

TITLE V: PUBLIC WORKS

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CHAPTER 50: GENERAL UTILITIES

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GENERAL PROVISIONS

§ 50.01 DEFINITIONS.

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

COMPANY, GRANTEE and FRANCHISEE. Any public utility system to which a franchise has been granted by the city.

CONSUMER and CUSTOMER. Any user of a utility.

MUNICIPAL UTILITY. Any city-owned utility system, including, but not by way of limitation, water, sewage, electric and refuse service.

SERVICE. Providing a particular utility to a customer or consumer.

UTILITY. All utility services, whether the same be public city-owned facilities or furnished by public utility companies.
(1986 Code, § 3.01)

§ 50.02 FIXING RATES AND CHARGES FOR MUNICIPAL UTILITIES.

All rates and charges for municipal utilities, including, but not by way of limitation, rates for service, permit fees, deposit, connection and meter testing fees, disconnection fees, reconnection fees and administrative fees for delinquency, shall be fixed, determined and amended by the Council and adopted by Council action. The Council action, containing the effective date thereof, shall be kept on file and open to inspection in the office of the City Clerk-Treasurer and shall be uniformly enforced. For the purpose of fixing the rates and charges, the Council may categorize and classify the various types of service, provided that the categorization and classification shall be included in the Council action authorized by this section.
(1986 Code, § 3.02)

§ 50.03 CONTRACTUAL CONTENTS.

Provisions of this title relating to municipal utilities shall constitute portions of the contract between the city and all consumers of municipal utility services, and every such consumer shall be deemed to assent to the same. All contracts between franchisees and consumers of utility services other than municipal shall be in strict accord with the provisions of this title.
(1986 Code, § 3.04)

§ 50.20 BILLING, PAYMENT AND DELINQUENCY.

All municipal utilities shall be billed monthly and a utilities statement or statements shall be mailed to each consumer each month. All utility charges shall be delinquent if they are unpaid at the close of business ten (10) days after the bill date, provided, that if the tenth day after the bill date 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. An administrative fee shall be added to, and become part of, all delinquent utility bills. 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 administration. (1986 Code, § 3.05 (1))

§ 50.21 CONNECTION AND SALE OF SERVICE.

(A) All municipal utilities shall be sold and delivered to the consumer under the then applicable rate applied to the amount of the utilities taken as metered or ascertained in connection with the rates.

As a condition of receiving municipal utility services, a consumer agrees to allow the City of Roseau and its employees or designees reasonable access during normal business hours and within seven (7) working days, (unless an emergency situation requires earlier access), to read meters, and to check, repair or maintain said utilities. If reasonable access is denied by the consumer the City of Roseau reserves the right to disconnect said consumer from municipal utility services.

(B) That each applicant for City of Roseau utility services shall provide a monetary deposit to the City Utility Department prior to the commencement of services by the City. The applicant shall also provide the applicant's social security number to the City Utility Department. In the event the applicant refuses to supply a social security number then the City may require said applicant to provide a higher monetary deposit. The amount of monetary deposit required by the City of Roseau as set forth in the current City Utility Policy.

(1986 Code, § 3.05(2))

§ 50.22 DISCONTINUANCE OF SERVICE.

All municipal utilities may be shut off or discontinued any time between any Monday at 7:00 a.m. and the following Friday at 7:00 a.m., whenever it is found that:

(A) 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;

(B) 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 due notice thereof; or

(C) There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefore. (1986 Code, § 3.05(3))

(D) As provided for by M.S. § 216B.097, the Cold Weather Rule, no service of a residential customer shall be disconnected if the disconnection affects the primary heat source for the residential unit when the disconnection would occur during the period between October 15 and April 15, the customer has declared inability to pay on forms provided by the city, the household income of the customer is less than 185% of the federal poverty level as documented by the customer to the city, and the customer's account is current for the billing period immediately prior to October 15 or the customer has entered into a payment schedule and is reasonably current with payments under the schedule. The city shall, between August 15 and October 15 of each year, notify all residential customers of these provisions.

§ 50.23 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 or portion thereof.

(1986 Code, § 3.05(4))

§ 50.24 METER TEST.

Whenever a consumer shall request the city to test any utility meter in use by him or her, 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 the deposit shall be retained by the city to defray the cost of the test.

(1986 Code, § 3.05(6))

§ 50.25 UNLAWFUL ACTS.

(A) 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.

(B) 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.

(C) 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.

(D) 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 unmetered utilities or use the services of any utility system, the use of which the proper billing authorities have no knowledge.

(1986 Code, § 3.05(7)) Penalty, see § 50.99

§ 50.26 MUNICIPAL UTILITY SERVICES AND CHARGES A LIEN.

(A) Payment for all municipal utility (as that term is defined in § 50.01) service and charges shall be the primary responsibility of the owner of the premises served and shall be billed to him or her 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. 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 section.

(B) Each such account is made a lien upon the premises served. All such accounts which are more than 45 days past due may, when authorized by resolution of the Council, be certified by the City Clerk-Treasurer of the city to the County Auditor, and the City Clerk-Treasurer 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 the premises in the same manner as other taxes, collected by the County Treasurer and paid to the city along with other taxes.

(1986 Code, § 3.05(8))

§ 50.27 MUNICIPAL UTILITY SERVICE OUTSIDE THE CITY.

No municipal utility service to premises outside the city shall be provided, except such as are being served on the effective date of this section, or as outlined in a Cooperative Agreement with an adjacent utility provider.

(1986 Code, § 3.05(9))

§ 50.28 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 the sewer or water main against the property to be connected is in default or delinquent. If the assessment or connection charges are payable in installments, no permit shall be granted unless all installments then due and payable have been paid.

(1986 Code, § 3.06)

§ 50.99 PENALTY.

Every person violates a section, division, subsection or provision of this title when he or she performs an act thereby prohibited or declared unlawful or fails to act when the 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, and shall be subject to the penalty prescribed in § 10.99.

(1986 Code, § 3.99)

CHAPTER 51: GARBAGE AND REFUSE

Section

Rules and Regulations for Refuse Collection and Disposal

- 51.01 Definition
- 51.02 Storage and transporting refuse
- 51.03 Containers
- 51.04 Collection and disposal of refuse

Storage, Deposit and Disposal of Refuse

- 51.20 Definitions
- 51.21 Storage
- 51.22 Deposit
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RULES AND REGULATIONS FOR REFUSE COLLECTION AND DISPOSAL

§ 51.01 DEFINITION.

The term ***REFUSE*** includes all drained organic material resulting from the preparation of food and spoiled or decayed food from any source, bottles, cans, glassware, paper or paper products, crockery, ashes, rags and discarded clothing.

(1986 Code, § 3.20(1))

§ 51.02 STORAGE AND TRANSPORTING REFUSE.

(A) It is unlawful for any person to store refuse except as herein provided.

(B) It is unlawful for any person to transport refuse over any street for hire, except by special permit from the Council or acting within the course and scope of a written contract with the city or his or her employment with the city.

(C) It is unlawful for any person to transport refuse on any street unless it is carried in a vehicle equipped with a leak-proof body or container and completely covered with a heavy canvas or top to prevent loss of contents.

(1986 Code, § 3.20(2)) Penalty, see § 50.99

§ 51.03 CONTAINERS.

(A) All refuse shall be stored in clean, rust-resistant, water-tight, non-absorbent and washable closed container, approved for the purpose by the city.

(B) No such container plus contents shall weigh more than 40 pounds.
(1986 Code, § 3.20(3))

§ 51.04 COLLECTION AND DISPOSAL OF REFUSE AND OTHER ITEMS.

(A) The city shall provide for collection and disposal of all refuse in a sanitary manner to insure the health, safety and general welfare of its residents under the terms and conditions as the city may, from time to time, deem appropriate. Containers shall be placed at the designated collection point on days specified by the city.

(B) Collection points will generally be the alley adjacent to the property from which refuse is collected, but where there is no alley, the curb line in front of the property.
(1986 Code, § 3.20(4))

(C) Leaves, brush, garden waste and tree limbs shall be delivered to the city compost site.

STORAGE, DEPOSIT AND DISPOSAL OF REFUSE

§ 51.20 DEFINITIONS.

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

COMMERCIAL ESTABLISHMENT. Any premises where a commercial or industrial enterprise of any kind is carried on and shall include restaurants, clubs, churches and schools where food is prepared or served.

MULTIPLE DWELLING. Any building used for residential purposes consisting of more than four dwelling units with individual kitchen facilities for each.

REFUSE. Includes all organic material resulting from the manufacture, preparation or serving of food or food products and spoiled, decayed or waste foods from any source, bottles, cans, glassware, paper or paper products, crockery, ashes, rags and discarded clothing.

RESIDENTIAL DWELLING. Any single building consisting of one through four dwelling units with individual kitchen facilities for each.
(1986 Code, § 10.01(1))

§ 51.21 STORAGE.

(A) It is unlawful for any person to store refuse on residential dwelling premises for more than one week. All such storage shall be in five to 32 gallon metal or plastic containers with tight-fitting covers, which shall be maintained in a clean and sanitary condition and stored in a garage or shed when not set out for a scheduled pick up.

(B) It is unlawful for any person to store refuse on multiple dwelling premises for more than one week. The storage shall be in containers as for residential dwelling premises, except that so-called "dumpsters" with close-fitting covers may be substituted. Said "dumpsters" are not permitted in residential areas unless permission is obtained from the City Superintendent and shall be contained in an enclosure unless permission is obtained from the City Superintendent because of limited space or safety reasons

(C) It is unlawful for any person to store organic refuse on commercial establishment premises for more than 72 hours or inorganic refuse on commercial establishment premises for more than one week. The storage shall be in containers as for residential dwelling premises, except that so-called "dumpsters" with close-fitting covers may be substituted. Said "dumpsters" shall be contained in an enclosure unless permission is obtained from the City Superintendent because of limited space or safety reasons.

(D) It is unlawful to store organic refuse unless it is drained and wrapped.
(1986 Code, § 10.01(2)) Penalty, see § 50.99

§ 51.22 DEPOSIT.

It is unlawful for any person to deposit refuse from any source, rubbish, offal or the body of a dead animal in any place other than a sanitary landfill.
(1986 Code, § 10.01(3)) Penalty, see § 50.99

§ 51.23 FIRE DANGER.

It is unlawful for any person to store, deposit or dispose of any refuse which is in flames or heated to the point where it could cause danger of fire in other refuse.
(1986 Code, § 10.01(4)) Penalty, see § 50.99

§ 51.24 UNLAWFUL ACT.

It is unlawful for any person to transport any organic or inorganic refuse, generated without the city, into the city for any purpose; provided, however, that this section shall not apply to peat, animal manure or other related products used for gardening or horticultural purposes.

(1986 Code, § 10.01(5)) Penalty, see § 50.99

CHAPTER 52: ELECTRIC SERVICE

Section

- 52.01 Code requirement
- 52.02 Services
- 52.03 Replacing or converting to underground
- 52.04 Electric heat installation and control
- 52.05 Franchise required for the transmitting, furnishing, delivering or receiving of electric energy
- 52.06 Placement of utility lines

§ 52.01 CODE REQUIREMENT.

All wiring, connections and appurtenances shall be installed and performed strictly in accordance with the National Electrical Code, as it may be amended from time to time and as implemented in Minnesota by the electrical provisions of the state's Building Code. 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 electrical service to any consumer.

(1986 Code, § 3.50(1))

§ 52.02 SERVICES.

(A) New or changed service installations shall be made at the expense of the consumer, placed underground where designated by the city and the meter location shall also be designated by the city.

(B) Overhead service installations may be permitted by the city:

- (1) Temporarily during new construction;
- (2) Temporarily during an emergency to prevent danger to persons or property;
- (3) For a period of not more than seven months when soil conditions make excavation for underground service impractical; or

(4) Where to require underground service, the consumer has shown that the requirement is unduly burdensome.

(1986 Code, § 3.50(2))

§ 52.03 REPLACING OR CONVERTING TO UNDERGROUND.

(A) *Converting to underground.* The city may, at its option and at its expense, convert any present service where no change is otherwise required by the consumer, from overhead to underground. Where this is done, the city shall only cover and refill the trench and other ditching maintenance or repair and all subsequent changing and repairing of the service shall be the obligation of the consumer.

(B) *Replacing.* Nothing herein shall prevent the city from replacing an overhead service with the same type.

(C) *Meters and placement service.* Placement of services and meters shall be determined by the city. (1986 Code, § 3.50(4))

§ 52.04 ELECTRIC HEAT INSTALLATION AND CONTROL.

(A) City policy requires that electric heat must be controlled for rate loads of five kW and larger. The city shall furnish a load control device, a meter socket and metering equipment and shall cause the same to be installed to control a designated load at the customer's account. The customer will provide the installation and wiring material for the proper installation of the control equipment.

(B) The load control device shall remain the property of the city and may be removed from the customer's premises upon 30 day written notice to the customer from the city of the intent to do so.

(C) The city and its agents shall have the right to enter upon the customers premises for the purpose of installing, maintaining, relocating, repairing and removing the load control device and metering equipment.

(D) The customer agrees that the city shall have the authority to temporarily switch off the delivery of electrical energy to certain connected loads and the customer further agrees that he or she will periodically inspect the premises to ascertain that the load control equipment is in working order and shall immediately notify the city if the device is not functioning properly.

(E) Should a demand be created on the electrical system during a control period due to a malfunction of the customer's equipment, those demand costs can be forwarded to the customer.

(F) The customer further agrees and acknowledges that the city shall not be held liable for the economic loss sustained by the customer due to malfunction of said load management device or due to long periods of power interruption.

(G) That in consideration of the agreements and undertaking of the customer, he or she shall receive a special rate for the electricity supplied for the controlled load. (Electric water heaters shall be controlled but the reduced rate shall not apply unless water heaters are 100 gallons or larger.)

(H) The customer shall have a back up heating unit that will be sufficient to heat the residence or commercial business during the interruption of the electric service. This back up unit shall have an automatic control type by thermostat and not require someone to manually feed the fuel supply. Wood burning fireplaces and space heating units shall not be allowed to serve as a back up heating unit.

(I) The City Utility Department will not authorize the energizing of the load if a proper back up unit is not installed. All backup systems must be inspected and approved by the City Electric Department.

(J) Should the customer for any reason break the seal on the load control device, the city shall be notified immediately. Should the seal be broken for any reason other than an emergency, the customer shall be billed the demand for the load as determined by the city. The City Utility Department shall make the determination if the emergency is valid and therefore shall make the final decision if the emergency is warranted.

(K) The customer represents that he or she is the owner of the premises upon which the load control device is installed and is authorized to sign the memorandum of agreement as customer-owner.

(L) The owner shall be the only person with whom the city will discuss any request for change of rate and not have electric heat controlled by the municipal utility. If such a request is granted, the city shall change the rate subject to the agreement signed by the customer and the city. The only person that shall be authorized to sign the agreement on behalf of the city is the City Superintendent or his or her designate.

(M) Any customer that has been granted permission in accordance with city policy to have the electric heat uncontrolled shall have 12 days from the date of bypass to install an acceptable back up system or remedy the emergency or hardship which has occurred. If the customer has completely removed the electric system from the premise and the City Electric Department so verifies, the owner shall be responsible for the removal and return of all the load control equipment.

(Am. Ord. 127, 2nd Series, passed 1-8-01)

§ 52.05 FRANCHISE REQUIRED FOR THE TRANSMITTING, FURNISHING, DELIVERING OR RECEIVING OF ELECTRIC ENERGY.

(A) *Franchise required.* Except as otherwise provided by law, no person, firm or corporation shall transmit, furnish, deliver or receive, or cause to be transmitted, furnished, delivered or received, electric energy for light, power, heat and other purposes for public and/or private use within and through the limits of the city or place or maintain any permanent or semi-permanent fixtures in, over, upon or under any street or public place for the purpose of operating a public utility or transmitting, furnishing, delivering or receiving or causing to be transmitted, furnished, delivered or received electric energy or for any other purpose, except pursuant to a franchise from the city. A franchise shall be granted only by ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the City Clerk-Treasurer to guarantee publication before the ordinance is passed.

(B) *Term.* No exclusive or perpetual franchise or privilege shall ever be created, nor shall any exclusive franchise or privilege be granted for a period of more than five years.

(C) *Franchise fee.* As a part of any franchise ordinance adopted, the city may impose upon the grantee a franchise fee. The franchise fee shall be expressed as a specified charge per kilowatt hour of electric energy transmitted, furnished, delivered or received, which fee shall be calculated by the City Council and imposed upon each kilowatt hour of electric energy transmitted, furnished, delivered or received within the city. The franchise fee may be amended by resolution from time to time; however, no amendment shall be adopted until after at least 30 days written notice enclosing the proposed amendment has been served upon the grantee by certified mail. The franchise fee may not be changed more often than once in each calendar year.

(Ord. 119, 2nd Series, passed 3-6-00)

§ 52.06 PLACEMENT OF UTILITY LINES.

All service and express lines for electric, telephone, communications, cable television, telecommunications, fiber optics and related commercial utilities shall be placed underground to city specifications, unless upon application by any private or public utility, the City Council, in its sole discretion, permits the placement of overhead lines.

(Ord. 137, 2nd Series, passed 5-5-03)

CHAPTER 53: WATER SERVICE

Section

- 53.01 Deficiency of water and shutting off water
- 53.02 Repair of leaks
- 53.03 Abandoned services penalties
- 53.04 Service pipes
- 53.05 Private water supplies
- 53.06 Prohibited uses or restricted hours
- 53.07 Private fire hose connections
- 53.08 Opening hydrants
- 53.09 Unmetered service
- 53.10 Water meters
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§ 53.01 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 firefighting. 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.

(1986 Code, § 3.30(1))

§ 53.02 REPAIR OF LEAKS.

It is the responsibility of the consumer or owner to maintain the service pipe from the main 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 or her service pipe within 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.

(1986 Code, § 3.30(2))

§ 53.03 ABANDONED SERVICES 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. 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 old water service, 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 or 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 the pipe from the main. Also, the improper disposition thereof shall be corrected by the city and the cost incurred shall be borne by the person causing or allowing the work to be performed.

(1986 Code, § 3.30(3)) Penalty, see § 50.99

§ 53.04 SERVICE PIPES.

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 feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing. Frozen service pipes between the main and the building shall be the responsibility of the owner. Service pipes must extend from the main to the inside of the building, or if not taken into a building, then to the hydrant or other fixtures which they are intended to supply. A valve, the same size as the service pipe, shall be placed close to the inside wall of the building, ahead of the meter and well protected from freezing. Joints on copper tubing shall be flared and kept to a minimum. Not more than one joint shall be used for a service up to 70 feet in length. All joints shall be left uncovered until inspected. Minimum size connection with the water mains shall be 3/4 inch in diameter. All maintenance of water laterals off the City's main are the responsibility of the land owner whether or not located on public or private property.

(1986 Code, § 3.30(4))

§ 53.05 PRIVATE WATER SUPPLIES.

(A) 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.

(B) 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.

(C) When a building is connected to city water, the private water supply may be used only for such purposes as the city may allow.

(1986 Code, § 3.30(5))

§ 53.06 PROHIBITED USES OR RESTRICTED HOURS.

Whenever the city shall determine that a shortage of water threatens the city, it may entirely prohibit water use or limit the times and hours during which water may be used from the city water system for lawn and garden sprinkling, irrigation, car washing, air conditioning and other uses or either or any of them. It is unlawful for any water consumer to cause or permit water to be used in violation of the determination after public announcement thereof has been made through the news media specifically indicating the restrictions thereof.

(1986 Code, § 3.30(6)) Penalty, see § 50.99

§ 53.07 PRIVATE FIRE HOSE CONNECTIONS.

Owners of structures with self-contained fire protection systems may apply for and obtain permission to connect the street mains with hydrants, large pipes and hose couplings for use in case of fire only at their own installation expense and at such rates as the Council may adopt by resolution as provided in § 50.02.

(1986 Code, § 3.30(7))

§ 53.08 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 suffer to be delivered to any other person any hydrant key or wrench, except for the purposes strictly pertaining to their lawful use.

(1986 Code, § 3.30(8)) Penalty, see § 50.99

§ 53.09 UNMETERED SERVICE.

Unmetered service may be provided for construction, flooding skating rinks and any other purpose. The service shall be at a duly adopted rate. Where it is difficult or impossible to accurately measure the amount of water taken, unmetered service may be provided and the unmetered rate applied; provided, however, that by acceptance thereof the consumer agrees to have the city estimate the water used. In so estimating, the city shall consider the use to which the water is put and the length of time of unmetered service.

(1986 Code, § 3.30(9))

§ 53.10 WATER METERS.

(A) All water meters shall be purchased and maintained by the city.

(B) All repairs of water meters not resulting from normal usage shall be the responsibility of the property owner as shall any maintenance and repair of meters which are not of the remote reading type. Any meter 20 years old or older or in need of replacement shall be replaced with a remote type which shall be purchased by the property owner and shall be the maintenance responsibility of the city. All water meters shall be installed and controlled by the city, and the cost of installation shall be the responsibility of the property owner. Any remote type meter in need of replacement by reason of normal usage shall be furnished by the city, installed at the expense of the property owner and the city shall thereafter own such meter.

(1986 Code, § 3.30(10))

§ 53.11 CODE REQUIREMENT.

All piping, connections and appurtenances shall be installed and performed strictly in accordance with the Minnesota Plumbing Code. 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.

(1986 Code, § 3.30(11))

CHAPTER 54: SEWAGE SERVICE

Section

- 54.01 Definitions
- 54.02 Use of municipal sewer system required
- 54.03 Building sewer and connections and street excavations relating thereto
- 54.04 Use of public sewers
- 54.05 Protection from damage
- 54.06 Powers and authority of inspectors
- 54.07 Service charges
- 54.08 Course of building sewer
- 54.09 Sump pump drain regulations and unlawful acts

§ 54.01 DEFINITIONS.

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

BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

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. The extension from the building drain to the public sewer or other place of disposal.

GARBAGE. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTES. The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

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

NOTICE. A notice in writing directed to the owner or other person affected for the time specified by this chapter stating briefly the condition which is the reason for the notice and the consequences which would result upon failure to comply with the terms of the notice. A notice shall be deemed given when either it is personally served on the person to whom it is directed or is mailed to him or her at his or her last known address. If the owner cannot be reached by mail so addressed, service may be made upon the occupant.

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

PROPERLY SHREDDED GARBAGE. 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 inch (1.27 centimeters) in any dimension.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SEWAGE TREATMENT PLANT. Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS. All facilities for collecting, pumping, treating and disposing of sewage.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

SEWER. A pipe or conduit for carrying 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 or flows during normal operation.

STORM DRAIN (sometimes termed **STORM SEWER**). A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT. The Superintendent of Public Utilities for the city or his or her authorized deputy, agent or representative.

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.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently. (1986 Code, § 3.40(1))

§ 54.02 USE OF MUNICIPAL SEWER SYSTEM REQUIRED.

(A) It is unlawful for any person to place or deposit or permit to be deposited in an unsanitary manner upon public or private property within the city or in any area under its jurisdiction any sewage or industrial wastes.

(B) It is unlawful to discharge to any natural outlet within the city or any area under its jurisdiction any sewage or industrial waste unless it has been suitably treated as provided hereinafter.

(C) Except as provided in division (E) of this section, it is unlawful to construct or maintain any privy, septic tank, cesspool or the facility intended or used for the disposal of sewage.

(D) The owner of every residence, business or industrial building abutting upon any street or alley in which public sewer and water mains are maintained shall install at his or her own expense a toilet in the building and connect it with the public sewer and water mains within 30 days after notice to do so, provided the public sewer and the public water main is within 100 feet of the property line. If the owner fails to provide for the toilet after notice to do so the city shall discontinue water and sewer service to the residence, business or industrial building.

(E) So long as a public sewer and a water main is not available under division (D) of this section, the building sewer shall be connected to a private disposal system complying with provisions of the city code and with all requirements of the Minnesota Pollution Control Agency. At such time as a public sewer becomes available to the property, the building sewer shall be connected to it and use of any septic tank, cesspool or other private sewage disposal facility shall cease.

(F) Any privy, septic tank, cesspool or other such facility intended or used for the disposal of sewage which is constructed or maintained in violation of any of the provisions of this section is declared to be a public nuisance and the city may abate the same in the manner provided by law.
(1986 Code, § 3.40(2)) Penalty, see § 50.99

§ 54.03 BUILDING SEWER AND CONNECTIONS AND STREET EXCAVATIONS RELATING THERETO.

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

(B) No building sewer shall be built, repaired, extended or connected with the public sewer except by a qualified person; a permit shall be issued only to the person doing the work.

(C) All applications for sewer permits shall be made to the Building Inspector by the person employed to do the work. The application shall be accompanied by a plan and drawings showing the proposed work.

(D) 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 the local and state laws, city code provisions 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 Superintendent of Public Utilities and the applicant has paid to the City Clerk-Treasurer the permit fee as the Council may set by resolution from time to time, the Building Inspector shall issue the permit.

(E) 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 Superintendent of Public Utilities of the progress of the work at such stages during the construction as the city may direct and in particular shall notify the Superintendent of Public Utilities 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.

(F) All connections with the public sewer shall be made with cast iron, 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. 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 one-quarter 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 at the building sewer with the public sewer shall be made at the "Y" branch designated for the property, if suitable; any other locations for the connection shall be only as directed by the city.

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

(H) The Council may from time to time by resolution adopt regulations not inconsistent with this section governing construction of the building sewers and connections to the public sewer.

(I) 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.

(J) (1) 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; this provision is a condition to the issuance of the permit.

(2) 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 to indemnify and save harmless the city from any negligence in performance, the bond to be for a period of two years.
(1986 Code, § 3.40(3)) Penalty, see § 50.99

§ 54.04 USE OF PUBLIC SEWERS.

(A) It is unlawful for any person to discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer, except as provided in § 54.09.

(B) Stormwater and all other unpolluted drainage shall be discharged to the sewers as are specifically designated as storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer or natural outlet.

(C) It is unlawful for any person to discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

(2) Any waters 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 receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of 0.25 mg/l as CN in the wastes as discharged to the public sewer;

(3) Any waters or wastes 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 sewage works;

(4) Solid or viscous substances in quantities of the size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders.

(D) It is unlawful for any person to discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent that the wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Superintendent will give consideration to the 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 process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

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

(2) 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);

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp. metric) or greater shall be subject to the review and approval of the Superintendent;

- (4) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not;
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to the degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for the materials;
- (6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for the discharge to the receiving waters;
- (7) Any radioactive wastes or isotopes of the half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations;
- (8) Any waters or wastes having a pH in excess of 9.5;
- (9) Materials which exert or cause:
 - (a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - (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 sewage treatment works; or
 - (d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein;
- (10) Waters 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 the degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;
- (11) Any water or wastes which have characteristics higher than the following limits:
 - (a) BOD not greater than 250 milligram per liter; or
 - (b) Containing not more than 200 milligram per liter of suspended solids.

(E) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (D) of this section and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to public sewers;
- (3) Require control over the quantities and rates of discharge; and/or

(4) Require payment of a surcharge to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of division (J) of this section; said surcharge shall be based on the BOD strength of the wastes; suspended solid content of wastes and/or volume of discharge, whichever factor may be controlling, in the extra loading imposed on the city's treatment works. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, city code provisions and laws.

(F) Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

(G) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(H) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

(I) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to 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 sewage works and to determine the existence of hazards to life, limb and property.

(J) No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern. (1986 Code, § 3.40(4)) Penalty, see § 50.99

§ 54.05 PROTECTION FROM DAMAGE.

It is unlawful for any unauthorized person to maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works.

(1986 Code, § 3.40(5)) Penalty, see § 50.99

§ 54.06 POWERS AND AUTHORITY OF INSPECTORS.

(A) The Superintendent 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 chapter. The Superintendent or his or her representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. Should the owner not permit the entry, the Council may authorize the Superintendent to discontinue utility service to the property after the owner has been provided an opportunity to appear before the Council and explain why permission has been denied.

(B) While performing the necessary work on private properties referred to in division (A) of this section, the Superintendent 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 and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 54.04(H).

(C) The Superintendent 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 sewage works lying within said easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(1986 Code, § 3.40(6))

§ 54.07 SERVICE CHARGES.

(A) It is the intent of this chapter that the sewer service charges shall cover the cost of operating and maintaining the system. The Superintendent shall maintain records suitable for determining the operation and maintenance costs for the sewage treatment works and shall furnish the Council with an annual report of the costs. This review shall provide information so that the Council may determine whether or not the sewer service charges are providing sufficient funds for the operation and maintenance costs and shall make recommendations regarding surcharges where it appears that existing surcharges do not adequately compensate the city for the costs of treating industrial wastes. Service charges shall be established by ordinance.

(B) An account for services will be kept for each user and a separate account for separate premises. Each user will be liable for service to his or her premises. Bills for service will be rendered every month and will be due on the seventeenth day of the month, but failure of the city to render a bill or of a user to receive a bill will not excuse payment. The charge for sewer service is included on the utility bill and is separately stated thereon. The City Utility Billing Department will keep accounts and render the bills; he or she will receive payment of bills.

(C) All sewer service charges when collected and all monies received from the sale of any sewer facilities or equipment or any by-products of sewage treatment or disposal shall be placed in a separate fund and shall be used first to pay the normal, reasonable and current costs of operation and maintaining the facilities, and the balance shall be used as the Council may direct and as provided by law.

(D) All sewer service charges are made a lien against the property served. The lien shall be valid against third parties after written notice of the lien, certified by the Clerk-Treasurer, is recorded in the office of the County Recorder. The city may also pursue any other remedies at law available to it for collection of the delinquent charges.

(1986 Code, § 3.40(7))

§ 54.08 COURSE OF BUILDING SEWER.

All building sewer courses shall be in a straight line, provided that the Superintendent may in his or her sole discretion allow a variance. All maintenance of sewer laterals off the City's main are the responsibility of the land owner whether or not located on public or private property.

(1986 Code, § 3.40(8))

§ 54.09 SUMP PUMP DRAIN REGULATIONS AND UNLAWFUL ACTS.

(A) *Purpose.* The Council finds that the city sanitary sewage collection and treatment facilities are unable to receive and dispose of the present volume of unpolluted water, including, but not limited to cooling water, ground water and natural precipitation now being intentionally pumped or directed into the facilities; that, if allowed to continue, a potential danger to the health of persons and the safety of property exists in the collection of the waters thereby causing raw sewage to back up into basements and onto property of customers; that, if allowed to continue, the potential danger exists of exceeding the capacity of the treatment facilities thereby impairing the proper operation thereof and complete treatment of other sewage; and that the restricted and regulated installation, use and operation of sump pumps is therefore necessary to protect the health, safety and welfare of customers and residents.

(B) *Sump pump drainage.* All premises upon which sump pumps are, presently or in the future, installed or in use shall have permanently installed thereon a drain for the discharge of water from the pump directly into the storm sewer system or into a natural waterway. The type, size and placement of materials used and the manner of construction of the drain from the discharge on the pump to the discharge end of the drain shall be incorporated into written standards proposed by the Superintendent of Public Utilities and adopted by resolution of the Council. All underground drain construction hereafter performed shall be inspected by the Superintendent of Public Utilities before it is covered.

(C) *By-pass construction and use.* If, in the opinion of the Superintendent of Public Utilities, it is either impossible or impractical to install a year-round frost-free sump pump drain on certain premises within the established written standards, the Superintendent of Public Utilities may direct the issuance of a written permit (by-pass permit) to install a by-pass for temporarily pumping into the sanitary sewage system during any time or times as the permanent drain is frozen or in danger of freezing. The time of by-pass use (by-pass time) shall be fixed and determined by the Superintendent of Public Utilities and notice to permit holders of the beginning and ending of the time shall be given through local news media or by mailed notice to each owner or occupant of premises upon which a written permit has been issued. The construction and use of a by-pass described in this section shall at no time be considered a substitute for the construction and use of the permanent drain requirement of § 54.02.

(D) *Unlawful acts.* On and after the effective date of this chapter, it is unlawful for any customer or other person:

(1) To fail or refuse to have permanently installed on premises owned by him or her a sump pump drain constructed in accordance with written standards prescribed by the city;

(2) To pump or direct the waters into the sanitary sewage system, except by-pass permit holders so pumping during a by-pass time;

(3) To hinder, delay or deny a representative of the city access at any and all reasonable times to premises served by the city sanitary sewage system for the purpose of inspection to determine compliance with this chapter.

(E) *Installation by plumber or contractor must be permitted.* It is unlawful for any plumber or other contractor to install a connection not permitted by this chapter.

(F) *Additional remedy.* In any case where access for inspection of premises by a representative of the city to verify compliance with this section is denied or in any case of failure or refusal to comply with any other provision of this section, the city may discontinue water service to the premises.
(1986 Code, § 3.41) Penalty, see § 50.99