

**TITLE V: PUBLIC WORKS**

Chapter

**50. SOLID WASTE**

**51. WATER AND SEWER**



## CHAPTER 50: SOLID WASTE

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*Drainage; pollution control, see § 151.07*

### ***STORAGE, COLLECTION, DISPOSAL, AND TRANSPORTATION***

#### **§ 50.01 DEFINITIONS.**

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

***GARBAGE.*** All decomposable wastes, including material resulting from the handling, preparation, cooking, and consumption of food, but excluding human excrement, sewage, and other water-carried wastes.

***INDUSTRIAL WASTE.*** All organic and inorganic wastes, except garbage, resulting from any manufacturing, building, repairing, demolition, construction, processing, grain cleaning, the operation of garages and service stations, and other similar activities.

**REFUSE.** All noncombustible wastes including ashes, crockery, glass, leaves, paper, boxes, rags, and old clothes, but does not include any material such as earth, sand, brick, stone, plaster, or other similar substances that may accumulate as a result of construction operations. It does not include appliances, autos, and auto parts, tree limbs or flammable material including gasoline and motor oils. (Ord. 84, passed 4-7-1972)

#### **§ 50.02 PURPOSE.**

The purpose of this subchapter is to maintain and protect the public health and sanitation by the removal of garbage and refuse from locations within the city and to prevent the unregulated and unrestricted hauling of garbage and refuse by other means than through a collection system so as to eliminate the disposal of garbage and refuse along the streets and roads in and near the city. (Ord. 84, passed 4-7-1972)

#### **§ 50.03 PLACEMENT OF WASTE.**

No person shall deposit or cause to be deposited or situated any garbage, refuse, or containers for garbage or refuse upon any street, alley, vacated lot, or upon any ground appurtenant to any building in the city, except upon the premises wherein the garbage or refuse originated. (Ord. 84, passed 4-7-1972) Penalty, see § 50.99

#### **§ 50.04 HANDLING AND INTERFERING WITH WASTE.**

No person except as authorized shall transport garbage or refuse over any streets or alleys in the village or shall disturb, collect, or in any manner interfere with garbage or refuse placed in containers for collection or in any manner interfere with containers for garbage or refuse. (Ord. 84, passed 4-7-1972) Penalty, see § 50.99

#### **§ 50.05 STORAGE OF WASTE.**

(A) Except as otherwise provided, all garbage and refuse shall be kept in rust-resistant metal or plastic, watertight, nonabsorbent, and easily washable containers which are equipped with handles and covered with close-fitting lids. Insofar as practicable, all garbage shall be drained of liquids and wrapped in paper.

(B) All containers shall be washed and treated with disinfectant as often as necessary to prevent a nuisance. Containers shall be provided in sufficient number to hold all garbage and refuse accumulating between collections.

(C) The property owner or occupant shall control the garbage and refuse on the premises so as to keep the premises in a clean and sanitary condition and shall have the garbage and refuse removed at regular intervals, being at least once a week.

(Ord. 84, passed 4-7-1972) Penalty, see § 50.99

**§ 50.06 COLLECTION OF WASTE.**

(A) Containers shall be made easily accessible to the collector for on-site pickup on the days designated for collection.

(B) All garbage and refuse shall be transported on the streets and alleys in the city only in vehicles with leak-proof bodies of easily cleanable construction and completely covered, preferably packer trucks. Vehicles shall be so operated that contents do not spill or drip upon streets or alleys or otherwise create a nuisance.

(Ord. 84, passed 4-7-1972) Penalty, see § 50.99

**§ 50.07 BURNING OF WASTE PROHIBITED.**

No person shall dispose of garbage, refuse, or industrial waste in the city limits at any time by open burning, or cause, suffer, allow, or permit open burning of garbage, refuse, or industrial waste at any time, in any outdoor fire, outdoor incinerator, can, receptacle, or device.

(Ord. 84, passed 4-7-1972) Penalty, see § 50.99

***Cross-reference:***

*Fire prevention, see Chapter 91*

**§ 50.99 PENALTY.**

Any person who violates any provision of this chapter for which another penalty is not specifically provided shall, upon conviction, be penalized as provided in § 10.99.



## CHAPTER 51: WATER AND SEWER

### Section

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***Cross-reference:***

*Public nuisances affecting health, see § 93.02*

*Public nuisances affecting peace and safety; waste water, wells, excavations, and the like, see § 93.04*

*Drainage; pollution control, see § 151.07*

*Individual sewage systems, see § 151.07*

***GENERAL PROVISIONS*****§ 51.01 USE OF WATER OR SEWER SYSTEM RESTRICTED.**

No person other than a city employee shall uncover or make or use any water or sewer service installation connected to the city water or sewer system except pursuant to application and permit as provided in this chapter. No person shall make or use any such installation contrary to the regulatory provisions of this chapter.

(Ord. 93-4, passed 11-18-1993) Penalty, see § 10.99



**§ 51.02 APPLICATION FOR INSTALLATION AND SERVICE.**

Application for a water or sewer service installation shall be made to the City Clerk on forms provided by the city. The applicant, by applying for an installation, agrees to conform to this chapter and any rules and regulations of the city concerning water and sewer service.  
(Ord. 93-4, passed 11-18-1993)

**§ 51.03 PERMIT FOR CONNECTION; CONNECTION FEES AND CHARGES.**

(A) *Connection permit and fee.* No connection shall be made to the city water or sanitary sewer system without a permit received from the Clerk or Administrator. The fee for each such permit shall be \$1,750 for a water main connection permit and \$1,750 for a sewer connection permit. These fees shall be in addition to any fees required under division (B).

(B) *Installation and connection payment.* When a connection requires installation of a service line from the main to the property line, the applicant for a permit shall pay to the city an amount not less than the cost of making the necessary connections, taps, and installation of pipe and appurtenances to provide service to the property and the necessary street repairs.

(Ord. 93-4, passed 11-18-1993; Am. Ord. 2016-1, passed 3-10-2016) Penalty, see § 10.99

***Cross-reference:***

*Streets and sidewalks; excavation permit, see § 92.02*

**§ 51.04 BOND, INSURANCE, AND INDEMNIFICATION FOR CONSTRUCTION.**

(A) *Bond.* A permit for construction and connection of the extension between the building drain and the sewer main or stub, herein called the building sewer, or for construction of a water main or stub, shall be issued only upon application by a person who has furnished a bond either to the Clerk or Administrator or to the Secretary of State under M.S. § 326.40. The bond shall be in the amount of \$2,000 conditioned so as to secure compliance by the principal with the provisions of this code and to further secure the person's performance of all work undertaken within the city.

(B) *Liability insurance.* Before undertaking the construction work authorized by the permit, the person shall secure and maintain a policy of insurance against damages to property or injury or death to individuals. The policy shall also defend, indemnify, and hold harmless the city and its personnel against any claim, damages, or cause of action arising out of the work and from any expenses of defending the same. The property damage insurance coverage shall be in the amount of at least \$200,000 and the public liability damage insurance for injury or death shall be in the amount of at least \$200,000 per claimant and \$600,000 for any number of claims per occurrence. Proof of such insurance shall be filed with the city prior to construction work and such policy shall provide that the city shall be notified immediately of any termination or modification of such insurance. If the insurance coverage be inadequate in amount, the person shall defend, indemnify, and hold harmless the city and its personnel in like manner.

(C) *Indemnification by owner.* The owner shall bear the costs and expenses incident to the installation and connection of the building sewer or extension of water service to private property. The owner shall defend, indemnify, and hold harmless the city for any loss or damage directly or indirectly caused by its installation. The Clerk or Administrator shall establish rules and regulations for the proper implementation of these requirements which, when approved by the City Council by resolution, shall govern the installation of building sewers and connections.  
(Ord. 93-4, passed 11-18-1993)

### ***WATER SYSTEM***

#### **§ 51.15 DISCONTINUANCE OF SERVICE.**

The city may discontinue service to any water consumer without notice for necessary repairs or, upon notice as provided in § 51.80, for nonpayment of charges, or for violation of rules and regulations affecting utility service, subject to the Cold Weather Rule in M.S. § 216B.097.  
(Ord. 93-4, passed 11-18-1993)

#### **§ 51.16 SUPPLY FROM ONE SERVICE CONNECTION.**

No more than one house or building shall be supplied from one service connection except by special permission of the City Council. Whenever two or more parties are supplied from one pipe connecting with the service main, each building or part of building separately supplied shall have a separate stop box and a separate meter.  
(Ord. 93-4, passed 11-18-1993) Penalty, see § 10.99

#### **§ 51.17 TURNING ON WATER; TAPPING MAINS.**

No person except an authorized city employee shall turn on any water supply at the stop box, tap any distributing main or pipe of the water supply system, or insert a stop cork or other appurtenance without a city permit.  
(Ord. 93-4, passed 11-18-1993) Penalty, see § 10.99

#### **§ 51.18 REPAIR OF LEAKS.**

The consumer or owner shall be responsible for maintaining the service pipe from the curb box into the building served. If the consumer fails to repair any leak in such service pipe within 24 hours after notice by the city, the city may turn the water off. The water shall not then be turned on again until the

sum of \$150 has been paid to the city. When the waste of water is great or damage is likely to result from the leak, the city shall turn the water off immediately upon giving notice if repair is not commenced immediately.

(Ord. 93-4, passed 11-18-1993)

#### **§ 51.19 FIRE HYDRANT USE.**

No person other than an authorized city employee shall operate a fire hydrant or interfere in any way with the city water system without first obtaining authority to do so from the Fire Chief.

(Ord. 93-4, passed 11-18-1993) Penalty, see § 10.99

*Cross-reference:*

*Fire Chief, see § 32.21*

#### **§ 51.20 PRIVATE WATER SUPPLY CROSS-CONNECTIONS PROHIBITED.**

No water pipe of the city water supply system shall be connected with any pump, well, or tank that is connected with any other source of water supply. When any such connection is found, the Clerk or Administrator shall notify the owner to sever the connection and if this is not done immediately, the city shall turn off the water supply forthwith. Before any new connection to the city system is permitted, city employees shall ascertain that no cross connection will exist when the new connection is made.

(Ord. 93-4, passed 11-18-1993) Penalty, see § 10.99

#### **§ 51.21 RESTRICTED HOURS DUE TO WATER SHORTAGE.**

Whenever the City Council determines that a shortage of water supply threatens the city, it may by resolution limit the times and hours during which city water may be used for sprinkling, irrigation, car washing, air conditioning, or other specified uses. After publication of the resolution or two days after the mailing of the resolution to each customer, no person shall use or permit water to be used in violation of the resolution and any customer who does so shall be charged a sum of \$100 for each day of violation and the charge shall be added to his or her next water bill. Continued violation for more than seven days shall be cause for discontinuance of water service.

(Ord. 93-4, passed 11-18-1993)

#### **§ 51.22 METERS.**

(A) *Meters required; unauthorized handling prohibited.* Except for extinguishing of fires, no person other than an authorized city employee shall use water from the city water supply system or permit water to be drawn therefrom unless the water passes through a meter supplied or approved by the city. No person, unless authorized by the City Council or Public Works Director, shall connect, disconnect, take apart, or in any manner change or caused to be changed or interfere with any meter or the action thereof,

or break any meter or valve seal. The approved meter for the city is a Radio Frequency Read Meter. Any customer that has a meter that is non-compliant with the Radio Frequency Read Meter shall be charged a \$50 meter reading fee per billing period. The city reserves the right to disconnect water service to any property with a non-compliant meter subject to the Cold Weather Rule in M.S. § 216B.097. If the water service is disconnected due to a non-compliant meter, the service shall not be reconnected until such time when the meter is replaced with an approved Radio Frequency Read Meter. If the water service is disconnected due to a non-compliant meter, it shall not be reconnected until a \$150 reconnect fee is paid and an approved meter is installed.

(B) *Maintenance.* The city shall maintain and repair at its expense any meter that has become unserviceable through ordinary wear and tear and shall replace it if necessary. Where repair or replacement of a meter is made necessary by act or neglect (including damage from freezing or hot water backup) or carelessness of the owner or occupant of the premises it serves, any city expense caused thereby shall be a charge against the property and collected from the water consumer, and water service may be discontinued until the cause is corrected and the amount charged is paid.

(C) *Complaints; meter testing.* When a consumer complains that the bill for any past service period is excessive, the city shall have the meter reread on request. If still dissatisfied, the consumer may, on written request and the deposit of \$25, have the meter tested. If the test shows an error in the city's favor exceeding 5% of the water consumed, the deposit shall be refunded, an accurate meter shall be installed, and the bill shall be adjusted accordingly. Such adjustment shall not extend back more than one service period from the date of the request.

(D) *Meters property of city.* Water meters shall be the property of the city and may be removed or replaced as to size and type when deemed necessary.

(E) *Meter reading and inspection; right of entry.* Authorized meter readers shall have free access at reasonable hours of the day to all parts of every building and premises connected with the city water supply system in order to read meters and make inspections.

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

(Ord. 93-4, passed 11-18-1993; Am. Ord. 2011-4, passed 12-8-2011; Am. Ord. 2023-5, passed 8-10-2023) Penalty, see § 10.99

### § 51.23 NO WELLS.

No person may use any private well, sand point, or source of water other than water provided by the City Municipal Water System. Every residence, business, and structure shall connect to the municipal water supply system.

(Ord. 93-4, passed 11-18-1993; Am. Ord. 2023-5, passed 8-10-2023) Penalty, see § 10.99

***SANITARY SEWER SYSTEM*****§ 51.35 SEWER USE CODE.**

Ordinance Number of the Ordinance Code of the City of Watkins may be known as the “Sewer Use Code” of the city.

(Ord. 82-3, passed 8-12-1982)

**§ 51.36 DEFINITIONS.**

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

***BOD (BIOCHEMICAL OXYGEN DEMAND).*** The quantity of oxygen utilized in the biochemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedure as set out in the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

***BUILDING DRAIN.*** 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 five feet (1.5 meters) outside the inner face of the building wall.

***BUILDING SEWER.*** Extension from the ***BUILDING DRAIN*** to the ***PUBLIC SEWER*** or other place of disposal, and may sometimes be referred to as ***SERVICE LINE***.

***COD (CHEMICAL OXYGEN DEMAND).*** The quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedure as set out in the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

***COMBINED SEWER.*** A sewer originally designed and currently designated to receive both surface water runoff and sewage.

***COUNCIL.*** The duly elected City Council of the City of Watkins, Minnesota, or its authorized deputy, agent or representative.

***DOMESTIC OR SANITARY WASTE.*** Wastewater that is primarily produced by residential users with BOD concentration less than 200 milligrams per liter and TSS concentration less than 200 milligrams per liter as distinct from industrial waste and the characteristics as stated in the definition of ***INDUSTRIAL WASTES***.

**GARBAGE.** Solid wastes resulting from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, or sale of meat, fish, fowl, fruit, vegetables, and condemned food.

**INDIVIDUAL SEWAGE DISPOSAL SYSTEM.** A sewage disposal system other than a community or public system, which receives sewage from an individual establishment.

**INDUSTRIAL WASTES.** The solid, liquid or gaseous wastes resulting from any industrial or manufacturing processes, trade or business, or from the development, recovery or processing of natural resources.

**NATURAL OUTLET.** Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**NPDES PERMIT (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT).** The system for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone, and the oceans by the Environmental Protection Agency pursuant to the Federal Water Pollution Control Act of 1972, Sections 402 and 405.

**OTHER WASTES.** Other substances except sewage and industrial wastes.

**PERSON.** Any individual, firm, company, association, society, corporation, municipal corporation, governmental unit, or group.

**pH.** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**PROCESS WATER.** Any water used in the manufacturing, preparation or production of goods, materials or food.

**PUBLIC SEWER.** Any sewer owned or operated by the city.

**SANITARY SEWER.** Any sewer which carries sewage and to which storm, surface, and ground water are not intentionally admitted.

**SEWAGE.** The liquid-carried waste products from whatever source derived, together with such ground water infiltration and storm and surface water as may be present.

**SEWER.** A pipe or conduit for carrying sewage, industrial waste or other waste liquids.

**SEWER SYSTEM.** Pipe lines or conduits, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes or other wastes to a point of ultimate disposal.

**SEWERAGE WORKS.** Individually or collectively all facilities for collecting, pumping, treating and disposing of sewage, industrial wastes or other wastes, or for the recovery of by-products from such sewage, industrial wastes or other wastes.

**SLUG.** 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 15 minutes more than five times the average 24-hour concentration of flows during the normal operation.

**STATE DISPOSAL SYSTEM PERMIT.** The system for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone, (being land or water) by the State of Minnesota.

**STORM SEWER** or **STORM DRAIN.** A sewer which carries storm and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling or process water.

**SUSPENDED SOLIDS.** 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, in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

**UNPOLLUTED WATER.** Clean water uncontaminated by industrial wastes, other wastes, or any substances which render 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 use, or to livestock, wild animals, birds, fish or other aquatic life.  
(Ord. 82-3, passed 8-12-1982)

### § 51.37 USE OF PUBLIC SEWERS REQUIRED.

(A) It shall be unlawful to discharge to any natural outlet within the city 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 provisions of this subchapter and other applicable provisions of the code.

(B) It shall be unlawful to discharge or cause to be discharged into the municipal sewer system, either directly or indirectly, any roof, storm, surface or ground water, or water from any type of private drainage system, or discharge from sump pumps, and all similar kinds of water discharge of whatever kind or nature. Water discharged from a water air conditioning system may not be discharged into the municipal sewer system, unless a permit allowing such discharge is issued by the Council.

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(D) The owner of any building or property which is located within the city, or in any area under the jurisdiction of the city, and from which sewage is discharged, shall be required to connect to a public

sewer at his or her expense within 30 days after service of official notice to do so, provided that the public sewer is reasonably available for connection. Additionally, if the building or property is used for human occupancy, employment or recreation, the owner shall be required to install at the same time, toilet facilities in accordance with the state building codes and other ordinances of the city. The official notice shall be given by the City Council or its designated agent and shall be served upon the owner personally or by certified mail.

(E) In the event an owner shall fail to connect to a public sewer in compliance with a notice given under division (D) above, the city may undertake to have the connection made and shall assess the cost thereof against the benefitted property and the assessment shall be a lien against the property. Such assessment, when levied, shall bear the standard interest rate at time of assessment and shall be certified to the auditor of the county in which the land is situated and shall be collected and remitted to the city in the same manner as assessments for local improvements. The rights of the city under this subdivision shall be in addition to any other remedial or enforcement provisions of this subchapter.

(Ord. 82-3, passed 8-12-1982)

#### **§ 51.38 BUILDING SEWER AND CONNECTIONS; STREET EXCAVATIONS RELATING THERETO.**

(A) No building sewer shall be built, repaired, extended or connected with the public sewer without a permit issued by the city.

(B) Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of building to be connected, and how occupied. No person shall extend any private drain beyond the limits of the building or property for which the service connection permit has been given. Any person who desires to construct, reconstruct, extend, or alter a service connection shall before beginning work file with the city a plan showing the whole course of the service connection and all branches, traps and fixtures connected therewith. If the city finds that the plan does not conform to the requirements of this subchapter, the city shall not issue a permit for such work.

(C) Before a permit is given on the application, the city may inspect the premises and the proposed installation to ascertain if the installation is proper and in compliance with local and state laws, ordinances and regulations, and that the statements in the application are true. All plumbing installations shall comply with the State Plumbing Code. After the application has been approved by the City Council, and the applicant has paid to the City Clerk such permit fee as the City Council may set by resolution from time to time, the Clerk shall issue the permit.

(D) Upon issuance of the permit, the person to whom it is granted may proceed with the work in accordance with the permit granted. The applicant shall notify the City Clerk of the progress of the work at such stages during construction as the city may direct and in particular may notify the Clerk when the



building sewer is complete and ready for connection with the public sewer. The city shall be given an opportunity to inspect the work after it is completed and shall require the work to be done satisfactorily and in compliance with law before excavations are filled.

(E) All connections with the public sewer shall be made with cast iron within the limits of paved roadways, and may be vitrified stoneware, PVC or ABS plastic pipe, and shall comply with all current state plumbing code standards. All joints and connections shall be gas and water tight. Hubless joints and connectors will not be accepted. The size, slope and depth of the building sewer shall be subject to the approval of the city, but in no event shall the internal diameter be less than four inches, and a slope of ¼ inch to the foot shall be used wherever practical. Pipe shall be inspected by the city before laid and be subject to its approval. The connections of the building sewer with the public sewer shall be made at the “Y” branch designated for the property, if suitable; any other location for the connection shall be only as directed by the city.

(F) No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or indirectly to a public sanitary sewer.

(G) Every building shall be separately and independently connected with the public sewer.

(H) The connection of the building sewer into the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code, or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the city before installation.

(I) The City Council may from time to time, by resolution, adopt regulations not inconsistent with this subchapter governing construction of the building sewers and connections to the public sewers.

(J) All excavations for building sewer installations shall be adequately guarded with barricades and lights and other appropriate warning devices so as to protect the public from hazard. Streets, alleys, sidewalks, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(K) The applicant shall indemnify and save harmless the city from any claims of injury, loss or damage to third parties arising out of the construction work; that provision is a condition to the issuance of the permit. The city may, as a condition to issuance of the permit, require the applicant to file a corporate surety bond for faithful performance of the work and save harmless the city from any negligence in performances; the bond is to be for a period of two years.

(L) Any new connection to the public sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, BOD's and suspended solids, as determined by the superintendent.

(Ord. 82-3, passed 8-12-1982)

**§ 51.39 DISCHARGE TO PUBLIC SEWERS.**

(A) No person shall discharge or cause to be discharged directly or indirectly any storm water, surface water, ground water, roof runoff, subsurface drainage, unpolluted cooling or process water to any sanitary sewer, except as permitted by the Council.

(B) Storm water and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or process water shall only be so discharged upon approval of the City Council. The Council may also approve discharge of unpolluted water into a natural outlet of a combined sewer provided such discharge complies with applicable State and Federal regulations.

(C) No person shall discharge or cause to be discharged directly or indirectly, any of the following described substances to any public sewer:

(1) Any gasoline, benzene, naphtha, fuel, oil, or other flammable or explosive liquid, solid, or gas;

(2) 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 sewerage works or receiving waters. Discharge limitations for toxic or poisonous materials are as follows:

<i>Waste or Chemical</i>	<i>Concentration (mg/l)</i>
Cadmium	2.0
Chromium (total)	2.0
Copper	3.0
Cyanide (total)	5.0
Cyanide (readily released at 150° F to pH 4.5)	1.0
Lead	0.5
Nickel	10.0

(3) Any water or wastes having a pH lower than 4.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works;

(4) Any solid or viscous substances, either whole or ground, in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of

the sewerage works such as, but not limited to ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cutting or polishing wastes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and sanitary napkins, paper dishes, cups, milk containers, and other paper products;

(5) Any 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 and repair;

(6) Any steam exhaust or blow-off connected with any soil or waste pipe or drain which connects with the public sewer.

(D) (1) 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 Council such discharge will not harm the sewerage works, 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 these wastes, the Council may give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment's process, capacity of the sewage treatment plant, and other pertinent factors. The Council may make such determination 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.

(2) The substances prohibited are:

(a) Any liquid vapor having a temperature higher than 150° F (65° C);

(b) Any water or waste containing fats, wax, grease, or oils whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F (0° and 65° C);

(c) Any garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in public sewers, with no particles greater than ½ inch in any dimension;

(d) Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not;

(e) 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 sewerage works, or which prevent sewage treatment which meets the requirements of the state and federal government and any other public agency with proper authority to regulate the discharge from the sewage treatment plant;

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(f) Radioactive wastes or isotopes of such half-life or concentration that they are in noncompliance with regulations issued by the appropriate authority having control over their use or which have caused or may cause damage or hazards to the sewerage works or personnel operating it;

(g) Any water or wastes having a pH in excess of 3.5;

(h) Materials which exert or cause:

1. Unusual concentrations of suspended solids (such as, but not limited to, Fullers earth, lime slurries and residues, and spent grain) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

3. Unusual BOD, COD, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; and

4. Unusual volume of flow or concentration of wastes constituting a slug;

(i) Water or wastes 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 other governmental agencies having jurisdiction over discharge from the sewage treatment plant;

(j) Any water or wastes not meeting the following maximum limitation:

<i>Waste</i>	<i>Concentration (in mg/l)</i>
BOD	350
Total Suspended Solids	350

(E) (1) 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 subchapter or which in the judgement of the Council may have a deleterious effect upon the sewerage works, processes, equipment, soils, vegetation or ground water or which otherwise create a hazard to life or constitute a public nuisance, the city may take any or all of the following steps:

(a) Refuse to accept the discharges;

(b) Require pretreatment to an acceptable condition for the discharge to the public sewers;

- (c) Require control over the quantities and rates of discharge; or
- (d) Require payment to cover the added cost of handling and treating the wastes.

(2) The design and installation of plants and equipment for pre-treatment or equalization of waste flows shall be subject to the review and approval of the city and subject to the requirements of all applicable codes, ordinances and laws.

(F) Grease, oil and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease, or any flammable wastes, and/or other harmful ingredients. All interceptors required under this division shall be of a type and capacity approved by the City Council and shall be located as to be readily and easily accessible for cleaning and inspection.

(G) Where preliminary treatment, flow equalization facilities or interceptors are provided for any water or wastes, they shall be effectively operated and maintained continuously in satisfactory and effective condition by the owner at his or her expense, and shall be available for inspection by the Council at all reasonable times.

(H) When required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall instal 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.

(I) All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this subchapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, 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 effect of constituents upon the sewerage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH analyses are determined from periodic grad samples.

(J) The city may conduct such tests as are necessary to enforce this subchapter, and employees of the city may enter upon any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to such enforcement. Entry shall be made during operating hours unless circumstances require otherwise. In all cases where tests are conducted by the city for the

purpose of checking to determine if a previously found violation of this subchapter has been corrected, the cost of such tests shall be charged to the user and added to the user's sewer charge. In those cases where the city determines that the nature or volume of a particular user's sewage requires more frequent than normal testing, the city may charge the user for the tests, after giving the user ten days' written notice of its intention to do so, and the cost thereof shall be added to the user's sewer charge. In any case where industrial wastes are discharged to a public sewer, the city may require the user at his or her own expense to test his or her discharge on a regular basis and to truthfully report the test results to the City Council within a reasonable time. All such tests shall be as ordered by the city and shall be conducted by qualified personnel and in accordance with the standards set out in division (I) of this section.

(K) If during an inspection, as otherwise provided for in this subchapter, it shall be found from such inspection or otherwise that the provisions of this subchapter are not being complied with in any respect or that any part of the drainage system is in need of cleaning or repairs, the City Council shall serve written notice upon the owner and the occupant, specifying the work necessary to be done to make the sewer system comply with the subchapter, or to put the system in good workable condition. It shall thereupon become the duty of every person served with such notice to comply therewith in 15 days, and if it is not complied with, the city may cause the work to be done, and the cost assessed against the persons so served in accordance with § 51.38(E) of this subchapter.

(L) No garbage grinder equipped with a motor of greater than  $\frac{3}{4}$  horsepower shall be installed in any building which is connected directly or indirectly to a public sewer, without prior approval of the Council. The Council shall not approve any garbage grinder which does not grind garbage to a degree so that no particle is greater than  $\frac{1}{2}$  inch in any dimension and shall be empowered to order that any garbage grinder regardless of its size or when it was installed, which does not grind garbage to a degree so as to make it acceptable under divisions (C) and (D) of this section, not be used to grind garbage which is thereafter directly or indirectly discharged into a public sewer.

(M) Accidental discharges of prohibited waste into the sewerage works, directly or through another disposal system, or to any place from which such waste may enter the sewerage works, shall be reported to the office of the City Clerk by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of such discharge.

(N) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore to the industrial concern, in accordance with applicable ordinances and any supplemental agreement with the city.

(Ord. 82-3, passed 8-12-1982)

**§ 51.40 PRIVATE SEWAGE DISPOSAL.**

(A) Where a public sanitary or combined sewer is not available for connection under the provision of § 51.37, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 51.39.

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the City Council or its authorized agent.

(C) The type, capacities, location, and layout of a private sewage disposal system shall comply with all requirements of the city and meet the minimum standards of the Meeker County individual sewage disposal system ordinance. The applicant shall allow members of the Council or their authorized agents or employees of the city to inspect work at any stage of construction and shall notify the City Council when the project is ready for final inspection. No private sewage disposal system employing subsurface soil absorption facilities shall be constructed where the area of the lot is less than 10,000 square feet, unless the owner presents evidence to the Council demonstrating that special conditions exist which insure the system will meet the minimum standards of the Meeker County individual sewage disposal system ordinance. No septic tank shall be permitted to discharge to any natural outlet.

(D) At the time a connection is made to the public sewer, any septic tanks or other private sewage disposal facilities shall be removed or filled with suitable material approved by the Council.

(E) The owner shall effectively operate and continuously maintain the private sewage disposal facilities in a sanitary, satisfactory and effective manner at all times, at his or her own expense.

(F) The employees of the city may enter upon any property having a private sewage disposal system for the purpose of inspecting such system and making such other investigations and tests as are deemed necessary. Entry shall be made during the day light hours unless abnormal or emergency circumstances require otherwise.

(G) The provisions of this section shall be in addition to any requirements established to applicable federal, state or local laws and regulations, and shall not be construed to relieve any liability or obligation imposed by such laws and regulations.

(Ord. 82-3, passed 8-12-1982)

**§ 51.41 PROTECTION FROM DAMAGE.**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Watkins Sewer Facility. Any person violating this provision shall be subject to immediate arrest and shall be guilty of a misdemeanor.

(Ord. 82-3, passed 8-12-1982)

**§ 51.42 AUTHORITY OF INSPECTORS.**

(A) 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 subchapter. Those employees shall have no authority to inquire into any processes except as is necessary to determine the kind and source of the discharge to the Watkins Sewer Facility.

(B) While performing the necessary work on private properties referred to in division (A) of this section, the authorized employees of the city shall observe all safety rules applicable to the premises established by the city.

(C) Duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Watkins Sewer Facility lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

(Ord. 82-3, passed 8-12-1982)

**§ 51.43 SEWER USE RATE STRUCTURE.**

(A) It is the purpose of this section to state that a user charge rate shall be established in order to provide funds for the operation and maintenance and replacement costs and any other necessary costs for the proper operation of the sewage works. This user charge is fully detailed in the city's ordinance No. 82-4 entitled "An Ordinance Establishing Charges for Users of the City of Watkins Wastewater Facilities."

(B) The City Council shall fix the rate structures for all users annually, taking into consideration sewerage works design, and actual sewage flow, BOD, and any other pollutant, and the costs of treatment of such sewage.

(Ord. 82-3, passed 8-12-1982)

**§ 51.44 PENALTY.**

(A) Any person found to be violating any provision of this subchapter, except § 51.40, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice permanently cease all violations.



(B) Any person who shall continue any violation beyond the time limit provided for correction in division (A) of this section shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

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

(D) Whenever a violation of the provisions of this subchapter is likely to cause damage to the sewerage works or is of such a nature as to be menace to the health or safety of any person, the city may summarily disconnect any sewer connections with its sewerage system.

(E) No connection disconnected in that manner shall be re-established unless the cost of such discontinuance and re-establishment is paid to the city together with reimbursement for any damage to the sewerage works caused by the violation.

(F) Violation by a permittee of any provisions of this subchapter prescribing conditions or requirements relative to permits held by such a permittee, or giving any false information on a permit application either orally or in writing, shall be grounds for revocation of such permit. Whenever grounds exist, the city may revoke any permit by resolution.

(Ord. 82-3, passed 8-12-1982)

### ***WASTEWATER FACILITIES USER CHARGES***

#### **§ 51.55 CITY OF WATKINS WASTEWATER DISPOSAL SYSTEM FACILITIES.**

The fees, rates and charges for using the city's facilities shall be, upon the conditions and in the amounts set forth in this subchapter, except where this subchapter is declared inapplicable for a particular user by a written contract providing for alternative charges between such user and the city to assure that each user shall pay for its proportionate share of the treatment costs.

(Ord. 82-4, passed 8-12-1982)

#### **§ 51.56 DEFINITIONS.**

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

***BOD (BIOCHEMICAL OXYGEN DEMAND).*** The quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20° C, expressed in milligrams per liter, as determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

**CAPITAL COSTS.** All reasonable and necessary costs and expenses incurred by the city in planning, designing, financing, and constructing disposal system facilities, including but not limited to costs and expenses for obtaining necessary permits, licenses, approvals and grants for design and construction costs; fees for legal and consulting services; or the acquisition of such facilities.

**CITY.** Individually or collectively all parts and facilities of the sewer system and wastewater treatment plant.

**COMMERCIAL USERS.** All users of the system classified as industrial users in the *Standard Industrial Classification Manual*, 1972, U.S. Office of Management and Budget, as amended and supplemented under Division A, B, C, E, and I but who are excluded from such definition for the purposes of the ordinance, because they discharge primarily segregated domestic wastes, or wastes from sanitary conveniences, except that the classification shall not include such exempted users who are otherwise classified in this subchapter as **DOMESTIC USERS**, **GOVERNMENTAL USERS**, or **INSTITUTIONAL USERS**.

**CONTRACT USERS.** All users who have a written contract with the city to use the city sewer system or city wastewater treatment plant.

**DEBT SERVICE.** The principal and interest necessary to pay bonded indebtedness.

**DEBT SERVICE CHARGE.** The charge related to the principal and interest necessary to pay bonded indebtedness of facilities owned or operated by the city.

**DOMESTIC USER.** Those establishments of which its related occupations, if any, are usually considered a domestic service or residential class and whose discharge consists solely of sanitary wastes.

**FLOW.** The quantity of sewage expressed in gallons or cubic feet per 24 hours.

**GENERAL MUNICIPAL FLOW.**

(1) The total flow discharged to the treatment facilities, minus the flows from industrial users, other municipalities, and contract users and therefor includes sanitary wastes and infiltration.

(2) **GENERAL MUNICIPAL FLOW**, based on the design of the wastewater treatment facilities, is further defined as flows containing five-day BOD concentrations not greater than 200 mg/l and suspended solids concentrations no greater than 200 mg/l.

**GENERAL MUNICIPAL USER.**

(1) Any user discharging sewage to the general municipal flow other than industrial users, municipalities and other contract users.

(2) This category of user includes as sub-categories:

- (a) Domestic users;
- (b) Commercial users;
- (c) Institutional users;
- (d) Governmental users, which are not contract users.

**GOVERNMENTAL USER.** Includes those establishments whose function is the administration and/or execution of governmental programs as well as the offices of executives, legislative bodies and agencies which provide general support services for government.

**INDUSTRIAL USER.**

(1) Any entity which discharges to the city's wastewater treatment system, solid, liquid, or gaseous wastes resulting from the process employed in industrial or manufacturing processes, or from the development of any natural resource.

(2) A user may be excluded and treated as a commercial user if the city determines it will primarily introduce domestic wastes or wastes from sanitary conveniences.

(3) The BOD and suspended solids loads from **INDUSTRIAL USERS** will be based on the actual concentrations of those constituents, except that for industrial users with sewage containing BOD and suspended solids concentrations less than the concentrations as defined for **GENERAL MUNICIPAL FLOW**, the charges shall be based on concentrations as defined for **GENERAL MUNICIPAL FLOW**.

**INSTITUTIONAL USER.** Those establishments engaged in activities of a non-economic nature, frequently being the performance of services classified as a governmental or commercial user in this subchapter.

**LOAD.** Quantities of sewage characteristics such as BOD, SS and other constituents as expressed in milligrams per liter (mg/l) or pounds per 24 hours (lbs./24 hours).

**NORMAL DOMESTIC STRENGTH.** Wastes with a BOD concentration not to exceed 200 milligrams per liter and a total suspended solids concentration not to exceed 200 milligrams per liter.

**OPERATION AND MAINTENANCE COSTS (O & M COSTS).** The expenses related to the costs of the operation, maintenance, replacement and administration of the city facilities.

**REPLACEMENT COSTS.** Costs related to the expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the

useful life of the city facilities for which such facilities were designed and constructed. The term **OPERATION AND MAINTENANCE** includes replacement.

**SANITARY WASTES.** The liquid- and water-carried wastes discharged from sanitary plumbing facilities.

**SEWAGE.** The liquid-carried waste products from whatever source derived, together with such ground water infiltration and surface water as may be present.

**SEWER.** A pipe or conduit for carrying sewage, industrial waste and other waste liquids.

**SEWER SERVICE CHARGE.** The aggregate of all the charges including the user charge, debt service charges, if any, and other sewer related charges that are billed periodically to users of the city facilities.

**SEWER SYSTEM.** Pipelines or conduits, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage.

**TSS (TOTAL SUSPENDED SOLIDS).** 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, in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

**USER.** Any person, corporation or other entity, whether municipal or otherwise, discharging sewage into the city disposal system facilities.

**USER CHARGE.** A charge levied on users of city facilities for the cost of operation, maintenance and replacement of such facilities. The **USER CHARGE** shall be based upon a user's proportionate contribution to total wastewater loading from all users.

**WASTEWATER TREATMENT PLANT.** Any facility, appurtenant structures, or arrangement of devices used for the treatment of sewage.

(Ord. 82-4, passed 8-12-1982)

#### § 51.57 GENERAL.

(A) It is the purpose of this subchapter to recover from "users" of the city facilities, on an equitable basis, the share of the city facilities' costs attributable to such users, and to provide funds for the operation and maintenance and replacement and improvements of the city. Methodology for determining and maintaining a proportionate user charge system is included in a report prepared by Meyer-Rohlin, Inc., entitled "Watkins, Minnesota, User Charge System, Wastewater Treatment Facilities."

(B) The “user” charges provided for in this section are hereby levied and assessed upon each lodge, parcel of land, building or premises having any connection with, or discharging either directly or indirectly into the sewer system.

(C) The City Council shall annually determine and fix the unit costs for use of the city treatment facilities on the basis of flow, BOD, TSS and any other pollutants, taking into consideration the cost of treatment of such sewage, and may increase or decrease such unit cost as often and in such amounts as may reasonably be required to accomplish the purposes of this section.

(D) The city shall compute the amount due the city for sewer use charges and render a statement thereof, at bi-monthly intervals, to the owner or occupant of any premises using the city facilities. All amounts due hereunder shall be payable at the office of the City Clerk or other designated locations.

(E) Each user will be notified annually by the city, in conjunction with a regular bill of the rate and that portion of the user charges which are attributable to the operation, maintenance and replacement costs.

(F) The City Clerk shall in August of each year provide to the City Council an internal audit report that will address specific areas of concern including: the need to generate sufficient revenue through “user” charges to cover total O & M costs; the necessity of maintaining a proportionate system of user charges; and the need to review the replacement account to determine its proper level of funding. Appropriate revisions will be made to the rates to maintain proportionality and to cover total OM & R costs, as reflected by this annual audit.

(Ord. 82-4, passed 8-12-1982)

**§ 51.58 CHARGES, A LIEN.**

Each charge levied pursuant to this section shall be a lien against the property, and all such charges due on September 30 of each year, more than 30 days past due, and having been properly mailed to the occupant or owner of the premises, shall be certified by the City Council to the County Auditor, shall specify the amount thereof, the description of the premises, the name of the owner thereof, and the amount so certified shall be expended upon 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.

(Ord. 82-4, passed 8-12-1982)

**§ 51.59 CIVIL ACTION.**

Any charges levied pursuant to this section, and which have been properly sent to the occupant or owner and not paid, may be recovered in a civil action by the city in any court of competent jurisdiction.

(Ord. 82-4, passed 8-12-1982)

**§ 51.60 FUNDS FROM SEWER SERVICE CHARGES.**

The funds received from the collection of the charges authorized by this subchapter shall be deposited as collected in the City Wastewater Treatment System Operating Fund and shall be used for the operation, maintenance, replacement, and improvements of the city sewer system, except that the portion of any such funds which is limited to a particular use by applicable state or federal rules or regulations, shall be used in compliance with such restrictions.

(Ord. 82-4, passed 8-12-1982)

**§ 51.61 UNIT COST CATEGORIES.**

The cost to be recovered pursuant to this subchapter and the unit cost to be fixed by the City Council in § 51.57(B) shall be determined and allocated in each of the following categories:

(A) *Category A: Debt service for wastewater treatment facilities.* This shall be the amount of the annual interest and principal cost necessary to retire the bond issued to pay for the local share of the project cost. This amount shall not be included in the sewer service charge. The city shall retire the debt service charge through the levying of ad-valorem taxes.

(B) *Category B: Operation and maintenance: city wastewater treatment plant and sewer system.* This shall be the annual cost of operating and maintaining the city wastewater treatment plant and sewer system facilities, including an amount for replacement costs of facility equipment, which shall be segregated in a separate fund.

(Ord. 82-4, passed 8-12-1982)

**§ 51.62 INDUSTRIAL CHARGES.**

(A) The industrial user charges for operation and maintenance of the city facilities (§ 51.61, Category B) shall be determined as follows:

(1) Unit cost for flow, BOD and TSS shall be calculated by apportioning the Category B cost each to flow, BOD and TSS and then dividing each cost so apportioned by the total estimated billable flow, BOD and TSS to be received at the Wastewater Treatment Plant in that year.

(2) Industrial user charges shall be the sum of the products obtained by multiplying the unit costs as determined above by the user's actual flow, BOD and TSS during the billing period with general municipal flow strength sewage as a minimum.

(B) In addition to the charges provided for herein, the city may impose a surcharge on any industrial user based on some other pollutant loading factor which requires special treatment at the Wastewater

Treatment Plant. Also, a surcharge may be imposed on any industrial user which discharges any toxic pollutants, which may result in an increase in the cost of managing the effluent of the city's treatment works.

(Ord. 82-4, passed 8-12-1982)

**§ 51.63 MEASUREMENTS OF STRENGTH AND VOLUME.**

(A) When required by the city, each industrial user shall install suitable measuring, sampling and analyzing devices.

(B) The city shall not require installation of such devices where the city determines that such industrial user has concentrations of BOD or TSS no greater than the concentration of such constituents in the general municipal flow and a satisfactory method and access exist for sampling and determining the total daily sewage flow. In such cases, the charges to those industrial users shall be based on the flow rate as determined and on BOD and TSS loads equal to the average load of the general municipal flow.

(C) Each industrial user required by the city to install and maintain sewerage monitoring facilities shall submit to the city a monthly report of daily flow, BOD and TSS on a form approved by the city. This report shall be used for billing purposes and shall be submitted prior to the fifteenth day of the subsequent month.

(D) (1) The city shall have the right to periodically or continuously inspect the monitoring facilities, to measure, sample and analyze the user's flow and to analyze the samples obtained by the industrial user.

(2) In the event of any discrepancy between the flows or loads determined by the city and the industrial user, the values determined by the city shall be used for billing purposes.

(3) A high strength user may appeal this procedure by presenting information and documentation which provides a more equitable means of determining their cost based upon flow, BOD, and TSS, to the satisfaction of the city.

(Ord. 82-4, passed 8-12-1982)

**§ 51.64 CHARGES FOR GENERAL USERS: DOMESTIC, COMMERCIAL, INSTITUTIONAL AND GOVERNMENTAL USERS.**

(A) The Category B charge, user charge for operation and maintenance shall be based on water meter records for the first two months of each year. The amount of Category B revenues that the city determines is necessary for the annual operation and maintenance of the treatment facilities less the user

fees collected from other contract users, and industrial users, this difference divided by the total volume of water metered by general users in the first quarter for the year shall be the cost factor for the user charge. The cost factor for the user charge multiplied by the user's water consumption volume as determined by water meter readings in the first two months of the year shall be the annual user charge for the user.

(B) If a general user does not have a water meter, the user charge for operation and maintenance shall be determined by the City Council. The Council's determination shall be based on the average of the user charges for similar general users.

(C) The Category B cost factor for the operation and maintenance user charge and the surcharge cost factor shall be itemized in resolution form to accompany this subchapter. The methodology for determining the user charges is outlined in the report entitled "Watkins, Minnesota, User Charge System, Wastewater Treatment Facilities."

(Ord. 82-4, passed 8-12-1982)

### ***RATES AND BILLING***

#### **§ 51.75 WATER RATES.**

(A) The following rates for water used, computed on a monthly basis, shall be established in the fee schedule as established by Council resolution as it may be amended from time to time.

(B) Where there is more than one dwelling, business, or industry served through one water meter, the minimum charge shall apply to each such dwelling, business, or industry unit served through that meter.

(C) Motels, cabin courts, and mobile homes shall be charged in accordance with the meter rates stated above. However, such motels, cabin courts, and mobile homes shall be charged not less than a sum derived by applying the minimum charge stated herein to each unit contained herein while open for rental or operating.

(D) Unmetered seasonal dwellings shall pay a seasonal charge at a rate to be determined by the City Council, plus an additional charge of \$10 for each service call needed, whether to turn the water on or off.

(Ord. 93-4, passed 11-18-1993; Am. Ord. 95-4, passed 11-9-1995; Am. Ord. 2011-4, passed 12-8-2011)



**§ 51.76 SEWER RATES; DUTY OF OWNER AND THE LIKE TO SUPPLY INFORMATION.**

(A) The owner, lessee, or occupant of each premises connected with the city sewer system shall pay the rates and charges for each three-month period of use thereof as they may be established in the fee schedule as established by Council resolution as it may be amended from time to time.

(B) Each unit of a multiple business or dwelling using one sewer connection shall pay a minimum for each unit as a separate user.

(C) The owner, occupant, or person in charge of any premises shall supply the city with such information as it may reasonably require relating to use of water, use of sewer, or sewer rates. Willful failure to provide such information, willful falsification of such information, or willful failure to comply with any requirement or order issued pursuant to this chapter constitutes a violation of this chapter. (Ord. 93-4, passed 11-18-1993; Am. Ord. 95-4, passed 11-9-1995)

**§ 51.77 OWNER RESPONSIBILITY.**

The owner shall be liable for water supplied or sewer service provided to the owner's property, whether the owner is occupying the property or not, and any charges unpaid shall be a lien upon the property.

(Ord. 93-4, passed 11-18-1993)

**§ 51.78 BILLS FOR SERVICE.**

Water, sewer, and a 5% utility replacement fee shall be billed together. Bills shall be mailed to the customers as designated by the City Council and shall specify the water consumed and the sewer and water charges in accordance with the rates set out in the fee schedule.

(Ord. 93-4, passed 11-18-1993)

***Cross-reference:***

*Manufactured home parks water and sewer bills, see § 96.06*

**§ 51.79 DELINQUENT ACCOUNTS.**

All charges for water and sewer shall be due on the due date specified by the city for the respective account and shall be delinquent the first business day following the due date. The city shall endeavor to collect delinquent accounts promptly and shall assess a late penalty of \$5 or 1.5% of the past due balance per month, whichever is greater. In any case where satisfactory arrangements for payments have not been made, the Clerk may, after the procedural requirements in § 51.80 have been complied with, cause a discontinuance of service to the delinquent customer by shutting off the water at the stop box if

the respective account is delinquent. When water service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent bills and a re-connect fee of \$150. Delinquent accounts shall be certified to the Clerk who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties serviced. The assessment roll shall be delivered to the City Council for adoption on or before the October City Council meeting of each year for certification to the County Auditor for collection along with taxes. Such action is optional and may be subsequent to taking legal action to collect delinquent accounts.

(Ord. 93-4, passed 11-18-1993; Am. Ord. 2008-4, passed 7-10-2008; Am. Ord. 2011-4, passed 12-8-2011; Am. Ord. 2012-2, passed 8-9-2012)

#### **§ 51.80 PROCEDURE FOR SHUTOFF OF SERVICE.**

Water shall not be shut off under § 51.79 or for violation of rules and regulations affecting utility service until notice and an opportunity for a hearing have first been given the occupant of the premises involved. The notice shall be served by first class mail and shall state that if the bill is not paid before the close of business by the 20th of the following month in which the bill is due, the City Council will order a disconnection of the customer's utility services and a reconnection charge equal to \$200 shall be added to the charges. The notice shall also state that the occupant may, before such date, demand a hearing on the matter, in which case the supply will not be cut off until after the hearing. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the Clerk at least one week after the date of request. If as a result of the hearing the Clerk finds the amount claimed to owe is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with the chapter, the city may shut off the supply. The water service shall not be turned back on until the delinquent amount is paid in full along with the \$200 reconnection fee provided for in § 51.79.

(Ord. 93-4, passed 11-18-1993; Am. Ord. 2008-4, passed 7-10-2008; Am. Ord. 2012-2, passed 8-9-2012; Am. Ord. 2019-1, passed 4-11-2019)