

TITLE V: PUBLIC WORKS

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CHAPTER 50: GARBAGE AND REFUSE

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§ 50.01 DEFINITIONS.

As used in this chapter, the following words or terms shall mean:

ADDITIONAL COLLECTION SERVICES. All refuse collected in excess of the maximum volume allowed per single family residential unit.

CITY. The City of Wanamingo.

COMMERCIAL ESTABLISHMENT. Any premises where commercial or industrial enterprise of any kind is carried on, and shall include clubs, churches and establishments of non-profit organizations where food is prepared or served or goods are sold, with the exception of single-family residential units in which a lawful home occupation is conducted. **COMMERCIAL ESTABLISHMENT** shall also include any multiple-family units consisting of more than a duplex, including triplexes, 4-plexes and any form of apartment, building, congregate housing or boarding house.

COMPOST. Organic material consisting of grass clippings, leaves and garden debris, but excluding items described as yard waste.

CONSTRUCTION WASTE. All items usually and customarily used in the course of the construction of building, including, but not limited to, bricks, plaster, wood, metal, roofing materials, pipes, cement, rocks, stone, tile, all debris from demolished houses, buildings and other structures, sand, dirt, gravel and all related items.

CONTAINER. A cylindrical receptacle made of metal or plastic used to contain garbage or refuse (commonly called a garbage can) and shall be of a minimum size as determined by the city from time to time.

GARBAGE. Animal and vegetable waste, and other wastes or putrescible matter including but not limited to grease, wrappings, shells, grounds, bones, entrails, and similar materials resulting from the handling, preparation, cooking, service and consumption of food or related vegetable or animal substances.

GARBAGE COLLECTION CONTRACTOR. Any person, firm or entity whom the city has from time to time entered into an exclusive franchise license contract for the collection of any of garbage or refuse subject to this chapter.

HUMAN WASTE. Any human or body waste, excreta or urine, except any items that may be attached to diapers, which shall be considered **REFUSE**.

LIGHT COMMERCIAL ESTABLISHMENT. Any commercial establishment which elects to be treated as a residential unit. In the case of any premises being used as a triplex, 4-plex, apartment, congregate housing or boarding house, each dwelling unit located upon the premises shall be treated as 1 single-family residential unit for all purposes of this chapter.

MULTIPLE-FAMILY UNITS. Any household where more than 2 families reside, particularly units which are divided into separate living units; for example, triplexes, apartment buildings, congregate housing and boarding houses.

RECYCLABLES. Any substance which is from time to time considered reusable by any form of recycling and for which the city has established a recycling program, including, but not limited to: paper and newsprint, glass, plastic, aluminum cans, steel or tin cans, cardboard, or other material identified from time to time as capable of reuse by recycling, specifically excluding refuse, rubbish, garbage or compost.

REFUSE. Solid wastes from residences and city buildings that is a result of normal operations which includes garbage and rubbish, but excludes compost, yard waste, recyclables, construction waste, toxic and hazardous waste, and human waste. **REFUSE** further excludes industrial, commercial and agricultural waste.

RUBBISH. Inorganic solid waste including both combustible and noncombustible wastes like wood, bedding, crockery, and other nonreusable waste. **RUBBISH** also includes non-recyclable types of paper, glass, cardboard, and metal, but specifically excludes construction waste.

SINGLE-FAMILY RESIDENTIAL UNIT. Any premises or household consisting of a single family residing therein. Duplexes shall be considered 2 single-family residential units.

TOXIC OR HAZARDOUS WASTE. Any waste that is defined by any law, statute, ordinance or regulation, as being hazardous or toxic and that requires special handling in its storage or disposition, or which is otherwise considered dangerous or harmful to human health or the environment. These items shall include, but are not limited to: vehicle tires, gasoline, kerosene, fuel oil, benzene, lubricating oil, or other similar petroleum products; solvents, paints, varnishes, thinners and similar or related products; acids and other corrosives, including vehicle batteries; toxic household cleaners and other chemicals; medical wastes and medical by-products like blood, tissue, used bandages, syringes, compresses, bodily fluids or used surgical or treatment devices; toxic metals like mercury including batteries; and any other item which may include as a part thereof any of the foregoing.

WHITE OR HARD GOODS. Large items including refrigerators, stoves, dishwashers, washers and dryers, air conditioners, water heaters, carpeting and padding, mattresses, chairs, couches, tables and other items which due to size require special handling collection of disposal.

YARD WASTE. Any vegetable substance resulting from tree or shrub clippings, stems, twigs, tree trunks, branches, Christmas trees, sod, and all other similar substances generated from yard maintenance or attendance, except those defined as compost.

(Ord. 119, passed 12-8-2003)

§ 50.02 GENERALLY.

All construction waste, human waste, toxic or hazardous waste, and yard waste shall be disposed of only in the manners as provided by law, and in no case shall any items be disposed of as garbage or refuse. The inclusion of any items with garbage and refuse for collection as provided for herein is strictly prohibited and shall constitute a violation of this chapter. White or hard goods, compost and recyclables shall also be disposed of only as provided for in this chapter and shall not be disposed of as garbage and refuse, except as permitted herein. All garbage and refuse accumulated in the city shall be collected and disposed of only in the manners provided for in this chapter. It shall be unlawful for any person, firm, or other legal entity to fail to dispose of garbage and refuse which accumulates upon property owned and or occupied by any person, firm, or legal entity, in the city. Unless a specific written exemption is granted by the city, any person, firm, or legal entity must use the services of the city licensed garbage collection contractor and shall pay the fees therefore at those rates as set from time to time by the city.

(Ord. 119, passed 12-8-2003)

§ 50.03 CONTAINERS.

All garbage and refuse containers shall be kept and placed for collection at those places as designated by the city-licensed garbage collection contractor and shall be accessible to the contractor at all city-established times for collection.

(Ord. 119, passed 12-8-2003)

§ 50.04 EXCLUSIVE FRANCHISE LICENSE.

The City Council is authorized to grant an exclusive franchise license giving the right to the licensed garbage collection contractor to collect all garbage and refuse within the city. The City Council is permitted to agree to the terms and conditions in any franchise licensing contract as it deems in the best interest of the city, subject to the provisions of this chapter. No person, firm, or other legal entity is authorized to collect, haul, or remove any garbage, refuse, rubbish, yard waste, compost, recyclables or similar items on a commercial basis except for the exclusive franchise licensee. Bona fide construction contractors may remove construction waste from construction sites, provided a valid building permit has been issued for construction upon the particular construction site the construction waste is removed from.

(Ord. 119, passed 12-8-2003)

§ 50.05 COLLECTION TIMES.

The City Council shall from time to time establish the days and hours of collection of garbage and refuse and provide notice of the same as the City Council deems reasonable notice to the residents of the city.

(Ord. 119, passed 12-8-2003)

§ 50.06 FRANCHISE LICENSE TERMS AND FEE.

The term of an exclusive franchise license described in § 50.05 shall not exceed 3 years from the date of issuance unless terminated earlier. The annual franchise license fee shall be \$500, or any other amount set by City Council resolution from time to time. In determining the amount of the license fee, the City Council shall include all costs by the city to administer the license and to enforce the provisions of this chapter.

(Ord. 119, passed 12-8-2003)

§ 50.07 COLLECTION FEES.

The City Administrator-Clerk/Treasurer shall levy and collect all garbage and refuse collection fees together with additional collection services by billing all single-family residential unit owners for the

services of the city-licensed garbage collection contractor. The City Administrator-Clerk/Treasurer may, upon the express written request of the residential unit owner, bill the occupant of the property, but in no case shall the request absolve an owner from responsibility for the payment for the charges of garbage and refuse collection fees. The specific charge for collection for each residential unit of collection shall be set from time to time by resolution of the City Council, and shall be charged even if the services are not used upon the premises. The City Administrator-Clerk/Treasurer shall give notices as the City Council may deem appropriate upon any rate being adjusted or changed.
(Ord. 119, passed 12-8-2003)

§ 50.08 BILLING PROCEDURES.

The billing for collection of the disposal of garbage and refuse within the city for a single-family residential unit will be made on a periodic basis for any term (monthly, quarterly, and the like) as the City Council shall from time to time determine by resolution, and any unpaid cost as of August 1 of each year may be assessed against the property so served for which the charge is unpaid in the manner as provided for as a special assessment. Any payment which is delinquent for more than 30 days shall include a penalty of 10% of the amount unpaid and shall bear interest at the rate of 8% per annum on the unpaid balance. Any billing unpaid after 30 days from the date the bill was sent by the City Administrator-Clerk/Treasurer shall be considered an unpaid and delinquent bill. On August 1st of each year the City Administrator-Clerk/Treasurer shall prepare an assessment roll of any delinquent and unpaid account, including the name and address of the owner and the amount unpaid. Written notice shall be given to the owner of each respective property by United States mail at least 2 weeks prior to the regular September meeting of the City Council that the city intends to assess these sums as a special assessment to be certified to the County Auditor, and levied against the land, and collected in the manner of taxes. The City Administrator-Clerk/Treasurer shall also give published notice in the official newspaper setting forth the city's intention to place the assessment, including a list of the owner's property addresses and amounts delinquent, together with a statement of the city's intention of the assessment.
(Ord. 119, passed 12-8-2003)

§ 50.09 RECYCLING.

The City Council shall have the power to establish and contract for recycling programs, subject to any state or federal regulations. The owner of each property within the city shall make all due effort to recycle any recyclable material which the city may from time to time arrange for collection. Materials that the city arranges to have collected as recyclable shall be placed for collection at times and places and manners as the city from time to time shall direct. In no case shall the City Council be required to provide for the recycling of recyclables for which the city is unable in its judgment to secure an adequate collection arrangement or a market within the financial capabilities of the community.
(Ord. 119, passed 12-8-2003)

§ 50.10 COMMERCIAL OR INDUSTRIAL USERS.

Except as otherwise provided in this chapter for unless a specific written exemption is granted by the city, the owner of a commercial or industrial establishment must dispose of all waste of any type by using only the services of the garbage collection contractor licensed by the city. All billings and collections of commercial users shall be by the garbage collection contractor subject to rate approval by the City Council.
(Ord. 119, passed 12-8-2003)

§ 50.11 FRANCHISES; PUBLIC LIABILITY INSURANCE.

(A) No exclusive franchise license described in § 50.05 shall be issued until the proposed licensee files with the City Administrator-Clerk/Treasurer, a current policy of public liability insurance covering all vehicles used by the proposed licensee in the licensed business.

(B) The minimum limits of coverage of the insurance shall be:

- (1) Each person injured, at least \$500,000;
- (2) Each accident at least \$1,000,000;
- (3) Property damage, at least \$500,000; and
- (4) Workers' compensation with statutory limits on all employees.

(C) This insurance shall be kept in full force and effect during the term of the license and shall contain a provision requiring the city to be notified at least 30 days prior to the expiration or cancellation of any insurance policy. Failure to carry the required insurance shall be grounds for termination of the collection license.

(Ord. 119, passed 12-8-2003)

§ 50.12 FRANCHISE LICENSE ASSIGNMENT OR TRANSFER.

An exclusive franchise license described in § 50.05 issued by the city may not be assigned or transferred in whole or in part by the licensee unless the City Council gives its approval prior to any proposed assignment or transfer. Any attempt to assign or transfer the license in whole or in part without prior approval of the City Council shall be grounds for termination of the license.

(Ord. 119, passed 12-8-2003)

§ 50.13 FRANCHISE LICENSE TERMINATION.

An exclusive franchise license described in § 50.05 may be terminated by the city upon occurrence of any of the following:

(A) The licensee fails to comply with the provisions of this chapter, or is in violation of other city ordinances, Goodhue County ordinances, state or federal laws or regulations; or

(B) The city determines that the licensee's performance of garbage and refuse collection, hauling, or disposal is unsatisfactory.

(Ord. 119, passed 12-8-2003)

§ 50.14 SPECIAL CLEANUP PROGRAMS.

The City Council may, from time to time, establish special cleanup programs for the disposition of compost material, yard waste, white or hard goods, but in no case is the use of these programs required although they are encouraged. The disposition of toxic and hazardous waste, white or hard goods, compost, recyclables, human waste, yard waste and construction waste, shall strictly comply with applicable city, county, state and federal ordinances, statutes, laws and regulations.

(Ord. 119, passed 12-8-2003)

§ 50.15 EFFECTIVE DATE.

This chapter becomes effective from and after its passage and publication.

(Ord. 119, passed 12-8-2003)

§ 50.99 PENALTY.

A violation of this chapter is a misdemeanor punishable in accordance with Minnesota law. Each day or act of violation shall be considered a separate offense.

(Ord. 119, passed 12-8-2003)

CHAPTER 51: STORM WATER MANAGEMENT

Section

- 51.01 Title and purposes
- 51.02 Establishment of a Storm Sewer Improvement Tax District
- 51.03 Procedure for making assessments
- 51.04 Obligations of property owners
- 51.05 Construction of this chapter

§ 51.01 TITLE AND PURPOSES.

(A) The regulations set forth in this chapter shall be applicable to all territory within the city and shall govern the development and use of land and structures therein. This chapter shall be known as Storm Water Management.

(B) The purpose of this chapter is to protect and promote the public health, safety and general welfare, and to safeguard the natural and man-made resources of the city by regulating storm water runoff. Among the objectives accomplished by improved storm water management are:

- (1) Reducing the discharge of pollutants into local waterways;
- (2) Reducing the amounts of soil erosion resulting from storm water runoff;
- (3) Providing for the creation, inspection and maintenance of adequate storm water facilities;
- (4) Prevention of illicit discharges of material into local waterways; and

(5) Minimizing conflict among landowners within the city limits, as well as conflicts between uses within the city and those in other jurisdictions. These purposes are best accomplished by regulating existing and proposed uses of land and water within the city limits and by establishing procedures by which these regulations are to be administered.

(Ord. 110, passed 3-25-2002)

§ 51.02 ESTABLISHMENT OF A STORM SEWER IMPROVEMENT TAX DISTRICT.

The City Council, pursuant to authority granted in Minnesota Statutes, hereby establishes a Storm Sewer Improvement Tax District within the boundaries of the following tracts, listed below, for the

purpose of acquisition, development, maintenance and repair of storm water facilities and spreading an equitable part of the costs through assessments against benefitted properties. The boundaries of the Storm Sewer Improvement Tax District are the corporate limits of the city.

(Ord. 110, passed 3-25-2002)

§ 51.03 PROCEDURES FOR MAKING ASSESSMENTS.

(A) The procedures for financing and assessing benefitted property will be those procedures established under Minnesota Statutes, not to exclude any other procedures and powers now or hereafter provided by general law.

(B) Special assessments will be determined on a project-by-project basis within the Storm Sewer Improvement Tax District, pursuant to Minnesota Statutes.

(C) Assessments made by the city shall be disbursed by only for the benefit of district that is established by this chapter.

(Ord. 110, passed 3-25-2002)

§ 51.04 OBLIGATIONS OF PROPERTY OWNERS.

(A) It is the policy of the city that all land within the city shall have sufficient storm water management controls to provide adequate protection of life, property and natural resources. To this end, it shall be the responsibility of individual property owners of land within the city, whether developed or undeveloped, to maintain storm water conveyance facilities, like waterways, streams, creeks, ditches, swales, channels, canals, conduits and culverts, and storm water control facilities, like ponds or lakes, within their property. Further, it shall be the duty and responsibility of all property owners, in order to abate and prevent nuisances resulting from improper drainage, to provide at their own expense a proper and adequate drainage system of their respective premises in accordance with the provisions of this chapter.

(B) Where conditions of existing storm water facilities are determined to be deficient and a public nuisance, and the property owner fails to correct the deficiencies after being notified by the city, the city may arrange for the deficiencies to be corrected and recover all costs thereto from the property owner.

(C) Development of property within the city shall be planned and constructed in a manner that minimizes the extent of disturbed areas, amount of erosion, runoff velocities and runoff volumes. Disturbed areas within the city shall be stabilized as soon as practicable and development methods that maintain sediment on the construction site shall be used.

(Ord. 110, passed 3-25-2002)

§ 51.05 CONSTRUCTION OF THIS ORDINANCE.

(A) Nothing whatsoever in this chapter may be construed as or be deemed to create additional duties on the part of the city or establish the city's liability for any damages incurred in a flood or from adverse water quality due to storm water runoff. Further, nothing in this chapter shall be deemed to waive the city's immunity or defenses under Minnesota law or reduce the need or necessity for flood insurance.

(B) The requirements of this chapter shall be construed, administered and enforced consistently with applicable county, state and federal requirements for the control of storm water.
(Ord. 110, passed 3-25-2002)

CHAPTER 52: RESERVED

CHAPTER 53: WATER AND SEWERS

Section

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- 53.03 Damage to water system
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WATER REGULATIONS**§ 53.01 GENERAL OPERATION.**

The city does hereby make provision for the establishment of a municipal water system (hereinafter called the water system) to be operated as a public utility.

(Ord. 198, passed 4-11-2022)

§ 53.02 USE OF WATER SERVICE.

No person other than a city employee shall uncover or make or use any water service installation connected to the city water system except in the manner provided by this chapter. No person shall make or use any installation contrary to the regulatory provisions of this chapter. No person shall permit water from the water system to be used for any purpose to circumvent this chapter.

(Ord. 198, passed 4-11-2022)

§ 53.03 DAMAGE TO WATER SYSTEM.

No unauthorized person shall remove or damage any structure, appurtenance, or part of the water system or fill or partially fill any excavation or move any gate valve used in the water system. No person shall make any connection of an electrical welder to the city water main, appurtenance or service or use an electric welder for the purpose of thawing frozen water mains, appurtenances or services.

(Ord. 198, passed 4-11-2022)

§ 53.04 CONNECTION TO SYSTEM REQUIRED; USE OF PRIVATE WELLS.

(A) *Unlawful to construct private well.* With the exception of existing industrial wells, it shall be unlawful to construct, reconstruct, or repair any private water system which is designed or intended to provide water for human consumption. Private wells, to provide water for other than human consumption, may be constructed, maintained and continued in use after connection is made to the water system; provided, there is no means of cross-connection between the private well and municipal water supply at any time. Hose bibbs that will enable the cross-connection of the 2 systems are prohibited on internal piping of the well system supply. Where both private and city systems are in use, outside hose bibbs shall not be installed on both systems.

(B) *New building must connect to water system.* All new homes or buildings must connect to the municipal water system.

(C) *City to determine expansion of water system.* Where new homes or buildings do not have water available to the property, the city shall determine whether and under what conditions the municipal water system will be extended to serve the property.

(D) *Private wells to be closed after municipal connection.* Once a home or building is connected to the municipal water supply, the private well must be closed. All well abandonment shall be done in accordance with M.S. §§ 103I.301 to 103I.345 and Minn. Rules Ch. 4725, Wells and Borings, as it may be amended from time to time.

(E) *New connections city limits only.* No property and/or home or business located outside the Wanamingo City limits shall be allowed to connect to the municipal water system. Those persons desiring municipal water service must first annex into the city limits. Those that currently have a legal water connection may continue to access the municipal water system.

(Ord. 198, passed 4-11-2022)

§ 53.05 USE OF WATER FROM FIRE HYDRANTS; TEMPORARY CONNECTIONS.

(A) *Use of fire hydrants.* Except for extinguishment of fires, no person, unless authorized by the Public Works Director or Public Works Department, shall operate fire hydrants or interfere in any way with the water system.

(B) *Temporary connection to fire hydrants.* An owner of a private water system may make a temporary above ground connection to a fire hydrant. The method of connection to the private system and the type of meter used shall conform to all existing requirements of this chapter and city ordinance and shall meet the approval of the Public Works Director.

(Ord. 198, passed 4-11-2022)

§ 53.06 WATER DEFICIENCY SHUT OFF AND USE RESTRICTIONS.

The city shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections or from any other cause whatsoever. In case of fire, or alarm of fire, or in making repairs of construction of new works, water may be shut off without notice at any time and kept off as long as necessary. In addition, the City Council shall have the right to impose reasonable restrictions on the use of the city water system in emergency situations.

(Ord. 198, passed 4-11-2022)

§ 53.07 GENERAL WATER REGULATIONS.

(A) *Supply from 1 service.* No more than 1 housing unit or building shall be supplied from 1 service connection. Each unit served shall have a separate water meter.

(B) *Tapping of water mains restricted.* No person, except persons authorized by the Public Works Director, shall tap any distributing main or pipe of the water supply system or insert stopcocks or ferrules therein.

(C) *Abandoned or unused services.* If the premises served by water has been abandoned, or if the service has not been used for 1 year, then the service shall be shut off at the curb stop box by the city and the water meter will be removed. When new buildings are erected on the site of old ones, and it is desired to increase or change the old water service, no connections with the mains shall be made until all the old service has been removed.

(D) *Disconnection permit.* An excavation permit (permit to dig) must be obtained to disconnect from the existing water service curb stop box. The fee for the permit shall be set by the City Council.

(E) *Service pipes.* Every service pipe shall be laid so as to allow at least 1 foot of extra length in order to prevent rupture by settlement. The service pipe must be placed no less than 7 feet below the ground and in a manner as to prevent rupture by freezing. Service pipes must extend from the curb stop box to the inside of the building, or if not taken into the building, then to the hydrant or fixtures which it is intended to supply. Type K copper tubing shall be used. All services over 2 inches shall be ductile or cast iron. All underground joints are to be mechanical, except joints under floors shall be silver soldered, unless otherwise approved by the Public Works Director. Joints of copper tubing shall be kept to a minimum, with not more than 1 joint used for service for each 70 feet in length. Splicing may be approved with 3-piece unions only. All joints and connections shall be left uncovered until inspected by the Public Works Director and tested at normal water line pressure. Unions must be 3-part type. All services over 2 inches shall be ductile iron or cast iron. Connections with the mains for domestic supply shall be at least 1 inch up to the house.

(F) *Connection to other water supplies restricted.* No water pipe of the water system shall be connected with any pump, well, tank, or piping that is connected with any other source of water supply except to service municipal systems.

(Ord. 198, passed 4-11-2022)

§ 53.08 CURB STOP BOX.

(A) *Location.* Curb stop boxes will be installed with rods on the right-of-way line or easement limits at a location as determined by the City Engineer to be best suitable to the property and shall be left in a vertical position when backfilling is completed. Curb stop boxes will be installed at an approximate depth of 7 feet below the finished ground elevation and the top of the curb stop box shall be adjusted to be flush with the finished ground elevation. Curb stop boxes must be firmly supported by a masonry block. No person shall erect any fence or plant any tree or other landscaping that would obstruct, or place a structure on, park a motor vehicle on, or otherwise obstruct the use of the curb stop box, or cause damage to the same.

(B) *Authorized employees to turn water on and off.* No person, except an authorized city employee or a private contractor acting on behalf of the city, shall turn on or off any water supply at the curb stop box. (Ord. 198, passed 4-11-2022)

§ 53.09 WATER METERS.

(A) *Generally.* Except for extinguishment of fires, no person, unless otherwise authorized by the Public Works Department, shall use water from the water system or permit water to be drawn therefrom unless the same be metered by passing through a meter supplied or approved by the city. No person not authorized by the Public Works Director shall connect, disconnect, take apart, or in any manner change or cause to be changed or interfere with any meter or the action thereof, or break any meter or valve seal.

(1) Where a consumer has need for a larger line in addition to his or her domestic line, as in the case of a commercial consumer who needs a 1-inch line for normal use and a 6-inch or larger line for a fire sprinkler system, he or she will be permitted to run 1 line into the premises and "Y" off into 2 lines at the building. When this is done, the meter will be attached to the small or domestic line and a check valve as well as 1-inch detection meter shall be put on the large line.

(2) The city shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them if necessary. When replacement, repair, or adjustment of any meter is rendered by the act, neglect (including damage from freezing or hot water backup) or carelessness of the owner or occupant of the premises, any expense caused the city thereby shall be charged against and collected from the water consumer.

(3) A consumer may, by written request, have his or her meter tested by depositing an amount sufficient to cover the costs associated with testing the meter. In case a test should show an error of over 5% of the water consumed, a correctly registering meter will be installed, and the bill will be adjusted accordingly and the testing deposit refunded. This adjustment shall not extend back more than 1 billing period from the date of the written request.

(4) All water meters and remote readers shall be and remain the property of the city.

(5) Authorized city employees shall have access at reasonable hours of the day to all parts of every building and premises connected with the water system for reading of meters and inspections.

(6) It shall be the responsibility of the consumer to notify the city to request a final reading at the time of the customer's billing change.

(B) *Water meter setting.* All water meters hereafter installed shall be in accordance with the Minnesota Plumbing Code and any standards established by resolution of the City Council. (Ord. 198, passed 4-11-2022)

§ 53.10 REPAIRS.

(A) *Determination of need for repairs.* Based on the information supplied by the property owner or available to the city, the city will make a determination whether a problem exists in that portion of the service which is the city's responsibility. If the problem appears to exist in the areas for which the city has no responsibility, the private owners will be responsible for correction of the problem.

(B) *Excavation or repair of water service.* The city will arrange for the investigative digging up and repair of any water service where the problem apparently exists within that area for which the city has responsibility. Unless it is clearly evident, however, that the problem is the responsibility of the city, the excavation and repair will not be made until the property owner requests the city in writing to excavate or repair the service and agrees to pay the cost. The owner further agrees to waive public hearing and be special assessed the cost of the excavation and repair if the problem is found to be other than the city's responsibility. The city will make the determination for responsibility of the cost of investigation or repair. The matter of whether the dig up is done by city forces or contracted would depend on the urgency or need of repair and the availability of city forces to do the work. Recovery by the city for faulty construction will depend upon the circumstances and the decision of the City Council on the likelihood of recovery.

(C) *Failure to repair.* In case of failure upon the part of any consumer or owner to repair any leak occurring in his or her service pipe within 24 hours after verbal or written notice, as determined by the Public Works Director, the water may be turned off by the city and shall not be turned on until the leak has been repaired and a fee has been paid to the city.

(D) *Owner's responsibility.* All costs and expenses incidental to installing, maintaining, repairing, or replacing the water service pipe from the city main to the building shall be the responsibility of the property owner. The property owner shall be responsible for and shall indemnify the city for any loss or damages to city property including, but not limited to, water mains, boulevard, sidewalk, curbs, streets, and alleys, damaged directly or indirectly by the installation or repairs to any building water service pipes.

(Ord. 198, passed 4-11-2022)

§ 53.11 EXCAVATION AND CONSTRUCTION REQUIREMENTS.

No excavation shall be made until a permit for the connection has been issued by the city.

(A) *Separation.* No water service pipe or water connection shall be installed in the same trench or closer than 10 feet horizontally to a sewer trench or drain laid, or to be laid, either in the street or in private property, except that the water pipe on private property may be in a common trench with a sewer drain which is of a material that is in conformance with the current Minnesota Plumbing Code, Minn. Rules Ch. 4715, as it may be amended from time to time.

(B) *Water above sewer.* Where it is desired to lay the water service pipe and the building sewer pipe in the same trench, or in separate trenches less than 10 feet apart, the water service pipe shall be above the sewer pipe unless approved by the City Engineer. It shall be placed at least 1 foot above the sewer and on a solid shelf excavated at 1 side of the trench. The sewer pipe shall be of a material that is in conformance with the Minnesota Plumbing Code with tested watertight joints. The water service pipe shall be watertight and corrosion resistant. K-copper pipe and ductile or cast iron water pipe with specially protected joints is acceptable for this construction. Ductile iron pipe shall conform to the American Water Works Association specifications for this pipe. Bell joint clamps with rubber gaskets are provisionally acceptable as extra protection for the joints on cast iron water pipe. In all cases, precautions shall be taken to assure a firm foundation for the pipes. The intervening space between the pipes shall be backfilled with compacted earth.

(C) *Surfaced street.* In case the installation is on a surfaced street, the following shall apply: All backfill materials shall be mechanically compacted in 12-inch layers to the density of the adjacent material in the roadway area and to the existing street grades in accordance with the Minnesota Department of Transportation Standards. Complete surface restoration shall be made at property owners expense.
(Ord. 198, passed 4-11-2022)

§ 53.12 WATER CONNECTIONS; APPLICATION AND CHARGES.

(A) *Connection applications.* All applications for service installations and for water service shall be made to the City Clerk. All applications for initial service installations and water service shall be made by the owner or agent of the property to be served and shall state the size and location of service connection required. The applicant shall, at the time of making application, pay to the city the amount of fees as established by the City Council or deposit required for the installation of the service connection as hereinafter provided. Applications for services larger than 1 inch shall be accompanied by 2 sets of plans or sketches indicating preferred location of service pipe and size of service based on building demand. The size of the water service connections and meter shall be subject to approval of the City Engineer. Utility services provided to non-owner occupants of residential property are responsible for payment of a deposit for services to the city.

(B) *Connection charges.* A permit must be obtained to connect to the existing water service leads at the curb stop box. The city shall install or have installed all service connections from the water main to the curb stop box including the stop box.

(C) *Additional charges.* Additional charges shall be paid at the time of making application for tapping and making connections with the water main to where a curb stop box and service lead is not previously installed. The charge shall include the tapping of the water main, corporation cocks, the installation of a service line, the installation of a curb stop box, cost of restoring disturbed areas and all other costs related to the installation.

(D) *Connection charge, WAC.* There shall be a connection charge levied by the city to contribute to the payment of the costs of the city's water system.

(E) *Water services stopped.* When water services have been stopped because of a violation of this chapter, the city shall collect the fee before service is recommenced.

(Ord. 198, passed 4-11-2022)

§ 53.13 WATER USER RATES AND CHARGES.

(A) *Water unit.* A water unit (hereinafter called unit) shall be 1 residential equivalent connection based on usage of 1,000 gallons.

(B) *Rates, fees, and charges generally.* The City Council shall establish a schedule of all water rates, fees and charges for permits or services which may be changed from time to time.

(C) *Water service billing; change of address.* All bills and notices shall be mailed or delivered to the address where service is provided. If nonresident owners or agents desire personal notice sent to a different address, they shall so note on the water service application. Any change or error in address shall be promptly reported to the City Clerk.

(Ord. 198, passed 4-11-2022)

§ 53.14 WATER RATES AND WATER METERS.

The rate due and payable by each user within the city for water taken from the water system shall be established by the City Council.

(A) *Water meter faulty.* In case the meter is found to have stopped, or to be operating in a faulty manner, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the year.

(B) *Minimum rate begin.* The minimum rates established shall begin to accrue after connection of the service pipe with the curb stop box, and the installation of a water meter and the water turned on.

(C) *Installation.* A meter shall be installed on the water valve in the house.

(Ord. 198, passed 4-11-2022)

§ 53.15 WATER RENTAL.

For the purpose of providing funds to pay for the operation, repair, additional construction, and administrative expenses of the Wanamingo Municipal Water System, a water rental is hereby levied and

assessed against each lot, parcel of land, building or premises situated in the corporate limits of the City of Wanamingo, now or hereafter having any connection with the municipal water system of the city, either directly or indirectly.

(A) *Rate charged.* There is hereby levied and assessed against each lot, parcel of land, building or premises having a connection with the municipal water system of the city, whether directly or indirectly, a water service charge or rental payable as established from time to time by the City Council by resolution.

(B) *Payment.* The rental rates or charges herein set forth shall be due and payable on due date as specified in the billing. If such rental charge as herein set forth is not paid by the due date, the city shall disconnect water and/or certify the same to the Goodhue County Auditor. If a measurement of the use of the water system is not made due to damage to a meter or for any other reason, then the customer shall be charged a rate based upon a rate based upon the rate paid for the same period of the previous year.

(C) *Collection of charges.* Any prepayment or overpayment of charges may be retained by the city and applied on subsequent charges. If a monthly service charge is not paid when due, then a penalty of 10% shall be added thereto. In the event a user fails to pay his or her water user fee within a reasonable time following discontinuance of service, the fee shall be certified by the City Clerk and forwarded to the County Auditor or other collection agency for collection pursuant to M.S. § 444.075.

(D) *Disconnection.* The city shall endeavor to collect delinquent bills promptly. If the customer has not paid their municipal utility account balance in full at the end of the month that the bill was due in, the account shall be considered delinquent. The city shall immediately disconnect a delinquent utility account. In the event a customer tenders a payment to the city which is refused for non-sufficient funds, then the city may immediately terminate service to the delinquent customer by shutting off the water. When water service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent amounts due plus a fee for re-connection as established by the City Council.

(E) *Owner's liability for water service.* In the event the owner of the property does not occupy the property, but has rented the property out to a tenant pursuant to a written lease, and the owner has contracted with the city directly for utility service on behalf of the tenant, the owner of the premises receiving city water service shall be liable for water service consumed upon the premises. For purposes of this section, "owner" shall be defined to include the fee owner, contract for deed vendor, contract for deed vendee, life tenants and remaindermen of the property in question. The city may rely on the records in the office of the Wabasha County Recorder to determine the legal owner of the property.

(F) *Voluntary disconnection.* Any person desiring a disconnection with the city water system for any other reason must serve written notice to the City Clerk at least 7 days before such disconnection is desired. The fee for this service shall as established by the City Council. No re-connection shall be made until the reconnection fee has been paid. In the event of a disconnection due to a mortgage foreclosure, impending bankruptcy, or other similar event which results in the customer ceasing to

occupy the property, water service will only be reconnected when the lender or other party temporarily responsible for management of the property pays the fee to cover the cost for disconnection and subsequent reconnection prior to transfer of ownership of the property to any subsequent purchaser.

(Ord. 198, passed 4-11-2022)

§ 53.16 POWERS AND AUTHORITY OF INSPECTORS.

The Public Works Director and other duly authorized employees of the city, upon proper identification, are authorized, with the permission of the licensee, owner, resident or other person in control of property within the city, to enter upon all properties for the purpose of inspections, maintenance, observation and testing in accordance with the provisions of this chapter. If the licensee, owner, resident or other person in control of property within the city does not permit the entrance to the property, the city shall obtain an administrative search warrant before entering the property, except in emergency situations.

(Ord. 198, passed 4-11-2022)

§ 53.17 LIABILITY FOR EXPENSE, LOSS, OR DAMAGE.

Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.

(Ord. 198, passed 4-11-2022)

SEWER REGULATIONS

§ 53.20 DEFINITIONS.

For the purpose of this section, 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, being 33 USC 1251 et seq., as amended.

ADMINISTRATION. Those fixed costs attributable to administration of the wastewater treatment works such as billing and associated bookkeeping and accounting costs.

ASTM. American Society for Testing Materials.

AUTHORITY. This city or its representative thereof.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20C, expressed in terms of milligrams per liter (mg/l).

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 3 feet outside the building wall.

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

CITY. The area within the corporate boundaries of the city 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 and its authorized representative.

CONTROL MANHOLE. A structure specially constructed for the purpose of measuring flow and sampling of wastes.

DEBT SERVICE CHARGE. A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct the facilities.

EASEMENT. An acquired legal right for the specific use of land owned by others.

GARBAGE. Animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

INCOMPATIBLE WASTE. Waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works.

INDUSTRIAL USERS or INDUSTRIES. Entities that discharge into a publicly owned wastewater treatment works liquid wastes resulting from the processes employed in industrial or manufacturing processes, or from the development of any natural resources. Also, any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the *Standard Industrial Classification Manual*, latest edition, which is categorized in Divisions A, B, D, E, F, G, H, and I. For the purpose of this definition, domestic waste shall be considered to have the following characteristics: BOD₅ - less than 275 mg/l; Suspended solids - less than 275 mg/l.

INDUSTRIAL WASTE. Gaseous, liquid and solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development, recovery and processing of natural resources, as distinct from residential or domestic strength wastes.

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

INFILTRATION/INFLOW (I/I). The total quantity of water from both infiltration and inflow.

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

INTERFERENCE. The inhibition or disruption of the city's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the city's NPDES or SDS permit. The term includes sewage sludge use or disposal by the city in accordance with published regulations providing guidelines under Section 404 of the Act (33 USC 1345) or any regulations developed pursuant to the Solid Waste Disposal Act (42 USC 6901 et seq.), the Clean Air Act (42 USC 7401 et seq.), the Toxic Substances Control Act (15 USC 2601 et seq.), or more stringent state criteria applicable to the method of disposal or use employed by the city.

MAY. The term is permissive.

MPCA. The Minnesota Pollution Control Agency.

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

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 404 of the Act (33 USC 1342 and 33 USC 1345).

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

NON-CONTACT COOLING WATER. The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added is heat.

NORMAL DOMESTIC STRENGTH WASTE. Wastewater that is primarily introduced by residential users with a BOD₅ concentration not greater than 287 mg/l and a suspended solids (TSS) concentration not greater than 287 mg/l.

OPERATION AND MAINTENANCE. Activities required to provide for the dependable and economical functioning of the treatment works, throughout the design or useful life, whichever is longer of the treatment works, and at the level of performance for which the treatment works were constructed. The term includes replacement.

OPERATION AND MAINTENANCE COSTS. Expenditures for operation and maintenance, including replacement.

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

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

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

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than ½ inch (1.27 cm) in any dimension.

PUBLIC WORKS DIRECTOR. The person appointed by the City Council to supervise the sewer and water systems of the city.

REPLACEMENT. Obtaining and installing of equipment, accessories or appurtenances which are necessary during the design life or useful life, whichever is longer, of the treatment works to maintain the capacity and performance for which the works were designed and constructed.

REPLACEMENT COSTS. Expenditures for replacement.

SANITARY SEWER. A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters which are not admitted intentionally.

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

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

COLLECTION SEWER. A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.

INTERCEPTOR SEWER. A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

PRIVATE SEWER. A sewer which is not owned and maintained by a public authority.

PUBLIC SEWER. A sewer owned, maintained and controlled by a public authority.

STORM SEWER or **STORM DRAIN.** A drain or sewer intended to carry storm waters, surface runoff, ground water, subsurface water, street wash water, drainage and unpolluted water from any source.

SEWER SERVICE CHARGE. The aggregate of all charges, including charges for operation, maintenance, replacement, debt service, and other sewer related charges that are billed periodically to users of the city's wastewater treatment facilities.

SEWER SERVICE FUND. A fund into which income from sewer service charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditure of the sewer service fund will be for operation, maintenance and replacement costs and to retire debt incurred through capital expenditure for wastewater treatment.

SHALL. The term is mandatory.

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

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

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

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

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

USER CHARGE. A charge levied on a user of a treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement.

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

WASTEWATER TREATMENT WORKS or **TREATMENT WORKS.** An arrangement of any devices, facilities, structures, equipment or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from that treatment.

WPCF. The Water Pollution Control Federation.
(Ord. 198, passed 4-11-2022)

§ 53.21 ADMINISTRATION OF SEWERS AND GENERAL REGULATIONS.

(A) *Control of sewers.* The Public Works Director, or other official designated by the City Council, shall have control and general supervision of all public sewers and service connections in the city, and shall be responsible for administering the provisions of this chapter to the end that a proper and efficient public sewer is maintained.

(B) *Building sewers and connections.* Building sewer construction shall meet the pertinent requirements of the Minnesota State Building Code, which is those chapters of Minn. Rules referenced in Minn. Rules part 1300.2400, subpart 6, as they may be amended from time to time, and the Minnesota Plumbing Code, Minn. Rules Ch. 4715, as it may be amended from time to time. The applicant shall notify the city when the building sewer and connection is ready for inspection. The connection shall be made under the supervision of the Building Official or the Building Official's representative. No backfill shall be placed until the work has been inspected and approved, or until the certification has been received.

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

(D) *Cost of repairing or restoring sewers.* In addition to any penalties that may be imposed for violation of any provision of this chapter, the city may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge of prohibited wastes by

that person, and may collect the assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the city.

(E) *Restrictions on new connections.* Any new connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including but not limited to capacity for flow, BOD₅ and suspended solids, as determined by the Public Works Director.

(F) *Installation of service connection to public sewer.* The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated within the city and adjacent to any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the city shall be required at the owner's expense to install a suitable service connection to the public sewer in accordance with provisions of this code within 365 days of the date the public sewer is operational; provided, the public sewer is within 200 feet of the structure generating the wastewater. 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 made pursuant to this section, an official 10-day notice shall be served instructing the affected property owner to make the connection.

(G) *Deposits of unsanitary manner prohibited.* It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the city's jurisdiction, any human or animal excrement, garbage or objectionable waste.

(H) *Discharge of wastewater or other polluted waters.* It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and the city's NPDES/SDS permit. Any person, firm, or corporation violating this provision of the City Code can warrant a civil penalty. A violation of this provision of the City Code is a misdemeanor. Each day that violation is committed or permitted to exist shall constitute a separate offense. The city may institute appropriate actions or proceedings to prevent, restrain, or correct violations or threatened violations. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this chapter; and the city may pursue, by appropriate actions or proceedings, any or all additional other remedies.

(Ord. 198, passed 4-11-2022)

§ 53.22 PRIVATE WASTEWATER DISPOSAL SYSTEM.

(A) *Restrictions on private wastewater disposal system.* Except as otherwise provided in this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

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

(C) *Requirements.* Prior to commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the city. The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary to the city.

(D) *Inspections.* A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city or its authorized representative. The city or its representative shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the city when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice.

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

(F) *Direct connection required.* At the time a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 365 days in compliance with this chapter, and within 365 days any septic tanks, cesspools and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.

(G) *Operation and maintenance by owner.* The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the city. All costs and expenses incidental to installing, maintaining, repairing, or replacing the sewer service pipe from the city main to the building shall be the responsibility of the property owner. The property owner shall be responsible for and shall indemnify the city for any loss or damages to city property including, but not limited to, sewer mains, boulevard, sidewalk, curbs, streets, and alleys, damaged directly or indirectly by the installation or repairs to any building sewer service pipes.

(H) *Federal and state requirements.* No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Minnesota Department of Health.

(Ord. 198, passed 4-11-2022)

§ 53.23 ALTERING, CONNECTING, OR DISTURBING PUBLIC SEWER.

(A) *Permit required.* No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(B) *Applications.* Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of the building to be connected and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.

(C) *Classes.* There shall be 2 classes of building sewer permits: 1 for residential and commercial service, and 1 for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications or any other information considered pertinent in the judgment of the city. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.

(D) *Inspection and connection.* The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the Public Works Director or authorized representative thereof.

(E) *Costs and expenses.* All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

(Ord. 198, passed 4-11-2022)

§ 53.24 SEPARATE BUILDING SEWERS REQUIRED.

(A) *Requirements.* A separate and independent building sewer shall be provided for every building, except where 1 building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. The building sewer from the front building may be extended to the rear building and the whole considered 1 building sewer. The city does not and will not assume any obligation or responsibility for damage caused by or resulting from any connection.

(B) *Exceptions.* Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Public Works Director or his or her representative, to meet all requirements of this chapter.

(Ord. 198, passed 4-11-2022)

§ 53.25 CONFORMANCE TO STATE BUILDING AND PLUMBING CODE REQUIREMENTS.

(A) *Construction and methods.* The size, slopes, alignment, materials of construction of building sewers and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the State Building and Plumbing Code or other applicable rules and regulations of the city.

(B) *Connection.* The connection of the building sewer into the public sewer shall conform to the requirements of the State Building and Plumbing Code or other applicable rules and regulations of the city. All connections shall be made gastight and watertight, and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the city prior to installation.

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

(Ord. 198, passed 4-11-2022)

§ 53.26 SURFACE RUNOFF OR GROUNDWATER CONNECTIONS PROHIBITED.

No person shall make or allow indirect connection of roof downspouts, sump pumps, foundation drains, areaway drains, “beaver drains” or seepage collection systems, defective service laterals, swimming pool, non-contact cooling water, other sources of surface runoff or groundwater, or clear/clean water, “inflow and infiltration” to a building sewer or indirectly to the wastewater disposal system.

(Ord. 198, passed 4-11-2022; Am. Ord. 207, passed 7-8-2024)

§ 53.27 EXCAVATIONS.

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

(Ord. 198, passed 4-11-2022)

§ 53.28 WATER DISCHARGE INTO SANITARY SEWER SYSTEM.

The discharge of surface water or groundwater, as defined in § 53.26, into the city sanitary sewer collection system has the potential to cause damage to residential property and over-load the wastewater treatment plant (WWTP). Such damage can be caused by the backup of sewage into the living quarters of residential homes creating a potential health hazard and exceeding the capacity of the WWTP. The city, therefore, finds it essential to the maintenance of health, minimization of damage to property and to maintain the life and capacity of the WWTP that the provisions of this section be strictly enforced to avoid and minimize these problems in the future.

(A) *Pit and pumps.* Dwellings, including new housing construction or houses under construction, and other buildings and structures which require, because of the infiltration of water into basements, crawl spaces and the like, a sump pump system to discharge water shall have a permanently installed

discharge line which shall not at any time discharge water into the sanitary sewer collection system. A permanent installation shall be one which provides for a year-round discharge connection to the city subdrain/storm sewer system. If there is no subdrain available, the surface discharge point shall be located at an exterior point on the lot no closer than 4 feet from the curb or lot line or as approved by the city. Inside the structure, the discharge line shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge and, if connected to the city subdrain/storm sewer line, include a check valve. When a sump pump or foundation tile pit exists in any building, it shall have a permanent pump installed; no empty pits shall be permitted. No combination sanitary/tile pits or “running traps” are permitted.

(B) *Disconnections ordered.* Any person, firm or corporation having a surface water or groundwater connection, as defined in § 53.26, now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove the same. Any disconnects or openings in the sanitary sewer shall be closed or repaired in a manner as approved by the City Engineer or his or her representative.

(C) *Inspections.* Every person owning improved real estate or contractors/builders who are building a structure within the city that discharges into the city's sanitary sewer system shall allow an employee of the city or their designated representative to inspect the buildings to confirm that there is no prohibited discharge into the sanitary sewer system. This requirement may also be met by having the property owner contract with a licensed plumber to inspect the sump pump system and determine that there is no prohibited discharge into the sanitary sewer system. The licensed plumber shall complete and return an inspection form provided by the city documenting the results of the inspection. All costs associated with an inspection by a privately retained plumber shall be the responsibility of the property owner.

Any property owner or contractor/builder of a structure shall have 30 days from the date the city sends written notice to the owner requesting admittance to the owner's property for an inspection, to either allow a city inspection by city employee or their designated representative, or to contract with a licensed plumber to perform the inspection and notify the city of the results thereof. Such inspection, whether performed by the city inspection, or by the licensed plumber hired by the property owner, shall be completed within said 30 day period. Upon completion of city inspection of a property, or upon the city's receipt of an inspection form from the licensed plumber hired by the owner of the property, if the city shall determine whether any such property is improperly discharging surface water or groundwater as defined in § 53.26 into the city sanitary sewer system, then the owner shall have a period of 90 days from the date the city sends such written notice to the owner, to obtain a plumbing permit, and to disconnect the owner's sump pump or other prohibited discharge into the city sanitary sewer system and to request reinspection, certifying that all work necessary to disconnect the owner's sump pump or other prohibited discharge from said property into the city sanitary sewer system has been completed. All work that is necessary to comply with the provisions of this division, which requires the insurance of any plumbing, building, or other permit under this code shall be inspected by the city.

(D) *Future inspections.* At any future time, if the city has reason to suspect that an illegal connection may exist in a premises, the owner shall allow city representatives to inspect the building per § 53.28(C).

(E) *Surcharges.* A surcharge in an amount to be determined by City Council is hereby imposed and shall be added to every sewer billing to property owners or the contractor/builder of a structure who are not in compliance with this section, and to property owners or the contractor/builder of a structure who have refused entry to city employees, or their designees, to determine compliance. Said surcharge shall commence on the first day of the month following the expiration of the 30 day period set forth for inspection, or the 90 day period set forth for correction of deficiencies, as applicable, when either the property owner has failed to timely allow city inspection or has failed to timely correct any illegal connections to the city sanitary sewer system. The surcharge shall be added every month, until the property is in compliance. The imposition of the surcharge shall, in no way, limit the right of the city to seek an injunction in District Court ordering the property owner to discontinue the nonconforming connection to the sanitary sewer system or from pursuing other legal remedies available. This monthly surcharge is intended to offset the added cost to the city associated with having the city wastewater collection, conveyance and treatment systems process clear or clean water “inflow/infiltration” unnecessarily, when the status of the property owner’s connection or non-connection to the city sanitary sewer system cannot be ascertained, or when the owner has failed to timely disconnect any discharge of storm water to the city sanitary sewer system.

(F) *Deadline extension for undue hardship.* In the event that the strict application of the terms of this chapter would pose an "undue hardship" to a particular property owner, the property owner can ask the City Council to grant an extension of the compliance deadlines of this chapter. Any extension of the compliance deadline granted by the City Council shall be effective for a period not to exceed 180 days beyond the timeline established in § 53.28(C) above. "Undue hardship" shall include, but is not limited to, property owners who earn less than the median annual income for Goodhue County. It shall be the responsibility of the property owner seeking the deadline extension to provide verification of the owner's income to the satisfaction of the city staff. In the event the City Council grants a property owner an extension of the compliance deadline, the extension shall only delay compliance with the terms of the ordinance for as long as the current property owner owns the property and shall not apply to a new owner of the property.

(Ord. 198, passed 4-11-2022; Am. Ord. 207, passed 7-8-2024)

§ 53.29 USE OF PUBLIC SERVICES.

(A) *Discharges of unpolluted water.* No person shall allow surface water or groundwater connection to the sanitary sewer, as defined in § 53.26. Stormwater and all other unpolluted drainage shall be discharged to those sewers as are specifically designed as storm sewers or to a natural outlet approved by the city and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the city and upon approval and the issuance of a discharge permit by the MPCA.

(B) *Discharge of waters or wastes.* No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

(2) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as but not limited to grease, garbage with particles greater than 2-inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(3) Any wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater disposal system.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act (33 USC 1317(a)).

(C) *Limited discharges.* The city adopts the rules, regulations, and wastewater limitations established by the city or applicable sanitary sewer district, if any. Discharges into the sanitary sewer system shall be limited to concentrations or quantities which will not harm either sewers, the wastewater treatment works, treatment process or equipment, will not have an adverse effect on the receiving stream and soil, vegetation and ground water, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The city may set limitations lower than limitations established by the applicable sanitary sewer district, if any, if the more severe limitations are necessary to meet the above objectives. In addition to the minimum standards established by an applicable sanitary sewer district, if any, the following are also prohibited from the sanitary sewer system:

(1) Any quantities of flow, concentrations, or both which constitute sludge.

(2) Any garbage not properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food on the premises or when served by caterers.

(3) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.

(4) Non-contact cooling water or unpolluted storm, drainage or ground water.

(5) Wastewater containing inert suspended-solids such as but not limited to fullers earth, lime slurries, and lime residues, or of dissolved solids such as but not limited to sodium chloride and sodium sulfate, in quantities that would cause disruption with the wastewater disposal system.

(6) Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule, regulation or ordinance of any regulatory agency, or state or federal regulatory body.

(D) *Discharges hazardous to life or constitute public nuisances.* If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances which in the judgment of the Public Works Director may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment, receiving waters or soil, vegetation, and ground water, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act (33 USC 1317(b)) and all amendments thereof;

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

(4) Require payment to cover the added costs of handling, treating and disposing of wastes not covered by existing taxes or sewer service charges.

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

(E) *Increasing the use of process water.* No user shall increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in section 401, or contained in the National Categorical Pretreatment Standards or any state requirements.

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

(G) *Grease, oil, and sand interceptors.* Grease, oil, and sand interceptors shall be provided when, in the opinion of the Public Works Director, they are necessary for the proper handling of liquid wastes containing fats, oils, or greases, dissolved or floatable, in excessive amounts, any flammable wastes, sand or other harmful ingredients; except that interceptors shall not be required for private living

quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Public Works Director. Any removal and hauling of the collecting materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm.

(H) *Industrial wastes; installations.* Where required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, or control manhole, with necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. The structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the city. The structure shall be installed by the owner at his or her expense and shall be maintained by the owner to be safe and accessible at all times.

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

(J) *Measurements, tests, and analyses of water and wastes.* All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the city or applicable sanitary sewer district, if any.

(K) *Protection from accidental discharge of prohibited materials.* Where required by the city, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this chapter. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city or applicable sanitary sewer district, if any, for review and approval prior to construction of the facility. Review and approval of the plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. Users shall notify the city and the applicable sanitary sewer district, if any, immediately

upon having a slug or accidental discharge of substances of wastewater in violation of this chapter to enable countermeasures to be taken by the city or applicable sanitary sewer district, if any, to minimize damage to the wastewater treatment works. The notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the city on account thereof under any state and federal law. Employers shall ensure that all employees who may cause or discover a discharge are advised of the emergency notification procedure.

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

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

(N) *Catch basin or waste traps required for motor vehicle washing or servicing facilities.* The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times a catch basin or waste trap in the building drain system to prevent grease, oil, dirt or any mineral deposit from entering the public sewer system.

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

(P) *Flushable wipes prohibited.* Disposal of premoistened nonwoven disposable wipes in the sanitary sewer is prohibited. These products include products labeled as "flushable wipes", baby wipes, bathroom cleaning wipes, toilet cleaning wipes, hard surface cleaning wipes, disinfecting wipes, hand sanitizing wipes, antibacterial wipes, facial and makeup removal wipes, general purpose cleaning wipes, personal care wipes for use on the body, feminine hygiene wipes, adult incontinence wipes, adult hygiene wipes, and body cleansing wipes. (Ord. 198, passed 4-11-2022; Am. Ord. 207, passed 7-8-2024)

§ 53.30 SEWER USER RATE SCHEDULE FOR CHARGES.

Each user of sewer service shall pay the charges applicable to the type of service, and in accordance with the provisions set forth in this section. The purpose of this section is to provide for sewer service charges to recover costs associated with operation, maintenance and replacement to ensure effective functioning of the city's wastewater treatment system, and local capital costs incurred in the construction of the city's wastewater treatment system.

(Ord. 198, passed 4-11-2022)

§ 53.31 SEWER SERVICE CHARGES.

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

(B) *Sewer rental.* For the purpose of providing funds to pay for the construction, operation, repair and administration expenses of the Wanamingo sewer collection and disposal system, a sewer rental is hereby levied and assessed against each lot, parcel of land, building or premises situated within the corporate limits of the City of Wanamingo, now or hereafter having any connection with the sanitary sewer system of the city or otherwise discharging domestic sewage, commercial and industrial waste, water or other liquids, either directly or indirectly into the sanitary sewer system of the city.

(C) *Sewer service charges.* Sewer service charges are hereby imposed upon all users in a total amount sufficient to pay the costs of operation, maintenance, and replacement (OM & R) costs and capital costs of the disposal system. Sewer service charge shall consist of the sum of the capital charge and user charge. In certain cases, user charge may be replaced by either the minimum user charge or the industrial user charge.

(1) "User charge" is the fee imposed upon all units of service of the treatment works in a total amount sufficient to pay the costs of operation and maintenance, including costs of replacement of and for the wastewater disposal system.

(2) "Capital charge" shall be imposed on all connections and shall be sufficient to recover capital and interest costs of the construction of the disposal system. Costs to be recovered shall consist of costs for city owned facilities as well as the city share of the sanitary district facilities. Capital charge shall be determined independent of usage by dividing the annual cost of capital repayment (including interest) by the number of equivalent connections. Industrial capital charges shall be determined by the City Council.

(3) "Industrial user charge" shall be applied to significant industrial users whose waste is routinely monitored as part of the industrial pre-treatment program and shall become applicable as the

rate-determining method when the industrial waste is stronger than domestic strength and the industrial charge as determined by the method described in Subs. 3.6 of the Wastewater Rate System Report is greater than the user charge to the industry determined by application of the user rate.

Industrial users discharging wastewater that is stronger than domestic strength will be subject to regular monitoring of their waste for BOD and SS and flows. The BOD and SS and flow data become the basis of the industrial user charge determined by the unit rates calculated and are applied in lieu of the user charge if greater than the user charge. The industrial user charge is based on:

V = billable volume in 1,000 gal.

B = measured BOD in 100 lb.

S = measured SS in 100 lb.

The amounts duly billed for sewer service shall be charged in accordance with the billing, collection, delinquent, disconnection and reconnection policies as the Water Department.

(D) *Revenues deposited in sewer service fund.* Revenues collected for sewer service shall be deposited in a separate fund known as "The Sewer Service Fund". Income from revenues collected will be expended to off-set the cost of operation, maintenance and equipment replacement for the facility and to retire the debt for capital expenditure. Sewer service charges and the sewer service fund will be administrated in accordance with the provisions of this section.

(E) *Connection fee, SAC.* A connection fee as fixed in the Ordinance Establishing Fees and Charges adopted pursuant to this code, as that ordinance may be amended from time to time, shall be charged to each user connecting a new service to the sanitary sewer system.

(F) *Determination of sewer service charges.* The sewer service rates and charges to users of the wastewater treatment facility shall be as established by ordinance or resolution prior to the adoption of this code, unless amended or modified in the Ordinance Establishing Fees and Charges, as that ordinance may be amended from time to time.

(G) *Owner responsible.* The owner of the premises shall be liable to pay for the service to their premises, and the service is furnished to the premises by the city only upon the condition that the owner of the premises is liable therefor to the city.

(H) *Additional costs borne by discharger.* Any additional costs caused by discharges to the treatment works of toxics or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs, and sludge disposal, shall be borne by the discharger of the wastes, at no expense to the city.

(Ord. 198, passed 4-11-2022)

§ 53.32 POWERS AND AUTHORITY OF INSPECTORS.

(A) *Permission required, unless administrative search warrant or emergency situation.* The Public Works Director or other duly authorized employees or agents of the city, bearing proper credentials and identification, are authorized, with the permission of the licensee, owner, resident or other person in control of property within the city, to enter all properties for the purpose of inspection, observations, maintenance, measurement, sampling and testing pertinent to the discharges to the city's sewer system in accordance with the provisions of this chapter. If the licensee, owner, resident or other person in control of property within the city does not permit the entrance to the property, the city shall obtain an administrative search warrant as provided for by applicable code section, before entering the property, except in emergency situations.

(B) *Authorized employees obtaining information for industrial processes.* The Public Works Director or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential; however, the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(C) *Authorized employees to observe safety rules.* While performing necessary work on private properties, the Public Works Director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the property owner shall be held harmless for injury or death to the city employees and the city shall indemnify the property owner, subject to the constitution and laws of the State of Minnesota, against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as may be caused by negligence or failure of the company to maintain safe conditions.

(D) *Authorized employees permitted to enter all property with easements.* The Public Works Director or other duly authorized employees of the city, as well as employees of the City of Wanamingo bearing proper credentials and identification, shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 198, passed 4-11-2022)

§ 53.99 PENALTY.

(A) *Written notice.* Any person found to be violating any provisions of section 401 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit

for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations. Any person who shall continue any violation beyond the time limit provided for this section shall be punished as a misdemeanor, as provided in section 100. Each day in which any violation occurs shall be deemed as a separate offense.

(B) *Expense, loss or damage.* Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of that violation.

(C) *Charges levied.* Each and every sewer service charge levied is made a lien upon the lot or premises served, and all charges which are on October 31 of each year past due and delinquent shall be certified to the County Auditor by November 15 for collection. Nothing in this section shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected any delinquent or past due sewer service charges. As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect amounts as are delinquent and due against the occupant, owner or user of the real estate, and shall collect as well all reasonable attorney's fees incurred by the city in filing the civil action. Attorney's fees shall be fixed by order of the court. In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate of 10%.

(Ord. 198, passed 4-11-2022)

