of the city wastewater facilities.

(B) No sanitary or storm sewers shall be constructed in the city (except house or building service sewers) except by the city or others in accordance with plans and specifications approved by a professional engineer. No sewers shall be constructed or considered to be part of the public sewers system unless accepted by the Public Utilities.

(C) The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling and other work connected with the construction of sewers shall conform to the requirements of the city.

(Ord. 143, passed 3-10-1997) Penalty, see ' 51.99

' 51.20 PROTECTION FROM DAMAGE.

No unauthorized 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.

(Ord. 143, passed 3-10-1997) Penalty, see ' 51.99

' 51.21 AUTHORITY OF INSPECTORS.

(A) (1) Duly authorized employees of the Public Utilities shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with provisions of this subchapter.

(2) Those employees shall have no authority to inquire into the processes including the metallurgical, chemical, oil, refining, ceramic, paper or other industries except as is necessary to determine the kind and source of the discharge to the public sewer.

(B) While performing the necessary work on private property as referred to in division (A) above, the authorized employees of the Public Utilities shall observe all safety rules applicable to the premises.

(C) Duly authorized employees of the Public Utilities shall be permitted to enter all private properties through which the city holds easements or where public sewers are installed for the purpose of but not limited to inspection, observation, maintenance and construction of public sewers.

(Ord. 143, passed 3-10-1997)

' 51.22 EFFECTIVE DATE.

This subchapter shall be in full force and in effect from and after its passage, approval, recording and publication as provided by law.

(Ord. 143, passed 3-10-1997)

(A) The tanks, cesspools or overflow soil absorption pipes extending therefrom shall not be

CONNECTIONS AND CESSPOOLS

' 51.40 CONNECTIONS WITH SEWER REQUIRED.

Within 90 days from and after the date of adoption of this subchapter, all premises abutting on a street, alley or avenue in this city in which a public water or sewer service main or line is laid, having a dwelling house or business building situated thereon, shall have an inside toilet installed in the dwelling house or business building and shall make connection thereof with the water and sewer system, if the property is occupied and used; provided that if any such premises are served by a cesspool or septic tank of proper construction, the use may be continued with the approval of the City Council upon the recommendation of the City Health Officer and provided, also, that the time for making the connection in any instance may be extended by the City Council upon written application to and upon the recommendation of the City Health Officer and if no health hazard will be created by the delay.

(Ord. 55, passed 7-5-1951)

' 51.41 CESSPOOLS; PERMIT TO BUILD.

No cesspool or septic tank constructed for the deposit of sewage shall be constructed hereafter without the owner of the premises first having applied for and received a permit therefor. Application for the permit shall be made to the City Clerk Treasurer and shall be in such form as the Council shall require from time to time.

(Ord. 55, passed 7-5-1951)

' 51.42 CONDITIONS AND REQUIREMENTS.

Cesspools and septic tanks or any type of soil absorption system erected hereunder shall be located and maintained in accordance with the following rules.

located within 50 feet of any well or spring from which water is obtained for drinking or culinary purposes. In

no case shall a cesspool, septic tank or any outlet therefrom be so located and constructed that the liquid will be discharged into a limestone formation except with the written consent of the City Health Officer.

(B) When sludge accumulates in the tank in sufficient quantity to interfere with its efficient operation, it shall be removed under the direction of the City Health Officer, buried so as to be inaccessible to human beings or animals and so as not to endanger any domestic or public water supply.

(C) When the soil around any cesspool or drain tile absorption system becomes so clogged that it will no longer absorb the liquids placed therein, additional soil absorption facilities shall be provided and any abandoned cesspool shall be condemned by the City Health Officer and filled with earth to the level of the surrounding ground.

(D) Every cesspool and septic tank shall be so constructed as to be easily accessible for cleaning, and inspection from the top through suitable manhole openings. Covers for the manhole openings shall be rigid, durable and strong, and securely fastened. Ventilation shall be provided through the main house drain and house stack. The main drain to the tank or cesspool shall be laid without a trap.

(E) It shall be the duty of every person constructing a septic tank or cesspool to file a record of the exact location of the tank and all appurtenances thereto in the office of the City Clerk Treasurer. The City Clerk Treasurer shall keep the record of all the installations in a securely bound book.

(F) Plans for any structure hereunder shall be submitted with the application for permit. Construction shall be in accordance with the approved plans. No portion of the construction work shall be covered with earth or any other covering until it has been inspected by the City Health Officer to see that it is properly constructed.
(Ord. 55, passed 7-5-1951)

(1) **OPERATION AND MAINTENANCE**

' **51.43 UNUSED CESSPOOLS TO BE FILLED.**

Any cesspools or septic tanks no longer in use and abandoned because of being condemned or because of the premises being connected with a sewer, shall be promptly filled with earth up to the level of the surrounding ground, and the fill shall not be disturbed for a period of three months thereafter. Any existing vaults coming within the provisions of this section shall be filled within 90 days after the adoption of this subchapter. Any abandoned cesspool or septic tank not properly filled is hereby declared a public nuisance and shall be proceeded against as such.

(Ord. 55, passed 7-5-1951) Penalty, see ' 51.99

' **51.44 REMOVAL OF SUPERSTRUCTURES AND THE LIKE.**

Within 90 days from and after the adoption of this subchapter, all outhouses located on any premises abutting on a street, alley or avenue in the city in which a public water or sewer service main or line laid shall be removed and any excavation or pit thereunder properly filled to the level of the ground.

(Ord. 55, passed 7-5-1951)

' **51.45 EFFECTIVE DATE.**

This subchapter shall take effect and be in force from and after its passage and publication.

(Ord. 55, passed 7-5-1951)

WASTEWATER; CHARGES AND FEES

' **51.60 DEFINITIONS.**

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

ACCOUNTS. The following separate and distinct accounts and are listed in their order of priority in accordance with the sewerage revenue bond ordinances:
ACCOUNT. An account sufficient to pay the

reasonable expenses of the routine operation and maintenance of the wastewater treatment facilities.

(2) **DEPRECIATION ACCOUNT.**

Represents the accumulated funds to be used for replacements and repairs to the system in order to maintain the system as design capacity for its useful life.

(3) **BOND ACCOUNT.**

Represents an account for paying the maturing principal and interest accruing on all bonds.

(4) **BOND RESERVE ACCOUNT.**

Represents additional monies to be used for payment of principal and interest when bond account accumulation is insufficient.

(5) **SURPLUS ACCOUNT.**

Represents funds remaining after all other accounts are satisfied and may be used to repair, improve, enlarge or extend the wastewater treatment facilities.

ACT. The Federal Water Pollution Control Act amended October 18, 1972, being 33 U.S.C. ' ' 1251 *et seq.*

ADMINISTRATOR. The administration of the U.S. Environmental Protection Agency.

APARTMENTS. Structures containing two or more dwelling units.

AVERAGE DOMESTIC WASTE. A production rate of 100 gallons per day capita, have BOD and suspended solids concentrations of 300 mg/l and 250 mg/l respectively (also identified as one population equivalent, or equivalent residential user) and shall be based upon a three-day average.

COLLECTOR SEWER. Those sewers which receive the flow from laterals and submains of the sanitary sewer system.

COMBINATION COMMERCIAL AND DWELLING UNITS. Structures containing both commercial units and dwelling units.

COMMERCIAL CUSTOMER. See **USER CLASS - COMMERCIAL USER.**

COMPATIBLE POLLUTANT. The biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit, if the publicly owned treatment facilities were designed to treat the pollutants and in fact does remove the pollutants to a substantial degree. Additional **COMPATIBLE POLLUTANTS** may include chemical oxygen demand, total organic carbon, phosphorous and phosphorous compounds, nitrogen and nitrogen compounds, fats, oils and greases of animal or vegetable origin, except as prohibited under ordinances.

CONTROL MANHOLE. An observation and sampling point before the discharge to the public sewer system for use by the Public Utilities. If such a point is not readily available, the first downstream public system manhole shall be the **CONTROL MANHOLE.**

DEBT SERVICE. Charges levied on users for repayment of principal and interest on outstanding sewerage revenue bond issues.

DEPRECIATION. See **REPLACEMENT.**

DIRECTOR. The Chief Administrative Officer of the Minnesota Environmental Protection Agency.

FEDERAL GRANTS. A contractual obligation of the United States for the payment of the federal share of the allowable project costs, as determined by the regional administrator.

FISCAL YEAR. From January 1 to December 31 of the same year.

INTERCEPTOR SEWER. That portion of the sanitary sewer system which receives flows from laterals, sub-mains, mains and collector sewers and transports the flows to the wastewater treatment works.

MAJOR CONTRIBUTING INDUSTRY.

Industrial user of the publicly owned treatment facilities that:

- (1) Has a flow of 50,000 gallons or more per average workday;
- (2) Has a flow greater than 5% of the flow carried by the municipal system receiving the wastes;
- (3) Has in its waste, a toxic pollutant in toxic amounts as per standards issued under ' 307(a) of the Act; and
- (4) Is found by the permit issuance authority, in connection with the issuance of a NPDES permit to the publicly owned treatment facilities receiving the wastes to have significant impact, either singly or in combination with other contributing industries, on that treatment facilities or upon quality of effluent from that treatment facility.

MILLIGRAMS PER LITER (mg/l). A measure of the concentration of pollutants in wastewater in terms of weight per unit volume.

OPERATION, MAINTENANCE and REPLACEMENT COSTS. All costs necessary to provide adequate wastewater collection, transportation and treatment on a continuing basis, to produce effluent meeting permit requirements, for discharge to the receiving waters that conform with all related federal, state and local requirements.

POPULATION EQUIVALENT (P.E.). See **AVERAGE DOMESTIC WASTES** and shall also refer to equivalent user.

PRETREATMENT. The treatment of industrial waste from privately owned industrial sources prior to introduction to a public treatment facility.

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment facility to maintain the capacity and performance for which the facilities were designed and constructed.

RESIDENTIAL CUSTOMER. See **USER CLASS.**

SEWER SERVICE CHARGE. Shall be the same as **WASTEWATER SERVICE CHARGE.**

SURCHARGE. Charges for BOD and suspended solids to users of the system for discharge above that defined as average domestic wastes, in addition to the normal wastewater service charge.

USEFUL LIFE. The estimated period during which a treatment facility will be operated (20 years).

USER CHARGE. A charge levied on users of treatment facility for the cost of operation, maintenance and replacement of the facilities, pursuant to ' 204(b) of the Act.

USER CLASS. The division of wastewater users by waste characteristics, and processes or discharge similarities (example: residential, commercial, industrial and governmental) in the User Charge System (UCS) and industrial and nonindustrial in the Industrial Cost Recovery System (ICRS).

(1) **COMMERCIAL USER.** Any establishment list in the Office of Management and Budget *Standard Industrial Classification Manual* (1972 edition) involved in a commercial enterprise, business or service which based on determination by the Public Utilities, discharges primarily segregated domestic waste or waste from sanitary conveniences.

(2) **GOVERNMENTAL USER.** Any federal, state or local government user of the wastewater treatment facilities.

(3) **INDUSTRIAL USER.** Any non-governmental user of the publicly owned treatment facilities in the Office of Management and Budget *Standard Industrial Classification Manual* (1972 edition), as amended and supplemented under the following divisions:

- (a) Division A: agriculture, forestry and fishing;
- (b) Division B: mining;

Bagley - Public Works

(c) Division D: manufacturing;

(d) Division E: transportation, communication, electric gas and sanitary services; and

(e) Division I: services.

WASTEWATER SERVICE CHARGE. The total charge levied on users including user charges and debt service charges.

(Ord. 144, passed 2-6-1997)

' 51.61 BASIS FOR WASTEWATER SERVICE CHARGES.

(A) The wastewater service charge for the use of and for service supplied by the Public Utilities, shall consist of a basic user charge for operation, maintenance, replacement, debt service charge and a surcharge if applicable. The debt service charge shall be computed by dividing the annual debt service of all outstanding bonds by the number of equivalent residential users. Through further divisions, the monthly and quarterly debt service charges can be computed. The basic user charge shall be based on equivalent residential users or by water meters and/or sewage meters for wastes having the normal concentrations:

(1) A five-day, 20°C biochemical oxygen demand (BOD) of 300 mg/l or less;

(2) A suspended solids (SS) content of 250 mg/l or less; or

(3) An equivalent residential user flow of 100 gallons per day.

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

(1) Estimate of projected annual revenue required to operate and maintain the wastewater facilities, including a replacement fund for the year for all work categories;

(2) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated per user class;

(3) Proportion of estimated costs to nonindustrial and industrial users by volume, suspended solids and BOD; and

(4) Compute costs per 1,000 gallons for normal sewage strength.

(C) A surcharge will be levied to all users whose wastes exceed the normal concentrations for BOD (300 mg/l) and SS (250 mg/l). The surcharge will be based on waster usage as recorded by water meters and/or sewage meters for all wastes which exceed the 300 mg/l and 250 mg/l concentrations for BOD and SS respectively.

(D) A surcharge will be computed as follows:

(1) Proportion the estimated costs to wastewater facility categories by volume, suspended solids and BOD, if possible; and

(2) Compute surcharge costs per 1,000 gallons per mg/l in excess of normal sewage strength for BOD and SS.

(E) The adequacy of the wastewater service charge shall be reviewed annually by the Public Utilities. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in operation and maintenance costs, including replacement costs.

(Ord. 144, passed 2-6-1997)

' 51.62 MEASUREMENT OF FLOW.

The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increment of 100 gallons, or by the equivalent residential user method.

(Ord. 144, passed 2-6-1997)

' 51.63 DEBT SERVICE CHARGE.

An annual debt service charge shall be established for each user to cover the costs of all bond payments for the wastewater treatment facility.
(Ord. 144, passed 2-6-1997)

' 51.64 BASE USER CHARGE.

An annual base user charge shall be established for each user to cover the costs for administration of the system and the costs for treatment infiltration and/or inflow to the wastewater system.
(Ord. 144, passed 2-6-1997)

' 51.65 OPERATION, MAINTENANCE AND REPLACEMENT FUND USER CHARGE.

An annual user charge shall be established for each residential equivalent user and user class to cover the costs of Operation, Maintenance and Replacement Fund for the wastewater treatment facilities of the city.
(Ord. 144, passed 2-6-1997)

' 51.66 USER SURCHARGE CHARGE.

A surcharge rate for BOD and SS shall be as follows:

BOD _____/pound
SS _____/pound

(Ord. 144, passed 2-6-1997)

' 51.67 COMPUTATION OF SURCHARGE.

The concentration of wastes used for computing surcharges shall be as established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Public Utilities and shall be binding as a basis for surcharges.
(Ord. 144, passed 2-6-1997)

' 51.68 COMPUTATION OF WASTEWATER

SERVICE CHARGE.

(A) The wastewater service charge shall be computed by the following formula:

$$CT = CB + (CM = CD) ERU = CS.$$

(B) Where CT = total amount of wastewater service charge per year:

CU = Basic user charge;

CM = Operation, maintenance and replacement charge per year;

CD = Debt service;

ERU = Equivalent residential users actual flow; and

CS = Amount of surcharge.
(Ord. 144, passed 2-6-1997)

' 51.69 GENERAL PROVISIONS.

(A) *Bills.* The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service on the premises and the service is furnish to the premises by the Public Utilities, only upon condition that the owner of the premises, occupant and user of the service are jointly and severally liable therefor to the Public Utilities. All bills for service shall be rendered on a monthly basis succeeding the period for which the service was rendered and shall be payable not later than the close of business, 15 days after the date of post mark which is hereinafter referred to as the ADue Date@. When the due date shall fall on a Sunday or a legal holiday, then the bills for service shall be due and payable no later than the close of business on the next succeeding secular day. A penalty of 5% shall be added to all bills not paid on or before the due date.

(B) *Delinquent bills.* In the event the charges for service are not paid for within 45 days after rendition of the bill for the service, the charges shall be deemed and are hereby declared to be delinquent.

(C) *Lien notice of delinquency.* In the event the charges for the service become delinquent, the Public Utilities shall be authorized and directed by the City Council to cause notification to be given in writing to the owner of the premises, the occupant thereof and the user of the service that the delinquency exists and that a statement of lien will be filed with the Recorder of Deed of Clearwater County, Minnesota, against the real estate served with sewer service.

(D) *Foreclosure of lien.* Property subject to a lien for unpaid charges shall be sold for nonpayment of the same and the proceeds of the sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. The foreclosure shall be by bill-in-equity in the name of the city. The City Attorney is hereby authorized and directed to institute the proceedings in the name of the city in any court having jurisdiction over such matters against any property for which the bill has remained unpaid 45 days after it has been rendered.

(E) *Free service.* No free service of the wastewater system of the city shall be furnished to any person, firm, organization or corporation, public or private.

(F) *Rendering of bills.* It is hereby made the duty of Public Utilities of the city to render bills for sanitary sewer service and all other charges in connection therewith and to collect all monies due thereon.

(G) *Revenues.* All revenue and monies derived from the operation of the wastewater system shall be held by the Public Utilities separate and apart from all other funds of the city.

(H) *Accounts.* The Public Utilities shall receive all the revenue from the wastewater system and all other funds and monies incidental to the operation of the system, and the Public Utilities shall administer the funds in accordance with state and federal laws. Separate funds shall be maintained for the operation, maintenance, replacement and debt service.

(B) *Information relative to industrial processes.* The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater

(I) *Audit.* The Public Utilities shall establish a proper system of accounts and shall keep proper books, records and accounts, in which complete and correct entries shall be made of all transactions relative to the wastewater system, and at regular annual intervals the Public Utilities shall cause to be made an audit of the books to show the receipts and disbursements of the wastewater system and to analyze the results of revenue systems and establish the cost of providing services to the various user classes. Upon conclusion of the audit, rates shall be adjusted as necessary, based on actual operation experience to maintain proportionally.

(J) *Notice of rates.* A copy of these rates properly certified by the Public Utilities shall be submitted to each user. Annually the user shall be notified as to the method of financing the wastewater system operational, maintenance, replacement and debt service.

(K) *Access to record.* The Minnesota Pollution Control Agency or its authorized representatives shall have access to any papers and records of the city or the Public Utilities, which are applicable to the Public Utilities system of user charges of making audit examinations, excerpts and transcriptions thereof to insure compliance with the terms of the special and general condition.

(Ord. 144, passed 2-6-1997)

' 51.70 POWERS AND AUTHORITY OF INSPECTORS.

(A) *Permitted entry for inspection and testing.* The duly authorized employees of the Public Utilities, the Minnesota Pollution Control Agency and the U.S. Environmental Protection Agency bearing proper credentials and identification shall be admitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to discharges to the wastewater facilities in accordance with the provision of this division.

collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(C) *Industry held harmless.* While performing the necessary work on private properties referred to in division (A) above, the Public Utilities employees shall observe all safety rules applicable to the premises established by the industry, and the industry shall be held harmless for injury or death to the Public Utilities employees and the Public Utilities shall indemnify the industry against loss or damage to its property by Public Utilities employees and against liability claims and demands for personal injury or property damage asserted against the industry to maintain safe conditions as required in this subchapter.
(Ord. 144, passed 2-6-1997)

' 51.71 EFFECTIVE DATE.

This subchapter shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.
(Ord. 144, passed 2-6-1997)

' 51.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) (1) Any person found to be violating any provision of ' 51.15 through 51.22 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 time period stated in the notice, permanently cease all violation.

(2) Any person who shall continue any violation beyond the time limit provided for in the written notice shall be guilty of a petty misdemeanor and on conviction thereof, shall be fined in the amount not exceeding \$200 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of ' 51.15 through 51.22 shall become liable to the city for any expense, loss or damage

occasioned by the city by reason of the violation.

(C) Any person guilty of violating any provision of ' 51.40 through 51.45 shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not to exceed \$100 or by imprisonment in the county jail not to exceed 90 days, or by both.

(D) (1) *Charges for the use and service of wastewater facilities.*

(2) *Notification of violation.* Any person found to be violating any provisions of ' 51.60 through 51.71 shall be served by the Public Utilities, 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.

(3) *Conviction and fines.* Any person who shall continue a violation beyond the time limit provided for in ' 51.60 through 51.71 shall be guilty of a petty misdemeanor and upon conviction thereof shall be fined in an amount no less than \$10 and not more than \$200 for each violation. Each day in which any violation shall continue shall be deemed a separate offense.

(4) *Cost liability to city.* Any person violating any of the provisions of ' 51.60 through 51.71 shall become liable to the city and Public Utilities for any expense, loss or damage occasioned by the city or the Public Utilities by reason of the violation.

(Ord. 55, passed 7-5-1951; Ord. 144, passed 2-6-1997; Ord. 143, passed 3-10-1997)

CHAPTER 52: WATER

Section

52.01 Meter system of supplying water and prescribing rules and regulations

registers less than 98% accurate, it shall be replaced or repaired.

52.99 Penalty

(D) For the purpose of reading meters and the inspection of same, or of the plumbing, duly authorized employees of this municipality may legally enter upon any premises at a reasonable hour.

52.01 METER SYSTEM OF SUPPLYING WATER AND PRESCRIBING RULES AND REGULATIONS.

(A) Any person desiring a connection with the municipal water system shall make application to the Water Superintendent. No permit to connect any property with the water system of this city shall be granted unless the property abuts upon a street or alley in which the water mains are laid; except surface pipe service, of which all costs of material, installation and maintenance of same shall be borne by the consumer.

(E) Unless special permission is granted by the Superintendent of the water works, each premises shall have a separate service connection and where permission is granted for branch service pipes, each branch pipe must have its own curb cock and separate meter.

(B) All water furnished by the municipal water plant shall be measured by meters furnished by the municipality for that purpose, unless the Council shall, on the recommendation of the Superintendent of the water plant, otherwise determine.

(F) Hereafter, the Council reserves the right to demand of each water consumer to deposit with the Superintendent at the time the water is turned on, the sum of \$5 or more, according to the estimated cost, by the Water Works Superintendent of three months service, to hold the municipality free from loss occasioned by failure of water consumer to pay any bills legally rendered against him or her for water used upon his or her premises.

(C) Every consumer shall provide a suitable place where a meter can be installed, and the municipality shall install and maintain the same except where the meter is damaged by any fault of the consumer, and if at any time the consumer desires to have the meter tested for accuracy, the same shall be done by the municipality, and a fee of \$1 charged therefore to the consumer, if the meter registers 98% or more accurate. If the meter

(G) It is hereby declared unlawful for any person, firm or corporation to take any water from the municipal water plant except that the same is drawn through a meter installed by the municipality or from any premises not owned by him, her or them without any person to turn any curb cock on or off except a duly authorized employee of this municipality.

(H) The municipality hereby reserves the right to discontinue service to any or all consumers of the municipal water system without notice when the same is necessary in the repair of the system, or any part thereof, or for the nonpayment of water rents. When water service has been discontinued for nonpayment of rent, it shall not be resumed until the payment of the water rent past due, and a fee of \$1 for turning water on.

(Ord. 31, passed 4-6-1933) Penalty, see ' 52.99

' 52.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person violating the provisions of ' 52.01, requiring taking of water only through meters and allowing free access to the municipality and its employees to the same shall, upon conviction thereof, be deemed guilty of a misdemeanor and fines not less than \$5 nor more than \$100, and costs, and in default of payment of the fine and costs shall be committed to the city or county jail until the fine is paid, not exceeding 90 days.

(Ord. 31, passed 4-6-1933)

CHAPTER 53: GAS AND ELECTRIC

Section

- 53.01 Gas Utility System under jurisdiction of the Public Utilities Commission
- 53.02 Regulating the use and application of gaseous tube electric lighting
- 53.99 Penalty

' 53.01 GAS UTILITY SYSTEM UNDER JURISDICTION OF THE PUBLIC UTILITIES COMMISSION.

The city=s municipal gas utility system for distribution only is hereby placed under the jurisdiction of the city=s Public Utilities Commission. (Ord. 145, passed 6-10-1997)

' 53.02 REGULATING THE USE AND APPLICATION OF GASEOUS TUBE ELECTRIC LIGHTING.

(A) It shall be unlawful for any person, firm or corporation to install or connect to the electrical distribution system of the city, any gaseous tube electric lighting including fluorescent, neon or mercury vapor lamps, other lighting or display facilities having a similar load characteristics and having a power factor lower than 90% lagging, which would be termed low power factor, unless the gaseous tube lighting, other lighting or display facilities as set forth above are provided with power factor correction equipment of sufficient size to maintain a power factor of 90% or more lagging, whenever the above mentioned lighting equipment is in operation.

(B) It shall be required of any electrician, installer or owner installing the gaseous tube lighting equipment as set forth in division (A) above to report and submit same to the City Electrician for inspection or test before the gaseous tube lighting or sign equipment is installed or connected to the electrical distribution system of the city.

(C) Any person found guilty of violating any provision of this section shall, upon conviction thereof, have all electrical services discontinued until the violations of connections are corrected, or in addition to the regular monthly bill, an additional charge will be made equal to \$2 per KVA of uncorrected lighting device having a power factor less than 90%, the charge may be assessed against all uncorrected installations made after this section becomes effective and against all existing installations when same are materially altered or moved to a new location.

(D) This section shall take effect and be in force from and after its passage and publication. (Ord. 48, passed 1-8-1942) Penalty, see ' 53.99

' 53.99 PENALTY.

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

