

**CHAPTER 8
WATER AND SEWER REGULATIONS**

Section 800 - Water Service Regulations

800.01 Purpose. This Section regulates the use of the public water system, connections to the water system, the installation and use of private wells, and provides penalties for any violations.

800.02 Use of Water System Restricted. Except for authorized City personnel, a person shall not uncover, alter, repair, make or use any water service installation connected to the City water system except pursuant to an application and permit as provided in this Section. A person shall not make or use any such installation contrary to the regulatory provisions of this Section.

800.03 Definitions. Unless the context specifically indicates otherwise, the meaning of the terms used in Section 800 shall be as designated.

Subd. 1 Stop box means the valve, located near the curb, used to shut off the water supply to a structure. It is also known as a curb stop.

Subd. 2 Corporation Valve means the valve tapped on the water main which supplies water through a service line to a structure.

800.04 Use of Public Water System Required.

Subd. 1 Installation of and Connection to Water System Required. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City and abutting on any street, alley or right-of-way in which there is now located a City water main, are by this Section, required at their expense to connect to the City water system in accordance with the provisions of this Section, within ninety (90) days after the date of official notice by the Council to do so, provided that the City water main is within three hundred (300) feet of the owner's property line, except where the Council determines that the connection is not feasible due to topography or sub-surface conditions or that an existing well servicing said property provides water meeting all applicable federal, state, and local standards for human consumption.

Subd. 2 Failure to Connect. If an owner fails to connect to a public water main in compliance with a notice given under Subd. 1, the City shall undertake to have the connection made and shall assess the cost of the connection against the benefitted property. The assessment, when levied, shall bear interest at the rate determined by the Council and shall be certified to the county auditor of the County of Chisago, Minnesota and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City shall be in addition to any penalties or remedial or enforcement provisions of this Section.

800.05 Private Water Wells.

Subd. 1 Construction Permit. In all zoning districts except the A-R, the construction or reconstruction of any well, which involves drilling or casing insertion, requires a permit from the City.

Subd. 2 Application and Fee. Application for a well permit shall be made on a form provided by the Clerk-Treasurer. The application shall contain the information required on the form and shall be accompanied by the fee specified in Section 305.05.

Subd. 3 Council Consideration. The Council shall study the proposed well location, design, depth, capacity, cost, the proposed water use, and consider the impact of the proposed private well upon present and planned public water supply and the health, safety and welfare of the City and surrounding areas. The Council shall by resolution or motion authorize issuance of the permit only if it finds facts that show and determine that the health, safety and welfare of the public require it.

Subd. 4 Abandoned Private Wells. A private well that is abandoned shall be capped and filled pursuant to the State Health Code.

Subd. 5 Private Water Supply. A water pipe of the City water supply system shall not be connected with any pump, well, or tank that is connected with any other source of water supply. When any connection is found, the Clerk-Treasurer shall notify the owner to sever the connection and, if this is not done immediately, the City shall turn off the water supply immediately. Before any new connection to the City system is permitted, City employees shall ascertain that a cross-connection will not exist when the new connection is made.

800.06 Application for City Water Service.

Subd. 1 Procedure. Application for a water service installation and for water service shall be made to the Clerk-Treasurer. Application shall be made by the owner or by the owner's agent on forms furnished by the City. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City. The applicant's signature shall be an agreement to conform to this Section and to rules and regulations that may be established by the City as conditions for the use of City's water system.

Subd. 2 Fees. At the time of making application, the applicant shall pay to the City the amount of the fees required for the installation of the service connection as provided in Section 305.05

800.07 Water Service Connections.

Subd. 1 General Regulations.

A. Authorized Installation. Only a City employee or a bonded, licensed and insured contractor, approved in advance by the Council, shall install a service line in a City right-of-way. Approval of such contractors shall be by motion or resolution of the Council and effective unless or until revoked by majority vote. The Clerk-Treasurer shall maintain a list of approved contractors.

B. Materials and Installation Specifications. The pipe and fittings used to make a connection shall meet the specifications in Appendix A. The installation shall conform to the drawing in Appendix B.

C. Future Connections. Future connections to the City water system shall be limited in accordance with the availability of sufficient water supply from the publicly owned wells and adequate storage tank capacity.

Subd. 2 New Connections.

A. Connection Permit. The property owner or the owner's agent shall apply to the Clerk-Treasurer for a permit to install a connection to a water main.

B. Installation Cost. The applicant shall pay the cost of installing the service line from the main to the structure being serviced. This includes the cost of pipe and appurtenances and of making the necessary connections and taps and any street repairs.

C. Water Availability Charge (WAC charge). The application must be accompanied by the full payment of the WAC charge to connect to the City water system. The WAC fee is set forth in Section 305.05 and shall be charged to each Residential Equivalent Unit as defined by Section 820.

D. Street Repair Costs. At the time application is made, the applicant shall deposit the estimated amount necessary to repair damaged blacktopping. This deposit shall be placed in escrow and the blacktop repair bill shall be paid out of it. Any remaining balance shall be refunded to the applicant. Any blacktop repair costs that exceed the deposit shall be paid by the applicant.

E. Connection and Inspection. The applicant shall arrange a time with the Public Works Supervisor to make the installation. At least two (2) working days notice shall be given. Connections within the right of way shall be made under the supervision of the Public Works Supervisor. The installation from the main to the structure being serviced shall not be covered until inspected and approved by the Public Works Supervisor.

Subd. 3 Repair or Replacement of Connections.

A. Construction Permit and Inspection Fee. Application for a permit to repair or replace a water line from the right of way to the structure being serviced shall be made to the Clerk-Treasurer. The construction permit and inspection fee, set forth in Section 305.05, shall be paid at the time the application is made.

B. Repair Cost. The cost of making repairs to the water line from the curb stop to the water main within a right of way and any street repairs shall be borne by the City. If there are any additional costs from the curb stop to the property that stems from a maintenance or replacement of the service type, then the consumer or owner shall also be responsible for that cost. If the City is involved in maintaining or replacing the service type, it shall have the discretion as to what that cost would be.

C. Installation and Inspection. The applicant shall arrange with the Public Works Supervisor in advance to inspect repairs or replacement of a water line from the curb stop to the structure being serviced. The service line and connection to the curb stop shall not be covered until the installation is inspected and approved by the Supervisor.

800.08 Protection of Public and City

Subd. 1 Permit and Bond. A permit for construction of a water main, stub or connection shall be issued only upon application by a person who has furnished a bond either to the Clerk-Treasurer or to the Secretary of State under Minn. Stat. § 326.40. The bond shall be in the amount specified in

Section 305.05 and conditioned to secure compliance by the principal with the provisions of this Code and to secure the person's performance of all work undertaken within the City.

Subd. 2 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 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 action. The property damages insurance coverage shall be in the amount of at least \$200,000 and the public liability damages 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 insurance shall be filed with the City prior to construction work. The policy shall provide that the City shall be notified immediately of any termination or modification of such insurance. If the insurance coverage is inadequate, the person shall indemnify and save harmless the City and its personnel in like manner.

Subd. 3 Indemnification by Owner. The owner shall bear the costs and expenses incurred by the installation and connection of the extension of water service to private property. The owner shall indemnify the City for any loss or damage directly or indirectly caused by its installation. The Clerk-Treasurer shall establish rules and regulations for the proper implementation of these requirements which, when approved by the Council by resolution or motion, shall govern the installation and connections.

800.09 General Water Regulations.

Subd. 1 Discontinuance of Service. The City may discontinue service to any water consumer without notice for necessary repairs, or upon notice as provided in Section 805.05, Subd 2. D, for non-payment of charges or for violation of rules and regulations affecting utility service.

Subd. 2 Turning off for Non-Emergency. Any water user who requests the City to turn off water service to their dwelling or building for any non-emergency purpose (e.g. seasonal use only) shall pay a service fee set forth in Section 305.05 prior to the water being turned on again.

Subd. 3 Supply from One Service. Not more than one house or building shall be supplied from one service connection except by permission of the Council. Whenever two or more parties are supplied from one pipe connecting with a service main, each building or part of building separately supplied shall have a separate stop box and a separate meter.

Subd. 4 Turning on Water, Tapping Mains. Except for authorized City employees, a person shall not turn on any water supply at the stop box, tap any distributing main or pipe or insert a stop cork or other appurtenance in the water supply system without a City permit.

Subd. 5 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 the service pipe within 24 hours after notice by the City, the City may turn off the water. The water shall not be turned on again until the sum, set forth in Section 305.05, 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 by the owner.

Subd. 6 Use of Fire Hydrants. Except for authorized City personnel, a person shall not operate a fire hydrant without first obtaining authority to do so from the Council.

Subd. 7 Restricted Hours. Whenever the Council determines that a shortage of water threatens the City, the Council may by resolution or motion 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 motion, or two days after the mailing of the resolution or motion to each customer, a person shall not use or permit water to be used in violation of the resolution or motion. Any customer who does so shall be charged a sum, set forth in Section 305.05, for each day of violation. This charge shall be added to the customer's next water bill. If the emergency requires immediate compliance with terms of the resolution or motion, the Council may provide for the delivery of a copy of the resolution or motion to the premises of each customer. Any customer who has received this notice and thereafter uses or permits water to be used in violation of the resolution or motion shall be subject to the above charge. Continued violation shall be cause for discontinuance of water service, pursuant to the notice provisions in Section 805.05, Subd. 2 D.

800.10 Meters.

Subd. 1 Meter Required. Except for extinguishing fires, only authorized City employees shall use water from the City water supply system or permit water to be drawn from the water supply system unless the water passes through a meter supplied or approved by the City. Unless authorized by the Public Works Supervisor, a person shall not connect, disconnect, take apart, or in any manner change or interfere with any meter, remote reader, sending wires, or their use.

Subd. 2 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 is made necessary by act or neglect of the owner or occupant of the premises it serves, any City expense caused by the act or neglect shall be charged to the water consumer and water service may be discontinued until the cause is corrected and the amount is paid.

Subd. 3 Complaints, Meter Testing. When a consumer complains that the bill for any past service period is excessive, the City shall have the meter read on request. If still dissatisfied, the consumer may have the meter tested by the City. This test shall be done after the consumer has applied on a form provided by the City and deposited the sum set forth in Section 305.05. If the test shows the customer's meter is inaccurate by more than five percent (5%) above the City's standard test meter, the deposit shall be refunded, an accurate meter shall be installed and the bill shall be adjusted accordingly. The adjustment shall not extend back more than one quarter from the date of the application.

Subd. 4 Meters Property of City. Water meters are the property of the City and may be removed or replaced when deemed necessary by the Council or its designee.

Subd. 5 Meter Readings and Inspection. Authorized meter readers shall have free access at reasonable hours of the day to all parties of every building and premises connected with the City water supply system in order to read meters and make inspections.

800.11 Plumbing Regulations.

Subd. 1 Service Pipes. Every service pipe shall be laid with sufficient bend to allow not less than one foot of extra length and in such manner to prevent rupture by settlement. The service pipe shall be placed not less than six feet below grade and be so arranged to prevent rupture by freezing. A shut-off or other stop cork with waste valve of the size and strength required shall be placed close to the inside wall of the building and be well protected from freezing. Copper tubing shall be used for

all services of two inches diameter or less. Joints on copper tubing shall be as few as possible and not more than one joint shall be used for a service up to 70 feet in length. Each joint shall be left uncovered until inspected by the City. Every service over two inches shall be cast iron. Connection with the main for domestic supply shall be at least three-fourths of an inch per residential unit, or equivalent.

Subd. 2 Water Meter Placement. Every water meter shall be installed in accordance with the following provisions:

- A. The water pipe connecting with the City's water main shall not exceed two (2) feet under the basement floor.
- B. The meter shall not be placed more than twelve (12) inches horizontally from the inside line of the exterior basement wall unless a different position is approved by the Council.
- C. The water pipe shall be brought through the basement floor in a vertical position. Never shall more than twelve (12) inches of pipe be exposed above the basement floor.
- D. Each meter installation shall have a back-flow preventer and then a stop and waste valve installed on the street side of the meter. The stop and waste valve shall be twelve (12) inches above the floor.
- E. The bottom of the meter shall be at least six (6) inches above the finished floor but not more than twelve (12) inches. A suitable bracket shall be provided to support the meter in a proper vertical position and prevent noise from vibration.
- F. A stop and waste valve shall be installed on the house side of the meter.
- G. The meter must be easily accessible at all times for reading, maintenance and repair.
- H. Deviation from the installation specifications in this subdivision shall be by Council approval only.

Subd. 3 State and Federal Regulations. Notwithstanding the provisions of this Section, all installations must comply with applicable federal, state and local government regulations. If federal, state or county regulations conflict with any provisions of this Section, the federal, state and county regulations shall take precedence.

800.12 Service Disconnections. If a structure is demolished and water service is no longer needed, the water supply line must be disconnected from the curb stop and removed. Eight (8) inches of service line shall be left on the curb stop and then crimped.

Subd. 1 Authorized Disconnection. Only a City employee or contractor meeting the requirements of Section 800.07, Subd. 1 A shall disconnect a service line from the curb stop.

Subd. 2 Permit and Inspection Fee. Application for a permit to disconnect a service line from a City water main shall be made to the Clerk-Treasurer. The disconnection permit and inspection fee, set forth in Section 305.05, shall be paid at the time the application is made. The disconnection shall not be covered until it is inspected and approved by the Public Works Supervisor.

Subd. 3 Disconnection Cost. The property owner shall pay the cost of making the necessary disconnection.

800.13 Penalties.

Subd. 1 Notice to Violators. Any person found to be violating any provision of this Section 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 of the violation. The offender shall, within the period of time stated in the notice, permanently cease all violations.

Subd. 2 Convictions. Any person who continues any violation beyond the time limit provided for in Section 800.13, Subd. 1, shall be guilty of a misdemeanor. Each day in which any violation continues shall be deemed a separate offense, and where special agreements provide a penalty, the penalty shall be used.

Subd. 3 Liability for Expense. Any person violating any of the provisions of this Section shall become liable to the City for any expense, loss or damage caused to the City by reason of the violation.

Section 805 - Water Service Charge System

805.01 Purpose. The purpose of this Section is to establish a Water Service Charge System for the City. Water charges are provided to recover costs associated with the operation, maintenance, and equipment replacement of the City's water system.

805.02 Definitions. Reserved.

805.03 Establishment of Water Service Charge System.

Subd. 1 System Established. The City establishes a water service charge system whereby all revenue collected from water consumers will pay all expenditures for annual operation, maintenance, and equipment replacement of the water system.

Subd. 2 User's Share. Each user shall pay its share of operation, maintenance and replacement costs of the water system, based on the user's share of the total water produced by the City.

Subd. 3 Revenues. Revenues collected for water service shall be deposited in a separate fund known as the "Water Fund" and will be expended to offset the cost of operation, maintenance and replacement of equipment in the system.

Subd. 4 Determination of Rates. Water service rates and charges to consumers shall be determined and fixed according to Section 805.04. The water service charge system shall be adopted upon enactment of this Section, shall be published in the official newspaper and the rates shall be set forth in Section 305.05. Future changes in water service rates and charges shall be adopted by Council resolution or motion and shall be published in the official newspaper.

Subd. 5 Administration and billing. Water service charges and the water fund will be administered in accordance with the provisions of Section 805.05.

805.04 Determination of Water Service Charges. Water service charges shall consist of one (1) base charge per user and a charge for the consumer's actual water usage.

Subd. 1 Base Charge. The base charge shall be billed equally to all users of the water system for the recovery of administrative costs and the costs of system leakage, spillage, system flushing and other ordinary City use. One base charge shall be billed to each water user. The base charge is determined by using the formula in Appendix C. The base charge for water service is specified in Section 305.05.

Subd. 2 Multiple Users. Where there is more than one dwelling, business or industry served through one water meter, the base charge shall apply to each such dwelling unit, business unit or industry unit served through that meter.

Subd. 3 Billable Water. Water volume billable to consumers shall be calculated on the basis of metered water usage. The billable water volume per quarter shall be equal to the metered water usage during that same quarter.

Subd. 4 Water Service Charge Formula. The water service charge shall consist of a user charge for operation, maintenance, and replacement. This charge will be determined as follows: Service Charge Per Consumer.

$$Uc = Uomr \times bwv$$

WHERE:

Uc= Quarterly Service Charge

Uomr= Unit cost for OM&R in \$/Kgal.,
as determined by formula in Appendix C

bwv= Billable water volume of a consumer in Kgal.,
described in Section 805.04, Subd. 3.

That is, the quarterly service charge is equal to the billable water volume multiplied by the cost per thousand gallons.

Subd. 5 Water Rates. The following rates are established for water consumed each quarter of the year.

A. Water Consumed. The charge per 1,000 gallons consumed is set forth in Section 305.05.

B. Outside Users. Water users located outside the City limits, but whose water use is metered, shall be charged one and one fourth (1 1/4) times the rate stated in Section 805.04, Subd. 5 A. Water users located outside the City limits, but whose water use is not metered, shall be charged one and one half (1 1/2) times the rate stated in Section 805.04, Subd. 5 A, since these users are not charged a base rate.

805.05 Water Fund.

Subd. 1 Establishment. The City establishes a "Water Fund" as an income fund to receive all revenues generated by the Water Service Charge System, and all other income dedicated to the operation, maintenance and replacement of the water system.

Subd. 2 Revenue to be Held by Clerk-Treasurer. All revenue generated by the Water Service Charge System shall be held by the Clerk-Treasurer separate from all other funds of the City.

Subd. 3 Expenditures. Revenue generated by the Water Service Charge System shall be used to compensate operation, maintenance and replacement costs.

805.06 Administration and Billing.

Subd. 1 Administration. The Water Service Charge System and Water Fund shall be administered according to the following provisions:

- A. System of Accounts.** The Clerk-Treasurer shall maintain a proper system of accounts suitable for determining the operation, maintenance, and equipment replacement, and shall furnish the Council with a report of such costs annually in April.

The Council shall annually determine whether or not sufficient revenue is being generated for the operation, maintenance and replacement of the water system. The Council will also determine whether the user charges are distributed proportionately to each user in accordance with Section 805.03, Subd. 2.

The City shall thereafter but not later than the end of the year, reassess, and as necessary, revise the Water Service Charge System then in use to insure the proportionality of the user charges and to insure the sufficiency of funds to maintain the capacity and performance for which the facilities were constructed.

- B. Responsibility for Maintaining Records.** The Clerk-Treasurer shall be responsible for maintaining all records necessary to document compliance with the Water Service Charge System adopted.

Subd. 2 Accounting, Billing and Collecting.

- A. Liability to Pay.** The owner of the premises shall be liable to pay for service to the premises whether he is occupying the property or not. The service is furnished to the premises by the City only upon condition that the owner of the premises is liable to the City for the service.

- B. Bills for Service.** Bills shall be mailed to property owner on a bi-monthly basis and shall specify the water consumed and water charges in accordance with the rates as set in Appendix A, located as an attachment to this Ordinance.

- C. Delinquent Accounts (Late Fees).** All charges for water shall be due on the date specified by the City for the respective amount and shall be delinquent 30 days thereafter. Delinquent accounts will be charged the late fee set forth in as specified in Appendix A, located as an attachment to this Ordinance. The late charge will be added to the bill effective the first day of each month of the delinquency. The City shall attempt to collect delinquent accounts promptly. Where satisfactory arrangements for payment have not been made, the Clerk-Treasurer may, after the procedural requirements of the Taylors Falls Policy for Utility Billing and Collection (see Appendix G) have been complied with, discontinue service to the delinquent customer

by shutting off the water at the stop box. When water service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent bills and late charges plus a turn-on fee as specified in Appendix A, located as an attachment to this Ordinance. Delinquent accounts shall be certified by the Clerk-Treasurer who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment roll shall be delivered to the Council for adoption on or before December 15th 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.

D. Procedure for Shutting off Water Service. Water shall not be shut off under Subd. 2 C or for a violation of rules and regulations affecting utility service until notice and an opportunity for a hearing have first been given the owner of the premises involved. The notice shall be personally served, or served by certified or first-class mail, and shall state that if payment is not made before the date stated in the notice (but not less than ten (10) days after the date on which the notice is given), the water supply to the premises will be shut off. The notice shall also state that the owner 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 Council at least one week after the date of the request. If, as a result of the hearing, the Council finds that the amount claimed to be owed is actually due and unpaid and that there is not a legal reason why the water supply of the delinquent customer should not be shut off in accordance with this Section, the City may shut off the supply.

E. Federal and State Charges. Any charges required by either the federal or state governments or any agency shall be billed to the user as required by state or federal laws. The City shall, by resolution or motion, which is published in the official newspaper of the City, notify the public of the charges being collected by the City on behalf of the state or federal governments or their agencies.

Subd. 3 Penalties. Each water service charge levied by and pursuant to this Section is hereby made a lien upon the lot or premises served, and all charges which are on September 1 of each year (or such other time as required by State law) past due and delinquent, shall be certified to the county auditor as taxes of assessments on the real estate. Nothing in this Section shall be held or construed as in any way stopping or interfering with the right of the City to shut off water service to properties with delinquent water service charges which have been certified to the county auditor.

Section 810 - Sewer Service Regulations

810.01 Purpose. This Section regulates the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system and provides penalties for violations of the use of the sewer system.

810.02 Use of Sewer System Restricted. Except for authorized City personnel, a person shall not uncover, alter, repair, make or use any sewer service installation connected to the City sewer system except pursuant to an application and permit as provided in this Section. A person shall not make or use any such installation contrary to the regulatory provisions of this Section.

810.03 Definitions. Unless the context specifically indicates otherwise, the meaning of the terms used in Sections 810 and 815 shall be as designated.

Subd. 1 Administration means those fixed costs attributable to the City's administration of the wastewater treatment and collection system.

Subd. 2 Biochemical Oxygen Demand or Bod₅ means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter. It represents the breakdown of carbonaceous materials as distinct from nitrogenous materials.

Subd. 3 Building Drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

Subd. 4 Building Sewer means the extension from the building drain to the public sewer or other place of disposal.

Subd. 5 City means the area within the corporate boundaries of the City of Taylors Falls as presently established or as amended by ordinance or other legal actions in the future.

Subd. 6 Combined Sewer means a sewer receiving both surface runoff and sewage.

Subd. 7 Commercial User means any place of business which discharges sanitary waste as distinct from industrial wastewater.

Subd. 8 Commercial Wastewater means domestic strength wastewater discharged from a place of business as distinct from industrial wastewater.

Subd. 9 Engineer means the City engineer or his/her authorized deputy, agent or representative.

Subd. 10 Extra Strength Waste means wastewater having a BOD₅ and/or TSS greater than domestic waste as defined in Section 810.03, Subd. 19 and not otherwise classified as an incompatible waste.

Subd. 11 Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

Subd. 12 Governmental User means a user which is an agency or instrumentality of federal, state or local government, discharging normal domestic strength wastewater.

Subd. 13 Incompatible Waste means waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals in spite of the treatment method used by the City, creates a public nuisance or creates hazards in the receiving waters of the wastewater treatment works.

Subd. 14 Industrial Users or Industries:

A. Entities that discharge into a publicly owned wastewater treatment system:

- 1) Liquid wastes resulting from the processes employed in industrial or manufacturing processes, or
- 2) Liquid wastes resulting from the development of any natural resources. These are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under one of the following divisions:

Division A.	Agriculture, Forestry and Fishing
Division B.	Mining
Division D.	Manufacturing
Division E.	Transportation, Communications, Electric, Gas and Sanitary Sewers
Division I.	Services

For the purpose of this definition, domestic waste shall be considered to have the characteristics defined in Section 810.03, Subd. 19.

- C. Any non-governmental user of a publicly-owned treatment system which discharges wastewater to the treatment system which contains toxic pollutants 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, or which constitutes a hazard to humans or animals in spite of treatment, or which creates a public nuisance, or which creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

Subd. 15 Industrial Wastewater means the liquid, gaseous, and solid processing wastes from an industrial manufacturing process, trade or business including but not limited to all Standard Industrial Classification Manual Division A, B, D, and I manufacturers as distinct from domestic wastewater.

Subd. 16 Institutional User means a user other than a commercial, governmental, industrial or residential user, discharging primarily normal domestic strength wastewater (e.g. non-profit organizations).

Subd. 17 National Pollutant Discharge Elimination System (NPDES) Permit means a permit issued by the United States Environmental Protection Agency/Minnesota Pollution Control Agency setting limits on pollutant strength that a permittee may legally discharge into the waters of the U.S. pursuant to the federal and state water pollution control regulations.

Subd. 18 Natural Outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

Subd. 19 Normal Domestic Strength Wastewater means wastewater characterized by wastes created in the preparation of foods, bathing, laundry facilities, and water-carried human waste whose characteristics do not exceed 270 mg/l BOD₅ and 350 mg/l TSS, and is identified for the purpose of determining surcharge rates.

Subd. 20 Operation and Maintenance means activities required to provide for the dependable and economical functioning of the treatment system, throughout its design life or useful life, whichever

is longer, and at the level of performance for which the treatment system was constructed. Operation and maintenance includes replacement.

Subd. 21 Operation and Maintenance Costs means expenditures for operation and maintenance costs.

Subd. 22 Person means any individual, firm, company, association, society, corporation or group.

Subd. 23 PH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Subd. 24 Properly Shredded Garbage means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") in any dimension.

Subd. 25 Public Sewer means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

Subd. 26 Public Wastewater Collection System means the system of sanitary sewers owned, maintained, operated and controlled by the City.

Subd. 27 Replacement means the purchase and installation of equipment, accessories or appurtenances which are necessary during the design life or useful life, whichever is longer, of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

Subd. 28 Replacement Costs means expenditures for replacement.

Subd. 29 Residential User means a user of the collection and treatment facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached and semi-detached housing, apartments, and mobile homes; and which primarily discharges normal domestic strength sanitary wastes.

Subd. 30 Sanitary Sewer means a sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm and surface waters which are not admitted intentionally.

Subd. 31 Sewage means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such incidental ground, storm and surface waters that may be present.

Subd. 32 Sewer Service Charge means the total of charges for operation, maintenance and replacement.

Subd. 33 Sewer Fund means a fund into which income from "Sewer Service Charges" is deposited. Expenditure of the "Sewer Fund" will be for operation, maintenance and replacement costs.

Subd. 34 Sewage Treatment Plant means any arrangement of devices and structures used for treating sewage.

Subd. 35 Sewage Works means all facilities for collecting, pumping, treating and disposing of sewage.

Subd. 36 Shall is mandatory, "**may**" is permissive.

Subd. 37 Slug means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

Subd. 38 Standard Industrial Classification Manual Office of Management and Budget, 1972.

Subd. 39 Storm Sewer means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

Subd. 40 Superintendent means the superintendent of sewage works and/or of water pollution control of the City or his/her authorized deputy, agent or representative.

Subd. 41 Suspended Solids (SS) or Total Suspended Solids (TSS) means the total suspended matter that either floats on the surface or is in suspension in water, wastewater, or other liquids, and is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater", latest edition.

Subd. 42 Toxic Pollutant means the concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse affects as defined in standards issued pursuant to Section 307 (A) of the Clean Water Act.

Subd. 43 User Charge means a charge levied on users of a treatment system for the user's proportionate share of the cost of operation and maintenance, including replacement.

Subd. 44 Users means those residential, commercial, governmental, institutional and industrial establishments which are connected to the public sewer collection system.

Subd. 45 Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

Subd. 46 Wastewater means the spent water of a community, also referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with any ground water, surface water, and storm water that may be present.

Subd. 47 Wastewater Treatment System or Treatment System means an arrangement of any devices, facilities, structures, equipment or processes owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well

facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

810.04 Use of Public Sewer System Required.

Subd. 1 Deposit Prohibited on Public or Private Property. It shall be unlawful for any person to place, deposit or permit to be deposited any sewage or wastewater on public or private property within the City.

Subd. 2 Discharge to Natural Outlet or Watercourse. It shall be unlawful to discharge to any natural outlet or watercourse within the City or in any area within the jurisdiction of the City, any sewage or other polluted waters except where suitable treatment as defined by state and federal regulation and/or in accordance with the City's NPDES Permit has been provided in accordance with the provisions of this Section.

Subd. 3 Construction of Private Disposal Prohibited. Except as provided in this Section, it shall be unlawful to construct or maintain any privy, holding tank, septic tank, cesspool or other facility intended or used for the disposal of sewage, within the corporate limits of the City.

Subd. 4 Installation of and Connection To Disposal System Required. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes and which, by nature of its use, generates sanitary sewage or other water-carried waste which is amenable to conventional treatment processes, situated within the City and abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer, are by this Section, required at their expense to install suitable toilet facilities in the premises, and to connect the facilities, either new or existing, directly to the proper public sewer in accordance with the provisions of this Section, within ninety (90) days after date of official notice by the Council to do so, provided that the public sewer is within three hundred (300) feet of the owner's property line, except where the Council determines that the connection is not feasible due to topography or sub-surface conditions, or is economically prohibitive for the property owner to construct or the City to maintain. At the time any real estate served by a private disposal system is sold, the deed, contract for deed, or other instrument of conveyance must be presented to the City Clerk-Treasurer for approval and verification that this provision is complied with. The City Clerk-Treasurer shall not approve any sale if the property is within three hundred (300) feet of public sewer and not connected as required by this Section.

Subd. 5 Failure to Connect. If an owner fails to connect to a public sewer in compliance with a notice given under Subd. 4, the City shall undertake to have the connection made and shall assess the cost of the connection against the benefited property. The assessment, when levied, shall bear interest at the rate determined by the Council and shall be certified to the county auditor of the County of Chisago, Minnesota and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City shall be in addition to any penalties or remedial or enforcement provisions of this Section.

810.05 Private Sewage Disposal.

Subd. 1 Public Sanitary Sewer Unavailable. Where a public sanitary sewer is not available under the provisions of Section 810.04, Subd. 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section, and the provisions of the Chisago County Individual Sewage System Ordinance, which is hereby incorporated by reference.

Subd. 2 Permit and fee. Before beginning construction or reconstruction of a private sewage disposal system, the owner shall first obtain a written permit from the City or County. The applicant shall provide any plans, specifications, and other information deemed necessary by the engineer, or county official. A permit and inspection fee, set forth in Section 305.05, shall be paid to the City or the County at the time the application is filed.

Subd. 3 Installation. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City and/or the County. These officials shall be allowed to inspect the work at any stage of construction. The permittee shall notify the City when the work is ready for final inspection before any underground portions are covered. The inspection shall normally be made within twenty-four (24) hours of the receipt of the notice.

Subd. 4 Compliance with Regulations. The type, capacities, locations, and layout of a private sewage disposal system shall comply with Minnesota Pollution Control Agency Rule Chapter 7080. A septic tank shall not be permitted to discharge to any natural outlet.

Subd. 5 Connection to Public Sewer. At the time public sewer becomes available to a property served by a private system, a direct connection shall be made to the public sewer pursuant to Section 810.04, Subd. 4. Any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and removed or, cleaned and filled with clean bank-run gravel.

Subd. 6 Maintenance of Private Sewer Facility. The owner shall operate and maintain the private sewage disposal facility in a sanitary manner at all times, without expense to the City.

Subd. 7 Additional Requirements. Statements contained in this Section shall not be construed to interfere with any additional requirements that may be imposed by any officially recognized health officer.

810.6 Application for City Sewer Service.

Subd. 1 Procedure. Application for a sewer service installation and for sewer service shall be made to the Clerk-Treasurer. Application shall be made by the owner or by the owner's agent on forms furnished by the City. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City. The applicant's signature shall be an agreement to conform to this Section and to rules and regulations that may be established by the City as conditions for the use of the City's sewer system.

Subd. 2 Fees. The applicant shall, at the time of making application, pay to the City the amount of the fees required for the installation of the service connection as provided in Section 305.05.

810.7 Sewer Service Connections.

Subd. 1 General Regulations.

- A. Authorized Installation.** Only a City employee or a bonded, licensed and insured contractor, approved in advance by the Council, shall install a service line in a City right-of-way. Approval of such contractors shall be by motion or resolution of the Council and effective unless or until revoked by majority vote. The Clerk-Treasurer shall maintain a list of approved contractors.

- B. Materials and Installation Specifications.** The pipe and fittings used to make a connection shall meet the specifications in Appendix D. The installation shall conform to the drawing in Appendix E.
- C. Future Connections.** Future connections to the City sewer system shall be limited in accordance with the availability of sufficient treatment capacity in the publicly owned treatment works.
- D. Exceptions to Separate Systems for Every Structure.** A separate and independent building sewer shall be provided for every building, except as authorized by the City Council by motion or resolution.
- E. Elevation.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which the building drain is too low to permit gravity flow to the public sewer, wastewater shall be lifted by an approved means and discharged to the building sewer.
- F. Surface Runoff/Ground Water.** A person shall not make or have any connection of roof downspouts, exterior and interior foundation drains, areaway drains, or other sources of surface runoff or groundwater, either directly or indirectly, to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Subd. 2 New Connections.

- A. Connection Permit.** The property owner or the owner's agent shall apply to the Clerk-Treasurer for a permit to install a connection to a sewer main. There shall be two (2) classes of building sewer permits: (a) residential and commercial service, and (b) service to establishments producing industrial wastes.
- B. Installation Cost.** The applicant shall pay the cost of installing the service line from the main to the structure being serviced. This includes the cost of pipe and appurtenances and of making the necessary connections and taps and any street repairs.
- C. Sewer Availability Charge (SAC charge).** The application must be accompanied by the full payment of the SAC charge to connect to the City sewer system. The SAC fee is set forth in Section 305.05 and shall be charged to each Residential Equivalent Unit as defined by Section 820.
- D. Street Repair Costs.** At the time application is made, the applicant shall deposit the estimated amount necessary to repair damaged blacktopping. This deposit shall be placed in escrow and the blacktop repair bill shall be paid out of it. Any remaining balance shall be refunded to the applicant. Any blacktop repair costs that exceed the deposit shall be paid by the applicant.
- E. Connection and Inspection.** The applicant shall arrange a time with the Public Works Supervisor to make the installation. At least two (2) working days notice shall be given. Connections within the right of way shall be made under the supervision of the Public

Works Supervisor. The installation from the main to the structure being serviced shall not be covered until inspected and approved by the Public Works Supervisor.

- F. Upgrading an Existing Sewer.** An existing building sewer may be used to service a new building only when it is found, on examination and test by the City inspector, to meet all the requirements of this Section.
- G. Industrial Service.** An industrial service may require a review of the proposed connection, installation supervision and inspection by the City engineer. These costs shall be paid by the applicant. At the time application for industrial sewer service is made, the applicant shall deposit the estimated amount necessary to cover these costs. This deposit shall be placed in escrow and the bill shall be paid out of this deposit. Any remaining balance shall be refunded to the applicant. Any costs that exceed the deposit shall be paid by the applicant.

Subd. 3 Repair or Replacement of Connections.

- A. Construction Permit and Inspection Fee.** Application for a permit to repair or replace a sewer line from the right of way to the structure being serviced shall be made to the Clerk-Treasurer. The construction permit and inspection fee, set forth in Section 305.05, shall be paid at the time the application is made.
- B. Repair Cost.** The cost of making repairs to the sewer line within the right-of-way and any street repairs shall be borne by the City. If there are any additional costs from the right-of-way to the property that stems from a maintenance or replacement of the service type, then the consumer or owner shall also be responsible for that cost. If the City is involved in maintaining or replacing the service type, it shall have the discretion as to what that cost would be.
- C. Installation and Inspection.** The applicant shall arrange with the Public Works Supervisor in advance to inspect repairs or replacement of a sewer line from the right of way to the structure being serviced. The service line and connection to the sewer line at the right of way shall not be covered until the installation is inspected and approved by the Supervisor.

810.08 Protection of Public and City.

Subd. 1 Permit and Bond. A permit for construction of a sewer main or stub shall be issued only upon application by a person who has furnished a bond either to the Clerk-Treasurer or to the Secretary of State under Minn. Statute § 326.40. The bond shall be in the amount set forth in Section 305.05 and conditioned to secure compliance by the principal with the provisions of this Code and to secure the person's performance of all work undertaken within the City.

Subd. 2 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 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 action. The property damages insurance coverage shall be in the amount of at least \$200,000 and the public liability damages 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 insurance shall be filed

with the City prior to construction work. The policy shall provide that the City shall be notified immediately of any termination or modification of such insurance. If the insurance coverage is inadequate, the person shall indemnify and save harmless the City and its personnel in like manner.

Subd. 3 Indemnification by Owner. The owner shall bear the costs and expenses incurred by the installation and connection of the extension of sewer service to private property. The owner shall indemnify the City for any loss or damage directly or indirectly caused by its installation. The Clerk-Treasurer shall establish rules and regulations for the proper implementation of these requirements which, when approved by the Council by resolution or motion, shall govern the installation and connections.

810.09 Use of Public Sewers

Subd. 1 Discharges Prohibited. A person shall not 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.

Subd. 2 Designated Storm Sewers. Storm water and all other unpolluted waters shall be discharged to sewers which are specifically designated as storm sewers, or to a natural outlet approved by the City. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City, to a storm sewer or natural outlet, subject to approval and the issuance of a discharge permit by the Minnesota Pollution Control Agency.

Subd. 3 Discharges Specifically Prohibited. A person shall not discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- A. Explosive Materials.** Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. Prohibited materials include, but are not limited to, gasoline, kerosene, benzene, naphtha, fuel oil, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
- B. Toxic, Poisonous Materials.** Any waters or wastes containing toxic or poisonous solids, liquids, or gases as defined by Section 307 (a) of the Clean Water Act 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 in spite of treatment, 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 federal and state requirements in the wastes as discharged to the public sewer.
- C. Corrosive Materials.** Any waters or wastes having a pH lower than 5.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel or the sewage works.
- D. Materials Causing Obstructions, Interference.** Solid or viscous substances in quantities or of such 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, sanitary napkins, feathers,

tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fletching, entrails, and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

Subd. 4 Specific Harmful Discharges Prohibited. A person shall not discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the engineer and/or superintendent that the wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving waters, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion concerning the acceptability of these wastes, the engineer and/or superintendent will give consideration to such factors as the City's NPDES Permit, the quantities of subject wastes in relation to the flows and velocities in the sewers, materials and construction of the sewers, nature of the treatment process, capacity of the treatment plant, degree of treatability of the wastes in the sewage treatment plant and other factors deemed pertinent. The substances prohibited are:

- A. Substances in Violation of NPDES Permit.** Any wastewater that would directly or indirectly result in a violation of the City's NPDES Permit.
- B. Substances In Excess of 150°.** Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C).
- C. Substances that Solidify.** Any water or waste containing fats, wax, grease, oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (O - 65 degrees C).
- D. Garbage Not Shredded.** Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the superintendent, or his/her authorized representative.
- E. Pickling Wastes, Plating Solutions.** Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- F. Toxic, Objectionable Substances.** Any waters or wastes containing iron, chromium, copper, zinc, nickel, lead, cadmium, mercury, cyanide, PCB's, and similar toxic or objectionable substances to the degree that any such material received in the composite sewage at the treatment works exceeds limits established by the Minnesota Pollution Control Agency for such materials.
- G. Taste or Odor Producing Substances.** Any waters or wastes containing phenols or other taste or odor producing substances, in 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.
- H. Radioactive Wastes, Isotopes.** Any radioactive wastes or isotopes of such half-life or concentration which may exceed limits established by the superintendent, in compliance with applicable state and federal regulations.

I. Materials Which Exert or Cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, slurries and lime residues) 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 solution).
3. Unusual BOD₅, chemical oxygen demand, or disinfection requirements in such quantities which constitute a significant load on the sewage treatment works, except by special permit or agreement.
4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined in this Section.

J. Substances Not Treatable. Waters or wastes containing substances which are not amenable to treatment or reduction by the treatment process employed, or are amenable to treatment only to the degree that the treatment plant effluent cannot meet the requirements of the agencies having jurisdiction over discharge to the receiving waters.

Subd. 5 Disposition Alternatives Available to Engineer/Superintendent. 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 Section 810.09, Subd. 3 and 4, and which in the judgment of the superintendent and/or engineer 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 engineer and/or superintendent may:

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition for discharge to public sewers, and/or;
- C. Require control over the quantities and rates of discharge, and/or;
- D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer service charges under the provisions of the Sewer Service Charge System, Section 815.

If the engineer and/or superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to review and approval by the City and subject to the requirements of all applicable federal and state codes, ordinances, and pretreatment standards established pursuant to Section 307 (b) of the Clean Water Act.

Subd. 6 Provision of Interceptors. 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 constituents, as described in Section 810.09, Subd. 3 and 4, in prohibited amounts. All interceptors shall be of a design approved by the City and shall be located conveniently for cleaning and inspection.

Subd. 7 Maintenance of Equalization Facilities. Where preliminary treatment or flow equalization facilities are provided for any wastes or water, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

Subd. 8 Diluting Discharge Prohibited. A user shall not increase the amount of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in Section 810.09, Subd. 3 and 4, or contained in the National Categorical Pretreatment Standards or any state requirements.

Subd. 9 Manholes. When required by the engineer and/or superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole or manholes together with the necessary meters, samplers, and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole shall be easily accessible and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner to be safe for use at all times.

Subd. 10 Compliance. The owners of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the City, be required to provide laboratory measurements, tests, or analyses of waters or wastes to illustrate compliance with this Section and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated in writing by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with federal, state and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the City at such times and in the manner as prescribed by the City. The owner shall bear the expense of all measurements, analyses, and reporting required by the City. When necessary, the City reserves the right to take its own measurements and samples for analysis by an independent laboratory.

Subd. 11 Standards for Analyses. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Section shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, location, times, duration and frequencies shall be determined on an individual basis, subject to approval by the superintendent and engineer.

Subd. 12 Special Arrangements. Statements contained in this Section shall not be construed to prevent 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 for the special arrangement by the industrial concern, providing that National Categorical Pretreatment Standards and the City's NPDES and/or State Disposal System Permit limitations are not violated, and that payment for the operation, maintenance, and replacement costs of wastewater treatment is in proportion to the industry's contribution of wastewater loadings to the treatment facilities, in accordance with 40 CFR S 35.2140 and the Sewer Service Charge System, Section 815.

810.10 Protection From Damage

Subd. 1 Damaging Sewer Works. A person shall not 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. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

810.11 Power and Authority of Inspectors

Subd. 1 Authorization to Inspect. The engineer and/or 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 the ordinance. The superintendent or superintendent's representatives shall not have authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industrial processes considered the property of the industry beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Subd. 2 Observance of Safety Rules. While performing the necessary work on private properties referred to in Section 810.11, Subd. 1, the engineer, superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the owner.

Subd. 3 Entry Governed by Easement. The engineer and/or superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the property. All entry and subsequent work, if any, on the property shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

810.12 Penalties

Subd. 1 Notice to Violators. Any person found to be violating any provision of this Section except Section 810.10 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 of the violation. The offender shall, within the period of time stated in the notice, permanently cease all violations.

Subd. 2 Convictions. Any person who continues any violation beyond the time limit provided for in Section 810.12, Subd. 1, shall be guilty of a misdemeanor. Each day in which any violation continues shall be deemed a separate offense, and where special agreements provide a penalty, the penalty shall be used.

Subd. 3 Liability for Expense. Any person violating any of the provisions of this Section shall become liable to the City for any expense, loss or damage occasioned the City by reason of the violation.

Section 815 - Sewer Service Charge System

815.01 Purpose. The purpose of this Section is to establish a Sewer Service Charge System for the City. Sewer charges are provided to recover costs associated with the operation, maintenance, and equipment replacement of the wastewater system.

815.02 Definitions. Definitions pertaining to this Section are found in Section 810.03.

815.03 Establishment of a Sewer Service Charge System.

Subd. 1 System Established. The City establishes a sewer service charge system whereby all revenue collected from users of the wastewater treatment system will be used to pay all expenditures incurred for annual operation, maintenance and replacement.

Subd. 2 User's Share. Each user shall pay its share of operation, maintenance and replacement costs of the treatment works, based on the user's contribution to the total wastewater flow.

Subd. 3 Revenues. Revenues collected for sewer service shall be deposited in a separate fund known as the "Sewer Fund". Collected revenues will be expended to offset the cost of operation, maintenance and equipment replacement for the system.

Subd. 4 Determination of Rates. Sewer service rates and charges to users of the wastewater treatment facility shall be determined and fixed according to the provisions of Section 815.04. The sewer service charge system shall be adopted upon enactment of this Section, shall be published in the official newspaper and the rates shall be set forth in Section 305.05. Subsequent changes in sewer service rates and charges shall be adopted by Council resolution or motion and shall be published in the official newspaper.

Subd. 5 Administration. Sewer service charges and the sewer service fund will be administered in accordance with the provisions of Section 815.06.

815.04 Determination of Sewer Service Charges. Wastewater service charges shall consist of one (1) base charge per user and a charge for the customer's actual wastewater production.

Subd. 1 User Classes. Users of the City Wastewater Treatment Works shall be identified as belonging to one of the following classes:

- A) Residential
- B) Commercial
- C) Industrial
- D) Institutional
- E) Governmental

The allocation of users to these categories for the purpose of billing user charges shall be the responsibility of the Clerk-Treasurer. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained in this Section.

Subd. 2 Determination of Rates. The rates charged to residential users and those users of other classes who discharge "normal domestic strength wastewater" shall be determined on the basis of wastewater volume only. Those "industrial users" who discharge "normal domestic strength wastewater" only, can be classified as "commercial users" for the purpose of rate determination.

Subd. 3 Base Charge. The base charge shall be billed equally to all users of the wastewater system for the recovery of administrative costs and the costs of ground water infiltration and wastewater inflow. One base charge shall be billed to each wastewater system user. The base charge is

determined by using the formula in Appendix F. The base charge for wastewater service is specified in Section 305.05.

Subd. 4 Multiple Users. Where there is more than one dwelling, business or industry served through one wastewater connection, the base charge shall apply to each such dwelling unit, business unit or industry unit served through that connection.

Subd. 5 Billable Wastewater. The charges assessed residential users and those users of other classes discharging "normal domestic strength wastewater" as described in Section 815.04, Subd. 2, shall be established proportionately according to billable wastewater volume. Billable wastewater volume shall be calculated as follows:

- A. Residential Users:** Billable wastewater volume for residential users shall be calculated on the basis of metered water usage. The per quarter billable wastewater volume shall be equal to metered water usage during that same quarter.

A resident may install a water meter on an interior water line to measure the water used for a garden, lawn, or pool. This meter is subject to the regulations of Section 800. The resident shall submit the reading once each year along with the fourth quarter reading to reduce the total billable wastewater volume.

The City may require residential users to install waste water meters for the purpose of determining billable wastewater volume.

- B. Non-Residential Users:** Billable wastewater volume for non-residential users shall be calculated on the basis of metered water usage. The per quarter billable wastewater volume shall be equal to metered water usage during that same quarter.

The City may require non-residential users to install wastewater samplers for the purpose of determining wastewater volume and loading. When required, the samplers shall be of a type approved by the City engineer and located at a sufficient number of sites to permit determination of wastewater characteristics.

The measurement of the wastes shall be conducted according to the latest edition of Standard Methods for the Examination of Water and Wastewater in a manner acceptable to the City as provided for in Section 810, "Sewer Use Regulations".

- C. Private Septic Tank Dumping.** The billable volume of wastewater dumped into the City system by a septic system contractor shall be estimated by the contractor, subject to review by the Superintendent. The contractor shall submit on City forms, a statement to the Clerk-Treasurer each quarter indicating the date of dumping, the source of the wastewater, the volume dumped and the total volume for the quarter.

Subd. 6 Service Charge for Interstate State Park. The sewer service charge for the Interstate State Park, which is served by the City system, is established by special agreement and contained in Appendix G.

Subd. 7 Sewer Service Charge Formula. The sewer service charge shall consist of a user charge for operation, maintenance and replacement. These charges will be determined as follows:

Service Charge Per Consumer.

$$Uc = Uomr \times bwwv$$

WHERE:

- Uc= Quarterly Service Charge
Uomr= Unit cost for OM&R in \$/Kgal.,
as determined by formula in Appendix F
bwwv= Billable wastewater volume of a consumer in Kgal.,
described in Section 815.04, Subd. 5.

That is, the quarterly service charge is equal to the billable wastewater volume multiplied by the cost per thousand gallons.

Subd. 8 Wastewater Rates. The following rates are established for wastewater produced each quarter of the year.

- A. Wastewater Produced.** The charge per 1,000 gallons produced is set forth in Section 305.05.
- B. Private Septic Tank Dumping.** Those dumping wastewater from a private septic system into the City treatment facility, shall be charged five (5) times the rate stated in Section 815.04, Subd. 8 A because of the concentration of the wastewater and since a base rate is not charged.

Subd. 9 Assessment/Contractual Agreements Not Prohibited. The sewer service charges established in this Section shall not prevent either the assessment of additional charges to users who discharge wastes with concentrations greater than "normal domestic strength" or wastes of unusual character, or contractual agreements with such users, as long as the following conditions are met:

- A. A user is not charged at a rate less than that of "normal domestic strength wastewater".
- B. The user pays operation, maintenance and replacement costs in proportion to the user's contribution of wastewater flow and loading to the treatment plant.
- C. The measurements of wastes are conducted according to the latest edition of Standard Methods for the Examination of Water and Wastewater in a manner acceptable to the Council as provided for in Section 810, "Sewer Use Regulations".
- D. The City's NPDES permit and sewer use regulations are not violated.
- E. E. A study of unit costs of treatment processes attributable to flow, BOD, TSS and other significant loadings shall be developed for determining the proportionate allocation of costs to users discharging wastes of greater than "normal domestic strength" or wastes of unusual character.

815.05 Sewer Fund.

Subd. 1 Establishment. The City establishes a "Sewer Fund" as an income fund to receive all revenues generated by the Sewer Service Charge System, and all other income dedicated to the

operation, maintenance and replacement of the wastewater treatment works, including special charges and fees.

The City also establishes the following accounts as income and expenditure accounts within the Sewer Service Fund:

- A. Operation and Maintenance Account
- B. Equipment Replacement Account

Subd. 2 Revenues to be Held by Clerk-Treasurer. All revenue generated by the Sewer Service Charge System shall be held by the Clerk-Treasurer separate from all other funds of the City. Funds received by the Sewer Service Fund shall be transferred to the accounts established in Section 815.05, Subd. 1 in accordance with state and federal regulations and the provisions of this Section.

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

Subd. 4 Operation and Maintenance Account. Revenue generated by the Sewer Service Charge System sufficient for operation and maintenance shall be held separate in the "Operation and Maintenance Account".

815.06 Administration and Billing.

Subd. 1 Administration. The Sewer Service Charge System and Sewer Fund shall be administered according to the following provisions:

- A. System of Accounts.** The Clerk-Treasurer shall maintain a proper system of accounts suitable for determining the operation, maintenance and equipment replacement and shall furnish the Council with a report of such costs annually in April.

The Council shall annually determine whether or not sufficient revenue is being generated for the operation, maintenance, replacement and management of the treatment work. The Council will also determine whether the user charges are distributed proportionately to each user in accordance with Section 815.03, Subd. 2 of this Ordinance and Section 204 (b) (2) (A) of the Federal Water Pollution Control Act, as amended.

The City shall thereafter but not later than the end of the year, reassess, and as necessary, revise the Sewer Service Charge System then in use to insure the proportionality of the user charges and to insure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed.

- B. Responsibility for Maintaining Records.** In accordance with federal and state requirements, the Clerk-Treasurer shall be responsible for maintaining all records necessary to document compliance with the Sewer Service Charge System adopted.

Subd. 2 Accounting, Billing and Collecting.

- A. Liability to Pay.** The owner or occupant of the premises shall be liable to pay for the service to the premises. The service is furnished to the premises by the City only upon condition that the owner or occupant of the premises is liable to the City for the service.
- B. Bills for Service.** Bills shall be mailed to customers quarterly and shall specify the wastewater charges in accordance with the rates set out in Section 815.04.
- C. Delinquent Accounts (Late Fees).** All charges for wastewater shall be due quarterly on the date specified by the City for the respective amount and shall be delinquent 30 days thereafter. Delinquent accounts will be charged the late fee set forth in Section 305.05. The late charge will be added to the bill effective the first day of each month of the delinquency. The City shall attempt to collect delinquent accounts promptly. Where satisfactory arrangements for payment have not been made, the Clerk-Treasurer may, after the procedural requirements of Subd. 2, D have been complied with, discontinue service to the delinquent customer by shutting off the water at the stop box. When water service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent bills and late charges plus a turn-on fee specified in Section 305.05. Delinquent wastewater accounts shall be certified by the Clerk-Treasurer who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment roll shall be delivered to the Council for adoption on or before the regular City Council meeting in September 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.
- D. Procedure.** This procedure is outlined in Section 805.06, Subd. 2 D.
- E. Additional Costs.** Any additional costs caused by discharges to the treatment works of toxic substances or other incompatible wastes, including the cost of restoring wastewater treatment services, cleanup and restoration of the receiving waters and environs, fines or penalties levied by regulatory agencies and sludge disposal, shall be born by the discharger(s) of the wastes, without expense to the City.

Subd. 3 Penalties. Each sewer service charge levied by and pursuant to this Section is hereby made a lien upon the lot or premises served, and all charges which are on or before September 1 of each year (or such other time as required by State law) past due and delinquent, shall be certified to the county auditor as taxes of assessments on the real estate. Nothing in this Section shall be held or construed as in any way stopping or interfering with the right of the City to shut off water service to properties with delinquent sewer service charges which have been certified to the county auditor.

Section 820 - Water and Sewer Assessments

820.01 Purpose. The purpose of this Section is to establish a water and sewer assessment policy for the City based on the number of Residential Equivalent Units which are determined by this Section for each parcel served by water and sewer.

820.02 Residential Equivalent Unit.

Subd. 1 Residential Equivalent Unit Defined. A single family dwelling connected to the City water system or sewer system is defined as one (1) Residential Equivalent Unit.

Subd. 2 Non-Residential Facilities. Various commercial and public institutional facility units shall be established as multiples of the Residential Equivalent Unit. These are listed as follows:

<u>TYPE OF FACILITY</u>	<u>EQUIVALENT UNITS</u>
Apartments	0.50 per individual apartment
Auto service center without a convenience store	1.0
Auto service center with a convenience store	2.0
Churches	1.0
Churches with licensed day care center	1.5
Cocktail lounge, bar or tavern	2.0
General business building complex (multiple businesses in a building)	1.0 plus 0.50 for each separate business
Laundromats	1.0 per four washing machines
Light industrial facility	1.0 per 2,950 SF of net floor space
Meat processing facility	2.0 per 15 animals processed weekly on average
Motels, hotels, tourist cabins	0.25 per room with bathroom
Restaurant, cafe (no bar)	1.0 per 25 seats
Drive-in restaurant	2.0
Retail store	1.0 per 3,000 SF of net floor space
Schools (public and private)	1.0 per 20 students
Mobile homes	1.0
<u>TYPE OF FACILITY</u>	<u>EQUIVALENT UNITS</u>

Refreshment stands	1.0
DNR park facility ³ / ₄ upper park	25.0
DNR park facility ³ / ₄ lower park (sewer only)	5.0

Subd. 3 Unspecified Facilities. The number of Residential Equivalent Units for a facility not specified in Section 820.02, Subd. 2, shall be determined by the Council.

Subd. 4 Contested Units. The owner of any parcel may contest the number of Residential Equivalent Units which have been determined by the City for that building. Any contesting owner shall state the case in writing to arrange a meeting with the Council. The Council shall make the final determination concerning the number of Residential Equivalent Units that are appropriate for the parcel in question.

820.03 Residential Equivalent Unit Roll.

Subd. 1 Establishment of Roll. The Clerk-Treasurer shall establish a roll which specifies the number of Residential Equivalent Units that are chargeable to each serviced parcel. This roll shall list the number of Residential Equivalent Units that applies to water service and the number of Residential Equivalent Units that applies to sewer service for each serviced parcel. The roll shall also show how the number of Residential Equivalent Units for water and sewer are determined for each serviced parcel. This roll shall be kept current and amended as necessary.

Subd. 2 Units for New Structures or Parcels. The Clerk-Treasurer shall determine the appropriate number of Residential Equivalent Units for each new structure or serviced parcel and add these to the current roll.

Subd. 3 Project Specific Assessment Rolls. The Clerk-Treasurer shall establish an assessment roll which lists the number of water Residential Equivalent Units and the number of sewer Residential Equivalent Units which are chargeable to each serviced structure for each specific, assessable project. Each project specific assessment roll shall be maintained for the duration of the assessment period necessary to retire the pertinent bond or until all delinquent assessments are paid. The assessment balance payable for each structure shall be kept current.

Subd. 4 New Project Assessment Roll. The current Residential Equivalent Unit Roll, established by Section 820.03, Subd. 1, shall be the basis for any new water and sewer assessments. The Clerk-Treasurer shall provide this roll to the Council for its review and approval prior to the publication of any assessment hearing.

820.04 Assessments.

Subd. 1 Procedure. Any assessment for water improvements shall be levied on a property in proportion to the number of Residential Equivalent Units that apply to each serviced parcel. Any assessment for sewer improvements shall follow the same procedure.

Subd. 2 Determination of assessments. The assessable amount for each Residential Equivalent Unit for water improvements and for sewer improvements shall be determined by the Council for each assessable project.

Subd. 3 Owner Responsibility. The owners of each serviced parcel shall be responsible to pay all assessments levied against their property and the property on which each structure is located shall be subject to a lien.

**SECTION 830
TRUNK SEWER AND WATER AREA FEES**

830.01 Legislative Intent

Subd. 1 A Permanent Improvement Revolving Fund shall be established to finance lift stations, forcemains, sewer mains over 8” in diameter, jacked or bored highway crossings, sewer laterals, and/or sewer service lines to extend service to an area adjacent to the improvement project, hereinafter referred to as trunk sewer mains.

Sub. 2 A Permanent Improvement Revolving Fund shall be established to finance water trunk mains, wells and/or water storage facilities.

830.02 Financing

Subd. 1 The area charge for Sanitary Sewer Area fees shall be based on developable acreage. The Expansion Service Areas for the Trunk Sanitary Sewer Area have been determined by the June 4, 2003 Engineering Report by SEH, entitled *Taylor's Falls Trunk Area Fees*, which hereinafter becomes an attachment to this Ordinance. The charge for fees for the service area designated for plant expansion improvements shall be \$4,307.00 per acre, and shall be paid at a time to be determined by the City, in all probability at the execution of a Developer's Agreement or at the time a building permit is issued. The fee imposed by this Ordinance is a separate fee than the Sewer Availability Charge as defined in 810.07, Subd. 2C of this Code of Ordinances.

Subd. 2 The area charge for Sanitary Sewer Area fees shall be based on developable acreage. The Expansion Service Areas for the Trunk Sanitary Sewer Area have been determined by the June 4, 2003 Engineering Report by SEH, entitled *Taylor's Falls Trunk Area Fees*, which hereinafter becomes an attachment to this Ordinance. The charge for fees for the service area designed for trunk sewer main and lift station improvements shall be \$2,123.00 per acre, and shall be paid at a time to be determined by the City, in all probability at the execution of a Developer's Agreement or at the time a building permit is issued. The fee imposed by this Ordinance is a separate fee than the Sewer Availability Charge as defined in 810.07, Subd. 2C of this Code of Ordinances.

Subd. 3 The area charge for Water Main Area fees shall be based on developable acreage. The Expansion Service Areas for the Trunk Water Main Area have been determined by the June 4, 2003 Engineering Report by SEH, entitled *Taylor's Falls Trunk Area Fees*, which hereinafter becomes an attachment to this Ordinance. The charge for these fees shall be \$2,089.00 per acre, and shall be paid at a time to be determined by the City, in all probability at the execution of a Developer's Agreement or at the time a building permit is issued. The fee imposed by this Ordinance is a separate fee than the Water Availability Charges as defined in 800.07, Subd. 2C of this Code of Ordinances.

Subd. 4 Area charges are based on an ENR Cost Index of 4672 and shall be adjusted annually (January 1) using the National ENR Cost Index. The area charge imposed by this Ordinance shall be added to and in addition to any special assessments for the project improvement.

830.03 Passage and Publication. This Ordinance shall take full effect and be in full force from and after its passage and publication according to law.

ADOPTED DECEMBER 10, 2007
PUBLISHED DECEMBER 19, 2007

**SECTION 840
STORM WATER UTILITY**

840.01 Findings and purposes. The purpose of this Ordinance is for the efficient, economic and safe operation of the storm water system for the protection of the health, safety and general welfare of the public with the City of Taylors Falls.

840.02 Storm Water Utility Established. A municipal storm water utility is hereby established and shall be operated as a public utility pursuant to Minnesota Statutes Section 444.075 from which revenues will be derived subject to the provisions of this Chapter and Minnesota Statutes.

840.03 Definitions. Unless the context clearly indicates otherwise, the following words or phrases have the meanings given in this Subdivision.

Subd. 1 Runoff Equivalent Factor (REF). Rates and charges for the use and availability of the system are to be determined through the use of a “Runoff Equivalent Factor”. For the purposes of this section, one REF is defined as the ratio of the average volume of surface water runoff generated by one acre of a particular land use, to the average volume of runoff generated by one (1) acre of typical single-family residential land, during a standard one-year rainfall event.

Subd. 2 Storm Water Utility Rate. The charge to a typical single family and duplex residential parcel shall be the storm water utility rate. All developed single family and duplex residential parcels shall be considered to have an acreage of up to one (1) acre.

840.04 Calculation of Fee.

Subd. 1 Land Use Classifications. Storm water drainage fees for Land Use Classifications 1 and 3 shall be on a per parcel basis. Storm water drainage fees for all other land uses shall be determined by multiplying the REF for a parcel’s land use by the parcel’s acreage and then multiplying the resulting product by the storm water utility rate. The REF values for the various land uses are as follows:

<u>Classification</u>	<u>Typical Land Uses</u>	<u>REF</u>
1	Residential Single Family, Duplex, Townhomes and Condominiums	1.0
2	Schools and Churches	1.25
3	Commercial, Industrial and	3.0

Apartments

4	Vacant land (e.g. undeveloped land, agricultural land without a dwelling)	.05
---	---	-----

Subd. 2 Other Land Uses. Other land uses not listed in the foregoing table shall be classified by the City Council by assigning them to the classes most nearly like the listed uses from the standpoint of impervious coverage and run-off produced.

Subd. 3 Storm Water Utility Rate. The storm water utility rate shall be determined by the City Council on an annual basis in the same manner as for other utilities, and shall be charged to all parcels not listed as exempt in Subdivision 4.

840.05 Exemptions. Public rights-of-way shall be exempt from storm water utility fees.

840.06 Billing and Payment. Storm water utility charges shall be computed and billed periodically with, and included as a charge on, bills issued by the City for water and sewer services. If a parcel of land subject to the storm water utility is not served by other utilities, a separate bill shall be issued on a bi-monthly basis.

Subd. 1 Penalties and Remedies for Delinquencies. All storm water utility charges shall be due on the date specified by the City for the respective amount and shall be delinquent thirty (30) days thereafter. Delinquent accounts will be charged the late fee set forth in Section 305.05. The late charge will be added to the bill effective the first day of each month of the delinquency. The City shall attempt to collect delinquent accounts promptly.

The Clerk-Treasurer shall prepare an assessment roll each year providing for assessment of any delinquent accounts against the respective properties served. The assessment roll shall be delivered to the Council for adoption on or before the regular City Council meeting in November of each year for certification to the County Auditor for collection along with taxes. The City shall also have the right to bring a civil action or to take other legal remedies to collect unpaid delinquent accounts.

840.07 Fee Appeal. If a property owner or person responsible for paying for the storm water utility fee believes that a particular assigned fee is incorrect, such person may request, in writing, that the fee be recomputed. Such request shall be made within thirty (30) days of the mailing of the billing in question, and shall immediately be addressed by appropriate City Staff. If the property owner is not in agreement with the City's staff's determination of the fee, he or she may appeal the determination in writing by making a request for a hearing to the Stormwater Utility Board of Appeals within fourteen (14) days of the Staff's determination.

The Board of Appeals shall consist of one (1) Council Member and two (2) property owners who reside in the City. Members of the Board of Appeals shall be appointed annually by the City Council. A hearing before the Board of Appeals shall be scheduled to occur within forty-five (45) days of receiving the property owner's request for a hearing. Notice of the hearing must be served on the property owner at least fourteen (14) days in advance unless a shorter time is accepted by all parties. Service of the Notice shall be by first class mail and will be complete upon mailing. The property owner shall have the burden of proving that the storm water utility fee for his or her property is incorrect. The decision of the Board of Appeals is final without any further right of appeal. The property owner may obtain judicial review of the decision of the Board of Appeals by proceeding pursuant to a writ of certiorari in the appropriate court.

840.09 Establishment of Fund. All fees collected for the storm water utility shall be placed in a fund for storm water purposes. Revenues shall be used to pay for the construction, reconstruction, repair, enlargement, improvement, or other obtainment and the maintenance, operation and use of the facilities, and all other purposes as permitted by Minnesota Statutes, Section 444.075.

840.10 Severability Claus. Should any section, subdivision, clause or other provision of this ordinance be held to be invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the Ordinance of the whole, or any part thereof, other than the part held to be invalid.

840.11 Passage and Publication. This Ordinance shall take full effect and be in full force from and after its passage and publication according to law.

ADOPTED BY THE CITY COUNCIL ON DECEMBER 13, 2004
PUBLISHED ON DECEMBER 22, 2004