

City of Altura, Minnesota
Water & Sewer Ordinance No. 23-01

AN ORDINANCE REPEALING ALTURA CITY CODE SECTION 901.1421 ENTITLED “PRIVATE SEWER SYSTEMS”, AND CREATING A NEW CHAPTER 902 ENTITLED “PUBLIC UTILITY CODE”, WHICH SHALL SET ALL REGULATIONS RELATING TO THE USE AND OPERATION OF THE CITY WATER SYSTEM, CITY SEWER SYSTEM, PRIVATELY OWNED INDIVIDUAL SEWER TREATMENT SYSTEMS, AND PRIVATE WELLS WITHIN THE CITY OF ALTURA.

The City Council of the City of Altura, Minnesota does ordain:

Section 1. That Section 901.1421 of the Altura City Code entitled “Private Sewer Systems” is hereby repealed in its entirety and replaced and shall be labeled “[REPEALED]”:

Section 2. That the City of Altura enacts a new Chapter 902 of the Altura City Code entitled “Public Utility Code,” which shall read as follows:

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CHAPTER 902
PUBLIC UTILITIES

902.100: GENERAL PROVISIONS

SECTION 902.101: TITLE

Public Utilities Ordinance, City of Altura, Minnesota.

SECTION 902.102: INTENT AND PURPOSE

This Chapter is adopted for the purpose of regulating the installation and operation of certain services as municipal utilities, including sanitary sewer systems, storm sewer systems, waterworks systems, and privately owned wells in the best interest of the health and safety of all residents. This Chapter is adopted for the purpose of establishing regulations for Individual Sewer Treatment Services (ISTS). This Chapter is adopted to provide safe and adequate sanitation standards and methods of sewage disposal in order to prevent contamination of future and existing water supplies, to prevent pollution of lakes, streams, and ditches, and to avoid the creation of a public nuisance.

All sections of this Chapter shall apply to all users of the City's utility systems, including the City's wastewater treatment system, including those users outside the City who, by contract, agreement or otherwise, use the City's utility systems.

SECTION 902.103 JURISDICTION

This Chapter shall be applicable to all lands, structures, and waters within the corporate limits of Altura, Minnesota.

SECTION 902.104: MINNESOTA STATE PLUMBING CODE

The City of Altura hereby adopts by reference the most current adopted version of the Minnesota Plumbing Code, Minn. Rules Ch. 4715. All connections to and users of the Altura municipal sewer systems must at all times comply with the terms of the State Plumbing Code.

902.200: DEFINITIONS

Definitions used in this ordinance, unless specifically defined below, are as defined in the Minnesota State Plumbing Code, or are otherwise given their ordinary meaning.

Act - Act the Federal Water Pollution Control Act as amended, 33 USC 1251 *et seq.*

Ammonia Nitrogen (NH₃-N) - the quantity of nitrogen present in wastewater in the form of ammonia as measured by procedures described in Standard Methods.

ASTM - American Society for Testing Materials.

Biochemical Oxygen Demand (BOD) - the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Centigrade, expressed in terms of weight and concentration (milligrams per liter (mg/l)).

Biosolids - Sewage sludge that has been treated to meet the regulatory requirements for land application set out in the Code of Federal Regulations, Title 40 (Part 503).

Building Drain - the part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of any building and conveys the discharge to the building sewer beginning five feet outside the inner face of the building wall.

Building Sewer - the part of the horizontal portion of the building drainage system extending from the building drain to the septic tank, public sewer, or other place of disposal.

Carbonaceous Biochemical Oxygen Demand (CBOD 5) - the quantity of oxygen utilized after five days in the biochemical oxidation of organic matter present in wastewater as measured by procedures described in Standards Methods.

City - the City of Altura, Minnesota.

Chemical Oxygen Demand (COD) - the quantity of oxygen utilized in the chemical oxidation of organic matter as determined by standard laboratory procedures, and as expressed in terms of milligrams per liter (mg/l).

Commercial - retail or wholesale type establishments, i.e., restaurants, hotels, motels, stores, filling station, commercial laundry, etc., and multiple family units and apartments not meeting the "Residential" classification, that discharge wastewater into the public wastewater treatment system, works and facility.

Collection Sewer - a sewer whose primary purpose is to collect wastewater from individual point source discharges and connections.

Combined Sewer - a sewer intended to serve as a sanitary sewer and a storm sewer.

Community Sewage Treatment System - a private sewage treatment system in which all owners of all abutting properties have equal rights.

Compatible Pollutant - biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS permit if the treatment facilities

are designed to treat such pollutants to a degree which complies with effluent concentration limits imposed by the permit.

Control manhole - a structure specially constructed for the purpose of measuring flow and sampling of wastes.

Customer - any user of a utility.

Department - the Winona County Planning Department.

Developable acreage - the gross development acreage less the wetlands, floodplain, rivers, natural slopes in excess of 20%, public road right-of-way, parkland, stormwater detention areas, and dedicated permanent easements.

Domestic or Sanitary Waste - waste which is primarily produced by residential users. The following concentrations of wastewater characteristics are established as domestic or sanitary waste and any concentration found to be greater is considered high-strength waste:

CBOD 5	250 mg/L
TSS	250 mg/L
TP	7 mg/L
NH 3 -N	28 mg/L

Duly Authorized Employee of the City: The City utility representative charged and qualified to make water and sewer utility decisions as regulated or required by state certifications.

Easement - an acquired legal right for the specific use of land owned by others.

Extra Strength Waste - wastewater having a BOD and/or total suspended solids greater than normal domestic strength waste and not otherwise classified as an incompatible waste.

Family or Commercial Unit: a building or structure requiring water or sewer services dedicated to a single occupancy such as a single-family home (a duplex would not be a single unit and would instead equate to 2 (two) units) or a single tenant in a commercial building (instead of multiple tenant spaces).

Fecal Coliform - any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

Fats, Oil, and Grease (FOG) - fat, oil, or grease in a physical state such that it will separate by gravity from wastewater. Wastewater shall be considered free of fat, oil, or grease if it is properly pretreated, the wastewater does not interfere with the collection system, and is present in concentrations below 100 milligrams per liter as found in reference to Standard Methods for the Examination of Water and Wastewater, Oil and Grease, method 5520.

Force Main - a pipe in which wastewater is carried under pressure.

Garbage - the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

Governmental/Institutional-Hospital - Nursing homes; schools; City, County, State or Federal industrial buildings; or facilities that discharge wastewater into the public wastewater treatment system, works and facility.

Incompatible Waste - waste that, either singly or by interaction with other waste, 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 water reclamation plant.

Individual Sewer Treatment System (ISTS) - a sewage treatment system, other than a public or community system, which receives sewage from an individual establishment, often but not always including a septic tank and soil absorption system.

Industry - any nongovernmental or nonresidential user of the wastewater treatment facility which is identified in the Standard Industrial Classification Manual, latest edition, which is categorized in Divisions A, B, D, E, and I.

Industrial Users or Industries - a source that introduces pollutants into the sanitary sewer from a nondomestic source regulated under section 307(b)(c), or (d) of the Act.

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 such means as defective pipes, pipe joints, 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.

Interceptor Sewer or Trunk Sewer - a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

Interference - the inhibition or disruption of the City's wastewater treatment system processes or operations which causes or significantly contributes to a violation of any requirement of the City's NPDES State Disposal System Permit. The term includes prevention of wastewater sludge use or disposal by the City in accordance with published regulations providing guidelines under Section 405 of the Act or any regulations developed pursuant to the Solid Waste Disposal Act,

the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria applicable to the method of disposal or use employed by the City.

MPCA - the Minnesota Pollution Control Agency.

Municipal Utility - any municipally owned utility system.

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 such treatment facilities or would interfere with the operation of such treatment facilities, pursuant to Section 307 (b) of the Act.

National Pollutant Discharge Elimination System (NPDES) Permit - any permit or requirements issued by the Minnesota Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended for the purpose of regulating the discharge of wastewater, industrial wastes, or other wastes under the authority of Section 402 of the Act.

Natural Outlet - any outlet including storm sewers and combined sewer overflows into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

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

Normal Domestic Strength Waste - wastewater that is primarily introduced by residential users with a BOD 5 concentration not greater than two hundred sixty (260) mg/l and a suspended solids (TSS) concentration not greater than two hundred eighty (280) mg/l.

Operation and Maintenance - those variable expenditures and costs which are directly attributable to the operations and maintenance of a waste treatment works.

Ortho Phosphorus - the reactive phosphorus. It is the portion of phosphorus that responds to colorimetric tests without preliminary hydrolysis or oxidative digestion of a sample. Standard Methods 19th Edition.

Person - Any and all persons, natural and artificial, including any individual, corporation, association, partnership, any combination thereof, or any other entity.

pH - the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution as measured in procedures described in Standards Methods.

Pretreatment - the process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater to a less harmful state prior to introducing such pollutants in the City's wastewater treatment system. The reduction, elimination, or alteration may be obtained by physical chemical or biological processes, process changes or other means, except as prohibited by this ordinance.

Private Sewer - a sewer which is not owned and maintained by a public authority.

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

Public Sewer - a sewer owned and controlled by the city.

Receiving Body - a body of water, such as a holding pond or natural body of water, into which the storm sewer system for the city empties.

Replacement - expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance of the treatment facility for which it was designed and constructed.

Residential - principal family residence or habitation classed as a single-family or two-family dwelling that discharges domestic sanitary wastewater having characteristics of two hundred sixty (260) mg/l BOD and two hundred eighty (280) mg/l suspended solids, into the public wastewater treatment system, works, and facility.

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.

Septic Tank - a tank of water-tight construction, provided with an inlet and outlet, the capacity of which shall be sufficient to provide adequate detention time for sedimentation and initial decomposition and purification of sewage by anaerobic bacteria.

Service - a particular utility provided to a customer or consumer.

Sewage - any water-carrying domestic waste, exclusive of footing and roof drainage, of any residence, industry, or commercial establishment, including, but not limited to, liquid wastes produced by bathing, laundry, and culinary operations, and from toilets and floor drains.

Sewer - a pipe or conduit or combination thereof for carrying sewage.

Sewer Service Charge System - the system of charges by which revenue is generated to offset the cost of operation and maintenance plus replacement, administration, and debt service.

Significant Industrial User - any industrial user of the City's wastewater treatment system which:

- (A) Has a drainage flow of 25,000 gallons or more per average workday; or

- (B) Has in its wastes toxic pollutants at significant levels as defined pursuant to Section 307 of the Act or Minnesota Statutes and rules; or
- (C) Has a significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system; or
- (D) Is subject to Categorical Pretreatment Standards, under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or
- (E) Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the WWTF treatment plant; or
- (F) Is designated as significant by the Permittee on the basis that the Industrial User has a reasonable potential for adversely affecting the WWTF's operation or for violating any pretreatment standard or requirement.

Significant Noncompliance (SNC) - [40 CFR §403.8(f) (s) (vii)] Industrial user violations meeting one or more of the following criteria:)

- (A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all the measurements for each pollutants parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC - 1.14 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH);
- (C) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City personnel or the general public);
- (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWTF's exercise of its emergency authority under paragraph (f)(I)(vi)(B) of 40 CFR §403.8 to halt or prevent such a discharge;
- (E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;

- (F) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;
- (G) Failure to accurately report noncompliance;
- (H) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

Slug - any waste discharge which, in connection for any given constituent or in quantity of flow, exceeds four (4) times the average twenty-four (24) hour concentration or flow during normal operation.

Soil Absorption System - a system of trenches, beds, or pits which accepts the effluent discharged from the septic tank and distributes it to the soil, providing for the effective filtration and aerobic treatment of the effluent.

Standard Methods - the latest edition of Standard Methods for the Examination of Water and Wastewater prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation, and, if options are available for a particular characteristic, the method as chosen by the water reclamation plant for analysis.

State - State of Minnesota.

State Disposal System Permit - any permit (including any terms, conditions and requirements thereof), issued by the MPCCS pursuant to Minnesota Statutes § 115.07 for a treatment system as defined by Minnesota Statutes § 115.01 Subdivision 8.

Storm Water - any flow occurring during or following any form of natural precipitation and resulting therefrom.

Storm Sewer or Storm Drain - a drain or sewer intended to carry storm waters, surface runoff, ground water, sub-surface water, street wash water, drainage, and unpolluted water from any source.

Storm Water System - the streets, curb and gutters, catch basins, manholes, water courses and all other structures, appurtenances and facilities that store and/or convey storm water.

Surcharge - a treatment charge assessed by the City to industrial users based on wastewater volume and CBOD and/or TSS exceeding base concentrations and other parameters designated by the City.

Suspended Solids - the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by a standard glass fiber filter.

Total Organic Carbon (TOC) - the oxidizable carbon of organic origin that is present in wastewater as measured according to procedures described in Standards Methods and is determined using a total organic carbon analyzer.

Total Phosphorus (TP) - all forms of phosphorus present in wastewater as measured in procedures described in Standard Method.

Total Suspended Solids (TSS) - the nonfilterable residual matter present in wastewater as measured in procedures described in Standards Methods. If a waste has a solids concentration which cannot be filtered using Standards Methods procedures, then total solids will be measured and used in lieu of TSS using procedures described in Standards Methods.

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.

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 benefitted by discharge to the sanitary sewer and wastewater treatment facilities provided.

User - a person who discharges, or causes or permits the discharge of, wastewater into the city's wastewater disposal system.

User Charge - a charge levied on users of the treatment works for the operation and maintenance of such works.

Waterworks Systems: All waterworks and all appurtenances thereto, including water mains, service connections, pumping stations, wells, water storage facilities and treatment plants, and owned, controlled, maintained and operated by the City or by agreement between the City and others

Wastewater - the spent liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the City's wastewater treatment system.

Wastewater Treatment Facility (WWTF) - the publicly owned treatment works that is comprised of the sanitary sewer system, including the treatment plant and collection of infrastructure, operated by the city public works department.

Wastewater Treatment System or System - any devices, facilities, structures, equipment or works owned or used by the City for the purpose of the transmission, storage or treatment of industrial and domestic wastewater including intercepting sewer, outfall sewers, wastewater collection system, pumping, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof, and any works, including land that

will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

Waters of the State - all streams, lakes, ponds, marshes, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

Watercourse - a natural or artificial channel for the passage of water either continuously or intermittently.

902.300: ADMINISTRATION

SECTION 902.301: CONTRACTUAL CONTENTS

Provisions of this Chapter relating to municipal utilities shall constitute portions of the contract between the City and all consumers of municipal utility services, and every such consumer shall be deemed to assent to the same.

SECTION 902.302: OWNERSHIP AND MAINTENANCE OF MUNICIPAL UTILITIES

The City shall retain ownership of all municipal utilities, plants, lines, mains, extensions, curb stop and/or curb box, and appurtenances thereto, provided that the following improvements used in providing water and sewer services shall at all times be owned and maintained by the property being served with those service:

1. For water service, service pipes from the water main up to and including the curb stop and/or curb box and the water meter are the property of the City; the portion of the lateral service pipes from the curbstop and/or curb box to the property owner's building or residence shall be the property of the owner and shall be maintained by the owner.
2. For sewer service, service pipes from the sewer main to the user's building or residence is the property of the property owner being served, and shall be maintained by the owner.

SECTION 902.303: RIGHT OF ENTRY

Subject to constitutional limitations the City's duly authorized employees and representatives have the right to enter in and upon private property, including buildings, dwelling houses, and access areas, in or upon which is installed a municipal utility, or any part or connection therewith, and shall be permitted to enter at all times reasonable under the circumstances, for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance in accordance with this Chapter. In case of life-threatening emergency, duly authorized employees of the City may be permitted to immediately enter upon all properties connected to the City water and sanitary sewer system for the purpose of inspection, measurement, sampling and testing. All service pipes and connections to the water or sewer main owned by the property owner under Section 902.302 must be protected and maintained by

the property owner. If such user shall fail to make any necessary repairs to such service connections or pipe within 24 hours after being notified to do so by a duly authorized employee of the city, the city shall forthwith disconnect water from the premises.

SECTION 902.304 LIABILITY FOR REPAIRS

1. After the initial connection has been made to the water service curb stop and/or curb box, the applicant, owner or the occupant or user of such premises shall be liable for all repairs required to the water line from the residence to the water service curb stop and/or curb box, but not including the corporation cock, including any necessary repairs to the curb stop and/or curb box and any necessary street repairs. It shall be the responsibility of the applicant, owner, occupant or user to maintain the curb box at such height as will insure that it remains at the finished grade of the land.
2. After the initial connection has been made to the sewer lead, the applicant, owner, occupant or user of such premises shall be liable for all repairs required to the sanitary sewer service from the residence to the sewer main, but not including the sanitary sewer wye, including any necessary street repairs.

SECTION 902.305: BILLING, PAYMENT, AND ASSESSMENT

Water and sewer service charges will be billed together. Bills shall specify the water consumed and sewer and water charges in accordance with the rate defined within the Official Schedule of Fees set forth by the City Council. There shall be a minimum rate per quarter which shall apply to each family unit and/or commercial unit. All fees and charges referred to herein shall be in accordance with the Official Schedule of Fees developed by the City Council. The Schedule of Fees shall be changed by resolution or by ordinance upon discretion of the Council.

All bills and notices shall be mailed or delivered to the property owner at the address where the service is provided, or a different address at the owner's request. 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 the address shall be promptly reported to the City Clerk.

Charges for all municipal utilities shall be made in utility statements forwarded to the property owner at such intervals as the Council may determine. Property owners are ultimately responsible for all municipal utilities.

Utility charges shall be delinquent if not paid on or before the due date set forth on a utility statement, provided that in the event such due date is a Saturday, Sunday, or legal holiday, utility charges shall not be delinquent until the following business day. If a service charge is not paid when due, then a penalty as provided for in the city's Official Schedule of Fees shall be charged.

Unpaid charges may be certified by the City Clerk and forwarded to the County Auditor or other collection agency for collection pursuant to M.S. § 444.075, as it may be amended from time to time, or the City may initiate legal action against the owner of the property served.

Any prepayment or overpayment of charges may be retained by the city and applied on subsequently incurred charges for the same class of utility service that was prepaid or overpaid.

SECTION 902.306: WATER DEFICIENCY, SHUT OFF, AND USE RESTRICTIONS

The City shall not be liable for any deficiency or failure in the supply of public utility services to consumers, whether occasioned 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 or construction of new works, public utility services 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 to the use of the city water system.

SECTION 902.307: MUNICIPAL UTILITY SERVICES TO CONSUMERS OUTSIDE THE CITY

No property located outside the city limits shall be allowed to connect to municipal utility systems, except as provided in this section. Those persons desiring municipal utility service must first apply to the City for service and shall be required to (1) petition to be annexed into the city limits or (2) follow the requirements of Section 902.308 of this Code. In the event that the property owner outside the city limits petitions for annexation, utility services shall not be extended to such property until the annexation has been completed and the property is located inside the city limits.

SECTION 902.308: REQUIREMENTS FOR UTILITY CONNECTIONS OUTSIDE THE CITY

The City may only allow a connection to the utility systems of the City of Altura without annexation if there are specific circumstances that clearly demonstrate that annexation is not in the City's public interest at the time of extension of utility services and provided that the property owners and township, prior to the sewer extension, enter into agreements in the form acceptable to the City allowing for such contractual sewer extension.

Such agreement with the property owners shall be in recordable form and be recorded by the City at the property owner's expense and shall provide that the City may annex the property by ordinance at any time in the future and that the property owner waives any objection or right to contest such future annexation and will cooperate therewith and submit a written petition for annexation to the City at the time the City provides written notice thereof to the property owners.

In making the determination to allow such utility connections the City Council shall make findings that: (1) annexation at the time of the request for utility service is not in the City's interest, but that the City reserves the right to annex the property in the future; (2) the property owners and township have entered into the agreements required by the City; (3) the township has approved any required permits for the contractual extension of City sewer service to the requesting property; and (4) that there are unique circumstances to the property justifying pre-annexation extension of sewer service, and that it is appropriate and in the City's best interest

and for the benefit of the public, health, safety, and welfare of the City and its taxpayers to extend sewer service.

902.400: CONNECTIONS TO PUBLIC UTILITIES REQUIRED

SECTION 902.401: RESIDENCES AND CERTAIN BUILDINGS MUST CONNECT TO CITY WATER SYSTEM

A new residence or a building requiring the provision of water service for the use of its occupants that is located within five hundred (500) feet of any municipal water main must connect to the municipal water system at the time of completion of construction new, remodel or expansion of the residence or building.

The connection required by this section must be made within one year of written notice from a duly authorized employee of the City. If an owner of a residence or building required to be connected to the City's water system fails to do so when required, the owner may thereafter be required to pay to the City a monthly fee in an amount set by ordinance or resolution of the City Council until the connection is made.

Every parcel of land required to connect to the water and sewer system by this Chapter shall have its own independent water and sewer connection and meter, except as provided herein. Parcels of land containing multiple dwelling units, as defined by Section 901.202 of the Code, shall be required to have a separate and independent water and sewer connection and meter for each dwelling unit. A duly authorized employee of the City shall determine the number of connections required on each parcel within the City, consistent with these regulations.

SECTION 902.402: RESIDENCES AND CERTAIN BUILDINGS MUST CONNECT TO CITY SEWER SYSTEM

The City shall not issue any certificates of occupancy for newly constructed or expanded or remodeled residential structures or buildings located within five hundred (500) feet of any sewer main until or unless they are connected to sewer system. The City Clerk, Building Official, or their respective designees shall notify all applicants for building permits related to construction projects involving newly constructed or expanded existing residential structures or buildings of this requirement.

In any area of the City that is located within five hundred (500) feet of any municipal sewer main, existing residences or buildings requiring the provision of sewer services for the use of its occupants shall be connected to the City's sewer system within one (1) year after connection to an operational sewer system becomes available, as determined by the duly authorized employee of the City. Property owners must apply for any permits or governmental approvals required by this Chapter. Property owners failing to connect to the City sewer system within this timeframe shall be charged a monthly sewer access fee in an amount set by ordinance or resolution of the City Council until the connection is made. The sewer access fee shall not be charged to the owner of a residence or building until 180 days from the time a notice to connect is mailed to the

owner by regular U.S. Mail. The notice under this section shall be mailed to the address of the property that is required to be connected to the City sewer system.

SECTION 902.403: UNLAWFUL TO CONSTRUCT OR MAINTAIN PRIVATE WELLS

Within areas of the City that are required to connect to the City's water system under Section 902.401 of this Chapter, or other properties that have made connection to the City's water system, it shall be unlawful to continue use of private water system. Such private water systems existing at the time such a connection is required to be made or actually made, must be closed pursuant to Section 902.406 of this Chapter within 90 days of notice from the City. It shall be unlawful to construct, reconstruct, or repair any private water system in areas of the City required to connect to the City's water system under Section 902.401. Private wells located on properties not required to connect to the City's water system under this code, must be properly permitted by the State of Minnesota.

SECTION 902.404: UNLAWFUL TO CONSTRUCT ISTS

Within areas of the City that have reasonable access to the City's sanitary sewer system, it shall be unlawful to construct, reconstruct, or repair any ISTS system one (1) year after connection to the operational sewer system becomes available, as determined by a duly authorized employee of the City.

SECTION 902.405: COMBINED SEWERS PROHIBITED

A new residence or a building that is located within five hundred (500) feet of any municipal water main is prohibited from installing or constructing a combined sewer. It shall be unlawful to construct, reconstruct, or repair any existing combined sewers within the City.

SECTION 902.406: PRIVATE UTILITIES TO BE CLOSED AFTER CONNECTION

Any parcel of land required to be connected to the City water system under Section 902.401 must abandon all private wells as provided herein, except wells permitted by the provisions of Section 902.402. All well abandonment shall be done in accordance with M.S. §§ 1031.301 to 1031.345, as they may be amended from time to time, and Minn. Rules Ch. 4725, Wells and Borings, as it may be amended from time to time.

Once a residence or building is connected to the city's sanitary sewer system, any private or community ISTS serving the residence or the building must be abandoned in accordance with this Chapter and all applicable laws and regulations.

SECTION 902.407: CITY TO DETERMINE EXPANSION OF PUBLIC UTILITY SYSTEMS

Where a new or existing residence or building that requires the provision of public utility services for the use of its occupants does not have reasonable access to the public utility systems,

the City retains the discretion to determine whether and under what conditions the City's public utility systems will be extended to serve the property.

902.500 PROVISION OF SERVICE

SECTION 902.501: SERVICES

Except for manufactured home parks, no more than one housing unit or building shall be supplied from one utility service connection or lead from any municipal utility. In the case of multiple dwellings or commercial units where the owner desires more than one meter installed on a service, written request shall be made to the City for an inspection and approval of such metering. All manufactured home parks shall utilize one service line for each utility and be provided with approved metering, which shall be located at the point of connection with the City main.

SECTION 902.502: APPLICATION FOR SERVICE

Application for municipal utility services shall be made upon forms supplied by the City, and strictly in accordance therewith. All applications for initial service installations and ongoing 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. Applications for non-standard services shall be accompanied by two sets of plans or sketches indicating preferred location of service pipe and size of service based on building demand. The size of service connections and meter shall be subject to approval of a duly authorized employee of the City.

SECTION 902.503: CONNECTION CHARGE

No permit shall be granted for a connection to a utility unless the applicant for the permit pays to the City connection fees, accessibility fees, or deposits as set by the City Council by resolution or in the Schedule of Fees. In addition, the property owner must pay the costs associated with making the physical connection to the public utility system when such connection has not previously been installed. For connection to the water system, these charges shall include the cost of tapping of the water main, corporation cocks, the installation of a service line, the installation of a curb stop and curb box, costs of restoring disturbed areas, and all other costs related to the installation. For connection to the sewer system, these charges shall include installation of the service line, costs of restoring disturbed areas including the street, and all other costs related to installation.

SECTION 902.504: METERS

All water use and sewage use shall be measured by water meters; and such meters shall be installed by or under the direction of the City upon receiving an application and any associated application fee imposed by the City for water meter from each property owner. Water meters shall be the property of the City and may be removed or replaced as to size and type when deemed necessary by an authorized City official. Every water meter shall be owned, installed, and maintained by the City of Altura. Authorized meter readers shall have free access at

reasonable hours of the day to all parts of every building and premises connected with the City water supply and sanitary sewer systems in order to read meters and make inspections. Meters shall be located in basements or utility rooms wherever possible, and all locations of meters shall be subject to the approval of the City. Before installation thereof the owner or user shall pay an installation fee to the City in an amount fixed in the Schedule of Fees or by Resolution of the City Council. The property owner is responsible for providing appropriate electrical service to all meters, as directed by the City. Subsequent to installation of the water meter, the City shall replace any meter, free of charge, where replacement is required due to ordinary wear and tear, as determined by the duly authorized employee of the City. In all other instances, replacement of the water meter will require the property owner to pay all applicable fees referenced herein, and to follow the procedures described in this section.

SECTION 902.505: SEPARATE WATER METERING; CERTAIN PREMISES

If a lot, parcel of land, or premises which discharges wastewater into the sanitary sewer system also diverts a portion of the water utilized such that it does not and cannot enter the sanitary sewer system, the City Clerk is authorized to determine, in such manner and by such method consistent with City policies, the charges applicable to such use, and shall charge the same to the owner of the lot, parcel of land, or premises consistent with this Code and City policies.

SECTION 902.506: FAULTY METER BILLING

If a measurement of the use of the system is not made due to damage to a meter or for any other reason, then the customer shall be charged a rate based on the rate paid for the same period of the previous year.

SECTION 902.507: FINAL BILLING

It shall be the responsibility of the consumer to notify the City to request a final meter reading at the time of the customer's billing change.

SECTION 902.508: TERMINATION OR SUSPENSION OF SERVICE

The City may terminate or suspend any utility service to any property where the utility charge has become delinquent as provided herein. Upon compliance with the requirements of this chapter, payment of all delinquent charges, late fees, and of the service renewal charge to the City Clerk, service will be restored.

1. Grounds for Termination or Suspension. Any municipal utility may be terminated, discontinued, or suspended whenever:
 - A. The owner or occupant of the property served, or any person working on any connection with a municipal utility has violated any requirement of the City Code relative thereto; or

- B. Any charge for a municipal utility service, or any other financial obligation imposed on the present or any former owner or occupant of the property served, is delinquent or unpaid; or
 - C. There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefore; or
 - D. The owner or occupant has permitted a person to subconnect another building or property to the owner or occupant's utility service; or
 - E. The owner or occupant tenders a payment to the City which is refused for insufficient funds, and after the City notifies the customer of this fact in writing the customer does not tender a valid payment within seven (7) days after the City mailed notice, including paying for any bank related fees which the City may incur as a result of the customers insufficient funds payment.
2. Procedure. Prior to the termination or suspension of any utility, the City shall forward to the owner and/or owner/consumer a notice of termination.
- A. Notice. The notice of termination shall state the name and address of the owner and/or owner/consumer, the cause for the termination or suspension, and that utility service to the property will be terminated or suspended in ten (10) days unless such owner and/or owner/consumer shall remedy the cause for termination or suspension. The notice shall also state the owner and/or owner/consumer may, within ten (10) days after service of termination notice, demand, in writing, an appeal hearing before a hearing officer to be selected by the City for the purpose of determining whether the termination or suspension is proper.
 - B. Appeal Hearing. In the event the owner and/or owner/consumer makes such a demand, in writing, upon the City Clerk, the City shall not terminate or suspend utility service until such time as the hearing examiner has determined the matter; provided that such hearing shall be held within twenty (20) days after demand therefore by the owner and/or owner/consumer.
3. Temporary Service Interruption at Owner's Request. The fee for temporary disconnection of any utility shall be \$0.00 and the fee for any subsequent reconnection shall be \$100.00 per utility. When requested pursuant to this section, service shall be then turned off at the curb shutoff box, and the charges for consumption shall cease however the monthly cost of service for water, wastewater, and storm water will continue to be charged.
- A. Any owner desiring a temporary disconnection with the City's utility systems during a vacation or for any other reason, other than those listed in subsection (B), must serve written notice to the City Clerk at least seven (7) days before the disconnection is desired. Temporary service interruption shall not extend beyond one (1) year.

- B. In the event of a voluntary disconnection due to a mortgage foreclosure, impending bankruptcy, or other similar event which results in the customer ceasing to occupy the property, utility services will only be disconnected when the lender or other party temporarily responsible for management of the property pays the \$25.00 fee to cover the cost for disconnection and subsequent reconnection prior to transfer of ownership of the property to any subsequent purchaser.

SECTION 902.509: ABANDONED SERVICE

In the case of a utility service being abandoned for at least one (1) year, service will be cut off at a point determined by a duly authorized employee of the City or designee and the meter removed. If the owner neglects or refuses to complete the required work the City shall cause said work to be done and bill the cost for said work to the owner. 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.

SECTION 902.510: DISCONNECTION PERMIT

An excavation permit must be obtained to disconnect from the existing utility services. The fee for the permit shall be set by the City Council.

SECTION 902.511: PROPERTY OWNER FINANCIALLY RESPONSIBLE

All costs for maintenance and abandonment of utility service lines are the responsibility of the property owner, from the water main including the corporation and from the sewer main including the wye connection to a point of connection on the owner's building. In the event the owner of the property does not occupy the property, but has rented the property out to a tenant, the owner of the premises shall be liable to the City for all utility services fees, charges, and fines.

902.600: REPAIRS

SECTION 902.601: 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 public utility 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. The owner shall be responsible for the costs of public utility service repairs within her or his property boundaries, except as provided herein.

SECTION 902.602: EXCAVATION OR REPAIR OF PUBLIC UTILITY SERVICES

The City will arrange for the investigative excavation and repair of any public utility service where the problem clearly exists within that area for which the City has responsibility. Unless it

is clearly evident 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 associated costs if the repair is found to be other than the City's responsibility. The owner further agrees to waive a 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 excavation is performed 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 on the circumstances and the decision of the City Council on the likelihood of recovery.

SECTION 902.603: FAILURE TO REPAIR

In the case of failure on 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 City, the City may turn off the affected utility and the affected utility shall not be turned on until the leak has been repaired and a fee has been paid to the City.

902.700: EXCAVATION AND CONSTRUCTION REQUIREMENTS

SECTION 902.701: PERMIT

No excavation shall be made until a permit for excavation and a permit for connection, if applicable, has been issued by the City.

SECTION 902.702: SERVICE CONNECTION PRIOR TO PAVING AND REPAIR

Prior to street construction the City shall determine where new services are required or where existing services are in need of replacement or repair and shall notify the owner of the property affected that such construction or repair must be done within a specified time. If not made by such time, the City may cause said construction or repair made and assess the cost for the same against the benefitted property.

SECTION 902.703: UTILITY CONSTRUCTION STANDARDS

1. All installation, construction, and repair of service lines, accessories, and appurtenances thereto connected to municipal utilities shall conform to the requirements of the State Plumbing Code and the City requirements contained within the specifications promulgated by the City Engineers Association of Minnesota, which are incorporated into this Code by reference.
2. The City Public Works director, City Engineer or duly authorized employee of the City shall approve the water and sewer infrastructure, sizing and location based on Federal, State and local codes, generally accepted engineering principals, and engineering industry standards for public infrastructure and based on City's infrastructure capacity.

3. Should a larger meter, pipe or infrastructure component than the minimum requirement be requested, the incremental difference in cost shall be paid by the property owner and the City may request calculations completed by a licensed mechanical engineer or licensed plumber in the state of Minnesota to prove the need for the request. The City official responsible for water and/or sewer shall make the final decision of approval for such request.

SECTION 902.704: SEPARATION

No water service pipe or water connection shall be installed in the same trench or closer than ten (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 State Plumbing Code, Minn. Rules Ch. 4715, as it may be amended from time to time.

SECTION 902.705: WATER ABOVE SEWER

Where it is desired to lay the water service pipe and the building sewer service pipe in the same trench, or in separate trenches less than ten (10) feet apart, the water service pipe shall be above the sewer service pipe unless approved by a duly authorized employee of the City. It shall be placed at least one (1) foot above the sewer service pipe and on a solid shelf excavated at one side of the trench. The sewer pipe shall be of a material that is in conformance with the State Plumbing Code with tested water-tight joints. The water service pipe shall be water-tight and corrosion resistant. All water service lines less than or equal to two (2) inches in diameter shall be Type K copper. Precautions shall be taken to assure a firm foundation for the pipes. The intervening space between the pipes shall be backfilled with compacted earth.

SECTION 902.706: SURFACE STREET

In case the installation is on a surfaced street, 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 State Department of Transportation Standards. Complete surface restoration shall be made at the property owner's expense.

902.800: WATER

SECTION 902.801: WATER METERS

All water meters shall be installed on the water valve in the house in accordance with the State's Plumbing Code and any standards established by resolution of the City Council.

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 one-inch line for normal use and a six-inch or larger line for a fire sprinkler system, he or she will be permitted to run one (1) line into the premises and "Y" off into two (2) lines at the building. When this is done,

the meter will be attached to the small domestic line and a check valve, as well as one-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 or acts of God, such as weather events, and shall replace them if necessary.
3. When replacement, repair, or adjustment of any meter is rendered necessary by the act, neglect (including 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.
4. No person shall damage or knowingly or negligently permit damage to be done to a water meter on his/her premises or elsewhere. Any person damaging any such meter or knowingly or negligently permitted the same to the damaged shall pay all costs of making the required repairs to said meter upon demand, therefore, by the City Council.
5. 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 one billing period from the date of the written request.
6. Any complaints not resolved by meter testing can be appealed to the City Council at the next available meeting after the complainant has filed the appropriate appeal application. The timing for the appeal hearing will be determined by the City Clerk, who will consider the time needed to complete administrative requirements to add the appeal to the agenda and notice the appeal. Appeals shall otherwise be administered pursuant to Section 902.1012.

SECTION 902.802: SEPARATE METER FOR EACH PARCEL OR PROPERTY

Pursuant to the authority granted to the City by the provisions of M.S. § 444.075, Subd. 3, as it may be amended from time to time, there is hereafter imposed upon each parcel of property or separate meter connecting to the municipal water supply system in the following described circumstances a connection charge in the amount set forth in the Official Schedule of Fees.

SECTION 902.803: WATER SERVICE LINE CONSTRUCTION

All water service lines and appurtenances connected to municipal utilities shall conform to the requirements of the State Plumbing Code and any standards adopted by the City of Altura for utility construction, including the standards promulgated by the City Engineers Association of Minnesota, which are incorporated herein by reference. The construction standards shall include, but are not limited to, the following:

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

SECTION 902.804: LOCATION OF CURB STOP & BOX

Curb boxes will be installed with rods on the right-of-way line or easement limits at a location as determined by a duly authorized employee of the City to be best suitable to the property and shall be left in a vertical position when backfilling is completed. Curb boxes will be installed at an approximate depth of seven (7) feet below the finished ground elevation and the top of the curb box shall be adjusted to be flush with the finished ground elevation. Curb 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 box or cause damage to the same.

902.900: WATEWATER AND SANITARY SEWER

SECTION 902.901: GENERAL DISCHARGE

1. No persons shall discharge or cause to be discharged any substance that is not in compliance with Section 7045.0135 List of Hazardous Wastes of the Minnesota Pollution Control Agency Rule (1997). Where it appears that sewage of unusual strength or quantity is being disposed from any premises, the Council may cause an investigation to be made and upon the facts may determine the actual cost sewer charges against the owner of the premises for sewer service.
2. If any customer who discharges sewage or industrial waste into the sewer system, either directly or indirectly, obtains part or all of the water used therein from sources other than the City and the water so obtained is not measured by a meter in a manner which is acceptable to the City, then in such case, the City shall permit the discharge of sewage or

industrial waste into its sewer system only when the customer shall, at his own expense, install and maintain a water meter and/or a flow meter which shall be satisfactory to the City. Such recorders shall be installed so as to either measure all water received on the premises of the customer or all effluent therefrom as established by ordinance, and the charges and rates shall be applied as established therein.

3. Any customer who shall discharge sewage or industrial waste into the sewer system of the City of Altura which shall be deemed harmful to said sewer system or sewage treatment process may be required to pretreat such waste to an acceptable standard as defined by said ordinance.
4. The City of Altura may require that any customer who shall discharge industrial waste into the sewer system of said City shall install flow meters, sewage sampling equipment such as, but not limited to, monitoring devices, as it may deem necessary for purposes for a periodic review of rate structures or such other purpose as may be advantageous to the City.
5. Whenever any customer discharges industrial waste sewage into the sewer system of the City which does not meet the established requirements for industrial waste, the City may terminate service to said customers. However, the City of Altura reserves the right to exclude any or all industrial wastes, regardless of strength.
6. Any new connection(s) 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, CBOD, total phosphorus and suspended solids, as determined by a duly authorized employee of the City.
7. Grease, oil, and sand interceptors shall be provided when, in the opinion of a duly authorized employee of the City, they are necessary for the proper handling of liquid wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) 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 a duly authorized employee of the City. 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.
8. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance 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 frequency are to be determined on an individual basis subject to approval by a duly authorized employee of the City.

SECTION 902.902: SANITARY SEWER SERVICE LINE CONNECTION

All sanitary sewer service lines and appurtenances connected to municipal utilities shall conform to the established requirements of the State Plumbing Code and any standards adopted by the City of Altura for utility construction, including the standards promulgated by the City Engineers Association of Minnesota, which are incorporated herein by reference.

SECTION 902.903: LIMITATION ON WASTEWATER STRENGTH

1. National categorical pretreatment standards promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users which are subject to such standards in any instances where they are more stringent than the limitations in the ordinance except as the MPCA has approved modification of the specific limits in the national categorical pretreatment standards.
2. State requirements and limitations or discharges shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in the chapter ordinance.
3. No user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained herein, or in the national categorical pretreatment standards, or contained in any state requirements.

902.1000: INDUSTRIAL USERS

SECTION 902.1001: WASTEWATER DISCHARGE PERMITS REQUIRED

All industrial users proposing to connect or to commence a new discharge to the wastewater treatment system shall obtain a wastewater discharge permit before connecting to or discharging into the wastewater treatment system if the discharge would result in the industry being classified as a significant industrial user. All existing significant industrial users or industrial users subject to national categorical pretreatment standards under Section 307(b) and (c) of the Act connected to or discharging into the wastewater treatment system shall obtain a wastewater discharge permit within one-hundred and eighty (180) days after the effective date of this ordinance.

SECTION 902.1002: WASTEWATER DISCHARGE PERMIT APPLICATION

Users required to obtain a wastewater discharge permit shall complete and file with the City an application in the form prescribed by the City. Existing users shall apply for a wastewater discharge permit within thirty (30) days after the effective date of this ordinance, and proposed new users shall apply at least ninety (90) days prior to connecting or discharging to the wastewater treatment system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

1. Name, address, and location of the user's facility and its agent for service of legal actions in Minnesota.

2. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
3. Wastewater constituents and characteristics as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures approved by the City.
4. Time and duration of discharge.
5. Average daily thirty (30) minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer conditions, and appurtenances by the size, location, and elevation.
7. Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged, including sludges, floats, skimmings, etc.
8. Where known, the nature and concentration of any pollutants in the discharge which are limited by any city state or national categorical pretreatments standards. The applicant shall provide a compliance schedule for meeting pretreatment standards and requirements, if applicable.
9. Each product produced by type, amount, and rate of production.
10. Type and amount of raw materials processed (average and maximum per day).
11. Number of full and part-time employees, and hours of plant operations.
12. Any other information required by the City to be necessary to evaluate the permit application.

The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a wastewater discharge permit subject to terms and conditions provided herein.

SECTION 902.1003: WASTEWATER DISCHARGE PERMIT CONDITIONS

Wastewater discharge permits shall be expressly subject to all provisions of this Chapter and all applicable regulations, user charges, and fees established by the City. Permits shall contain the following:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged into the wastewater treatment system.

2. Limits on the average and maximum rate and time or requirements for flow regulation and equalization.
3. Requirements for installation and maintenance of inspection and sampling facilities.
4. Requirements for installation, operation, and maintenance of pretreatment facilities.
5. Specification for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule.
6. Requirements for submission of technical reports or discharge reports.
7. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, but in no case less than three (3) years and affording the City access thereto.
8. Requirements for notification to an acceptance by the City of any new introduction of wastewater constituents being introduced into the wastewater treatment system.
9. Requirements for notification of slug and accidental discharges as mandated by law and reporting of permit violations.
10. Requirements for disposal of sludges, scums, skimmings, etc.
11. Such other conditions as deemed appropriate to ensure compliance with this Chapter.
12. All information required in Section 902.1002 of this Code shall be kept current.

SECTION 902.1004: WASTEWATER DISCHARGE PERMIT DURATION

Permits shall be issued for a specified time period, not to exceed five (5) years. The user shall apply for permit re-issuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in the City Code are modified or other just cause exists. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance except where immediate compliance is required for the City to operate in compliance with its NPDES and State disposal system permit.

SECTION 902.1005: WASTEWATER DISCHARGE PERMIT MODIFICATIONS

Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously been required to obtain a wastewater discharge permit, the user shall apply for a wastewater discharge permit within one-hundred and eighty (180) days after the promulgation of the applicable national categorical

pretreatment standard. In addition, a user with an existing wastewater discharge permit shall submit to the City, within one-hundred and eighty (180) days after the promulgation of an applicable national categorical pretreatment standard, the information required in Section 902.1002. If the information previously submitted in an application is still current and adequate, only a letter from the user certifying such is required.

SECTION 902.1006: WASTEWATER DISCHARGE PERMIT TRANSFER

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater permit shall not be reassigned or transferred to a new owner, new user, without ten (10) days' prior written notice to the City. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

SECTION 902.1007: WASTEWATER DISCHARGE PERMIT MONITORING

A condition of the industrial discharge permit shall include the completion and submittal of accurate monitoring reports to the City on a form as required by the City. The nature and frequency of reporting shall be based upon the information provided in the permit application form. Reports shall be required as follows and as set forth in the permit:

Total Waste Discharge (Million Gallons Per Year)	Reporting Frequency
Less than 10	4 year
Between 10-100	6 year
Greater than 100	12 year

The City may modify the above reporting schedule for a particular industrial user based on the user's waste characteristics. Users subject to pretreatment standards shall submit reports to the City in accordance with the applicable pretreatment standards. Wastewater discharge records of a user shall be kept by the user for a period of not less than three (3) years. The user shall provide the City reasonable access to these records during normal business hours. A user subject to an applicable pretreatment standard shall maintain all records required by 40 CFR 403.12(n) of the general pretreatment regulations.

1. Monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems shall be provided and operated by industrial users at the City's request.
 - A. There shall be ample room provided in connection with such sampling manhole or facility to allow accurate sampling and compositing of samples for analysis. The facility and sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
 - B. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be

completed within ninety (90) days following written notification by the City, unless a time extension is otherwise granted by the City.

2. The City shall inspect the facilities of any user to ascertain whether the purposes of this chapter are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, and records examination. The City, Minnesota Pollution Control Agency (MPCA) and Environmental Protection Agency (EPA) shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements with any security guard so that upon presentation of suitable identification, the City, MPCA, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
 - A. In all cases the City's sampling data is final.
 - B. Representative samples of a user's industrial wastewater shall be collected on normal operating days and in accordance with guidelines established by the City. Industrial users subject to pretreatment standards shall sample in accordance with the pretreatment standards. Monitoring point(s) for industrial users who are subject to pretreatment standards shall be at a location before wastewater is mixed with other discharges or at a point where waste can be adequately monitored. Normal operating days shall be days when the user is engaged in operations that cause effluent discharge.

SECTION 902.1008: POWER AND AUTHORITY OF INSPECTORS

The City Engineer or other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observations, measurement sampling, and testing pertinent to the discharges to the City's sewer system in accordance with the provisions of this ordinance.

1. The City Engineer or other duly authorized employees are authorized to obtain information concerning the 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 information in question might result in an advantage to competitors.
2. While performing necessary work on private properties, the City Engineer or other duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company owning the property being inspected, and the company shall be held harmless for injury or death to the City Employees and the City shall indemnify

the company against loss or damage to its property by City employees and against liability claims and demands for personal injury to property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

3. The City Engineer or other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement or sewer maintenance agreement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the property involved.

SECTION 902.1009: PRETREATMENT

Users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the Federal pretreatment regulations of this ordinance.

1. Any facilities required to pre-treat wastewater shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this ordinance or constitute a representation by the City that such plans will cause compliance or work in conjunction with the user's facility. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes.
2. Any user subject to a national categorical pretreatment standard, after the compliance date of such pretreatment standard, or in the case of the commencement of a new discharge to the wastewater treatment system, shall submit to the City during the months of June and December, unless required more frequently in the pretreatment standard established by the City, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in the user's permit application or prior monitoring reports. The City may agree to alter the months during which the above reports are to be submitted.
3. Within ninety (90) days following the date for final compliance with applicable pretreatment standards, or, in the case of the commencement of a new discharge to the wastewater treatment system, any user subject to pretreatment standards and requirements, shall submit to the City a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for

these process units in the user's facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the facility into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by the user and certified to by a qualified registered professional engineer.

SECTION 902.1010: SLUG OR ACCIDENTAL DISCHARGE

Sludges, floatings, skimmings, and other undissolved particles generated by an industrial or commercial pretreatment system shall not be placed into the City's wastewater treatment system. Such sludges shall be contained, transported, and disposed of in accordance with all federal, state, and local regulations.

1. Each user shall provide protection from accidental discharge of substances regulated by this ordinance. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review and shall be approved by the City before construction of the facility.
2. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this ordinance. Users shall notify the Wastewater Treatment Plant immediately upon having a slug or accidental discharge of substances or wastewater in violation of this ordinance in order to enable counter-measures to be taken by the City to minimize damage to the wastewater treatment system and the receiving waters. Such notifications will not relieve users of 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 or federal law. A notice shall be permanently posted in a prominent place advising employees whom to call in the event of a slug or accidental discharge. Employers shall ensure that all the employees who may cause or discover such a discharge are advised of the emergency notification procedure.
3. Approval of plans and procedures made under this section shall not constitute any representation that such plans and procedures will correct a problem or operate in any given manner.
4. The City shall be immediately notified of an accidental discharge by telephoning the City Clerk or Deputy City Clerk at the City Hall general telephone number from Monday through Friday. On weekends and holidays, in addition to notification to City Hall, notice shall be made to the City Engineer or other duly authorized employee of the City and City Public Works Director at the telephone numbers or e-mails listed on the City of Altura official website.

SECTION 902.1011: SUSPENSION OF PERMIT

The City may immediately suspend the wastewater treatment service of a user and/or a wastewater discharge permit (after formal notice to the discharger) when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or to the wastewater treatment system, or would cause the City to violate any condition of its NPDES or disposal permit system.

1. Any user notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop the discharge.
2. In the event of a failure of the user to comply voluntarily with the suspension order, the City may take such steps as it deems necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater treatment system or endangerment to any individuals.
3. The City will reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge and payment to the City of the City's costs of terminating and restoring service.
4. A detailed written statement submitted by the user describing the causes of the slug or accidental discharge and the measures taken to prevent any future occurrence shall be submitted to the City within fifteen (15) days of the date of occurrence.

SECTION 902.1012: REVOCATION OF PERMIT

In accordance with the procedures herein, the City may revoke the permit of any user which fails to factually report the wastewater constituents and characteristics of its discharge; which fails to report significant changes in wastewater constituents or characteristics; which refuses reasonable access to the user's premises for the purpose of inspection or monitoring or for violation of conditions of its permit, this ordinance, or the applicable state and federal regulations, or where continued discharge at the levels set forth in the permit would adversely impact the wastewater treatment facility or the City's compliance with applicable permits or laws and regulations governing the wastewater treatment facility.

1. Notification of Violation. Whenever the City finds that any user has violated or is violating the requirements of this chapter, its wastewater discharge permit or any prohibition, limitation or requirement contained herein, the City may serve upon such user a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, unless a shorter time frame is necessary due to the nature of the violation, a plan for the satisfactory correction thereof shall be submitted to the City by the user and such plan shall be implemented within the same time period.
2. Appeals. Any person aggrieved by any notice or order of the City issued under subsection (1) may file a petition for review of such notice or order with the City Clerk within ten (10) days after the service of the order or notice. The petition shall contain the name of

the petitioner, the petitioner's address, location of the property subject to the order or notice and disclose petitioner's interest in the property.

3. Hearing Scheduled. Upon receipt of the petition, the City Clerk shall set a date for a hearing and give the petitioner at least five (5) days' prior written notice of the date, time, and place for the hearing.
4. Hearing. The person conducting the hearing, or the City Council in the event the Council conducts the hearing, shall make written findings of fact and conclusions based upon the applicable code or permit provisions. The person conducting the hearing or City Council may affirm, reverse, or modify the notice or order in conformity with the applicable code sections. Modification may be granted where there is practical difficulty and undue hardship connected with the performance, provided that such modification creates no hazard to safety and deviates from the Code only insofar as is absolutely necessary and does not cause the City to have problems with maintaining compliance with its treatment permits. All decisions rendered hereunder shall be filed with the City Clerk.

902.1100: SUBSURFACE SEWAGE TREATMENT SYSTEMS (SSTS)

SECTION 902.1101: COUNTY INSPECTION; COMPLIANCE WITH REGULATIONS

All subsurface treatment systems located within the City of Altura must be inspected by the Winona County Planning and Environmental Services Department and shall comply with all relevant ordinances and policies of Winona County, and state and federal laws. Property owners in the City of Altura shall comply with all permitting application processes of Winona County, as may exist, related to the installation, inspection, or maintenance of any STSS.

SECTION 902.1102: ABANDONMENT OF SUBSURFACE TREATMENT SYSTEMS

Any STSS or component thereof no longer in operation must be abandoned consistent with Winona County Zoning Ordinance Chapter 13.8, to be regulated through the Winona County Planning and Environmental Services Department.

SECTION 902.1103: PUMPING REQUIRED

The owner of an individual and cluster sewage treatment system or the owner's agent shall regularly, but in no case less frequently than every three years, have the tank or tanks pumped by a licensed pumper. The owner or owner's agent shall install maintenance holes to allow for maintenance to take place through the maintenance hold. The accumulations of sludge, scum, and liquids must be removed through the maintenance hole. Proof of such pumping shall be submitted to the City Clerk in a manner consistent with established City policies. If the following conditions exist, the system may have to be pumped more frequently than every three years:

1. The top of the sludge layer is less than 12 inches below the bottom of the outlet baffle; or
2. Whenever the bottom of the scum layer is less than three inches above the outlet baffle.

SECTION 902.1104: VARIANCES

The City shall not receive applications for, nor grant any variances from the provisions of this code related to any SSTS within the City limits. If a variance is sought, the SSTS owner seeking the variance must make a request to Winona County consistent with Winona County Zoning Ordinance Chapter 13, and the granting of any such variance is at the discretion of Winona County, consistent with relevant ordinances and state laws.

SECTION 902.1105: PROHIBITION ON NEW SYSTEMS

No individual sewage treatment system shall be constructed on any property once a public sewer system becomes available. Availability shall occur once a property is located within five hundred (500) feet of an existing and operational public sewer main, as determined by a duly authorized employee of the City.

902.1200: VIOLATIONS

SECTION 902.1201: UNLAWFUL ACTS

1. It is unlawful for any person to willfully or carelessly break, injure, mar, deface, disturb, or in any way interfere with any buildings, attachments, machinery, apparatus, equipment, fixture, or appurtenance of any municipal utility or municipal utility system, or commit any act tending to obstruct or impair the use of any municipal utility. The prohibitions of this paragraph apply to all City owned utility infrastructure, whether on public or private property.
2. It is unlawful for any person to make any connection with any municipal utility without first having applied for and receiving permission from the City to make the same.
3. It is unlawful for any person to turn on or connect a utility when the same has been turned off or disconnected by the City for nonpayment of a bill, or for any other reason, without first having obtained a permit to do so from the City.
4. It is unlawful for any person to use water from the premises without the consent of the owner.
5. No person, except an authorized representative of the City, shall access, turn on or off, or tamper with any valve or apparatus owned by the City.
6. It is unlawful for any person to “jumper” or by the means or device fully or partially circumvent a municipal utility meter, or to knowingly use or consume unmetered utilities or use the services of any utility system, the use of which the proper billing authorities have no knowledge.

7. Cross connections between the municipal water system and other systems, or equipment containing water or other substances of unknown or questionable safety are prohibited, except when and where suitable protective devices such as break tanks, reduced pressure zone backflow preventers, or their equal, are installed, tested and maintained, to insure proper operation on a continuing basis. Prior to installation of a reduced pressure backflow preventer, the installer shall apply for a permit, furnish plans of the installation, and receive approval from the City Building Official or Operator of the City Wastewater treatment facility. The City Clerk shall be notified prior to the installation of any backflow prevention device. Owners of reduced pressure zone backflow preventers shall have them tested in accordance with article 4715.2161 of the Minnesota State Plumbing Code. Records of this testing shall be submitted to the City Clerk or Deputy Clerk within thirty (30) days of the test for its permanent record. When cross connections are found to exist, the city will notify the owner to disconnect the cross connections and if not done immediately, the city water supply shall be turned off and it shall remain off until the cross connection is removed and the fittings sealed so as to prevent reconnection after service is restored.
8. It is unlawful for any person to conceal a meter in any manner which limits reasonable access to that meter by utility personnel. If utility personnel cannot remove, replace, or perform required meter maintenance due to concealment of the meter, the meter owner shall be given written notice by the City Clerk to remove said obstructions by the time period specified in the notice and in no instance longer than thirty (30) days.
9. It is unlawful for any person not expressly authorized by the City to tap or otherwise disturb a sewer collection main.
10. It is unlawful for any person to directly or indirectly discharge, place or cause to be discharged any of the following described substances into the City's wastewater treatment system or any public sewer:
 - A. Any liquids, solids or gases which, by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater treatment system or to the operation of the system. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, Toulon, xylene, ethers, alcohol, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, and any wastes with a closed cup flash point of less than one-hundred and forty (140) degrees Fahrenheit (sixty (60) degrees Celsius).
 - B. Solid or viscous substances which will or may 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 one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, or fleshing, 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, rocks, gas

tar, asphalt, residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

- C. Any wastewater having a pH less than 6.0 or more than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater treatment system.
- D. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater treatment system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- E. 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.
- F. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to dye wastes and vegetable tanning solutions.
- G. Any wastewater which creates conditions at or near the wastewater treatment system which violates any statute or any rule, regulation, or ordinance of any public agency or state or federal regulatory body.
- H. Any wastewater from a facility in existence prior to December 4, 1995 containing a CBOD in excess of two-hundred and sixty (260) mg/l and TSS in excess of two-hundred and eighty (280) mg/l unless such discharge is allowed by a permit and written agreement between the City and the discharger. Any facility with an initial discharge date of December 4, 1995 or later must meet the CBOD limit of two-hundred and sixty (260) mg/l and the TSS limit of two-hundred and eighty (280) mg/l.
- I. Any wastewater containing a total phosphorus in excess of 1 kg/day unless such discharge is allowed by a permit and written agreement between the City and the discharger.
- J. Any wastewater having a temperature greater than one-hundred and fifty (150) degrees Fahrenheit (sixty-five and six-tenths (65.6) degrees Centigrade), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding one-hundred and four (104) degrees Fahrenheit (forty (40) degrees centigrade) or having heat in amounts which will inhibit biological activity in the wastewater facility resulting in interference.

- K. Any slug load, which shall mean any pollutant, including oxygen demand pollutants (CBOD, COD, TKN, TP, etc.), released in a discharge of such volume or strength as to cause inhibition or disruption of the wastewater treatment system.
- L. Non-contact cooling water or unpolluted storm or groundwater.
- M. Any wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of fifty (50) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one-hundred and fifty (150) degrees Fahrenheit (zero (0) degrees Centigrade and sixty-five and six-tenths (65.6) degrees Centigrade); and any wastewater containing oil and grease concentrations of mineral or animal origin of greater than fifty (50) mg/l whether or not emulsified.
- N. Wastewater containing inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that they would cause disruption with the wastewater treatment system.
- O. Radioactive wastes or isotopes of such a half-life or concentration that they are in noncompliance with standards issued by the appropriate authority having control over their use and which will or are likely to cause damage or hazards to the City's wastewater treatment system or personnel operating it.
- P. Wastewater containing the following substances in excess of the limits shown herein:

Toxic Pollutant	Discharge Limitation
Cadmium (Cd)	1.03 mg/l
Chromium total (Cr)	5.23 mg/l
Copper (Cu)	2.86 mg/l
Cyanide (Cn)	1.09 mg/l
Lead (Pb)	1.05 mg/l
Mercury (Hg)	0.01 mg/l
Molybdenum (Mo)	0.10 mg/l
Nickel (Ni)	3.65 mg/l
Silver (Ag)	2.14 mg/l
Zinc (Zn)	8.10mg/l

- Q. Loadings in excess of those described in the chart above may be accepted into the wastewater treatment facility pursuant to a written agreement between the discharger and the City, which agreement shall provide that:
- (a) The discharger will pay all costs incurred by the City arising out of the discharge including fees and penalties;

- (b) Discharge shall in no event exceed functional capacity of the City's treatment facility;
 - (c) Provision be made for constant monitoring of discharge as may be necessary;
 - (d) There exists the capability of shutting the discharge off before it enters the wastewater treatment system;
 - (e) The permit may be revoked or modified where necessary as the needs of the wastewater treatment facility dictate in connection with the demands placed on the facility, its capabilities and emergencies affecting its operation in compliance with the applicable requirements for its operation by the City;
 - (f) The discharger shall hold the City harmless for such discharge;
 - (g) Such other terms may be deemed appropriate to ensure the safe and verifiable granting of permission to place such excess loadings in the system. No permit shall be granted hereunder where such discharge would violate applicable federal or state laws or regulations or adversely impact upon the City's ability to comply with applicable terms of its NPDES permit or applicable regulations governing its wastewater treatment facility.
- R. It is unlawful for any person to make or maintain a connection between eaves trough, rainspouts, footing drains, or any other conductor used to carry natural precipitation or groundwater, and the sanitary system or any part thereof.
- S. It is unlawful for any person to construct, alter, or extend any sewer connected or proposed to be connected to the sewage system without first having the plans and specifications therefore approved by the City.
- T. It is unlawful for any owner, tenant, agent, occupant, or other person having charge of any premises to maintain thereon any drain or sewer connection with the sewer system in a clogged, obstructed, broken, or damaged condition, or not in conformance with existing Plumbing Code.
- U. It is unlawful for any person to discharge or cause or permit to be discharged any sewage or unhealthful matter into any lake, natural ravine, or public waters.
- V. It is unlawful for discharge storm water or any other unpolluted drainage anywhere other than a specifically designed as storm sewers or to a natural outlet approved by the City and other regulatory agencies.

W. Any property found where a reconnection of a disconnected I.I conductor has occurred shall be assessed a surcharge of one-hundred dollars (\$100.00) per month. The surcharge shall be calculated from the date of inspection and approval until disconnection has been reestablished. Failure to permanently disconnect the conductor shall result in the suspension of water and sanitary service.

SECTION 902.1202: FALSIFYING INFORMATION

It is unlawful for any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance or wastewater discharge permit, or who falsifies with, tampers with, or knowingly renders inaccurate any monitoring device or method required by this chapter.

SECTION 902.1203: 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.

SECTION 902.1204: LEGAL ACTION

If a person discharges wastewater, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this ordinance, federal or state pretreatment requirements, or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief to terminate violation or unauthorized discharge and recover all expenses.

SECTION 902.1205: PUBLIC NUISANCE DECLARED

The City Council declares any violation of this Chapter to be a public nuisance affecting the health and safety of the public and authorizes the use of the enforcement and abatement procedures in this Code to address such violations. The City may also pursue criminal charges, administrative penalties, or any other remedies available under law or equity.

SECTION 902.1206: ADMINISTRATIVE PENALTIES

The City Council may set by resolution in the Schedule of Fees, administrative penalties for violation of this Chapter, from time to time.

SECTION 902.1207: VIOLATION A MISDEMEANOR

Any person, firm, or corporation violating any of the provisions of this chapter is guilty of a misdemeanor. Each day that a violation is allowed to continue shall constitute a separate offense.

Upon publication of this ordinance, all prior ordinances shall be repealed and shall no longer be effective.

Passed and approve this _____ date of _____, 2023

Mayor

City Clerk