

CHAPTER 3

**MUNICIPAL AND PUBLIC UTILITIES – RULES AND REGULATIONS,
RATES, CHARGES AND COLLECTIONS**

		<u>Page</u>
Section 1	General Provisions	3-3
Section 2	Rules and Regulations Relating to Water Service	3-9
Section 3	Rules and Regulations Relating to Sewage Service	3-15
Section 4	Rules and Regulations Relating to Individual On-Site Sewage Treatment Systems	3-33
Section 5	Trunk Area Fees	3-41

SECTION 1

GENERAL PROVISIONS

SECTION:

- 3-1-1: Definitions
- 3-1-2: Fixing Rates and Charges for Municipal Utilities
- 3-1-3: Contractual Contents
- 3-1-4: Rules and Regulations Relating to Municipal Utilities
- 3-1-5: Connection or Tapping Prohibited – Delinquent Assessments or Charges
- 3-1-6: Connection and Access Charges
- 3-1-7: Violation a Misdemeanor

3-1-1: DEFINITIONS. As used this Code, the following words and terms shall have the meanings stated:

- A. “Company”, “Grantee”, and “Franchisee” mean any public utility system to which a franchise has been granted by the City.
- B. “Consumer” and “Customer” mean any user of a utility.
- C. “Municipal Utility” means any City-owned utility system, including, but not by way of limitation, water and sewerage service.
- D. “Service” means providing a particular utility to a customer or consumer.
- E. “Utility” means all utility services, whether the same to be public City-owned facilities or furnished by public utility companies.

3-1-2: FIXING RATES AND CHARGES FOR MUNICIPAL UTILITIES. All rates and charges for municipal utilities, including, but not by the way of limitation, rates for service, permit fees, deposit, connection and meter testing fees, disconnection fees, reconnection fees including penalties for non-payment if any, shall be fixed, determined and amended by the Council and adopted by ordinance as part of the City’s Fee Schedule. Such ordinance, containing the effective date thereof, shall be kept on file and open to inspection in the office of the City Clerk and shall be uniformly enforced. For the purpose of fixing such rates and charges, the Council may categorize and classify under the various types of service, provided, that such categorization and classification shall be included in the resolution authorized by this Section.
(Ord 170, SS, 10/7/12)

3-1-3: 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 be deemed to assent to the same.

3-1-4: RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITIES.

- A. Billing, Payment and Delinquency. All municipal utilities shall be billed monthly and a utilities statement or statements shall be mailed to each consumer. All utilities charges shall be delinquent if they are unpaid at the close of business on the 15th day following such billing, provided, that if the 15th day shall fall on a Saturday, Sunday or legal holiday, the time shall be extended to the close of business on the next succeeding day on which business is normally transacted. A penalty of ten (10) percent of the delinquent amount shall be added to, and become part of, all delinquent utility bills. Each billing will clearly state the penalty as a percentage rate. Delinquent utility accounts shall result in disconnection within forty-eight (48) hours after mailing notice thereof to the consumer. If service is suspended due to delinquency it shall not be restored at that location until a reconnection charge has been paid for each utility reconnected in addition to amounts owed for service and penalties.
- B. Application, Connection and Sale of Service. Application for municipal utility services shall be made upon forms supplied by the City, and strictly in accordance therewith. No connection shall be made until consent has been received from the City to make the same. All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of such utilities taken as metered or ascertained in connection with such rates. (Ord 170, SS, 10/7/12)
- C. Discontinuance of Service. All municipal utilities may be shut off or discontinued whenever it is found that: (Ord 170, SS, 10/7/12)
1. The owner or occupant of the premises served, or any person working on any connection with the municipal utility systems, has violated any requirement of the City Code relative thereto, or any connection therewith.
 2. Any charge for a municipal utility service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid after notice thereof.
 3. There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefore.

4. The City will not shut off water service to a residential unit from October 15th through April 15th if that shut off would in any way affect the primary heat source of the unit and the present owner or occupant complies with the provisions of state law and regulations.
 5. The Building Official or the Director of Public Works to protect the public health and safety and in order to protect the public water supply and/or private property, may order the City water service immediately disconnected to any property upon determining that any of the following conditions exist:
 - a. The property if vacant;
 - b. The property if unsecured;
 - c. The property is determined to be uninhabitable or unsuitable for occupancy;
 - d. Other utilities to the property providing heat and/or light have been shut off;
 - e. The property has plumbing that is failing or unsafe;
 - f. That running water to the property creates an unsanitary or unsafe condition to anyone who may enter the property; or
 - g. The property owner or occupancy has refused access by authorized officials as authorized by this Section.
 6. If the Public Works Director or designee determines a meter needs reading, inspection, maintenance, or replacement, a notification shall be placed on the property. If the owner or occupier of a premise fails to respond to the order within fourteen (14) days, the City may cause to have a No Response Fee, as established by the Fee Schedule, charged to the property or premise account. After such charge is applied to the property, the City may cause to have the water shut-off.
- D. Ownership of Municipal Utilities. Ownership of all municipal utilities, plants, lines, mains, extensions and appurtenances thereto, shall be and remain in the City and no person shall own any part of portion thereof. Provided, however, that private facilities and appurtenances constructed on private property are not intended to be included in municipal ownership.
- E. Right of Entry. By applying for, or receiving, a municipal utility service, a customer irrevocably consents and agrees that any City employee acting within the course and scope of his employment may enter into and upon the private

property of the customer, including dwellings and other buildings, at all reasonable times under the circumstances, in or upon which private property a municipal utility, or connection therewith, is installed, for the purpose of inspecting, repairing, reading meters, connecting or disconnecting the municipal utility service.

F. Meter Test. Whenever a consumer shall request the City to test any utility meter in use by him, such a request shall be accompanied by a cash deposit for each meter to be tested. If any such meter is found to be inaccurate the same shall be replaced with an accurate meter and the deposit thereon refunded. If the meter shall be found to be accurate in its recordings or calculations it shall be reinstalled and deposit shall be retained by the City to defray the cost of such test.

G. 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.

2. It is unlawful for any person to make any connection with, opening into, use, or alter in any way any municipal utility system without first having applied for and received written permission to do so from the City.

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 non-payment 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 “jumper” or by any means or device fully or partially circumvent a municipal utility meter, or to knowingly use or consume un-metered utilities or use the services of any utility system, the use of which the proper billing authorities have no knowledge.

H. Municipal Utility Services and Charges a Lien. (Ord 170, SS, 10/7/12)

1. Payment for all municipal utility (as that term is defined in City Code, Section 3-1-1) service and charges shall be the primary responsibility of the owner of the premises served and shall be billed to him unless otherwise contracted for and authorized in writing by the owner and the tenant, as agent for the owner, and consented to by the City of St. Francis, Minnesota. The City may collect the same in a civil action or, in the alternative and at the option of the City, as otherwise provided in this Subdivision.

2. Each such account is hereby made a lien upon the premises served. All such accounts which are more than thirty (30) days past due may, when authorized by resolution of the Council, be certified by the City Clerk of the City of St. Francis, Minnesota, to the County Auditor, and the City Clerk in so certifying shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City along with other taxes.
- I. Notice and Appeal. The City will provide the current owner or occupant notice of a pending shut-off or certification prior to shutting off the water or certifying the unpaid amount and the appeal mechanism in the subdivision. This notice will be by first class mail to the individual's last known address at least twenty (20) days and, if there is no response, a red tag with the appropriate notice will be affixed to the property for a period of seven (7) days. Individuals who receive such a notice may appeal to the City Council by submitting a written appeal no later than thirty (30) calendar days after the initial notice. In addition, individuals who receive such a notice may submit a written request to meet with a City representative at any time prior to the matter being placed before the City Council to discuss the unpaid bill or other reason for shut off or certification.

3-1-5: CONNECTION OR TAPPING PROHIBITED – DELINQUENT ASSESSMENTS OR CHARGES. No permit shall be granted to tap or connect with sewer or water mains when any assessment or connection charge for such sewer or water main against the property to be connected is in default or delinquent. If such assessment or connection charges are payable in installments, no permit shall be granted unless all installments then due and payable have been paid.

3-1-6: CONNECTION AND ACCESS CHARGES. Connection and access charges shall be required to be paid prior to the initiation of service for any utility. The cost of such charges shall be fixed from time to time by Ordinance in the form of the City's Fee Schedule. Such charges shall be reflective of the original cost of improvements to which connection is made, together with appropriate adjustments which reflect current costs for similar improvements shall be paid at the time a connection is made or required to be made to any Sanitary Sewer, Public Water, Storm Sewer, or other Public Improvement by any premise which has not previously contributed to the costs of such Public Improvement. (Ord 170, SS, 10/7/12)

3-1-7: VIOLATION A MISDEMEANOR. Every person who violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

SECTION 2

RULES AND REGULATIONS RELATING TO WATER SERVICE

(Ord 170, SS, 10/7/12)

SECTION:

- 3-2-1: Deficiency of Water and Shutting Off Water
- 3-2-2: Repair of Leaks
- 3-2-3: Abandoned Serviced Penalties
- 3-2-4: Private Service Connections and Maintenance
- 3-2-5: Private Water Supplies
- 3-2-6: Water Use Restrictions
- 3-2-7: Water Emergencies
- 3-2-8: Opening Hydrants
- 3-2-9: Un-metered Service
- 3-2-10: Water Meters and Water Meter Horns
- 3-2-11: Code Requirement
- 3-2-12: Water Connection Charges
- 3-2-13: Backflow Protection
- 3-2-14: Additional Rules and Regulations

3-2-1: DEFICIENCY OF WATER AND SHUTTING OFF WATER. The City is not liable for any deficiency or failure in the supply of water to customers whether occasioned by shutting the water off for the purpose of making repairs or connections or by any other cause whatever. In case of fire, or alarm of fire, water may be shut off to insure a supply for fire fighting. In making repairs or construction of new works, water may be shut off at any time and kept off so long as may be necessary.

3-2-2: REPAIR OF LEAKS. It is the responsibility of the consumer or owner to maintain the service pipe from the corporation stop, through the curb stop box, and into the house or other building. In case of failure upon the part of any consumer or owner to repair any leak occurring in his/her service pipe within twenty-four (24) hours after oral or written notice has been given the owner or occupant of the premises, the water may be shut off and will not be turned on until a reconnection charge has been paid and the water service has been repaired. When the waste of water is great or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately. If repairs are necessary to protect public or neighboring properties and not initiated within twenty-four (24) hours after oral and written notice, the City may cause to have the work done at the account holder or property owners' expense.

3-2-3: ABANDONED SERVICE PENALTIES. All service installations connected to the water system that have been abandoned or, for any reason, have become useless for further service shall be disconnected at the main. The owner of the premises, served by this service, shall pay the cost of the excavation and subsequent restoration. The City shall perform the actual disconnection and all pipe and appurtenances removed from the street right-of-way shall become the property of the City. When new buildings are erected on the site of old ones, and it is desired to increase the existing water service size, a new permit shall be taken out and the regular tapping charge shall be made as if this were a new service. It is unlawful for any person to cause to allow any service pipe to be hammered or squeezed together at the ends to stop the flow of water, or to save expense in improperly removing such pipe from the main. Also, such improper disposition thereof shall be corrected by the City and the cost incurred shall be borne by the person causing or allowing such work to be performed.

3-2-4: PRIVATE SERVICE CONNECTIONS AND MAINTENANCE.

- A. No person may excavate in a public right-of-way to obtain service from a water main, make connection therewith, or for any purpose which will expose a water main unless in receipt of a permit for the connection.
- B. The corporation stop inserted in the distributing pipe must be of the size specified in the permit order and the connection shall be made in a manner consistent with City specifications and standards. Minimum size connection with the water main shall be one-inch in diameter.
- C. Service pipes shall extend from the main through the curb stop box to the inside of the building; or if not taken into a building then to the hydrant or other fixtures which it is intended to supply. A brass ball valve, the same size as the service pipe, shall be installed close to the inside wall of the building, ahead of the meter and well protected from freezing. Service pipes 1 inch in diameter shall be Seamless Copper, Type K, Soft Annealed Copper or Polyethylene Grade PE-3408 or PE-4710 and shall be rated for 200 PSI working pressure, SDR-9, Copper Tube Size. Copper materials shall not be used for services larger than 1 inch in diameter. Service materials for services larger than 2 ½ inches in diameter shall conform to the requirements of Ductile Iron Pipe Class 52 or Polyvinyl Chloride Pipe C-900. Where non-conductive service materials are installed, #12 AWG solid copper or copper clad steel (CCS) wire with 30 mil high density polyethylene (HDPE) insulating jacket shall be installed along the entire length of service pipe. The copper wire shall be terminated such that it is able to be connected to and used for underground locating purposes.
- D. Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than eight (8) feet below

the surface in all cases so arranged as to prevent rupture and stoppage by freezing or other such damage.

- E. Joints on copper tubing shall be flared and kept to a minimum. Joints on polyethylene tubing shall be compression fitted with Type 304 stainless steel pipe inserts/stiffeners. Not more than one (1) joint shall be used for a service up to seventy (70) feet in length. All joints shall be left uncovered until they have been inspected.
- F. The curb stop shall be installed in a manner such that it is accessible from the surface through a curb stop box without digging. The curb stop box shall be installed in a location accessible to the City at all times and in a manner approved by the City. All curb stop boxes shall conform and be maintained to the specifications and standards of the City. All curb stops shall be installed with a stationary operating rod a minimum of 78 inches in length. All valves within curb stop boxes shall be maintained in good working condition at all times. It shall be the responsibility of the applicant, owner, occupant or user to maintain the water service curb stop box for operability and at such height as will ensure that it remains above the finished grade of the land or property. No person shall erect any fence or other structure or plant any tree or other landscaping that would obstruct the use of the curb stop box or cause damage to the same. If the curb stop box needs maintenance or raising or if the area around the curb stop needs clearing for access, the City may cause to have the work done at the expense of the account holder and/or property owner.
- G. Frozen or otherwise damaged service pipes between the corporation stop and the building inclusive of the curb stop box shall be the responsibility of the private property owner. All maintenance, repairs, or other such work to the service pipe shall be done to the specification and standards of the City and require a permit and inspection from the Public Work Director and/or Building Official.
- H. No more than one house or building shall be supplied from one corporation stop.
- I. All piping and connections from the corporation cock and/or the curb stop box to the premise supply piping shall be made under the supervision of a licensed plumber subject to inspection by the City Building Official and/or the Public Works Director or designee. The water meter installation shall be inspected, tested, and the meter sealed by the Public Works Department.
- J. If the property owner requests maintenance services or repairs be performed by the City, or if repairs are necessary to protect public or neighboring properties in an emergency situation, the property owner shall be charged for the costs of the maintenance and/or repairs, including but not limited to any necessary street repairs, concrete, concrete curb and gutter, sidewalk, bituminous trail, turf, etc.

3-2-5: PRIVATE WATER SUPPLIES. No water pipe of the City water system shall be connected with any pump, well, pipe, tank or any device that is connected with any other source of water supply and when such are found, the City shall notify the owner or occupant to disconnect the same and, if not immediately done, the City water shall be turned off. Before any new connections to the City system are permitted, the City shall ascertain that no cross-connections will exist when the new connection is made. When a building is connected to “City Water” the private water supply may be used only for such purposes as the City may allow as stated in Section 3-4-9.

3-2-6: WATER USE RESTRICTIONS.

- A. A person may water, sprinkle, irrigate, or otherwise use water from the City Water System for lawn areas, grass, or turf (hereinafter referred to as “irrigation” or “irrigate”) only on alternating days between May 1st and continuing until September 30th of each year. This prohibition is in effect from 10 am until 7 pm each day during this period.
- B. Alternating days means that property with an address ending in an odd number may irrigate only on odd-numbered days of the month and property with an address ending in an even number may irrigate only on even-numbered days of the month.
- C. Upon written request and approval by the City Administrator, or his designee, and subject to such terms and conditions imposed by the City Administrator, or his designee, with respect to such approval, the following persons may be authorized to irrigate or otherwise utilize water from the City’s municipal water system at times other than as permitted in Section 3-2-16 Subdivision A and B hereof:
 - 1. Employees and agents of the City or School District, in such instances wherein lawn, grass, or turf used for play fields or park areas owned and operated by such entities require more frequent irrigation to prevent unreasonable damage thereto.
 - 2. Owners and lessees (their employees and agents) of lands newly sodded or grass seeded which requires irrigation to prevent loss of the new sod, seed, or immature turf or grasses for a period of thirty (30) days, when in receipt of a permit for such activity from the Public Works Director.

3-2-7: WATER EMERGENCIES.

- A. Whenever in the judgment of the City Administrator, or his designee, the water pressure and/or available water in the municipal water system reaches a level which endangers the public health or safety of residents and other persons in the

City, he may declare a state of water emergency which shall continue until such time as he shall determine that the danger to public health or safety no longer exists. Forthwith upon the declaration of a state of water emergency notice thereof shall be publically posted, and all orders of the City Administrator, or his designee, issued pursuant thereto shall be enforced after one hour has elapsed from the time of such notice.

- B. During the existence of a state of water emergency the City Administrator, or his designee, may, by order, impose restrictions on sprinkling, irrigation, or other utilization of water from the City's municipal water system including, but not limited to the total prohibition of water use for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other uses, or either or any of them or the prohibition of such water use on specified days or during certain hours.

3-2-8: OPENING HYDRANTS. It is unlawful for any person, other than members of the Fire Department or other person duly authorized by the City, in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the same or in any manner interfere therewith. It is also unlawful for any person so authorized to deliver or offer to be delivered to any other person any hydrant key or wrench, except for the purposes strictly pertaining to their lawful use.

3-2-9: UN-METERED SERVICE. In cases where, in the opinion of the Public Works Director, no reasonable manner for metered service is available, a private system user may be granted un-metered service on a temporary basis. The user shall pay the temporary meter fee and fees for the estimated water use based on the judgment of the Public Works Director.

3-2-10: WATER METERS AND WATER METER HORNS. All water meters shall be furnished, owned, controlled, and maintained by the City at the expense of the property owner. All repairs of water meters not resulting from normal usage shall be the responsibility of the property owner. All meters in need of replacement, shall be replaced with a remote type which shall be furnished and maintained by the City. All water meters shall be installed in a manner acceptable to the City and the cost of installation shall be the responsibility of the property owner. All five-eighths (5/8) and one (1) inch meters shall be installed in a meter horn with remote wire and remote pad. All meters larger than one (1) inch shall meet City requirements including remote wire and remote pad. All meter installations shall be controlled and inspected by the City and the cost of installation shall be the responsibility of property owner.

3-2-11: CODE REQUIREMENT. All piping, connections and appurtenances shall be installed and performed strictly in accordance with the Minnesota Plumbing Code and other standards and specifications of the City. Failure to install or maintain the

same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the City, be an additional ground for termination of water service to any consumer. The corresponding fees for such permits, as established by the City's Fee Schedule, shall be paid at the time of permit issuance.

3-2-12: WATER CONNECTION CHARGES. Connection charges are due to the City upon issuance of a building permit or connection permit and prior to a new occupancy. This fee shall be set by ordinance for each equivalent connection unit. An equivalent connection unit (one E.C.) is established in Section 3-3-8 for development within the City. One single family dwelling is one unit. These Standards may be amended as may be necessary by ordinance.

3-2-13: BACKFLOW PROTECTION. Approved devices or assemblies for the protection of the potable water supply must be installed at any plumbing fixture or equipment where backflow or back siphonage may occur and where a minimum air gap cannot be provided between the water outlet to the fixture or equipment and its flood level rim.

- A. Any device or assembly for the prevention of backflow or back siphonage installed, shall have first been certified by a recognized testing laboratory and have a certification number clearly visible on the device. AWWA, ASSE, and USC are the certified labs recognized by the Administrative Authority. These devices must be readily accessible.
- B. The installation of reduced pressure backflow preventers shall be permitted only when a periodic testing and inspection program conducted by qualified, accredited personnel will be provided by an agency acceptable to the administrative authority. Inspection intervals shall not exceed one year, and overhaul intervals shall not exceed five years. The administrative authority may require more frequent testing if deemed necessary to assure protection of the potable water. Backflow preventers shall be inspected frequently after initial installation to assure that they have been properly installed and that debris resulting from piping installation has not interfered with the functioning of the assembly.

3-2-14: ADDITIONAL RULES AND REGULATIONS. The Council may, by resolution, adopt such additional rules and regulations relating to placement, size and type of equipment as it, in its discretion, deems necessary or desirable. Copies of such additional rules and regulations shall be kept on file in the office of the City Clerk, and uniformly enforced.

SECTION 3

RULES AND REGULATIONS RELATING TO SEWAGE SERVICE

SECTION:

- 3-3-1: Definitions
- 3-3-2: Use of Public Sewers Required
- 3-3-3: Constructing Building Sewers and Connections to Public Sewers
- 3-3-4: Repairs to Sewage Service
- 3-3-5: Use of Public Sewers
- 3-3-6: Damage to Public Sewage System
- 3-3-7: Authority and Powers of Inspectors
- 3-3-8: Equivalent Connection Charges
- 3-3-9: User Charges
- 3-3-10: Connection With and Use of City System Without Compliance Prohibited
- 3-3-11: Qualifications of Persons

3-3-1: DEFINITIONS. The following terms, as used in this Section, shall have the meanings stated:

- A. "BOD" or "BOD₅" (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in milligrams per liter.
- B. "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning at least one (1) foot outside the building footings.
- C. "Building Sewer Service" means the sewer extension from the building drain to the public sewer main or other place of disposal.
- D. "Collection" means the receiving and conveying of sewage, including any lifting or pumping equipment and/or structures, to the sewage treatment facility.
- E. "Domestic Wastes" includes one or more of the following: human excretions, food and meal preparation, dishwashing, and laundry wastes in less than industrial quantities.
- F. "Equivalent Connection" means a building sewer which produces a flow equivalent to an average single family detached residence contribution calculated at two-hundred seventy-four (274) gallons per day with a BOD loading of 0.60#/day. (Ord 170, SS, 10/7/12)

- G. "Garbage" means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.
- H. "Industrial Wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- I. "Industrial User" means any person from whose property industrial waste is discharged into the public sanitary sewer in quantities greater than one thousand (1,000) gallons per day or which produces concentrations of suspended solids or BOD content exceeding the limits herein set for normal sewage.
- J. "Maintenance" means the repairing, replacing, cleaning, repainting or such similar work as is necessary to maintain the sewage system in proper operating condition.
- K. "Natural Outlet" means any outlet into a watercourse, pond, ditch, lake or other body or surface or groundwater.
- L. "Normal Sewage" means sewage in volumes of two-hundred seventy-four (274) or less per day and containing an average concentration of suspended solids below hundred fifty (250) milligrams per liter and a BOD content of below two hundred fifty (250) milligrams per liter. (Ord 170, SS, 10/7/12)
- M. "Operation" means the day-to-day managing, controlling, and maintaining of the sewage system.
- N. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- O. "Properly Shredded Garbage" means the 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 (1/2) inch (1.27 centimeters) in any dimension.
- P. "Public Sewer" means a sanitary sewer in which all owners of abutting properties have equal usage rights, and is controlled by public authority.
- Q. "Replacement" means the purchase and installation in the sewage system of an item of real or personal property as a substitute for a like item that has been damaged or not functioning properly.
- R. "Sanitary Sewer" means a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

- S. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.
- T. "Sewage Treatment Plant" means any arrangement of devices and structures used for treating sewage.
- U. "Sewerage System" means all facilities for collecting, pumping, treating, and disposing of sewage.
- V. "Slug" means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- W. "Storm Drain" or "Storm Sewer" means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- X. "Suspended Solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- Y. "Unpolluted Water" means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean or noxious or impure so as to be actually or potentially harmful or detrimental, or injurious to public health, safety, or welfare to domestic, commercial, industrial or recreational uses; or to livestock, wild animals, birds, fish, or other aquatic life. (Ord 170, SS, 10/7/12)
- Z. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.
- AA. "Zones" or "Zone" means any one or more of the following specified zones.
- BB. "Metropolitan Urban Service Area" (MUSA) means the area identified in the Comprehensive Plan as intended for urban services (i.e. sewer and water).
- CC. "Rural Service Area" means the area identified in the Comprehensive Plan as intended for rural services (i.e. septic and well).

3-3-2: USE OF PUBLIC SEWERS REQUIRED.

- A. Deposition of Waste. It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.
- B. Discharge to Natural Outlets. It is unlawful for any person to discharge to any natural outlet or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Section.
- C. Construction of Private Waste Disposal System. Except as hereinafter provided, it is unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage in the MUSA that abuts a public right-of-way or easement in which there is located a public sanitary sewer of the City. Where a hardship exists, the Council may allow the continued use of an existing safe on-site sewage disposal system, as a non-conforming use. No expansion or alteration or repair of these systems will be allowed; should they be necessary, the connection to the public system will then be required within ninety (90) days. Parcels within the MUSA greater than twenty (20) acres in size may install and maintain an on-site sewerage disposal system until that time the parcel is further subdivided.
- D. Connection to the Public Sewerage System. Unless excepted above, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other like purposes situated within the MUSA abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the City, is hereby required at his expense to install suitable toilet and other wastewater collection facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Section, within ninety (90) days after the date of official notice to do so from the City. Provided, however, that this requirement shall not apply to unheated buildings used exclusively for storage.
- E. Abandonment of Private System. At such time as public sewer becomes available to a property sewered by a private sewage disposal system, as direct connections shall be made to the public sewer in compliance with this Section, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be removed from the site. In cases where the City Engineer finds that removal may cause significant damage in regards to public property, erosion, or mature trees the system may be abandoned, cleaned of sludge, and filled with suitable material, such as clean pit-run gravel or dirt to the satisfaction of the Public Works Director. (Ord 170, SS, 10/7/12)

- F. Extension of Sewer. If a person in the MUSA needs or desires to connect to the City Sewerage System, he may petition the Council to extend sewers to serve his property. The Council shall follow the procedure as specified by statute for the construction of said improvements.
- G. Pretreatment. Sewerage systems users shall provide necessary wastewater treatment as required to comply with this Section and shall achieve compliance with all Federal categorical pre-treat wastewater to a level acceptable to the Public Works Director and/or City Engineer 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 Public Works Director and/or City Engineer for review, and shall be acceptable to the Public Works Director and/or City Engineer 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 and effluent acceptable to the Public Works Director and/or City Engineer under the provisions of this Section. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Public Works Director and/or City Engineer prior to the user's initiation of the charges. All records relating to the compliance with pretreatment standards shall be made available by the Public Works Director and/or City Engineer to officials of the EPA or MPCA upon request. (Ord 170, SS, 10/7/12)
- H. Confidential Information. Information and data on a user's water consumption and sewage characteristic obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Public Works Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person 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 upon written request to governmental agencies for users related to this Section, the NPDES Permit, State Disposal System Permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater composition and characteristics will not be recognized as confidential information. Information accepted by the Public Works Director as confidential, shall not be transmitted to any governmental agency or to the general public by the Public Works Director until and unless a ten (10) day notification is given to the user. (Ord 170, SS, 10/7/12)
- I. Sludge Generated. Sludge, floats, skimming, etc., generated by an industrial or commercial pretreatment system shall not be placed into the wastewater disposal

system. Such sludge shall be contained, transported, and disposed of by haulers in accordance with all Federal, State and local regulations.

3-3-3: CONSTRUCTING BUILDING SEWERS AND CONNECTIONS TO PUBLIC SEWERS. (Ord 170, SS, 10/7/12)

- A. Unauthorized Work on a Public Sewer. It is unlawful for any person to uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the Public Works Director.
- B. Building Sewer Permits. There shall be three classes of building sewer permits (1) for residential service; (2) service to commercial and industrial firms producing domestic wastes; and, (3) for service to firms producing industrial wastes. The owner or his agent shall make application on a special form furnished by the City which form shall be adopted by the Council and the permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Public Works Director. A permit and inspection fee set by the Council resolution according to the proposed sewer use and connection shall be paid to the City at the time the application is filed. Said permit fees may be changed by the Council, from time to time, by resolution, and a copy of such resolution shall be kept on file in the office of the City Clerk and available for inspection during regular office hours. Any fee charged by the State of Minnesota or any other entity of the State or Federal government shall also be collected and shall be in addition to the fee herein.
- C. Installation and Connection Costs. All costs and expenses incident to the installation and connection of the building sewer service shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. Separate Sewer Service for Each Building. A separate and independent building sewer shall be provided for every principal building. Residential, commercial, and industrial developments with several buildings may require sewers and manholes on private property to provide individual building services. Such a system must be approved by the City Engineer.
- E. Reuse of Old Sewer Services. Old building sewer services may be used in connection with new buildings only when they are found, on examination and/or testing by the owner in a manner acceptable to the Public Works Director, to meet all requirements of this Section.
- F. Building Sewer Service Code Requirements. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, connection to the public sewer, testing,

and backfilling the trench, shall all conform to the requirements of the State Building Code and of other applicable rules and regulations of the City. Care shall be taken to prevent entry of groundwater or any unauthorized waters into the public sewer during construction. For residential service, no floor drains from accessory building or garages, whether attached or detached, shall be connected to the building sewer or sanitary sewer.

- G. Gravity or Lifted Sewage Flow in Sewer Service. Whenever possible, the building sewer service shall be brought to the building at an elevation below the basement floor, in all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means discharged to the building sewer service.
- H. Building Sewer Service Inspection. The applicant for the building sewer service permit shall notify the Public Works Director when the building sewer service is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Public Works Director or his representative.
- I. Public Hazard Protection During Service Installation. All excavations for building sewer service installation shall be adequately guarded with barricades and lights so as to protect the public from hazard as required by the Minnesota Department of Transportation rules and regulations. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

3-3-4: REPAIRS TO SEWAGE SERVICE.

- A. Whenever any building sewer service becomes clogged, obstructed, broken or out of order between the building and the main, the owner shall forthwith make repairs.
- B. If the owner fails to make the necessary repairs required by Section 3-3-4.A of this Code, the City may cause the work to be performed and bill the property owner accordingly.
- C. Whenever any damage condition of a building sewer service shall cause damage to, or the introduction of soil or foreign matter into, the municipal sewerage system which shall require repairs or cleaning of the system, the property owner shall be responsible for the cost of repairs or cleaning.
- D. Each day, after notice, that a person neglects or fails to repair the building sewer service constitutes a separate violation of the City Code.

3-3-5: USE OF PUBLIC SEWERS. (Ord 170, SS, 10/7/12)

A. Prohibited Discharges.

1. **Unpolluted Waters.** No person, firm, or corporation shall discharge or cause to be discharged directly or indirectly any storm water, groundwater, roof runoff, yard drainage, yard fountain water, pond or pool overflow, subsurface drainage, waste from on-site disposal systems, unpolluted cooling or processing water to any sanitary sewer except as permitted by the City or other local unit government. Storm water and all other unpolluted discharge shall be directed to the storm water collection system, except that unpolluted cooling or processing water shall only be so discharged upon approval by the City or other unit of local government.
2. **Foreign or Hazardous Substances.**
 - a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
 - b. Any water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the wastewater treatment works;
 - c. Any water or waste having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment works;
 - d. Solid or viscous substances, either whole or ground, in quantities or of such size capable of causing obstruction to the flow in the sewers, or other interference with the proper continuation of the wastewater facilities but not limited to ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cuttings or polishing wastes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, sanitary napkins, paper dishes, cups, milk containers, and other paper products;
 - e. Noxious or malodorous liquids, gases, or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repairs.

- B. Regulated Discharges. No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewer unless in the opinion of the City the discharge will not harm the wastewater facilities, nor cause obstruction to the flow in sewers, nor otherwise endanger life, limb, or public property, nor constitute a nuisance. In forming its opinion as to the acceptability of the wastes, the City may give consideration to such factors as the relation of flows and velocities in the sewers, nature of the sewage treatment process, capacity of the sewage plant, the City's NPDES permit, and other pertinent determinations either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur. The substances restricted shall be:
1. Any liquid or vapor having a temperature in excess of one hundred fifty (150) degrees F (65 degrees C).
 2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F. (zero (0) and sixty-five (65) degrees C.).
 3. Any garbage that has not been ground or comminuted to such degree that all particles will be carried freely in suspension under flows normally prevailing in the public sewers, with no particles greater than one-half inch in any dimension.
 4. Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
 5. Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment, or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the State or Federal Government, or any other public agency with proper authority to regulate the discharge from the sewage treatment plant.
 6. Any radioactive wastes or isotopes of such half-life or concentration that they are not in compliance with regulations issued by the appropriate authority having control over their use or may cause damage or hazards to the treatment works or personnel operating it.
 7. Any water or wastes having a pH in excess of 9.5.
 8. Materials which exert or cause:

- a. Unusual concentrations of 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 or sodium sulfate).
- b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.
- d. Unusual volume of flow or concentration of wastes constituting a slug.
- e. Water or water containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the NPDES Permit, or requirements of other governmental agencies having jurisdiction over discharge from the sewage treatment plant.

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

- 1. Refuse to accept the discharges.
- 2. Require control over the quantities and rates of discharge.
- 3. Require pretreatment to an acceptable condition for the discharge to the public sewers. The design and installation of the plant and equipment for pretreatment of equalization of flows shall be subject to the review and approval of the City, and subject to the requirements of 40 CFR 403, entitled "Pretreatment Standards", and the Minnesota Pollution Control Agency.
- 4. Require payment to cover the added cost of handling or treating the wastes.

- D. Interceptors. Grease, oil, and mud interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in this Chapter, or any flammable 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 a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection.
- E. Preliminary Treatment or Flow Equalization Facilities. Where preliminary treatment or flow equalization facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- F. Testing.
1. Required. When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure and equipment, when required, shall be constructed at the owner's expense in accordance with plans approved by the City and shall be maintained by the owner so as to be safe and accessible at all times.
 2. Standards. All measurements, tests, and analyses of the characteristics of water and waste to which reference is made in this Chapter shall be determined in accordance with 40 CFR 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants"; the latest edition of Standard Methods For the Examination Of Water and Wastewater, and shall be determined at the control structure provided, or upon suitable samples taken at the control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effluent constituents and their effect upon the treatment works and to determine the existence of hazards to life, health and property. Sampling methods location, times, duration, and frequencies are to be determined on an individual basis subject to approval by the City.
- G. Industrial Waste. The owner of any property serviced by a building sewer carrying industrial wastes shall, at the discretion of the City, be required to provide laboratory measurements, tests, and analyses of waters or wastes to illustrate compliance with this Chapter and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses

to be performed by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State and local standards are being met. The owner shall bear the expense of all measurements, analyses and reporting required by the City. At such times as deemed necessary the City reserves the right to take measurements and samples for analysis by an outside laboratory.

- H. Special Agreements or Arrangements with City. No statement contained in this Subdivision shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payments for additional capital equipment and/or operating and maintenance costs therefore, by the industrial concern.
- I. Discharged Waste Sample Gathering. Commercial and industrial users with other than normal sewage shall permit the monthly gathering of samples of their discharged wastes by the Public Works Director or his authorized representative.
- J. Required Daylighting. All sump pumps and garage floor drains shall be daylighted to prove the discharge is not being put into the sanitary sewer system. The discharge pipes from both shall be directed away from houses/principal structures on neighboring properties and wetlands.

3-3-6: DAMAGE TO THE PUBLIC SEWAGE SYSTEM.

- A. It is unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewerage system.
- B. It is unlawful for any person, having charge of any building or other premises which drains into the municipal sewerage system, to permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer.

3-3-7: AUTHORITY AND POWERS OF INSPECTORS. (Ord 170, SS, 10/7/12)

- A. Permission to Enter Onto Private Property for Observation and Testing. The Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Section. The Public Works Director shall have no authority to inquire into any proprietary processes in metallurgy, chemical manufacturing, refining, paper making, ceramics, or similar industries

beyond the technical information required for the proper receiving, conveying and treatment of the particular waste.

- B. Observation of Safety Rules by City Employees. While performing the necessary work on private properties referred to herein, the Public Works Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the 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 against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.
- C. Inspection, Sampling, Measurement and Maintenance on Private Property. The Public Works Director and 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 for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewerage system lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of duly negotiated easement pertaining to the private property involved.

3-3-8: EQUIVALENT CONNECTION CHARGES. (Ord 170, SS, 10/7/12)

- A. Equivalent Connection Charge Definition and Application. A sum of money hereinafter termed “the equivalent connection charge” is to be collected for the purpose of providing funding necessary for the construction of the sewerage system and additions or extensions thereto, and for payment of principal and interest due or accruing on bonds and other obligations issued or incurred to finance such improvements. This sum of money is hereby charged with respect to every lot, parcel of land, buildings or premises within the MUSA that abuts a public right-of-way or easement in which there is located a public sanitary sewer of the City. Such charge is made for the privilege of making a connection, direct or indirect, to the City’s facilities for the collections and treatment of sewage, industrial waste and water or other liquid discharged from such premises.
- B. Payment of Connection Charges. Connection charges are payable at the time of the building permit issuance. The Building Inspector shall not issue a building permit until such connection charge is paid. For any building permit issued prior to the effective date of this Section, in which the connection has not been made to the Public Sewerage System, connection charges are then payable prior to the time of connection or by such date as stipulated by the Council. For existing

buildings connection charges are payable upon application for a connection permit.

- C. Application and Permit for a Connection. No connection from any premises to the disposal system is authorized without there being first obtained for such connection a permit issued by the City. No permit may be obtained from the City, and no representative of the City is authorized to issue a permit for connection unless and until an authorized representative of the City receives an application for such connection, determines and establishes the type of connection to be made and receives the equivalent connection fee as required. The City shall prepare, provide for, and furnish any form and instrument found necessary to the connection applications and permits of the City and perform all acts reasonably required with respect thereto. Applications and permits shall be uniform, in accordance with this Section.
- D. Increased Connection Charges Based on Measurement. The determination and establishment in the first instance of the equivalent connection charge represented by a connection, especially when made by estimate based upon representations of the owner or occupant of the premises is at all times subject to further determination and establishment after the connection has been made and determined by an actual measurement and/or analysis by the Public Works Director of the sewage or waste discharge from such connection entering into the system of the City. The receipt and acceptance by the City of any money paid and received by the City, as previously imposed does not bar the City's right to payment of the correct amount of money due therefore, as may be determined and established by actual measurement; and the City's right to recover therefore is not impaired. After a connection has been made and the connection charge established, imposed and paid, no diminution in discharge from the premises shall entitle the owner (or occupant) against the City to a reduction, reimbursement or refund with respect to the connection charge imposed and paid.
- E. Computation of Connection Charges. Connection charges are due to the City upon issuance of a building and/or connection_permit. This fee shall be set by Council resolution for each equivalent connection unit. An equivalent connection unit (one E.C.) is established as the anticipated flow from a single family residence as referenced herein. City hereby adopts by reference and incorporates herein Appendix A of the Metropolitan Council Environmental Services (MCES) Sewer Availability Charge Procedure Manual as may be amended in the future. A copy of said document and amendments thereto shall be kept on file in the office of the City Clerk for reference and open to public inspection during regular office hours. In cases where said document references MCES or MCES Staff shall be interpreted to mean City of St. Francis or City of St. Francis Staff respectively.

- F. Determination of Equivalent Connection for Unlisted Uses. The connection unit for those building uses not included in Subparagraph E, above, shall be determined by the Council after a report from the City Engineer. All non-residential property uses shall have a minimum of one (1) equivalent connection. The City shall supply appropriate forms to those required to get approval and shall submit the completed form to the City Clerk. No building permit may be issued until the Public Works Director or City Engineer has designated and transmitted to the City Clerk the connection unit assignment and the fee has been collected. The Public Works Director shall review actual sewage flow one (1) year after the initial discharge, and the City may impose such additional connection charges in accordance with the provisions of Section 3-3-8-D of this Code.

- G. Application of Funds. The funds received from the collection of connection charges authorized by this Subdivision shall be used to provide funds for the payment of principal and interest on obligations incurred to finance the cost of constructing improvements to the City sanitary sewerage system as prescribed by resolutions or covenants authorizing or securing such obligations; and to provide funds for the reasonable requirements of extending, improving and/or replacing City sanitary sewerage facilities. These funds shall be disbursed by Council resolution.

3-3-9: USER CHARGES.

- A. Purpose of User Charges. For the purpose of providing monies necessary to the construction, maintenance and operation of the sewerage system of the City as well as additions thereto, or extensions thereof, including payment of principal and interest due or accruing on bonds and other obligations issued or incurred to finance such construction, maintenance, and operation, there is hereby charged a “user charge” to be collected by the City with respect to each lot, parcel of land, building or premises, having any connection, direct or indirect, with the disposal system of the City or otherwise discharging sewage industrial waste, water or other waste directly or indirectly into the City disposal system. The “user charge” is to be paid at an interval as determined by the City commencing with connection and continuing (unless for good cause, waived or excused by the Council) for as long as the premises remain connected, whether or not such connection is actively used for discharge of sewage or waste during any particular period of time.

- B. Computation of User Charges. Charges for sewer use shall be paid by the user to the City or its designated agent according to a rate, established by Council resolution. A copy of the rate shall be kept in the office of the City Clerk/Treasurer and open to public inspection during regular office hours.

- C. **User Charge Surcharge.** In the event the Council makes an industrial waste surcharge, such surcharge shall be charged by the City to the designated industrial user causing such discharge. Such surcharge shall be in addition to other charges required herein and shall be based on rate of flow in gallons per day, strength of sewage in BOD, and suspended solids in parts per million. If unusual chemicals or substance are in the industrial waste the charge shall be based on the actual collection and treatment costs. The City in the future may consider United States Environmental Protection Agency funding for expansion of the sewage treatment plant. Federal regulations require the recovery of such funds expended for industrial sewage capacity (Industrial Cost Recovery) and the return of those funds to the Federal government. Industrial users will be charged on the basis of the above sewage characteristics over twenty (20) years to recover each user's share of the expansion cost. The Council shall collect, invest, and transmit to the U.S.E.P.A. such industrial user charges according to Federal regulations.
- D. The City or its designated agent shall compute the amount due the City for service charges and render a statement thereof at an interval as determined by the City to the owner of any premises served. All amounts due hereunder shall be payable to the office of the City Clerk/Treasurer, City or its designated agent.
- E. **Permanence of User Charge.** A connection once made shall thereafter be considered in continual use, except and unless the building or facility is completely removed and the building sewer service capped both in a manner approved by the City. The "user charge" imposed shall be collected by the City (with respect to such connection) for each monthly period of time that such connection exists, whether such connection is then being actively used or otherwise. Such "user charge" shall be promptly paid when due by the owner (or occupant) of the premises affected directly to the City for the monthly period of use represented by such payment. The Council may establish a schedule of additional charges for late payment of user charges.
- F. **Application of Funds.** The funds received from the collection of charges authorized by this Subdivision shall be deposited, as collected, in a fund known as the Sewer and Water Operating Fund and shall be disbursed to meet the costs of operating and maintaining the sewage disposal pumping stations and facilities.

3-3-10: CONNECTION WITH AND USE OF CITY SYSTEM WITHOUT COMPLIANCE PROHIBITED. No connection to the sewage disposal system shall be made (directly or indirectly) from any premises, and no use of a connection from the premises to the system, shall be continued in use except in strict compliance with the provisions of this Section, whether as to connection or use of the City system or payment of charges imposed and to be collected with respect thereto, subjects an

offender to a disconnection and termination of use, claim for loss or damage sustained by the City, and also all provisos and penalties imposed by law.

3-3-11: QUALIFICATIONS OF PERSONS. Any person engaged in the laying of or building public sewers shall be qualified to perform such work and be familiar with all laws and regulations of the State of Minnesota Department of Health, Pollution Control Agency, Plumbing Code, and City Code provisions. The contractor shall also place on file with the City certificated of insurance showing that he is covered, by workmen's compensation in the amount required by statute, and public liability and property damage in the amount of \$100,000.00 per person and \$300,000.00 per incident for injuries, including accidental death of any one person, and property damage insurance in an amount of not less than \$100,000.00 per incident.

- A. Performance Bond. Each contractor shall provide the City with one of the following: (1) If master plumber and has State license a copy thereof; (2) Non-Master - \$2,000.00 bond; (3) Excavation - \$2,000.00 bond. The intent for this requirement is to assure that installations shall comply with all applicable laws and that the contractor shall pay for any and all materials and labor for such work.
- B. Connection to Public Sewer of Privately Laid Sewer. A property owner may lay sewer on his property but a licensed sewer layer must make the connection to the City Sewerage System.
- C. Failure of Privately Laid Sewer to Meet Requirements of this Section. If the work is done by a property owner on his own premises and does not meet the requirements of this Section and he cannot perform the work to comply with the requirements as instructed by the Inspector, he shall engage a licensed sewer layer to install the connection. Failure to do so will be considered just cause for the City to refuse him a sewer connection.

SECTION 4

RULES AND REGULATIONS RELATING TO INDIVIDUAL ON-SITE SEWAGE TREATMENT SYSTEMS

(Ord 170, SS, 10/7/12)

SECTION:

- 3-4-1: Purpose, Applicability and Authority
- 3-4-2: General Provisions
- 3-4-3: Standards Adopted
- 3-4-4: Permits
- 3-4-5: Violations and Penalties
- 3-4-6: Reserved
- 3-4-7: Reserved
- 3-4-8: Reserved
- 3-4-9: Private Well Regulations

3-4-1: PURPOSE, APPLICABILITY, AND AUTHORITY. (Ord. 195, Adopted 5/5/14, Effective 6/8/14)

- A. Purpose. It is the purpose and intent of this ordinance to establish standards for the design, location, construction, operation, and maintenance of Subsurface Sewage Treatment Systems (SSTS).
- B. Applicability. The sewer provisions of this ordinance shall apply to any premises in the City that are not served by the municipal wastewater treatment system.
- C. Authority. This ordinance is adopted pursuant to the authorization and requirements contained in Minnesota Statutes §145A.05, 115.55 and Minnesota Administrative Rules Chapter 7082.

3-4-2: GENERAL PROVISIONS. (Ord. 195, Adopted 5/5/14, Effective 6/8/14)

- A. Treatment Required. All sewage generated in unsewered areas shall be treated and dispersed by an approved SSTS or a system permitted by the Minnesota Pollution Control Agency.
- B. Administration. This Ordinance shall be administered by the St. Francis City Building Official or any such designee of the Building Official or City Administrator.
- C. Compliance. No person shall cause or permit the location, construction, alteration, extension, conversion, operation, or maintenance of a subsurface

sewage treatment system, except in full compliance with the provisions of this ordinance.

- D. Conditions. Violation of any condition imposed by the City on a license, permit, or variance, shall be deemed a violation of this ordinance and subject to the penalty provisions set forth in this ordinance.
- E. Site Evaluation, System Design, Construction, Inspection, and Servicing. Site evaluation, and system design, construction, inspection and system servicing shall be performed by Minnesota Pollution Control Agency licensed SSTS businesses or qualified employees of local governments or persons exempt from licensing in Minn. R. 7083.0700. For lots platted after April 1, 1996, a design shall evaluate and locate space for a second soil treatment area.
- F. Inspection. No part of an individual sewage treatment system shall be covered until it has been inspected and approved by the Building Official. If any part of the system is covered before being inspected and approved as herein provided, it shall be uncovered upon the direction of the Building Official. The Building Official shall cause such inspections as are necessary to determine compliance with this ordinance. It shall be the responsibility of the permittee to notify the Building Official that the system is ready for inspection. If the integrity of the system is threatened by adverse weather if left open and the Building Official is unable to conduct an inspection, the permittee may, after receiving permission from the Building Official document compliance with the ordinance by photographic means that show said compliance and submit that evidence to the Building Official prior to final approval being sought.
- G. Compliance Inspection Required. A SSTS compliance inspection is required:
 - 1. For a new or replacement SSTS.
 - 2. When altering an existing structure to add a bedroom.
 - 3. When a parcel having an existing system undergoes development, subdivision, or split.
- H. Imminent Public Health and Safety Threat; Failing System; and Surface Discharge.
 - 1. A subsurface sewage treatment system which poses an imminent threat to public health and safety shall immediately abate the threat according to instructions by the Building Official and be brought into compliance with this ordinance in accordance with a schedule established by the Building Official, which schedule will not exceed ten (10) months.

2. A failing system, an SSTS that is not protective of groundwater, shall be brought into compliance within twenty-four (24) months after receiving notice from the Building Official.
 3. An SSTS discharging raw or partially treated wastewater to ground surface or surface water is prohibited unless permitted under the National Pollution Discharge Elimination System.
- I. Conflict Resolution. For SSTS systems regulated under this Ordinance, conflicts and other technical disputes over new construction, replacement and existing systems will be managed in accordance with Minnesota Rules 7082.0700 Subpart 5.
- J. Septic Tank Maintenance.
1. Periodic Maintenance Required. The owner of a sewage tank or tanks, shall regularly, but not less frequently than every three years, inspect the tank(s) and measure the accumulations of sludge and scum by an individual licensed to do such work in the State of Minnesota. If the system is pumped, measurement is not needed. The owner shall remove and sanitarily dispose of septage whenever the top of the sludge layer is less than twelve (12) inches below the bottom of the outlet baffle or the bottom of the scum layer is less than three (3) inches above the bottom of the outlet baffle. Removal of septage shall include complete removal of scum and sludge.
 2. Maintenance Record Required. Maintenance activities are required to be recorded on forms supplied by the City of St. Francis and submitted to the City within thirty (30) days of the maintenance activity. The maintenance record shall be supplied by an individual licensed by the state to do such work. One copy of the maintenance record shall be given to the City and one to the property owner. A recording fee shall be paid in accordance with the City's Fee Schedule.
- K. Non-Complying Systems. Existing systems which are non-complying, but not an imminent health or safety threat, failing, or discharging to surface, may continue in use so long as the use is not changed or expanded. If the use changes or is expanded, the non-complying elements of the existing system must be brought into compliance.
- L. Non-Complying Work. New individual sewage treatment system construction that is non-compliant, or other work on a system that is non-complying, must be brought into compliance with this ordinance in accordance with a schedule established by the Building Official, which schedule will not exceed seven (7) days unless the Building Official finds extenuating circumstances.

- M. Change In Use. A Certificate of Compliance may be voided if, subsequent to the issuance of the certificate, the use of the premises or condition of the system has changed or been altered.
- N. Setback Reduction. Where conditions prevent the construction, alteration, and/or repair of an individual sewage treatment system on an existing developed parcel of real property, the Building Official may reduce property line and building setbacks and system sizing requirements provided said reduction does not endanger or unreasonably infringe on adjacent properties and with the concurrence of the affected properties. In no instance will a setback reduction be allowed from the standards of Section 10-82-4.B.6 except in cases where a variance is approved following the procedure established by Section 10-82-9.D.
- O. Floodplain. An SSTS shall not be located in a floodway or floodplain. Location within the flood fringe is permitted provided that the design complies with this ordinance and all of the rules and statutes incorporated by reference.
- P. Class V Injection Wells. All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, part 144, are required by the Federal Government to submit SSTS inventory information to the Environmental Protection Agency.

3-4-3: STANDARDS ADOPTED. (Ord. 195, Adopted 5/5/14, Effective 6/8/14)

- A. Minnesota Rules Adopted. Minnesota Rules, Chapters 7080 and 7081, that are in effect on the date of passage of this ordinance, relating to subsurface sewage treatment systems, are hereby adopted by reference and made a part of this ordinance as if fully set forth herein.
- B. Rules Amended. The rules, adopted in Section 3.01 are amended as follows:
 - 1. Compliance Inspection – Fifteen (15) Percent Vertical Separation Reduction. MR 7080.1500 Subp. 4D is amended to allow fifteen (15) percent reduction of vertical separation (separation distance no less than 30.6 inches) may be determined to be compliant for existing systems to account for settling and variable interpretation of soil characteristics.
- C. Holding Tanks. Holding tanks may be allowed for the following applications: as replacement to a failing existing system, an SSTS that poses an imminent threat to public health and safety, or for an existing lot in which a SSTS cannot feasibly be installed and the Building Official finds extenuating circumstances. Holding tanks require an operating permit as which defines routine maintenance activities as approved by the City Building Official. Failure to adhere to the operating permit is a violation of this Ordinance.

- D. System Abandonment. An SSTS, or component thereof, that is no longer intended to be used must be abandoned in accordance with MN Rules 7080.2500. Replacement systems which result in discontinued use of any or all existing components shall initiate requirement of maintenance recoding and abandonment procedures as specified in MN Rules 7080.2500. The standards in Section 3-3-2.E shall also be followed when a system is abandoned due to the property being connected to the public sewer system.

3-4-4: PERMITS. (Ord. 195, Adopted 5/5/14, Effective 6/8/14)

- A. Permit Required. No person shall cause or allow the location, construction, alteration, extension, conversion, or modification of any subsurface sewage treatment system without first obtaining a permit for such work from the Building Official. No person shall construct, alter, extend, convert, or modify any structure which is or will utilize subsurface sewage treatment system without first obtaining a permit.
1. All work performed on an SSTS shall be done by an appropriately licensed business, qualified employees or persons exempt from licensing pursuant to MN Rules 7083.0700. Permit applications shall be submitted by the person doing the individual subsurface sewage treatment system construction on forms provided by the Building Official and accompanied by required site and design data, and permit fees.
 2. Permits shall only be issued to the person doing the individual sewage treatment system construction.
 3. Permit applications for new and replacement SSTS shall include a management plan for the owner that includes a schedule for septic tank maintenance.
 4. A permit is not required for minor repairs or replacement of damaged or deteriorated components that do not alter the original function, change the treatment capacity, change the location of system components or otherwise change the original system's design, layout, or function.
- B. Operating Permit. An operating permit shall be required of all owners of new holding tanks, Type IV and V systems; MSTs and other SSTS that the Building Official has determined requires operational oversight.
1. Application. Application for an operating permit shall be made on a form provided by the Building Official.
 2. Holding Tanks. The owner of holding tanks installed after the effective date of this Ordinance shall provide the Building Official with a copy of a

contract with a licensed sewage maintenance business for monitoring and removal of holding tank contents.

3-4-5: VIOLATIONS AND PENALTIES. The City may seek to have violations of this Ordinance corrected by any means found in the City Code including, but not limited to: (Ord. 195, Adopted 5/5/14, Effective 6/8/14)

- A. Misdemeanor. Any person who fails to comply with the provisions of this ordinance may be charged with a misdemeanor and upon conviction thereof, shall be punished therefore, as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- B. Injunctive Relief. In the event of a violation or a threat of violation of this ordinance, the Building Official may institute appropriate actions or proceedings to include injunctive relief to prevent, restrain, correct or abate such violations or threatened violations; and the City Attorney may institute a civil action.
- C. Civil Action. In the event of a violation of this ordinance, the City may institute appropriate actions or proceedings to include injunctive relief to prevent, restrain, correct, or abate such violations, or threatened violations, and the City Attorney may institute such action.

3-4-6: RESERVED. (Ord. 195, Adopted 5/5/14, Effective 6/8/14)

3-4-7: RESERVED. (Ord. 195, Adopted 5/5/14, Effective 6/8/14)

3-4-8: RESERVED. (Ord. 195, Adopted 5/5/14, Effective 6/8/14)

3-4-9: PRIVATE WELL REGULATIONS.

- A. All wells shall be installed and maintained in compliance with all State and County regulations.
- B. Upon connection to City Water, any existing well on site shall be sealed and properly abandoned unless granted a permit as set forth in this Section.
- C. Permits for irrigation wells for Commercial, Industrial, Institutional, or Multi-Family users in the MUSA may be approved by the Public Works Director in the following instances:
 - 1. The proposed well is consistent with the City's Wellhead Protection Plan.

2. There shall be no cross connections or possible cross connections with the City Water system.
 3. The well shall be used for exterior landscape irrigation purposes only.
 4. There shall be only one well per irrigation system.
 5. Adequate backflow prevention measures have been taken.
 6. Users shall comply with all watering restrictions found in Sections 3-2-6 and 3-2-7.
 7. All requirements by the State and/or County are met.
- D. Permits for drive point irrigation wells in the MUSA may be approved by the Public Works Director in the following instances:
1. There shall be no cross connections or possible cross connections with the City Water system.
 2. The well shall be used for exterior landscape irrigation purposes only.
 3. There shall be only one well per parcel.
 4. Users shall comply with all watering restrictions found in Sections 3-2-6 and 3-2-7.
 5. All requirements by the State and/or County are met.
 6. The drive point well shall not impair or endanger the City's Wellhead Management Area.

SECTION 5

TRUNK AREA FEES

SECTION:

- 3-5-1: Trunk Area
- 3-5-2: Trunk Sanitary Sewer Area Fee
- 3-5-3: Trunk Watermain Area Fee

3-5-1: TRUNK AREA. The City hereby establishes a Trunk Area consisting of the following identified parcels:

30-34-24-22-0005; 30-34-24-23-0002; 30-34-24-23-0005; 30-34-24-22-0002; 30-34-24-21-0002; 30-34-24-24-0004; 30-34-24-24-0005; 30-34-24-13-0002; 30-34-24-13-0004; 30-34-24-13-0007; 30-34-24-13-0006; 30-34-24-14-0006; 30-34-24-14-0007; 30-34-24-14-0002; 30-34-24-14-0003; 30-34-24-11-0006; 30-34-24-11-0005; 30-34-24-11-0003; 30-34-24-11-0004; 30-34-24-12-0006; 30-34-24-12-0007; 30-34-24-12-0004; 30-34-24-12-0002; 30-34-24-21-0003; 29-34-24-33-0001; 29-34-24-32-0001; 29-34-24-31-0001; 29-34-24-23-0002; 29-34-24-23-0003; 29-34-24-23-0004; 29-34-24-22-0002; 29-34-24-22-0003; 29-34-24-21-0001; 29-34-24-12-0005; 29-34-24-12-0006; 29-34-24-12-0002; 29-34-24-12-0003; 29-34-24-12-0017; 29-34-24-12-0018; 29-34-24-12-0019; 29-34-24-12-0004; 29-34-24-12-0020; 29-34-24-12-0021; 29-34-24-12-0022; 29-34-24-12-0023; 29-34-24-13-0001; 29-34-24-13-0003; 29-34-24-13-0011; 29-34-24-13-0007; 29-34-24-13-0008; 29-34-24-13-0009; 29-34-24-13-0010; 29-34-24-12-0007; 29-34-24-12-0008; 29-34-24-12-0009; 29-34-24-12-0026; 29-34-24-12-0012; 29-34-24-12-0013; 29-34-24-12-0014; 29-34-24-12-0024; 29-34-24-11-0002; 29-34-24-11-0003; 29-34-24-11-0004; 29-34-24-11-0013; 29-34-24-11-0012; 30-34-24-31-0001; 30-34-24-31-0002; 30-34-24-31-0004; 30-34-24-31-0005; 30-34-24-31-0006; 30-34-24-31-0007; 30-34-24-42-0001; 30-34-24-41-0001; 30-34-24-41-0002; 30-34-24-43-0001; 30-34-24-44-0001

3-5-2: TRUNK SANITARY SEWER AREA FEE. The City hereby adopts a Trunk Sanitary Sewer Area Fee in the amount of five thousand seventy five dollars (\$5,075) per acre. This fee shall be applicable to the Trunk Highway 47 sewer and water service area.

3-5-3: TRUNK WATERMAIN AREA FEE. The City hereby adopts a Trunk Watermain Area Fee in the amount of one thousand three hundred twenty dollars (\$1,320) per acre. This fee shall be applicable to the Trunk Highway 47 sewer and water service area.