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ORDINANCE 32 SEWER USE AND SEWER SERVICE CHARGE

Section 32.01: PURPOSE AND POLICY. This Ordinance sets uniform requirements for discharges into the waste water collection and treatment system and enables the City to comply with the administrative provisions of the Clean Water Grant Regulations, the water quality requirements set by the Minnesota Pollution Control Agency, and the applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by State or Federal law, and to derive the maximum public benefit by regulating the quality and quantity of waste water discharged into the City sewer system. This Ordinance provides a means for determining waste water volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the City's cost of operating and maintaining adequate waste water collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements, and depreciation.

Section 32.02: DEFINITIONS. Unless otherwise defined, terms shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Waste Water, published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. Waste constituents and characteristics shall be measured by Standard Methods unless expressly stated, or as established by Federal or State regulatory agencies.

Subd. 1: Building Sewer. Shall mean a sewer conveying waste water from the premises of a user to a community sewer.

Subd. 2: Beneficial Uses. Shall mean uses of the waters of the State that may be protected against quality degradation including domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible as specified by Federal or State law.

Subd. 3: BOD (Biochemical Oxygen Demand). Shall mean the quantity of oxygen expressed in parts per million by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions in five (5) days at 20C. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods".

Subd. 4: City. Shall mean the City of Albany, Minnesota, or any authorized agent acting in its behalf.

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Subd. 5: COD (Chemical Oxygen Demand). Shall mean the oxygen equivalent of that portion of organic and inorganic matter in a sample of waste water, expressed in parts per million by weight, that can be oxidized by a strong chemical oxidizing agent. The laboratory determinations shall be made in accordance with procedures set forth in “Standard Methods”.

Subd. 6: Combined Sewer. Shall mean a sewer intended to receive both waste water and storm or surface water.

Subd. 7: Community Sewer. Shall mean a sewer owned and operated by the City tributary to a treatment facility operated by the City or the Authority.

Subd. 8: Compatible Pollutant. Shall mean a biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the City's National Pollutant Discharge Elimination System (NPDES) Permit if the City's treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.

Subd. 9: Construction Cost. Shall mean the total cost incurred in the construction of sewerage works, consisting of but not limited to the sums spent for the following purposes:

- a) Actual sums paid for construction of waste water treatment facilities and for land acquisition.
- b) Actual engineering fees paid for preliminary engineering studies, plans and specifications, services during construction, construction staking, operation and maintenance manuals and. initial operator training.
- c) Actual sums paid for soils investigations, waste water sampling, and materials testing required for such construction.
- d) Actual fees and wages paid for legal, administrative, and fiscal services required by construction of waste water treatment facilities.
- e) Actual interest paid on the total amount financed by debt obligation for construction of waste water treatment facilities.

Subd. 10: Contamination. Shall mean an impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of waste water, whether or not Waters of the State are affected.

Subd. 11: Debt Service Charge. Shall mean the total charge levied on users for purposes of paying construction costs (principal and associated interest) of obligations incurred to finance acquisition and/or construction of sewerage works.

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Subd. 12: Federal Act. Shall mean the Federal Water Pollution Control Act, PL 92 500, and any amendments thereto; as well as any guidelines, limitations, and standards promulgated by the Environmental Protection City pursuant to the Act.

Subd. 13: Holding Tank Waste. Shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

Subd. 14: Incompatible Pollutant. Shall mean any pollutant which is not a "compatible pollutant" as defined in this Section.

Subd. 15: Industrial Wastes. Are distinct from domestic or sanitary wastes and shall mean the waste water from industrial processes, trade, or business.

Subd. 16: Major Contributing Industry. Shall mean any waste water contributor identified in the Standard Industrial Classification (SIC) Manual in any of Divisions A, B, D, E, and I that:

- a) Has a discharge flow of 50,000 gallons or more per average work day (if seasonal, the average shall be computed on tile period of use), or
- b) Has a flow or pollutant loading greater than five percent of the design capacity of the City's treatment works; or
- c) Has in its wastes toxic pollutants in toxic amounts as defined in the standards issued under Section 307 (a) of the Federal Water Pollution Act Amendments of 1972, or
- d) Is found by the City's authorized representative to have significant impact, either singly or in combination with other contributing industries on the treatment works or upon the quality of effluent from the treatment works.

Subd. 17: Manager. Shall mean the manager of the City or representatives designated by the City Council.

Subd. 18: Mass Emission Rate. Shall mean the weight of material discharged to the community sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.

Subd. 19: NPDES Permit. Shall mean the National Pollutant Discharge Elimination System Permit held by the City. This permit, which establishes limits on quality and quantity of discharges from the City treatment works, was issued by the State and Federal governments in accordance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et. seq.; the "Act", Section 402 and 405).

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Subd. 20: Normal Strength Domestic Waste Water. Shall mean normal domestic strength waste water means waste water that is primarily produced by residential users with five (5) day BOD concentrations not greater than 182 mg/l, suspended solid concentrations not greater than 164 mg/l, and Phosphorus concentrations not greater than 11 mg/l. The COD of normal domestic waste water shall not exceed 350 parts per million.

Subd. 21: Operation and Maintenance Cost. Shall mean annual expenditures made by the City in the operation and maintenance of its sewerage works, consisting of but not limited to the sums spent for each of the following purposes:

- a) Wages and salaries of all operating, maintenance, administrative, and supervisory personnel, together with all premiums paid on such wages and salaries (State of Minnesota workmen's compensation coverage, for example).
- b) Actual sums paid for electricity for light and power used for waste water collection and treatment facilities.
- c) Actual sums paid for chemicals, fuel and other operating supplies.
- d) Actual sums paid for repairs to and maintenance of waste water collection and treatment facilities and the equipment associated with the facilities.
- e) Actual sums paid as premiums for hazard insurance carried on sewerage works.
- f) Actual sums paid as premiums for insurance providing coverage against liability imposed by law for the injury to human beings and/or property (including death) of any human being or human beings resulting from the use and maintenance of said sewerage works.
- g) Actual sums paid for replacement of equipment within the useful life of the waste water treatment facilities, for example the cost to replace an electric motor or pump that fails, or a broken part in a pump.
- h) Actual sums set aside in a sinking fund established to provide a future capital amount for replacement of sewerage works equipment.

Subd. 22: Individual(s). Shall mean any individual, firm, company, partnership, association, and private, public and municipal corporations responsible corporate officer, the United States of America, the State of Minnesota, districts and all political subdivisions and governmental agencies.

Subd. 23: pH. Shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 0.000,000,1 grams/liter, or 10^{-7} grams per liter.

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Subd. 24: Pollution. Shall mean an alteration of the quality of the waters of the State by waste to a degree which unreasonably affects such waters for beneficial use or affects the facilities which serve such beneficial uses. Pollution may include contamination.

Subd. 25: Premises. Shall mean a parcel of real estate or portion thereof including any improvements thereon which is determined by the City to be a single user for purposes of receiving, using, and paying for service.

Subd. 26: Reclaimed Water. Shall mean water which, as a result of treatment of waste, is suitable for direct beneficial use or a controlled use that would not otherwise occur.

Subd. 27: Sanitary Sewer. Shall mean a sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters (infiltration/inflow) that are not admitted intentionally.

Subd. 28: Sewer Service Charge. Shall mean the total charge levied on users for sewer service. Sewer service charge is the total of “user charge” and “debt service charge”.

Subd. 29: Standard Methods. Shall mean the examination and analytical procedures set forth in the latest Edition at the time of the analysis of “Standard Methods for the Examination of Water and Waste Water” as prepared, approved and published jointly by the American Public Health Association, the Water Pollution Control Federation, and the American Water Works Association. Such “standard methods” shall also conform to Federal Register Reprint 40 CFR 136, “Guidelines Establishing Test Procedures for Analysis of Pollutants” (Oct. 16, 1973).

Subd. 30: State Agency. Shall mean the Minnesota Pollution Control Agency.

Subd. 31: Storm Drain (sometimes termed “storm sewer”). Shall mean a drain or sewer for conveying water, ground water, subsurface water, or unpolluted water from any source.

Subd. 32: Suspended Solids or Total Suspended Solids or TSS. Shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, waste water, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Waste Water” and referred to as nonfilterable residue.

Subd. 33: Treatment Works. Shall mean any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature or necessary to recycle or reuse water at the most economical cost over the useful life of the works, including interceptor sewers, outfall sewers, sewage collection systems, pumping power, and other equipment and appurtenances; extensions, improvements, remodeling, additional and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that

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will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste, including storm water run off, or industrial waste, including waste in combined storm water and sanitary sewer systems.

Subd. 34: Unpolluted Water. Shall mean water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the agency having jurisdiction thereof for disposal storm or natural drainage or directly to surface waters.

Subd. 35: User. Shall mean anyone that discharges, causes or permits the discharge of waste water into a community sewer.

Subd. 36: User Charge. Shall mean a charge levied on users to recover the cost of operation, maintenance, and replacement of sewage works, pursuant to Section 204(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq).

Subd. 37: User Class. Shall mean the division of the users by waste water characteristic or discharge similarities as follows:

- a) Commercial User. Shall mean any establishment listed in the Office of Management and Budget "Standard Industrial Classification Manual" (1972 edition) involved in a commercial enterprise, business or service which, based on a determination by the City, discharges primarily segregated domestic waste water or waste water from sanitary conveniences.
- b) Governmental User. Shall mean any federal, State, or local government user of the waste water treatment facilities.
- c) Industrial User. Shall mean any non governmental user of the publicly owned treatment facilities identified in the 1972 Standard Industrial Classification Manual (SICM), Office of Management and Budget as amended. For the purposes of this Ordinance, an Industrial User is a user whose waste water discharged into the sewer system is of a strength in excess of the normal domestic waste water except that when the waste water of an industry is of the strength or normal domestic waste water the industry will be billed as a commercial user.
- d) Institutional User. Shall mean any establishment listed in the "SICM" involved in a social, charitable, religious, or educational function which, based on a determination by the City, discharges primarily segregated domestic waste water or waste water from sanitary conveniences.
- e) Residential User. Shall mean a user of the treatment facilities whose premises or building is used primarily as a residence for one or more human beings, including dwelling units such as detached, semi detached, and row houses, mobile homes, garden and standard apartments or permanent multi family dwellings. (Transit lodging, considered commercial in nature, is not included.)

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Subd. 38: Waste. Includes sewage and any and all other waste substances liquid, solid, gaseous, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

Subd. 39: Waste Water. Shall mean waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.

Subd. 40: Waste Water Constituents and Characteristics. Shall mean the individual chemical, physical, and bacteriological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of waste water.

Subd. 41: Waters of the State. Shall mean any water, surface or underground, including saline waters within boundaries of the State.

Subd. 42: Flat Charge. Shall mean the charge levied on users to recover administration costs and costs related to infiltration and inflow.

Subd. 43: Infiltration/Inflow. Shall mean the total quantity of water from both infiltration water entering the sewage system from the ground through such means as defective pipes, pipe joints, connections and manhole walls; and inflow water other than waste water which enters the system from sources such as roof leaders, manhole covers, cellar, yard, foundation and area drains, catch basins, surface runoff, etc.

Section 32.03: TOXIC POLLUTANTS. Any waste water containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any waste water treatment process, constitute a hazard to humans or animals or create a toxic effect in the receiving water of the waste water disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Clean Water Act.

Section 32.04: PROHIBITIONS ON DISCHARGES. No one shall discharge wastes to a community sewer which cause, threaten to cause, or are capable of causing either alone or by interaction with other substances the following:

Subd. 1: A fire or explosion;

Subd. 2: Obstruction of flow or injury to the treatment works;

Subd. 3: Danger to life or safety of personnel;

Subd. 4: A strong offensive odor or prevention of the effective maintenance of operation of the treatment works;

Subd. 5: Air pollution by the release of toxic or malodorous gas producing substances;

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Subd. 6: Interference with the waste water treatment process;

Subd. 7: The City's effluent or any other product of the treatment process, residues, sludge, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process;

Subd. 8: Detrimental environmental impact or a nuisance in the waters of the State or a condition unacceptable to any public agency having regulatory jurisdiction over the City;

Subd. 9: Discoloration or any other condition in the quality of the City's treatment works effluent such that receiving water quality requirements established by law cannot be met;

Subd. 10: Any waste water or matter that would directly or indirectly result in a violation of the City's NPDES permit; or

Subd. 11: The City's treatment works to be overloaded or cause excessive City collection or treatment costs.

Section 32.05: PROHIBITIONS ON STORM DRAINAGE AND GROUND WATER. Storm water, ground water, rain water, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connections to a sanitary sewer unless a permit is issued by the City. The City may approve the discharge of such water only when no reasonable alternative method of disposal is available. If a permit is granted for the discharge of such water into a community sewer, the user shall pay the applicable charges and fees and meet such other conditions as required by the City.

Section 32.06: PROHIBITION ON UNPOLLUTED WATER. Unpolluted water, including but not limited to cooling water, process water or blow down from cooling towers or evaporative coolers shall not be discharged through direct or indirect connection to a community sewer unless a permit is issued by the City. The City may approve the discharge of such water only when no reasonable alternative method of disposal is available. If a permit is granted for the discharge of such water into a community sewer, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the City.

Section 32.07: LIMITATIONS ON RADIOACTIVE WASTES. No one shall discharge or cause to be discharged, any radioactive waste into a community sewer.

Section 32.08: LIMITATIONS ON THE USE OF GARBAGE GRINDERS. Waste from garbage grinders shall not be discharged into a community sewer except:

Subd. 1: Wastes generated in preparation of food normally consumed on the premises, or

Subd. 2: Where the user has obtained a permit for that specific use from the City, and agrees to undertake whatever self monitoring is required to enable the City to equitably determine the charges and fees based on the waste constituents and characteristics.

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Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the community sewer. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, or garden refuse.

Section 32.09: LIMITATIONS ON POINT OF DISCHARGE. No one shall discharge any substances directly into a manhole or other opening in a community sewer other than through an approved building sewer, unless a permit has been issued by the City. If a permit is issued for such direct discharge, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the City.

Section 32.10: HOLDING TANK WASTE. No one shall discharge any holding tank waste into a community sewer unless a permit has been issued by the City. Unless otherwise allowed by the City under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. This permit will state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and the waste water constituents and characteristics. If a permit is granted for discharge of such waste into a community sewer, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the City. An exception to the above is that no permit will be required for discharge of domestic wastes from mobile home holding tanks provided that such discharges are made into a City approved facility designed to receive such wastes.

Section 32.11: LIMITATIONS ON WASTE WATER STRENGTH.

Subd. 1: No one shall discharge waste water containing in excess of:

0.1	mg/1	arsenic
0.2	mg/1	cadmium
2.0	mg/1	copper
1.0	mg/1	cyanide
1.0	mg/1	lead
0.01	mg/1	mercury
1.0	mg/1	nickel
0.2	mg/1	silver
0.5	mg/1	total chromium
3.0	mg/1	zinc

Subd. 2. No one shall discharge any waste water:

- a) Having a temperature higher than 150 F (65.5 C).
- b) Containing more than 150 mg/1 of oil or Grease of animal or vegetable origin.
- c) Containing more than 100 mg/1 of oil or Grease of mineral or petroleum origin.
- d) Having a pH less than 6.5 or more than 8.5.

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- e) Containing in excess of 0.02 mg/l total identifiable chlorinated hydrocarbons which cannot be removed by the City's waste water treatment process.

Section 32.12: DISPOSAL OF UNACCEPTABLE WASTE. Waste not permitted to be discharged into the community sewer must be transported to a State approved disposal site.

Section 32.13: SPECIAL CONSIDERATIONS. If any waters or wastes are discharged or are proposed to be discharged to the community sewer, which waters contain the substances or possess the characteristics enumerated in the previous sections, and which in the judgment of the City may have a deleterious effect upon the waste water facilities, processes equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may:

Subd. 1: Reject the wastes,

Subd. 2: Require pretreatment to an acceptable condition or discharge to the public sewer,

Subd. 3: Require control over the quantities and rates of discharge, and/or

Subd. 4: Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or service charges.

If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City.

Section 32.14: BUILDING SEWERS AND CONNECTIONS.

Subd. 1: No unauthorized individual(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance without first obtaining a written permit from the City.

Subd. 2: New connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including, but not limited to, capacity for flow, BOD, and suspended solids.

Subd. 3: All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Subd. 4: A separate and independent building sewer shall be provided for every building; unless written permission for an alternative is obtained from the City. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

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Subd. 5: Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City, to meet all requirements of this Ordinance.

Subd. 6: The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City.

Subd. 7: Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the community sewer, sanitary waste water carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Subd. 8: No individual(s) shall make connection of roof downspouts, foundation drains, area drains, sump pumps, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a community sewer (unless such connection is approved by the City).

Subd. 9: The connection of the building sewer into the community sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the City before installation.

Subd. 10: The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the community sewer. The connection and testing shall be made under the supervision of the City.

Subd. 11: All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

Section 32.15: METERED WATER SUPPLY. When charges and fees are based upon the water usage, such charges and fees shall be applied against the total amount of water used from all sources unless, in the opinion of the City, significant portions of water received are not discharged to a community sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the City.

Section 32.16: METERED WASTE WATER VOLUME AND METERED DIVERSIONS. When charges and fees are based upon water usage and where, in the opinion of the City, a significant portion of the water received from any metered source does not flow into the community sewer because of the principal activity of the use or removal by other means, the charges and fees will be applied against the volume of water discharged from such premises into

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the community sewer. Written notification and proof of the diversion of water must be provided by the user, and approved by the City, if the user is to avoid the application of the charges and fees against the total amount of water used from all sources. The user may install a meter of a type and at a location approved by the City and at the user's expense. Such meters shall measure either the amount of sewage discharged or the amount of water diverted. Such meters shall be maintained at the expense of the user and be tested for accuracy at the expense of the user when deemed necessary by the Manager.

Section 32.17: ESTIMATED WASTE WATER VOLUME.

Subd. 1: Users with Source Meters. For users who, in the opinion of the City, divert a significant portion of their flow from a community sewer, the charges and fees may be based upon an estimate of the flow and volume to be discharged, prepared by the user and approved by the City, provided the user obtains a Waste Water Discharge Permit and pays the applicable charges and fees. The estimate must include the method and calculations used to determine the waste water volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water use necessary to estimate the waste water volume discharged.

Section 32.18: DISCHARGE REPORTS. The City may require that any one discharging or proposing to discharge waste water into a community sewer file a periodic Discharge Report. The Discharge Report may include, but not be limited to, nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operation, number and classification of employees, or other information which relates to the generation of wastes including waste water discharge. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on site even though they are not normally discharged. In addition to Discharge Reports, the City may require information in the form of Waste Water Discharge Permit applications and self monitoring reports. All measurements, tests, and analysis of waste water characteristics be determined in accordance with the latest edition of "standard methods".

Section 32.19: WASTE WATER DISCHARGE PERMITS.

Subd. 1: Mandatory Permits. Each "major contributing industry" as defined in Section 32.02 or other users with a discharge equivalent to that of a major contributing industry, if not connected to a community sewer, must obtain a Waste Water Discharge Permit before connecting to or discharging into a community sewer. Each currently connected "major contributing industry" or equivalent user must obtain a Waste Water Discharge Permit within ninety (90) days after the effective date of this Ordinance.

Subd. 2: Permit Application. Users seeking a Waste Water Discharge Permit shall complete and file with the Manager an application in the form prescribed by the Manager, and accompanied by the applicable fees. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information.

- a) Name, address, and SIC number of applicant;

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- b) Volume of waste water to be discharged;
- c) Waste Water constituents and characteristics including but not limited to those mentioned in Section 32.02 as determined by a laboratory approved by the City.
- d) Time and duration of discharge;
- e) Average and 30 minute peak waste water flow rates, including daily, monthly and seasonal variations if any;
- f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.
- g) Description of activities, facilities and plant process on the premises including all materials, processes and types of materials which are or could be discharged;
- h) Each product produced by type, amount, and rate of production;
- i) Number and type of employees, and hours of work;
- j) Any other information as may be deemed by the Manager to be necessary to evaluate the permit application.

Subd. 3: Evaluation and Approval of Data. The Manager will evaluate the data furnished by the user and may require additional information. After evaluation and approval of all the data required, the Manager may issue a Waste Water Discharge Permit subject to terms and conditions provided herein.

Subd. 4: Permit Conditions. Waste Water Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other ordinances, regulations, charges and fees established by the City. The conditions of Waste Water Discharge Permits shall be uniformly enforced by the Manager in accordance with this Ordinance, and applicable State and Federal regulations. Permits may contain the following:

- a) The unit charge or schedule of charges and fees for the waste water to be discharged to a community sewer;
- b) The average and maximum waste water constituents and, characteristics;
- c) Limits on rate and time of discharge or requirements for flow regulations and equalization;
- d) Requirements for installation of inspection and sampling facilities;
- e) Pre treatment requirements;

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- f) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;
- g) Requirements for submission of technical reports or discharge reports;
- h) Requirements for maintaining plant records relating to waste water discharge as specified by the City and affording City access thereto;
- i) Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as defined by section 1.02.j) are proposed or present in the user's waste water discharge.
- j) Other conditions as deemed appropriate by the City to insure compliance with this Ordinance.

Subd. 5: Duration of Permits. Waste Water Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A Permit may be issued for a period less than a year or may be stated to expire on a specific date. If the user is not notified by the City thirty (30) days prior to the expiration of the Permit, the Permit shall be extended one (1) additional year. The terms and conditions of the Permit may be subject to modification and change by the City during the life of the Permit as limitations or requirements as identified in Section 32.10 are modified and changed. The user shall be informed of any proposed changes in the Permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance.

Subd. 6: Transfer of a Permit. Waste Water Discharge Permits are issued to a specific user for a specific operation. A Waste Water Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

Subd. 7: Revocation of Permit. Any user who violates the conditions of the Waste Water Discharge Permit, any provisions of this Ordinance, applicable State and Federal regulations, or any of the following, is subject to having the permit revoked:

- a) Failure of a user to factually report the waste water constituents and characteristics of his discharge;
- b) Failure of the user to report significant changes in operations, or waste water constituents and characteristics; or,
- c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.

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Section 32.20: MONITORING FACILITIES. Users who propose to discharge, or who in the judgment of the City could discharge now or in the future, waste water with constituents and characteristics different from that produced by a domestic premise will be required to install a monitoring facility. When more than one user can discharge into a common building sewer, the City may require installation of a separate monitoring facility for each user. When, in the judgment of the City, there is a significant difference in waste water constituents and characteristics produced by different operations of a single user, the City may require that separate monitoring facilities be installed for each separate discharge.

Subd. 1: Construction, Operation and Maintenance. Monitoring facilities that are required to be installed shall be constructed, operated and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of waste water produced by a user. If sampling or metering equipment is also required by the City, it shall be provided, installed and operated at the user's expense. The monitoring facility will normally be required to be located outside of the building on the user's premises. The City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over that street or sidewalk, and located so that it will not be obstructed by landscaping or parked vehicles.

Subd. 2: Access. If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for City personnel, such as a gate secured with a City lock. There shall be ample room in or near such facility to allow accurate sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the user.

Subd. 3: Specifications. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the City's requirements and all applicable local agency construction standards and specifications. When, in the judgment of the City, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within ninety (90) days following written notification unless a time extension is otherwise granted by the City.

Section 32.21: INSPECTION AND SAMPLING. The City may inspect the facilities of any user to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Users or occupants of premises where waste water is created or discharged shall allow the City or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection or sampling or in the performance of any of their duties. The City shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force which would require proper identification, personnel from the City will be permitted to enter without delay for the purposes of performing their specific responsibilities.

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Section 32.22: PRETREATMENT. Users shall make waste water acceptable under the limitations established herein before discharging into any community sewer. Any facilities required to pretreat waste water to a level acceptable to the City shall be provided and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be approved by the City before construction of the facility. The review and approval of such plans and operating procedures shall be submitted to the City for review, and shall be approved by the City before construction of the facility. The review and approval 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 complying with the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and approved by the City.

Section 32.23: PROTECTION FROM ACCIDENTAL DISCHARGE. Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's 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. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this Ordinance.

Section 32.24: CONFIDENTIAL INFORMATION. All information and data on a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods which would be detrimental to the user's competitive position. When requested by the individual furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies. Portions of the report shall be available for use by the State or any State Agency in judicial review or enforcement proceedings involving the individual furnishing the report. Waste water constituents and characteristics will not be recognized as confidential information. Information accepted by the City as confidential shall not be transmitted to any governmental agency or to the general public by the City until and unless prior and adequate notification is given to the user.

Section 32.25: SPECIAL AGREEMENTS. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern where an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern providing the NPDES and/or State Disposal System Permit limitations are not violated.

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Section 32.26: SCHEDULE OF CHARGES. Users discharging waste water to the sanitary sewer system in accordance with the provisions of this Ordinance shall be charged periodically, as determined by the Council, on the basis of the volume and strength of waste water discharged. The periodic service charge will include a user charge component (to meet all costs associated with operation, maintenance, and replacement of the waste water collection and treatment facilities) and a debt retirement component (to meet facility construction costs). The actual service charge shall be based upon five cost causative elements: flow, BOD, suspended solids, phosphorous, and administration. Administration costs shall include all costs (such as billing costs, insurance costs, and infiltration/inflow related costs) that are judged to be equitably recovered on a uniform semi annual minimum, or connection, type charge. That is, administration costs are not a variable among various users, since these costs are not a function of the amount of waste water discharged by a particular user. The Schedule of Charges shall be as established by the Council in Appendix A.

Section 32.26 updated 1/2007

Section 32.27: BASIS FOR DETERMINATION OF USER CHARGES. Users shall pay their proportionate share of the expenses incurred by the City for the construction, operation, maintenance and replacement of the sewage treatment works, with the minimum rate for loading for 5 day BOD, suspended solids, and phosphorous; the rate established being for concentrations of:

5 BOD	182 mg/l
Suspended Solids	164 mg/l
Phosphorous	11 mg/l,

As illustrated examples of Normal Domestic Strength Waste Water. Users shall pay an equitable amount for expenses related to infiltration/inflow and administrative services.

Subd. 1: Unit costs for the treatment of “flow”, “5 day BOD”, “Suspended Solids”, and “Phosphorous” shall be fixed annually in the “Sewer Service Charge Outline” according to the following procedure:

- a) Determination of the annual Administrative Budget
- b) Determination of the annual Operating, Maintenance and Replacement budget.
- c) Determination of the annual amount of money necessary for debt repayment.
- d) Proportionate cost distribution of the annual Operation, Maintenance, Replacement, and Debt Service costs relative to “flow”, “BOD”, “suspended solids”.
- e) Determination of the percentage of the “flow” costs attributable to the inflow/infiltration which are then added to the administrative budget.

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- f) Determination of the “Flat Charge” by dividing the sum of Article “E” above (i.e., administration budget plus inflow/infiltration related costs) by the number of “user connections”:
1. Each of the following shall constitute one user connection:
 - i) A single family dwelling.
 - ii) Each apartment in an apartment house.
 - iii) Each use in a multiple use facility (i.e. one business and three apartment in a single structure will be considered as four (4) user connections.
 - iv) Hospital & nursing home one user connection for each four (4) resident or patient rooms.
 - v) Schools, one user connection for each one hundred (100) students or portion thereof.
 - vi) Churches and auditoriums, one user connection of each one hundred (100) seating spaces or portions thereof.
 2. Determine "unit costs" by dividing the Operations, Maintenance and Replacement attributable to flow, 5 day BOD, suspended solids and phosphorus respectively by the total annual billable volume and loading of flow, 5 day BOD, suspended solids, and phosphorous.
 3. Determine the (fixed rate) cost per 1,000 gallons of normal strength waste.

Subd. 2: Users shall be charged according to the following formula:

- a) Normal Domestic Strength Waste discharges:

$$A = Q + (V \times F)$$

Where:

A = The Sewer Service Charge

Q = The Flat charge per connection for administration and inflow/infiltration related costs

V = The Volume of flow measured in 1,000 gallon units over a period of time.

F = The Fixed rate per 1,000 gallons of normal domestic strength waste water for recovery of the Operation, Maintenance and Replacement expenses incurred and the local capital recovery cost.

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b) Industrial Waste Water Dischargers.

$$A = Q + (f \times V) + (b \times \text{BOD}) + (s \times \text{SS}) + (p \times \text{P04})$$

Where:

A = The Sewer Service Charge

Q = The Flat charge per connection for administration and inflow/infiltration costs.

f = The Unit cost for flow.

V = Volume of flow as measured in 1,000 gallon units over a period of time.

b = The Unit cost for 5 day BOD.

BOD = The Pounds of 5 day BOD as measured over a period of time.

s = The Unit cost for suspended solids.

SS = The Pounds of suspended solids as measured over a period of time.

p = The Unit cost for phosphorous.

P04 = The Pounds of phosphorous as measured over a period of time.

Section 32.28: DISTRIBUTION OF CHARGES. Unit costs for flow, 5 day BOD, suspended solids, phosphorous, administration, inflow/infiltration, and per 1,000 gallons of normal strength waste water shall be computed annually and shall include operation and maintenance costs (including replacement costs) and annual construction costs. The Costs shall be determined and fixed by the method provided in this Ordinance and the Sewer Service Charge Outline developed with the assistance of the consulting firm of Rieke Carroll Muller and Associates of Hopkins, Minnesota 55343 0130 (Phone 612-935-6901)

Subd. 1: Costs shall be distributed annually as determined in the Sewer Service Charge Outline, until changes in the actual costs/revenue pattern render another distribution of costs more proportional. Initial unit cost figures for the Sewer Use Service Charges will be established by the City Council. Computations supporting unit cost figures (f, b, s and p) and service charges shall be revised annually in accordance with the provisions of this Ordinance, the SSC Outline and Section 204(b) of the Clean Water Act.

Subd. 2: All users shall pay their proportionate share of the charges assessed for operations, maintenance and replacement costs of the system, based on the user's proportionate contribution to the total waste water loading from all users. Local construction costs for the Waste Water Treatment Facility will be recovered from the users in proportion to their contributions of waste water flow and loading into the system. The Unit costs for debt service of capital expenditures attributable to flow, 5 day BOD, suspended solids, and phosphorous shall be determined by the method established in the Service Charge Outline. In addition, each user shall be billed a fixed amount "Q" per sewer connection to cover the administrative and inflow/infiltration related costs.

Subd. 3: All users discharging normal domestic strength waste water shall be billed based on waste water volume only. "Industrial Users" who discharge normal domestic strength waste water only, can be classified as "commercial users" for the purposes of rate determination.

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Subd. 4: All users discharging waste water with a strength lower than that of normal domestic waste water shall be billed for normal domestic strength waste water discharge.

Subd. 5: All users who discharge waste water above the normal strength of domestic waste water shall be billed at the unit cost rates as established by the City Council as determined by the methods established by the Sewer Service Charge Outline. Industrial users that discharge above normal domestic strength waste water shall be billed monthly based upon the volume of waste water, the pounds of 5 day BOD, the pounds of suspended solids, and the pounds of phosphorous. In no case shall an industrial user's monthly bill be than AQ@, per sewer connection plus the fixed normal domestic strength waste water for each 1,000 gallon unit of waste water discharged.

Subd. 6: All users of the City sewer system not having a metered source of water must install an accurate "water" or "waste water flow" metering (at the users expense) which will serve as a basis for estimating the volume of waste water discharged, and determining the user service charge. Monitoring facilities shall conform to Section 32.18 of this ordinance.

Subd. 7: Computations used in the development and subsequent adjustments of all of the above mentioned rates shall be kept on file in the City's Administrative Office and will be available for public review.

Section 32.29: ADJUSTMENT OF CHARGES AND FEES. The City shall revise the charges for users or user classes to accomplish the following:

Subd. 1: Maintain the proportionate distribution of operation and Maintenance costs among users and user classes;

Subd. 2: Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works; and

Subd. 3: Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

Section 32.30: WASTE WATER SERVICE CHARGES. Waste water service charges provided for in this Ordinance shall be included as a separate item on the regular bill for water. Charges shall be paid at the same time that the water charges of the user become due. The City shall annually notify all users what portion of the service charge is necessary to meet the operation, maintenance, and replacement costs (user charge) and what portion is necessary to meet long term debt (debt service charge).

Section 32.31: NON SEWERED WATER USAGE. The City Council may adopt a policy for excluding summer season non sewered water usage (residential lawn and garden irrigation water) from the volume utilized in computing the residential sewer service charge.

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Section 32.32: SEWER SERVICE FUND. The City has established a “Sewer Service Fund”, within the general operating fund, as an income fund to receive all revenues generated by the Sewer Service System, and all other income dedicated to the administration, operation, maintenance, replacement and construction of the waste water treatment works, including taxes, special charges, fees, and assessments intended to retire construction debt.

Subd. 1: The City also establishes the following income and expenditure accounts within the Sewer Service Fund, within the general operating fund:

- a) Administration.
- b) Operation & Maintenance.
- c) Equipment Replacement.
- d) Debt Retirement.

Subd. 2: All revenue generated by the Sewer Service Charge System, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be accounted for separately within the general operating fund, as the “Administrative Account”, the “Operation and Maintenance Account”. The “Equipment Replacement Account” and the “Debt Retirement Account” shall be held separate and apart from all other funds of the City; in accordance with State and Federal Regulations and the provisions of this Ordinance.

Subd. 3: Revenue generated by the Sewer Service Charge System sufficient to insure adequate replacement throughout the design of the useful life of the waste water treatment facility shall be held separate and apart in the “Equipment Replacement Account” and dedicated to affecting replacement costs. Interest income generated by the "Equipment Replacement Account" shall remain in “Equipment Replacement Account”.

Section 32.33: ACCIDENTAL DISCHARGES.

Subd. 1: Notification of Discharge. Users shall notify the City immediately upon accidentally discharging wastes in violation of this Ordinance to enable countermeasures to be taken by the City to minimize damage to the community sewer, treatment facility, treatment processes and the receiving waters. Notification shall be followed, within fifteen (15) days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence.

Subd. 2: Liability. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant, or treatment process, or for any fines imposed on the City on account thereof.

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Subd. 3: Notices to Employees. In order that employees of users be informed of City requirements, users shall make available to their employees copies of this Ordinance together with such other waste water information and notices which may be furnished by the City from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this Ordinance.

Subd. 4: Preventive Measures. Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system should be eliminated. Where such action is impractical or unreasonable the user shall appropriately label such entry points to warn against discharge of such wastes in violation of this Ordinance.

Subd. 5: Issuance of Cease and Desist Orders. When the City finds that a discharge of waste water has taken place, in violation of prohibitions or limitations of this Ordinance, or the provisions of a Waste water Discharge Permit, the Manager may issue an order to cease and desist, and direct that those users not complying with such prohibitions, limits, requirements, or provisions to:

- a) Comply forthwith;
- b) Comply in accordance with a time schedule set forth by the City, or
- c) Take appropriate remedial or preventive action in the event of a threatened violation.

Subd. 6: Submission of Time Schedule. When the City finds that a discharge of waste water has been taking place, in violation of prohibitions or limitations prescribed in this Ordinance, or waste water source control requirements, effluent limitations or pretreatment standard, or the provisions of a Waste Water Discharge Permit, the City may require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements.

Section 32.34: APPEALS. Any user, permit applicant, or permit holder affected by any decision, action, or determination, including Cease and Desist Orders, made by the Manager, interpreting or implementing the provisions of this Ordinance or in any permit issued herein, may file with the Manager a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration.

Subd. 1: If the ruling made by the Manager is unsatisfactory to the user requesting reconsideration, the user may within ten (10) days after notification of City action, file a written appeal to the City's governing body. The written appeal shall be heard by the governing body within thirty (30) days from the date of filing. The City's governing body shall make a final ruling on the appeal within fifteen (15) days of the close of the meeting. The manager's decision, action, or determination shall remain in effect during such period of reconsideration.

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Section 32.35: PUBLIC NUISANCE. Discharges of waste water in any manner in violation of this Ordinance or of any order issued by the Manager as authorized by this Ordinance, is declared a public nuisance and shall be corrected or abated as directed by the Manager. Anyone creating a public nuisance shall be subject to provisions of the City Code.

Section 32.36: INJUNCTION. Whenever a discharge of waste water is in violation of the provisions of this Ordinance or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the City may petition the Court for the issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of such discharge.

Section 32.37: DAMAGE TO FACILITIES. When a discharge of waste causes an obstruction, damage, or any other impairment to City facilities, the City may assess a charge against the user for the work required to clean, repair or replace the facility and add such charge to the user's sewer charge.

Section 32.38: CORRECTION OF VIOLATIONS, COLLECTION OF COSTS; INJUNCTION. In order to enforce the provisions of this Ordinance, the City may correct any violation. The cost of the correction may be added to any sewer service charge payable by the user violating the Ordinance or the owner or tenant of the property upon which the violation occurred. The City shall have such remedies for the collection of such costs as it has for the collection of sewer service charges. The City may also petition the court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining any user from the continued violation of this Ordinance.

Section 32.39: CIVIL LIABILITIES AND PENALTIES. Any user who intentionally or negligently violates any provision of this Ordinance, requirements, or conditions set forth in permits duly issued, or who discharges waste water which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, shall be liable civilly to liabilities imposed by the City against which the violation occurs. Said civil liability may be in a sum not to exceed \$6,000 for each day in which such violation occurs.

Subd. 1: The City may petition the Court to impose, assess and recover such sums. In determining such amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any.

Section 32.40: COLLECTION OF DELINQUENT ACCOUNTS. The City has the authority to establish procedures for collecting delinquent accounts including such things as, but not limited to, applicable liens, penalties, and discontinuation of services.

Section 32.41: FALSIFYING OF INFORMATION. Anyone who knowingly makes any false statements, representations, records, reports, plans or other documents filed with the City or

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who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, is be in violation of this Ordinance and subject to the civil liabilities imposed under this Ordinance, or subject to prosecution and punishment under this Ordinance.

Section 32.42: TERMINATION OF SERVICE. In order to effect its powers, the City may enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities and may terminate service to property in which a violation of any rule, regulation, of this Ordinance is found to exist. Failure to pay the City for the use, within sixty (60) days after the billing date is a violation of this ordinance and grounds for termination of service.

Subd. 1: Before terminating service, the City shall mail written notification to the property's owner at the address shown on the County Assessor's records, or as known to the City Clerk/Administrator, and deliver a copy to the occupant that service will be terminated on a specified date.