

## **CHAPTER 51: WASTEWATER; SANITARY SEWER SYSTEM**

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## **SANITARY SEWER DISCHARGES**

### **§ 51.01 PURPOSE.**

The discharge of water from roof, surface, ground water sump pump, footing tile, swimming pool, natural precipitation or private sewage system into the city sewerage system results in flooding and overloading of the sewage system. When this water is discharged into the sanitary sewer system, it is treated at the Metropolitan Sewage Treatment Plant. This results in very large and needless expenditures. The City Council, therefore, finds it in the best interest of the city to prohibit such discharges and to impose surcharges estimating the burden placed on the system from unlawful discharge.

(Ord. 2009-07, passed 4-14-2009)

### **§ 51.02 DISCHARGE PROHIBITED.**

Except as otherwise expressly authorized in this subchapter, no water from any roof, surface, ground water sump pump, footing tile, swimming pool, spa, hot tub, natural precipitation or private sewage system shall be discharged into the sanitary sewer system. Dwellings and other buildings and structures which require, because of infiltration of water into basements, crawl spaces and the like, a sump pump discharge system shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer system, except as provided herein. A permanent installation shall be one which provides for year-round discharge capability to the outside of the dwelling, building or structure. A direct connection to the public storm sewer or street in public right-of-way/easement shall be reviewed by the city and may require a permit. The water discharge shall be a free discharge. An air separation shall be provided before connecting to a public storm sewer.

(Ord. 2009-07, passed 4-14-2009) Penalty, see § 51.99

### **§ 51.03 DISCONNECTION.**

Any person, firm or corporation having a roof surface, ground water sump pump, footing tile or swimming pool now connected and/or discharging into the sanitary sewer system shall disconnect or remove same. Any disconnects or openings in the sanitary sewer system shall be closed or repaired in an effective, workmanlike manner.

(Ord. 2009-07, passed 4-14-2009) Penalty, see § 51.99

### **§ 51.04 INSPECTIONS.**

(A) Every person owning improved real estate that discharges into the city's sanitary sewer system shall allow an employee of the city or a designated representative of the city to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. In lieu of having the city inspect his or her property, any person may furnish a certificate from a licensed plumber certifying that his or her property is in compliance with this subchapter.

(B) Each sump pump connection identified may be reinspected periodically for compliance with this subchapter.

(Ord. 2009-07, passed 4-14-2009) Penalty, see § 51.99

#### **§ 51.05 NEW CONSTRUCTION.**

All new dwellings with sumps for which a building permit is issued after 1-1-2009 shall be piped to the outside of the dwelling before a certificate of occupancy is issued.

(Ord. 2009-07, passed 4-14-2009) Penalty, see § 51.99

#### **§ 51.06 WINTER DISCHARGE.**

(A) The City Administrator is authorized to issue a permit to allow a property owner to discharge surface water into the sanitary sewer system.

(B) The permit shall authorize such discharge only from November 15 to March 15 and a property owner is required to meet at least one of the following criteria in order to obtain the permit:

(1) The freezing of the surface water discharge from the sump pump or footing drain is causing a dangerous condition, such as ice buildup or flooding, on either public or private property;

(2) The property owner has demonstrated that there is a danger that the sump pump or footing drain pipes will freeze up and result in either failure or damage to the sump pump unit or the footing drain and cause basement flooding; and/or

(3) The water being discharged from the sump pump or footing drain cannot be readily discharged into a storm drain or other acceptable drainage system.

(C) Following ten days' written notice and an opportunity to be heard, the City Administrator may require a property to discharge its sump pump into the sanitary sewer from November 15 to March 15 if surface water discharge is causing an icy condition on streets.

(Ord. 2009-07, passed 4-14-2009)

## **INDIVIDUAL SEWAGE TREATMENT SYSTEMS**

#### **§ 51.20 GENERAL PROVISIONS.**

(A) Purpose. This subchapter is enacted to provide minimum standards for the regulation of subsurface sewage treatment systems (ISTS) including: their proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance and repair for the purpose of protecting surface water and groundwater from contamination by human sewage and waterborne household and commercial wastes; the protection of the public's health and safety; and the elimination and prevention of the development of public nuisances, pursuant to the authority granted under M.S. Chs. 115 and 145A, as they may be amended from time to time,

and Minn. Rules Chs. 7080, 7081 and 7082, that may pertain to sewage and wastewater treatment. All sewage generated in unsewered areas of the county shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated and maintained in accordance with the provisions of this subchapter or by a system that has been permitted by the MPCA.

(B) Sewage discharge to ground surface or surface water. It is unlawful for any person to construct, maintain, or use any wastewater treatment system regulated under this subchapter that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted by the MPCA under the National Pollutant Discharge Elimination System program.

(C) Objectives. The principal objectives of this subchapter are as follows:

(1) The protection of the city's lakes, rivers and streams, wetlands, and groundwater essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the city in perpetuity;

(2) The regulation of proper ISTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby ensuring the non-degradation of surface water and groundwater;

(3) The establishment of minimum standards for ISTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration;

(4) The appropriate utilization of privy vaults and other non-water carried ISTS; and

(5) The prevention and control of water-borne disease, lake degradation, groundwater related hazards, and public nuisance conditions through technical assistance and education, plan reviews, inspections, ISTS surveys and complaint investigation.

(Ord. 2015-03, passed 2-25-2015) Penalty, see § 51.99

## **§ 51.21 DEFINITIONS.**

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

**CITY.** The City of Dayton Planning and Building Department and its designated agents who shall be a qualified employee or licensee.

**ISTS.** An individual sewage treatment system as defined in Minn. Rules 7080.1100, subp. 41.

**MSTS.** A Midsized Subsurface Sewage Treatment System as defined in Minn. Rules 7081.0020, subp.4.

**OTHER ESTABLISHMENT.** Any private or public structure, other than a dwelling, that generates sewage having characteristics other than residential-type waste or has an average waste flow greater than 2,000 gallons per day and discharges to an individual sewage treatment system.

**OWNER.** The fee owner(s) and, if applicable, the contract-for-deed purchaser. Ownership interests shall be determined by reference to the records of the county. The

owner of each lot served by an ISTS is responsible for the lawful operation and maintenance of each ISTS.

SSTS. Subsurface Sewage Treatment System as defined in Minn. Rules 7080.1100, subp. 82.

TYPE I SYSTEM. An ISTS designed according to Minn. Rules parts 7080.2200 to 7080.2240.

TYPE II SYSTEM. An ISTS designed according to Minn. Rules parts 7080.2250 to 7080.2290.

TYPE III SYSTEM. An ISTS designed according to Minn. Rules 7080.2300.

TYPE IV SYSTEM. An ISTS designed according to Minn. Rules 7080.2350.

TYPE V SYSTEM. An ISTS designed according to Minn. Rules 7080.2400.  
(Ord. 2015-03, passed 2-25-2015)

## **§ 51.22 STANDARDS INCORPORATED BY REFERENCE.**

This subchapter hereby incorporates by reference Minn. Rules Chs. 7080 and 7081, as they may be amended from time to time.

(Ord. 2015-03, passed 2-25-2015)

## **§ 51.23 ADMINISTRATION.**

(A) Generally. The city shall have the following duties and responsibilities:

- (1) To review all applications for ISTS;
- (2) To issue all required permits;
- (3) To conduct construction inspections and to perform all necessary tests to determine its conformance with this subchapter;
- (4) To investigate complaints regarding ISTS;
- (5) To perform compliance inspections and to issue certificates of compliance or notices of noncompliance where appropriate;
- (6) To issue stop work orders and notices of violation pursuant to this subchapter;
- (7) To take complaints to the Municipal or County Attorney for violations of this subchapter;
- (8) To maintain proper records for ISTS including site evaluation records, design records including calculations and summaries for all system component sizings and as-builts, complaints on noncompliance, compliance inspections, site evaluations, applications and exhibits, variance requests, issued permits, certificates of compliance, and enforcement proceedings; and
- (9) To submit annual reports to the MPCA to demonstrate enforcement of this subchapter per Minn. Rules 7082.0040, Subpart 5, as it may be amended from time to time.

(B) Issuance of notices. Neither the issuance of permits, certificates of compliance nor notices of noncompliance as requested or issued shall be construed to represent a guarantee or warranty of the system's operation or effectiveness. Such certificates

signify that the system in question is or has been designed and installed in compliance or non-compliance with the provision of these standards and regulations.

(Ord. 2015-03, passed 2-25-2015)

#### **§ 51.24 PERMITTING.**

(A) Required permits. A permit from the city is required before any ISTS in city's jurisdiction is installed, replaced, abandoned, altered, repaired, rejuvenated or extended. Installation, replacement, alteration, repair or extension of an ISTS shall not begin prior to the receipt of a permit from the city for each specific installation, replacement, alteration, repair or extension pursuant to this subchapter. Such permits are not transferable as to person or place. Such permits shall expire 12 months after date of issuance. Upon request of an inspector, permits shall be provided by the permittee at the time of inspection.

(B) Permits not required. Permits shall not be required for the following activities:

- (1) Repair or replacement of pumps, floats or other electrical devices of the pump;
- (2) Repair or replacement of baffles in the septic tank;
- (3) Installation or repair of inspection pipes and manhole covers;
- (4) Repair or replacement of the line from the building to the septic tank; or
- (5) Repair or replacement of the line from the septic tank or pump chamber to the distribution box of lines.

(C) Permit application. All applications for an ISTS permit shall include the following information:

- (1) Name and address of property owner;
- (2) Property identification number;
- (3) Legal description of the property;
- (4) ISTS designer name, address, telephone number and state MPCA license number (or city qualified employee name and number);
- (5) ISTS installer name, address, telephone number and MPCA license number;
- (6) Site evaluation report on forms approved by the city;
- (7) System design with full information including applicable construction information on forms approved by the city;
- (8) The location of at least one designated additional soil treatment area that can support system as described in Minn. Rules parts 7080.2200 through 7080.2230, or site conditions described in Minn. Rules 7081.0270, subps. 3 through 7, on lots created after January 23, 1996;
- (9) A management plan as described in Minn. Rules 7082.0600 and this subchapter; and
- (10) Any other information requested pertinent to the process.

(D) Operating permit.

(1) An operating permit is required for all treatment systems installed under Minn. Rules 7080.2290 (holding tanks), Minn. Rules 7080.2350-2400 (Type IV & V Systems), and Minn. Rules Ch. 7081 (MSTS). Sewage shall not be discharged to a treatment system requiring an operating permit until the city certifies that the treatment system

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was installed in substantial conformance with the approved plans, receives the final record drawings of the SSTS, and a valid operating permit is issued to the owner.

(2) The operating permit shall be valid for 12 months and renewed by the expiration date. The city shall review all required monitoring data submitted from the previous year and the renewal application before approving any subsequent operating permits. An operating permit shall include:

(a) A detailed description of the operation, maintenance, and monitoring, reporting and compliance limits and boundaries necessary to ensure both continued system performance as designed and protection of public health and the environment for the life of the system;

(b) A requirement that the person responsible for monitoring notify the city when monitoring plan requirements are not met;

(c) A disclosure of the location and condition of the additional soil treatment and dispersal system;

(d) A stipulation of acceptable and prohibited discharges; and

(e) The signatures of the system designer and owner.

(E) Compliance monitoring.

(1) Performance monitoring of a SSTS shall be performed by a licensed inspection business or licensed service provider hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.

(2) A monitoring report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the department on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of the maintenance and servicing activities performed since the last compliance monitoring report as described below:

(a) Owner name and address;

(b) Operating permit number;

(c) Average daily flow since last compliance monitoring report;

(d) Description of type of maintenance and date performed;

(e) Description of sample taken (if required), analytical laboratory used and results of analyses;

(f) Problems noted with the system and actions proposed or taken to correct them; and

(g) Name, signature, license and license number of the licensed professional who performed the work.

(F) License requirements. All design, installation, alteration, repair, maintenance, operation, pumping and inspection activities for SSTS located in the county must be completed by a business licensed by the state under Minn. Rules Ch. 7083, an appropriately certified qualified employee, or a person exempted under Minn. Rules 7083.0700, subps. 1(A), (C), (D), (F), (G), (H) and (I). Individuals exempt from a state SSTS license under Minn. Rules 7083.0700, subps. 1(A), (C), (D), (F), (G), (H) and (I), must follow all applicable local, state and federal requirements. Property owners that employ a business to perform this work must hire a business that is licensed in accordance with Minn. Rules Ch. 7083.

(G) Application review and determination. If after consideration of the application for a permit, the city determines that the proposed work complies with provision of this subchapter, the city shall issue a written permit granting preliminary approval authorizing initiation of the work as proposed. If the city determines that the proposed work will not comply with the provisions of this subchapter, the city shall deny the permit application. The permit application may be revised or corrected and resubmitted to the city for reconsideration.

(H) Variances.

(1) Variances to wells and water supply lines require approval from the Minnesota Department of Health. The city may grant variances to the technical standards and criteria of Minn. Rules Ch. 7080 or this subchapter. However, the city is prohibited from granting variances to:

(a) Minn. Rules 7080.2150, Subp. 2;

(b) Minn. Rules 7081.0080, Subps. 2 to 5, however, variances may be granted to Minn. Rules 7081.0080, Subp. 4(0)(1), for the replacement of MSTs serving existing dwellings or other establishments; and

(c) Flow determinations under Minn. Rules 7081.0110, if the deviation reduces the average daily flow from more than 10,000 gallons to 10,000 gallons per day or less.

(2) All requests for a variance shall be requested in writing to the city on forms approved by the city.

(I) Periodically saturated soil disagreements.

(1) If a documented discrepancy arises on the depth of the periodically saturated soil between licensed businesses for SSTs design or compliance purposes, all disputing parties must follow the procedure outlined in this subsection.

(a) The disputing parties must meet at the disputed site in an attempt to resolve differences; and

(b) If the provision does not resolve the differences, then:

1. Obtain an opinion from a state licensed professional soil scientist who is a certified SSTs designer or inspector and who is independent of, and agreed upon by, both parties; and

2. If opinions rendered do not resolve the dispute, all initial and follow-up documents and information generated must be submitted to the city. The city shall take into consideration all information and opinions rendered and make a final judgment. The city shall render findings of fact, conclusions of law and findings setting forth the reasons for any final decisions it renders.

(2) If a documented discrepancy arises on the depth of the periodically saturated soil between an SSTs licensed business and the city for SSTs design or compliance purposes, all disputing parties shall follow the procedure outlined in this item.

(a) A representative of the city and the licensed business must meet at the disputed site in an attempt to resolve differences.

(b) If the provision does not resolve differences, then the SSTs licensed business may obtain an opinion from a state licensed professional soil scientist who is a certified SSTs designer or inspector and who is independent of, and agreed upon by, both parties.



(c) If still unresolved, the city shall take into consideration all information and opinions rendered and make a final judgment. The city shall render findings of fact, conclusions of law and findings setting forth the reasons for any final decisions they render.

(3) Upon resolution of a dispute, amendments to initial disputed documents containing the resolution shall be made and submitted to the city and all other parties involved.

(Ord. 2015-03, passed 2-25-2015)

#### **§ 51.25 CONSTRUCTION INSPECTIONS.**

(A) Requirements. Compliance inspections shall be conducted by the city anytime an ISTS is installed, replaced, altered, repaired or extended. The installation and construction of the ISTS shall be in accordance with the permit requirements and application design. If any ISTS component is covered before being inspected by the city, it shall be uncovered if so ordered by the city. Proposals to alter the permitted construction shall be reviewed and the proposed change accepted by the city prior to construction. Inspections shall be conducted at least once during the construction that is prior to covering of the ISTS to assure that the system has been constructed per the submitted and approved design.

(B) Inspector. Compliance inspections for construction, replacement, alteration or repair work on ISTS shall be conducted by the city.

(C) Request for inspection. It shall be the duty of the permittee to notify the city of the date and time the inspection is requested at least 24 hours (excluding weekend days and holidays) preceding the requested inspection time. If the permittee provides proper notice as described above and the city does not appear for an inspection within two hours after the time scheduled, the permittee may complete the installation and submit an as-built for the system.

(D) Access to premises and records. Upon the request of the city, the applicant, owner, permittee or any other person shall allow access at any reasonable time to the affected premises as well as any related records, for the purposes of regulating and enforcing this subchapter. If entry is refused, the city shall have recourse to the remedies provided by law to secure entry. No person shall hinder or otherwise interfere with the city in the performance of their duties and responsibilities pursuant to the enforcement of this subchapter. Refusal to allow reasonable access to the city shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.

(E) Stop work orders. Whenever any ISTS work is being done contrary to the provisions of this subchapter, the city may order the work stopped by verbal or written notice served upon the installer or the owner of the land. All installation and construction shall cease and desist until subsequent authorization to proceed is received from the city.

(F) As-builts. As-builts shall be submitted to the city within five working days of completion of the work on the ISTS on forms provided or approved by the city. The as-built shall include photographs of the system prior to covering and a certified statement that the work was installed in accordance with submitted design and permit conditions

and that it was free from defects. If an as-built is not submitted, the city may require the uncovering of the system for inspection.

(G) Inspection reports. A certificate of compliance or notice of noncompliance shall be prepared by the city following an inspection or review of as-builts submitted in accordance with division (F) of this section. A certificate of compliance or notice of noncompliance shall include a signed statement by the inspector identifying the type of ISTS inspected and whether the system is in compliance with Minnesota Rules. A copy of the certificate of compliance or notice of noncompliance shall be provided to the property owner within 30 days of the compliance inspection and a copy kept on file with the city.

(1) Certificates of compliance issued by the city for new construction and replacement shall be valid for five years from the date of the compliance inspection or as-built certification unless the health authority or licensed inspector identifies the system as an imminent public health threat.

(2) Notices of violation may be issued with notices of noncompliance when the city determines that new construction, replacement or repairs are not in compliance with this subchapter.

(Ord. 2015-03, passed 2-25-2015)

#### **§ 51.26 EXISTING SYSTEMS.**

(A) Requirements. The city shall require a compliance inspection of an existing system whenever:

(1) In designated shoreland management or wellhead protection areas, an application for any type of building or land use permit is made;

(2) The city deems a compliance inspection necessary, including, but not limited to, upon receipt of information of a potential ISTS failure or imminent health threat;

(3) An additional bedroom on the property is requested. If a request for an additional bedroom is received between November 1 and April 30, the city may issue a building permit immediately with the contingent requirement that a compliance inspection of the existing ISTS shall be completed by the following June 1 and the applicant submits a certificate of compliance by the following September 30; or

(4) Any addition or remodel of a licensed food, beverage, or lodging establishment or any other establishment where the sewage treatment system's designed flow may be effected.

(B) Inspector. Only the city or licensed designer I or inspector, shall conduct an inspection when a compliance inspection is required for an existing ISTS.

(C) SSTS built before April 1, 1996. SSTS built before April 1, 1996, outside of areas designated as shoreland areas, wellhead protection areas, or SSTS providing sewage treatment for food, beverage, or lodging establishments must have at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock. The vertical separation measurement shall be made outside the area of system influence in an area of similar soil.

(D) SSTS built after March 31, 1996. SSTS built after March 31, 1996, or SSTS located in a shoreland area, wellhead protection area, or serving a food, beverage, or

lodging establishment as defined under Minn. Rules 7080.1100, subp. 84, must have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Unless otherwise determined by the city, existing systems that have no more than a 15% reduction to the minimum required 36-inch separation distance are considered compliant, (such as, a separation distance no less than 30.6 inches). This reduction is to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics. The vertical separation measurement shall be made outside the area of the system influence in an area of similar soil.

(E) Abandonment of existing systems. Whenever the use of a SSTS or any system component is discontinued as the result of a system repair, modification, replacement or decommissioning following connection to a municipal or private sanitary sewer, or condemnation or demolition of a building served by the system, further use of the system or any system component for any purpose is prohibited. Abandonment shall be completed in accordance with Minn. Rules 7080.2500.

(F) Inspection reports. A copy of the certificate of compliance or notice of noncompliance resulting from a compliance inspection shall be provided to the property owner and the city within 30 calendar days of inspection.

(G) Certificates of compliance issued by a licensed ISTS Inspector for an existing system shall be valid for three years from the date of the compliance inspection unless the city or licensed inspector identifies the system as an imminent public health threat.

(H) Notice. A notice of noncompliance shall be issued in the following circumstances and the conditions noted in violation of this subchapter shall be remedied as follows:

(1) An ISTS determined to be failing shall be upgraded, replaced or repaired in accord with Minnesota Rules Chs. 7080 or 7081, as they may be amended from time to time, within three years, or its use is discontinued. The city, at its discretion, may grant an extension of an additional two years.

(2) An ISTS posing an imminent threat to public health or safety shall be upgraded, replaced or repaired within ten months. The city will give consideration to weather conditions in determining compliance dates. If an ISTS is determined to be a public health nuisance by the city, the city may order the owner of the ISTS to cease use immediately and not allow use of the ISTS until it is corrected in accordance with the recommendations of the city.

(Ord. 2015-03, passed 2-25-2015) Penalty, see § 51.99

## **§ 51.27 VIOLATIONS.**

(A) Cause to issue a notice of violation. Noncompliance with this subchapter by an applicant, permittee, installer or other person, as determined by the city, shall constitute a violation.

(B) Serving a notice of violation. The city shall serve, in person or by mail, a notice of violation upon any person determined to be not in compliance with this subchapter.

(C) Contents of a notice of violation. A notice of violation shall contain the following:

(1) A statement documenting the findings of fact determined through inspections, reinspection or investigation;

- (2) A list of specific violation or violations of this subchapter;
- (3) The specific requirements for correction or removal of the specified violation;  
and
- (4) A mandatory time schedule for correction, removal and compliance with this subchapter.

(D) Notification of MPCA. The city shall in accordance with state law notify the MPCA of any inspection, installation, design, construction, alteration or repair of an ISTS by a licensed person or any pumping by a licensed pumper performed in violation of the provisions of this subchapter.

(Ord. 2015-03, passed 2-25-2015)

#### **§ 51.28 ADDITIONAL STANDARDS FOR HEALTH AND ENVIRONMENTAL PROTECTION.**

(A) Siting of an ISTS. Notwithstanding any state or federal requirements, the separation distance from an ISTS to a Type 3, 4, 5 or 6 wetland shall be no less than 50 feet.

(1) SSTS in flood plains. No permit shall be issued for SSTS located in a floodway and wherever possible, located within any part of a floodplain should be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements of Minn. Rules 7080.2270 and all relevant local requirements are met.

(2) Class V injection wells. All owners of new or replacement SSTS that are considered to be Class V injection wells as defined in C.F.R. Title 40, Part 144, are required to submit SSTS inventory information to the United States Environmental Protection Agency and the MPCA. Owners are also required to identify all Class V injection wells in property transfer disclosures.

(3) Holding tanks. Holding tanks may be used for the following applications only after it can be shown conclusively by the property owner that a SSTS permitted under this subchapter cannot be feasibly installed:

- (a) As a replacement for an existing failing SSTS;
- (b) For an SSTS that poses an imminent threat to public health or safety; or
- (c) For use with buildings with limited water use.

(4) Determination of hydraulic loading rate and SSTS sizing. Table IX from Minn. Rules 7080.2150, subp. 3(E), entitled Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions and Table IX from Minn. Rules 7080.2150, subp. 3(E), entitled Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Percolation Tests and herein adopted by reference shall both be used to size SSTS infiltration areas using the larger sizing factor of the two for SSTS design.

(B) Maintenance report. Licensed maintenance businesses must abide by the requirements described in Minn. Rules 7083.0770, subp. 2. All written reports required

by Minn. Rules 7083.0770, subp. 2, must be provided to the homeowner and the city within 30 days after any maintenance work is performed.

(C) Systems not operated under a management plan. For owners of SSTs that are not operated under a management plan or operating permit, the following shall apply:

(1) Maintenance, inspection and reporting.

(a) The owner of any individual sewage treatment system shall have the septic tank(s) properly pumped, cleaned and inspected on a regular basis, but in no case less than once every three years.

(b) A licensed pumper must be retained by the owner for pumping, cleaning, inspection, maintenance and repair.

(c) In the event a septic pumper fails to complete the maintenance report form and return it to the city as required herein, the city, pursuant to M.S. § 429.101, as it may be amended from time to time, the city shall provide written notice to the property owner. After providing a second written notice, the failure to submit documentation of pumping and inspection of a septic system shall be considered a violation of this subchapter and subject to the criminal penalties and/or civil remedies outlined in § 51.99 of this chapter. The city may provide for the property owner's septic system to be pumped, cleaned and evaluated and for all costs related hereto to be assessed against the property benefitted.

(2) Maintenance report form.

(a) Evaluation of the on-site sewage tank and system shall be made by a licensed inspector or pumper. A listing of licensed pumpers is available from the MPCA and will also be available from the city.

(b) The above-described system maintenance shall include, but not be limited to, pumping and cleaning of the septic tank, evaluation of the condition of the tank, baffles and system, and an examination of the drain field for evidence of system failure.

(c) For ISTS having inspection openings, the inspection should also include the following measurements:

1. The distance between sludge and the bottom of outlet baffles; and
2. The distance between scum and the bottom of outlet baffles.

(d) Where there is less than 12 inches between the sludge and the bottom of the outlet baffles, or where the scum line is found less than three inches above the bottom of the outlet baffles, this condition shall be noted on the inspection report.

(e) The owner shall require remedial activity to take place to correct deficiencies wherever found.

(3) Failing septic systems.

(a) Upon inspection, if the system is found to be failing or creating a health hazard, the owner of the property shall have the system pumped and repaired or replaced pursuant to a schedule as determined by the City Building Inspector. Section 51.23 of this subchapter regarding failing systems shall be followed.

(b) In the event the property owner fails to comply with the pumping schedule or have the system repaired or replaced, the failure to submit documentation of pumping, inspection, repair or replacement of a failing septic system shall be considered a violation of this subchapter and subject to the criminal penalties and/or civil remedies

outlined in § 51.99 of this chapter. The city, pursuant to M.S. § 429.101, as it may be amended from time to time, may provide for the property owner's septic system to be pumped and repaired or replaced and for all costs related thereto to be assessed against the property benefitted.

(4) Costs.

(a) Any on-site inspection or pumping conducted or contracted by the city shall be invoiced to the property owner in an amount established by resolution of the City Council.

(b) Pursuant to M.S. § 429.101, as it may be amended from time to time, the City Council hereby authorizes the city staff to certify any unpaid costs or charges imposed pursuant to this subchapter to the County Auditor for collections as other taxes.

(Ord. 2015-03, passed 2-25-2015)

### **§ 51.29 MORE RESTRICTIVE STANDARDS.**

(A) Minn. Rules 7080.0130, subp. 3(A) is hereby modified requiring at least two septic tanks with a minimum capacity of 1,000 gallons each.

(B) Minn. Rules part 7080.0160, subp. 1(C), is hereby modified to require a minimum dosing tank of 1,000 gallons.

(C) Minn. Rules part 7080.0910 specifying alternative and experimental systems shall be utilized only on existing developed lots with existing septic systems which have failed. Systems designed or installed in a slope greater than 12% shall be considered experimental on any lot.

(D) All wastewaters discharged into the septic system shall be metered on all non-single family

(E) The pump for all new systems which have applied for a permit after the date of passage of this subchapter shall employ an audible alarm and warning light located inside of the principal structure to alert occupants of failure.

(Ord. 2015-03, passed 2-25-2015)

### **§ 51.30 FEES.**

The city shall, from time to time, establish fees for activities undertaken by the city pursuant to this subchapter. Fees shall be due and payable at a time and in a manner to be determined by the city.

(Ord. 2015-03, passed 2-25-2015)

## **WASTEWATER TREATMENT AND COLLECTION FACILITIES**

### **§ 51.40 DEFINITIONS.**

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

ACT. The Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, 33 U.S.C. §§ 1251 et seq.

BOD5 or BIOCHEMICAL OXYGEN DEMAND. The quantity of oxygen utilized in the biochemical oxidation of organic matter standard laboratory procedures in five days at 20°C and as expressed in terms of milligrams per liter (mg/l).

BUILDING DRAIN. The point of a building which conveys wastewater to the building sewer, beginning three feet outside the building wall.

CITY. The area within the corporate boundaries of the city; the City Council, its authorized representative, or the authorized representative of the sanitary sewer district.

DEBT SERVICE CHARGE. A charge to users of the wastewater treatment facility for the purpose of repaying capital costs.

INDUSTRIAL USER.

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

- (a) Division A: Agriculture, Forestry and Fishing;
- (b) Division B: Mining;
- (c) Division D: Manufacturing;
- (d) Division E: Transportation, Communications, Electric, Gas and Sanitary Sewers; and
- (e) Division I: Services.

(2) Any user whose discharges, singly or by interaction with other wastes:

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

INFILTRATION/INFLOW (I/I). Water other than wastewater that enters the sewer system from the ground or from surface runoff, as defined in Minnesota Rules.

MPCA. Minnesota Pollution Control Agency.

NATIONAL CATEGORICAL PRETREATMENT STANDARDS. Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities. § 307(b) of the Act, being 33 U.S.C. § 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 pursuant to §§ 402 and 405 of the Act, being 33 U.S.C. §§ 1342 and 1345.

NATURAL OUTLET. Any outlet, including storm sewers and combined sewers, which flows into a body of surface water or ground water.

NORMAL DOMESTIC STRENGTH WASTE (NDSW). Wastewater that primarily introduced by residential users with BOD5 concentrations not greater than 300 mg/l and total suspended solids (TSS) concentrations not greater than 300 mg/l.

**NON-RESIDENTIAL USER.** A user of the treatment facility whose building is not used as a private residence and discharges NDSW.

**OPERATION, MAINTENANCE AND REPLACEMENT COSTS (OM&R).** Expenditures necessary to provide for the dependable, economical and efficient functioning of the treatment facility throughout its design life including operator training, and permit fees. Replacement refers to equipment replacement costs, not the cost of future replacement of the entire facility.

**OWNER or USER.** Non-residential user, residential user and industrial user.

**RESIDENTIAL USER.** A user of the treatment facility whose building is used primarily as a private residence and discharges NDSW.

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

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

(2) **SANITARY SEWER.** A sewer designed to carry only liquid and water-carried wastes from residential, non-residential and industrial sources together with minor quantities of I/I.

(3) **STORM SEWER.** A sewer intended to carry unpolluted surface and subsurface water from any source.

**SEWER SERVICE CHARGE.** The total of the user charge and the debt service charge.

**SLUDGE.** A discharge of water or wastewater which in concentration or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration of flows during normal operation.

**STATE DISPOSAL SYSTEM (SDS) PERMIT.** A permit 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, Subd. 5, as it may be amended from time to time.

**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).

**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. An example could be non-contact cooling water.

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

**WASTEWATER.** Liquid and water-carried wastes from residential, non-residential and industrial users, together with any ground water, surface water and storm water that may be present.

**WASTEWATER TREATMENT FACILITIES or TREATMENT FACILITIES.** The land, devices, facilities, structures, equipment and processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal wastewater, and the disposal of residues resulting from such treatment. (Ord. 2000-2, passed - -2000; Ord. 2000-8, passed - -2000)



#### **§ 51.41 CONTROL BY AUTHORIZED REPRESENTATIVE.**

The City Council shall appoint an authorized representative who 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 subchapter to ensure that a proper and efficient public sewer is maintained. The authorized representative may delegate responsibilities to designated representatives.

(Ord. 2000-2, passed - -2000; Ord. 2000-8, passed - -2000)

#### **§ 51.42 USE OF PUBLIC SEWERS REQUIRED.**

(A) Owners of property directly adjacent to the sanitary sewer collection system, but with a working private septic system, shall be allowed to continue to use their private septic system. If however, at any time, the private septic system fails, as determined by the City Building Inspector or Zoning Administrator through an inspection and no reasonable option exists to repair it or replace it on a suitable on-site alternate septic site, the owners shall install a suitable service connection to the sanitary sewer system at their own expense.

(B) If a property owner chooses to continue to use a private septic system where city sanitary and water service is available, a water availability charge may be imposed.

(C) Any property that has been provided with service stubs and fails to make payment to the city for the installation of the service stubs and has not been assessed for the stub by the time the stubs are installed, shall be charged, pursuant to M.S. § 444.075, as it may be amended from time to time, a per stub amount and a monthly charge, as determined by the City Council, for the availability of said stubs. Any unpaid availability charges shall be certified with the taxes against the property.

(Ord. 2000-2, passed - -2000; Ord. 2000-8, passed - -2000; Ord. 2008-09, passed 3-11-2008; Ord. 2008-12, passed 3-25-2008; Ord. 2015-04, passed 3-10-2015; Ord. 2017-05, passed 3-29-2017)

#### **§ 51.43 PRIVATE WASTEWATER DISPOSAL.**

(A) Where a public sewer is not available under the provisions of § 51.42 of this chapter, the building sewer shall be connected to a private wastewater disposal system complying with the provisions required by the city, the Minnesota Pollution Control Agency (MPCA) and all other regulatory agencies. The owner(s) shall obtain the appropriate permits for construction and operation of a private wastewater disposal system. Operation of the private wastewater disposal system is subject to approval by the city and all other appropriate regulatory agencies.

(B) The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the city.

(C) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the MPCA, the State Department of Health or other responsible federal, state or local agencies.

(Ord. 2000-2, passed - -2000; Ord. 2000-8, passed - -2000)

**§ 51.44 BUILDING SEWERS AND CONNECTIONS; DESIGN.**

(A) (1) No person(s) shall make any alterations to the public sewer or any appurtenances thereof without first obtaining a written permit from the city. No private building drain shall extend beyond the limits of the building or property for which the permit has been given.

(2) Any new connection to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to, capacity for flow, BOD5 and TSS as determined by the authorized representative.

(3) Application for permit for public sewer service shall be made on printed forms, shall state the legal description and street and official house number of the premises and the nature of the improvement to be performed. The application for the written permit to connect to public sewer or alter connected service pipes shall be made jointly by the master plumber who will make the installation and by the owner of such premises or his or her authorized agent or by the occupant or person in possession of the premises. The permit shall issue to the owner and his or her master plumber applicant, and each applicant by such application shall subscribe to and be obligated to be bound by the city's applicable ordinances and rules and regulations.

(4) The applicant must pay all required permit fees and any other charges, which shall be set forth by resolution of the City Council.

(5) No person, except a master plumber duly licensed in the state or duly authorized employee of the city, is permitted to do any work on service pipes connected with public sewer.

(B) (1) A separate and independent building sewer shall be provided for each building. Old building sewers may be used to service new buildings only when they are found to meet all requirements of this subchapter.

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

(C) The construction and connection of the building sewer to the public sewer shall conform to the requirements of the State Building and Plumbing Code, applicable rules and regulations of the city and the materials and procedural specifications set forth in the American Society of Testing Materials (ASTM) and the Water Pollution Control Federation (WPCF) Manual of Practice No.9. All such connections shall be made gas- and water-tight and verified by proper testing to prevent infiltration/ inflow.

(D) No unpolluted water sources shall be connected to the sanitary sewer.

(E) (1) No person, except authorized persons employed by the city or master plumber permittee bearing specific authority by written permit required herein, shall connect to public sewer.

(2) A master plumber permittee requesting a connection shall give notice at least eight business hours in advance of need. The master plumber permittee requesting must help uncover the main and locate the tap if requested by the city. The connection shall be made under the supervision of a designated representative.

(3) A bond shall be filed with the city by the master plumber permittee requesting the connection in the sum of \$10,000 conditioned upon the full, complete and

satisfactory completion of each connection undertaken by the master plumber permittee in the city. If the master plumber permittee is to do his or her own installation/excavation work, the said \$10,000 bond shall also bond such installation/excavation work as required herein

(4) Prior to the issuance of the permit to connect to public sewer and/or for sewer service, insurance coverage shall be obtained by the person requesting such permit protecting against damage to property or injury to death to person, which policy or policies shall indemnify and hold harmless the city and all of its officers and personnel against any claims, demands, damages, actions or causes of action arising out of or by reason of the doing of the work or activities related to or incident to the permits required herein and from any costs, disbursements or expenses of defending the same. The property damage insurance coverage shall be in the amount of \$200,000 or more, and the public liability insurance for injury or death to person shall be in the amount of \$1,000,000 aggregate for injury to each person. Proof of such insurance shall be filed with the city prior to the commencement of construction work and such policy shall provide that the city shall receive written notice at least ten days before any termination or modification of such insurance.

(5) Should the insurance coverage hereinbefore provided be inadequate in amount, then such person shall indemnify and hold harmless the city and all of its officers and personnel in like manner.

(6) If the master plumber permittee is to do his or her own installation/excavation work, the said insurance shall also insure such installation/excavation work required herein.

(F) (1) An appropriate installation/excavation license is required to install a service connection. Any person desiring a license shall apply in writing to the City Council, providing satisfactory evidence of the applicant's qualifications. If approved by the City Council, the license shall be issued by a designated representative upon the filing of a bond and insurance as hereinafter provided.

(2) At the time of granting such installation/excavation license, a bond must be filed with the city by the person receiving the license, unless such installation/excavation licensee is excused therefor under this subchapter, and said bond shall be in the sum of \$10,000 conditioned upon the full, complete and satisfactory completion of every installation/excavation undertaken in connection with the installation for which the licensee undertakes.

(3) Prior to the issuance of the installation/excavation license, insurance coverage shall be obtained by the person requesting such permit, unless such installation/excavation licensee is excused therefor under this subchapter, protecting against damage to property or injury to death to person, which policy or policies shall indemnify and hold harmless the city and all of its officers and personnel against any claims, demands, damages, actions or causes of action arising out of or by reason of the doing of the work or activities related to or incident to the license required herein and from any costs, disbursements or expenses of defending the same. The property damage insurance coverage shall be in the amount of \$200,000 or more, and the public liability insurance for injury or death to person shall be in the amount of \$1,000,000 aggregate for injury to each person. Proof of such insurance shall be filed with the city prior to the commencement of construction work and such policy shall provide that the

city shall receive written notice at least ten days before any termination or modification of such insurance.

(4) Should the insurance coverage hereinbefore provided be inadequate in amount, then such person shall indemnify and hold harmless the city and all of its officers and personnel in like manner.

(5) The cost of a license for installation/excavation shall be set forth by resolution of the City Council. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked by the City Council for any reasonable cause.

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

- (a) Giving false information in connection with the application for a license;
- (b) Incompetence of the licensee;
- (c) Willful violation of any provisions of this section or any rule or regulation pertaining to the making of service connections; and/or
- (d) Failure to adequately protect and indemnify the city and the user.

(G) The city shall maintain and repair or replace all sewer service connection lines within public rights-of-way or easements when rendered unserviceable through ordinary use. However, when replacement, repair or adjustment of any sewer service connection is rendered necessary by the act, neglect or carelessness of the owner or occupant of any premises, any expense caused by the city thereby shall be charged against and collected from the owner or occupant of the premises. Water and sewer service may be discontinued until the cause is corrected and the charge is collected.

(H) All sewer service connection lines within public rights-of way or easements shall remain the property of the city. All other sewer service connection line shall be the responsibility of the property owner.

(Ord. 2000-2, passed - -2000; Ord. 2000-8, passed - -2000) Penalty, see § 51.99

#### **§ 51.45 USE OF PUBLIC WASTEWATER TREATMENT FACILITIES.**

(A) No unpolluted water or storm water shall be discharged to the sanitary sewer. Such water shall be discharged only to storm sewers or to natural outlets approved by the city and other regulatory agencies.

(B) No person(s) shall discharge any of the following substances to the public sewer:

- (1) Liquids, solids, gases or other substances which singly or by interaction with others may cause fire or explosion;
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer;
- (3) Wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive or caustic property capable of causing damage or hazard; and/or
- (4) Wastewater containing toxic pollutants, as defined in § 307(a) of the Water Pollution Control Act, being 33 U.S.C. § 1317(a) and M.S. § 115.01, Subd. 20, as it may be amended from time to time.

(C) Discharges of the following substances shall be limited to concentrations or quantities which will not harm the wastewater facility, streams, soils, vegetation, ground

water and will not otherwise create a hazard or nuisance. The authorized representative may set limitations lower than the prohibition limits outlined below. Consideration will be given to such factors as the quantity of waste in relation to flows and velocities, materials of construction, the city's NPDES and SDS permits, capacity of the treatment plant, degree of treatability of wastes and other pertinent factors:

- (1) Wastewater having a temperature greater than 150°F (65.6°C), or causing, individually or in combination with other wastewater, the influent at the treatment facilities to have a temperature exceeding 104°F (40°C), or having heat in amounts which will be detrimental to biological activity in the treatment facilities;
- (2) Wastewater containing fats, wax, grease or oils in excess of 100 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);
- (3) A discharge of water or wastewater which in concentration or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration of flows during normal operation;
- (4) Food wastes not properly shredded to such a degree that all particles will be carried freely under normal flow conditions with no particle greater than one-half inch in any dimension;
- (5) Noxious or malodorous liquids, gases or solids;
- (6) Wastewater with objectionable color not removed in the treatment process;
- (7) Wastewater containing inert suspended solids in such quantities that would cause disruption to the wastewater treatment facilities;
- (8) Radioactive wastes or isotopes in concentrations that exceed limits established by applicable state and federal regulations;
- (9) Wastewaters with BOD5 or suspended solids levels that require additional treatment, except as may be permitted by specific written agreement with the city subject to division (K) below; and
- (10) Wastewater containing substances which cannot be treated to produce effluent quality required by the permit or causes a violation of any applicable local, state or federal regulation.

(D) (1) In the event of discharges to the public sewers which contain substances or possess characteristics prohibited in divisions (B) and (C) above or which, in the judgment of the authorized representative, may have deleterious effects to the treatment facility, receiving waters, soils, vegetation or which create a hazard or nuisance, the authorized representative may:

- (a) Refuse to accept the wastes;
  - (b) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to § 307(b) of the Act, being 33 U.S.C. § 1317(b) and all addenda thereof;
  - (c) Require control over the quantities and rates of discharge; and
  - (d) Require payment to cover all the added costs of handling, treating and disposing of wastes not covered by existing taxes or sewer charges.
- (2) If the authorized representative permits the pretreatment or equalization of waste flows, the design, installation, maintenance and efficient operation of the facilities

and equipment shall be at the owner's expense and shall be subject to review and approval by the city pursuant to the requirements of the MPCA.

(E) No user shall increase the use of process water or in any manner attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this section, the national categorical pretreatment standards and any state or local requirement.

(F) (1) Grease, oil and sand interceptors shall be provided at the owner's expense when, in the opinion of the authorized representative, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, any flammable wastes, sand or other harmful ingredients. All interceptors shall be readily and easily accessible for cleaning and inspection. The owner shall be responsible for the maintenance of interceptors, including proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the authorized representative.

(2) Any material removal and hauling must be performed by the owner's personnel or a currently licensed waste disposal firm and in compliance with all applicable laws and regulations.

(G) Where required by the authorized representative, industrial users shall install and maintain at their own expense a suitable structure or control manhole with such necessary meters and other testing equipment needed to facilitate observation, sampling and measurement of wastewater. The manhole will be safe and accessible at all times. The City Council may require submission of laboratory analyses to illustrate compliance with this subchapter and any special conditions for discharge established by the City Council or responsible regulatory agency. All measurements, tests and analyses to which reference is made in this subchapter 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.

(H) (1) Where required by the authorized representative, user(s) shall provide protection from an accidental discharge of substances regulated by this subchapter. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans and operating procedures of said facilities shall be submitted to the authorized representative for review and approval prior to construction of the facility. Approval of such plans and operating procedures shall not relieve the user from the responsibility of modifying the facility as necessary to meet the requirements of this subchapter.

(2) Users shall notify the authorized representative immediately if a sludge or accidental discharge of wastewater occurs in violation of this subchapter. Notification will allow measures to be taken to minimize damage to the treatment facilities. Notification will not relieve users of liability for any expense, loss or damage to the treatment facilities or for fines imposed on the city by any state or federal agency as a result of their actions.

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

(I) (1) No person shall permit any substance or matter which may form a deposit or obstruction of flow to be discharged into the public sewer. Whenever any service connection becomes clogged, obstructed, detrimental to the use of the public sewer or unfit for the purpose of drainage, the owner shall make repairs as directed by the authorized representative.

(2) Each day after three days that the owner neglects to make said repairs shall constitute a separate violation of this division (I). The authorized representative may then cause the work to be done and recover related expenses from the owner or agent by an action in the name of the city.

(J) In addition to penalties that may be imposed for violation of any provision of this section, the city may assess against the user the cost of repairing or restoring sewers and associated facilities damaged as a result of the discharge of prohibited wastes and may collect the assessment as an additional charge for the use of the public sewer system.

(K) No statement contained in this section shall prevent any special agreement or arrangement between the city and any industrial user. Industrial waste of unusual strength or character may be accepted by the facility for treatment, subject to adequate payment by the industrial user; providing that, national categorical pretreatment standards and the city's NPDES and SDS permit limitations are not violated.

(Ord. 2000-2, passed - -2000; Ord. 2000-8, passed - -2000) Penalty, see § 51.99

#### **§ 51.46 PROSECUTION FOR DAMAGES TO THE FACILITY.**

No person(s) shall willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater treatment facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor and shall reimburse the city for all costs.

(Ord. 2000-2, passed - -2000; Ord. 2000-8, passed - -2000) Penalty, see § 51.99

#### **§ 51.47 POWERS AND AUTHORITY OF INSPECTORS.**

(A) Duly authorized employee(s) of the city, bearing proper credentials and identification, shall be permitted to enter all properties at all reasonable times for inspection, observations, measurement, sampling, testing, repair and maintenance in accordance with the provisions of this subchapter.

(B) Industrial users shall be required to provide information concerning industrial processes which have a direct bearing on the type and source of discharge to the collection system. An industry may withhold information considered confidential. However, the industry must establish that the information in question might result in an advantage to competitors and that the industrial process does not have deleterious results on the treatment process.

(Ord. 2000-2, passed - -2000; Ord. 2000-8, passed - -2000)



**§ 51.48 SEWER SERVICE CHARGE SYSTEM.**

(A) (1) The city hereby establishes a sewer service charge system with fees being set by resolution. All revenue collected from users of the wastewater treatment facilities will be used for annual operation, maintenance, replacement and capital costs. Each user shall pay a proportionate share of operation, maintenance and replacement costs based on the users proportionate contribution to the total wastewater loading.

(2) The sewer service charge system shall set forth the projected operation, maintenance and replacement ("OM&R") costs of all users which shall serve as the basis for the unit charges made to users of the system. The sewer service charge system may also set forth the assessment of additional charges and debt retirement costs which shall be an additional charge.

(3) The sewer service charge system adopted by resolution upon enactment of this subchapter shall be published in the local newspaper and shall be effective upon publication. Subsequent changes in the sewer service rates and charges shall be adopted by City Council resolution and published in the local paper.

(4) Revenues collected through the sewer service charge system shall be deposited in a separate fund known as the Sewer Service Fund.

(B) (1) The city hereby establishes a Sewer Service Fund as an income fund to receive all revenues generated by the sewer service charge system and all other income dedicated to the wastewater treatment facility.

(2) The Sewer Service Fund administered by a designated representative shall be separate and apart from all other accounts. Revenue received by the Sewer Service Fund shall be transferred to the following accounts established as income and expenditure accounts:

- (a) Operation and Maintenance;
- (b) Equipment Replacement; and
- (c) Debt Retirement for the collection and treatment facility.

(C) (1) A designated representative shall maintain a proper system of accounts and records suitable for determining the OM&R and debt retirement costs of the treatment facilities, and shall furnish the City Council with a report of such costs annually.

(2) At that time, the City Council shall determine whether sufficient revenue is being generated for the effective management of the facilities and debt retirement. The City Council will also determine whether the user charges are distributed proportionately. If necessary, the sewer service charge system shall be revised to ensure proportionality of user charges and sufficient funds.

(3) In accordance with state requirements, each user will be notified annually in conjunction with a regular billing of that portion of the sewer service charge attributable to OM&R.

(4) Sewer service charges shall be billed on a bi-monthly basis. Any bill not paid in full 30 days after the due date will be considered delinquent. At that time, the user will be notified regarding the delinquent bill and subsequent penalty. The penalty shall be computed as 1.5% of the original bill and shall be increased by the same percent for every quarter the bill is outstanding.

(D) Where required by the city, users shall install and maintain, at their own expense, meter(s) on their water supply to facilitate measurement of wastewater generated. All



users other than single-family residential users shall have meters installed for billing purposes. The meters shall be accessible to the city at all times.

(Ord. 2000-2, passed - -2000; Ord. 2000-8, passed - -2000)

#### **§ 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 of this code of ordinances.

(B) (1) Criminal penalty.

(a) General. Any person who violates any of the provisions of §§ 51.20 through 51.29 of this chapter or who makes any false statement on a certificate of compliance shall be guilty of a misdemeanor, punishable by imprisonment or a fine or both as defined by law, except as noted below.

(b) First pumping and/or inspection violation. Any person who fails to conduct required ISTS pumping or inspection shall be guilty of a petty misdemeanor, punishable by a fine, as defined by law, for the first violation only.

(c) Additional pumping and/or inspection violation(s). After a first violation, if the violation fails to be taken care of within a set period of time, regardless of whether the city pursues the charges of petty misdemeanor, a property owner who fails to conduct a required ISTS pumping or inspection shall be guilty of a misdemeanor, punishable by imprisonment or a fine or both as defined by law.

(d) Repair and resolution. Any person who fails to repair and resolve a failing septic system which is an imminent health hazard or is approaching the status of an imminent health hazard shall be guilty of a misdemeanor, punishable by a fine or imprisonment or both as defined by law.

(2) Civil remedy. In the event of a violation of §§ 51.20 through 51.29 of this chapter, in addition to other remedies, the City Attorney may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations.

(3) Permits. No building permit, certificate of occupancy, license or other permit shall be issued for the construction, use or occupancy of any parcel of property within the city unless the requirements of §§ 51.20 through 51.29 of this chapter are met with respect to said parcel of property.

(C) (1) Upon determination that a user has violated or is violating applicable provisions of §§ 51.40 through 51.48 of this chapter or related permits, the authorized representative may issue a notice of violation. Within ten days of such notification, the violator shall submit to the authorized representative an adequate explanation for the violation and a plan for the correction and prevention of such occurrences, including specific actions required. Submission of such a plan in no way relieves the violator of liability for any violations occurring before or after the issuance of the notice of violation.

(2) Any violation is subject to a fine not exceeding \$700 and/or 90 days in jail. Each day in which any such violation occurs shall be deemed as a separate offense. Such fines may be added to the user's next sewer service charge and will hence be subject to the same collection regulations as specified in §§ 51.40 through 51.48 of this chapter.

(3) To collect delinquent sewer service charge accounts, the city may file a civil action suit or levy a lien against the violator. Related attorneys' fees fixed by court order

shall also be collected. The violator shall be liable for interest on all balances at a rate of 10% annually.

(4) Any person violating any of the provisions of §§ 51.40 through 51.48 of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation.

(Ord. 2000-2, passed - -2000; Ord. 2000-08, passed - -2000; Ord. 2003-09, passed 7-8-2003)