

CHAPTER 7

MUNICIPAL UTILITIES

Section 700 - General Provisions

700.01. Definitions. The following terms, as used in this Chapter, shall have the meanings stated:

Subd. 1. Utility. The term “utility” shall refer to all utility services, whether the same be public City-owned facilities or furnished by public utility companies.

Subd. 2. Municipal Utility. The term “municipal utility” shall refer to any City-owned utility system, including, but not by way of limitation, water, sewer, electricity and steam heat. *(Section 700.01, Subd. 2 amended per Ordinance 99-08 on 9-21-99.)*

Subd. 3. Public Utility. The term “public utility” shall refer to any investor-owned or privately held utility system.

Subd. 4. Company, Grantee and Franchisee. The terms “company”, “grantee”, and “franchisee” shall refer to any public utility system to which a franchise has been granted by the City.

Subd. 5. Consumer and Customer. The terms “consumer” and “customer” shall refer to any user of a utility.

Subd. 6. Service. The term “service” shall refer to providing a particular utility service to a customer or consumer.

700.02. Contractual Contents. Provisions of this Chapter relating to municipal utilities shall constitute portions of the contract between the City and all consumers of municipal utility services, and every such consumer shall be deemed to assent to the same. All contracts between franchisees and consumers of utility services other than municipal shall be in strict accord with the provisions of this Chapter.

700.03. Deferral of Special Assessments.

Subd. 1. Special Assessment Deferral. Pursuant to Minnesota Statutes, Sections 435.193 through 435.195, senior citizens and retired disabled homeowners may defer special assessments levied against homestead property owned by the applicant if the criteria set forth in Subdivision 2 through Subdivision 6 of this Section are met by the application.

Subd. 2. Eligibility. Any person sixty-five (65) years of age or older or totally and permanently disabled (as determined by the Social Security Administration or any other standard or guideline adopted by resolution of the City Council) may defer special assessments levied against real property for public improvements if the following conditions are met.

A. Ownership. The applicant must be the fee simple owner of the property or must be a contract vendee for fee simple ownership. An application must provide either a recorded deed or contract for deed with the application to establish qualified ownership interest as required herein.

B. Homestead. The property must be the applicant's principal place of domicile and classified on the City's and County's real estate tax rolls as the applicant's homestead.

C. Net Income. The applicant's net income and net income of all other joint tenants, tenants in common, life tenants, remainder men, or contract vendees in title to the property may not exceed the amount determined by reference to the guidelines adopted by the City Council during the year preceding the assessment levy. Net income determinations shall be made under a formula set forth on a form provided by the City (or use of federal or state tax forms).

D. Nothing herein shall be construed to prohibit the determination of hardship on the basis of exceptional or unusual circumstances not covered by the above standards and guidelines where such determination is made in a nondiscriminatory manner and does not give the applicant unreasonable preference or advantage over other applicants.

Subd. 3. Interest on Deferred Assessment. All deferred special assessments shall be subject to interest, but the payment of such shall be deferred until the deferral period terminates. The deferred interest shall be calculated as if all principal payments had been made according to the original schedule of payments. Principal and interest payments shall commence upon termination of the deferral status.

Subd. 4. Termination of Deferral Status. Special assessment payments deferred pursuant to the eligibility requirements set forth by this Section shall become payable effective upon occurrence of one of the following events:

A. Sale of Property. The subject property is sold, transferred, subdivided, or in any way conveyed to another by the fee owner qualified for deferral status.

B. Death of Owner. The death of the fee owner qualified for deferral status unless a surviving spouse, joint tenant, tenant in common, or contract vendee is eligible for the deferral benefit provided hereunder. (*Section 700.03, Subd. 4B amended per Ordinance 99-08 on 9-21-99.*)

C. Non-homestead Property. The subject property loses its homestead status for any reason.

D. No hardship. The owner no longer meets the financial requirements established by the City Council and as amended from time to time or the City Council determines that there would be no hardship to require an immediate or partial payment of the deferred special assessment. Eligibility shall be determined on a yearly basis by application to the Clerk-Administrator.

Subd. 5. Filing for Deferral Status - Fee. An eligible applicant must file an application on or before September 1 of the year preceding the year for which the deferral status is requested in order to implement the deferral program for said year. All deferral applications must be made on forms approved by the City and submitted to the Clerk-Administrator. The applicant may be charged an administrative fee as determined periodically by the City Council for the purpose of processing the application. (*Section 700.03, Subd. 5 amended per Ordinance 99-08 on 9-21-99.*)

700.04. Underground Utility Construction.

Subd. 1. Underground Construction Required. All utility lines hereafter installed, constructed or otherwise placed within the City for electric, telephone, TV cable or other like or similar services to serve residential, commercial and industrial customers in newly platted areas, and which utilize metallic conductors to carry electric current, whether owned, installed or constructed by the supplier, consumer or any party, shall be installed and placed underground, subject only to the exceptions hereinafter stated, however, above-ground placement, construction, modification or replacement of meters, gauges, transformers, street lighting and service connection

pedestals shall be allowed. The requirements of this Section shall apply equally outside of the corporate limits of the City coincident with City jurisdiction of platting, subdivision regulation or comprehensive planning as may now or in the future be allowed by law. All companies installing and operating lines such as those described herein shall be referred to as “utility companies” for purposes of this Section.

Subd. 2. Exceptions to Application. The following exceptions to the strict applicability of this Section shall be allowed upon the conditions stated:

A. **Transmission Lines.** Above-ground placement, construction, modification or replacement of those lines commonly referred to as “high voltage transmission lines” upon which the conductor’s normal operating voltage equals or exceeds 23,000 volts (phase to phase) shall be allowed; provided, however, that sixty (60) days prior to commencement of construction of such a project, the City shall be furnished notice of the proposed project and, upon request, the utility company involved shall furnish any relevant information regarding such project to the City. This Section shall not be construed as waiving the requirements of any other ordinance or regulation of the City as the same may apply to any such proposed project.

B. **Technical and Economic Feasibility.** Above-ground placement, construction, modification or replacement of lines shall be allowed in residential, commercial and industrial areas where the Council, following consideration and recommendation by the Planning Commission and the Board of Public Works, finds that:

1. Underground placement would place an undue financial burden upon the landowner or the utility company or deprive the landowner of the preservation and enjoyment of substantial property rights; or,

2. Underground placement is impractical or not technically feasible due to topographical, subsoil or other existing conditions which adversely affect underground utility placement.

C. **Temporary Service.** Above-ground placement of temporary service lines shall only be allowed:

1. During the new construction of any project for a period not to exceed twenty-four (24) months;

2. During any emergency to safeguard lives or property within the City;

3. For a period of not more than seven (7) months when soil conditions make excavation impractical.

Subd. 3. Repair and Maintenance of Existing Installations. Nothing in this Section shall be construed to prevent repair, maintenance, replacement or modification of existing overhead utility lines.

Subd. 4. Placement.

A. All utility lines shall be placed within appropriate easements or dedicated public ways so as to cause minimum conflict with other underground services.

B. All utility companies shall submit annually to the Building Inspector and the Board of Public Works current maps revealing locations of underground installations, whether such installations were installed prior to the effective date of this Section or hereafter.

Section 710 - Municipal Utilities

710.01. Board of Public Works.

Subd. 1. Composition. A Board of Public Works consisting of three (3) elected members serving terms of four (4) years shall exist in the City of Blue Earth in accordance with Chapter VII of the Charter of the City of Blue Earth.

Subd. 2. Responsibilities and Powers. The Board of Public Works shall be responsible for and shall have the general supervision of the utilities now and hereinafter owned by the City and shall be charged with the operation thereof with power to do any and all acts authorized by chapter VII of the City Charter.

710.02. Franchise Fee Payment From Board of Public Works. The Board of Public Works shall cause to be paid into the general funds of the City annually a percentage of the gross income from the sale of electricity, gas, water, heat and similar utility services not to exceed one-third of the net income of the Department of Public Works, in accordance with Section 7.04(n) of the Charter of the City of Blue Earth. The percentage paid is to be set by the City Council by a 5/7ths vote. In no event shall the payments jeopardize the payment of bonded indebtedness and interest obligations of the Department of Public Works.

710.03. Fixing Rates and Charges for Municipal Utilities. All rates and charges for municipal utilities, including, but not by way of limitation, rates for service, connection and meter reading fees, disconnection fees, reconnection fees including penalties for non-payment if any, shall be fixed, determined and amended by the Board of Public Works as specified in the Charter of the City of Blue Earth. All rates and charges shall meet the requirements of Section 7.04(g) of the Charter of the City of Blue Earth. (*Section 710.03 amended per Ordinance 05-10 dated 4-4-05.*)

710.04. Connection or Tapping Prohibited - Delinquent Assessment or Charges. No permit shall be granted to tap or connect with sewer or water mains when any assessment or connection charge for such sewer or water main against the property to be connected is in default or delinquent. If such assessment or connection charges are payable in installments, no permit shall be granted unless all installments then due and payable have been paid.

710.05. Rules and Regulations Relating to Municipal Utilities.

Subd. 1. Permitting. A permit shall be obtained prior to making the following connections or repairs to sanitary sewer and stormwater systems within the City of Blue Earth: any repairs to a sanitary sewer service line; any replacement of sanitary sewer service line; footing drain repair or installation; addition or repair to roof drain connections to stormwater systems; any sump pump installations or re-plumbing of existing sump pumps; or any type of sewer work or repair that would result in the discharge of water or wastewater from any source to the City sanitary sewer or stormwater collection systems.

Subd. 1.11. Fees. The fee for any such permit shall be the fee specified in the City's Fee Schedule as set periodically by resolution of the Council, subject to any limitations imposed by State law.

Subd. 1.12. Reconnection. Any reconnection to sanitary sewer and stormwater systems is controlled under Section 710.04.

Subd. 2. Billing, Payment and Delinquency. All municipal utilities shall be billed monthly or quarterly and a utilities statement or statements shall be mailed to each consumer each month. All utilities charges shall be delinquent if they are unpaid at the close of business on the 10th day following such billing, provided, that if the 10th day shall fall on a Saturday, Sunday or legal holiday, the time shall be extended to the close of business on the next succeeding day on which business is normally transacted. A penalty not to exceed 10% thereof shall be added to, and become part of, all delinquent utility bills. If service is suspended due to delinquency it shall not be restored to that customer until a reconnection charge has been paid for each utility reconnected in addition to amounts owed for service and penalties.

Subd. 3. Application, Connection and Sale of Service. Application for municipal utility services shall be made upon forms supplied by the Department of Public Works, and strictly in accordance therewith. No connection shall be made until consent has been received from the Department of Public Works to make the same. All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of such utilities taken as metered or ascertained in connection with such rates.

Subd. 4. Discontinuance of Service. All municipal utilities may be shut off or discontinued whenever it is found that:

A. The owner or occupant of the premises served, or any person working on any connection with the municipal utility systems, has violated any requirement of the City Code relative thereto, or any connection therewith, or,

B. Any charge for a municipal utility service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid after due notice thereof, or,

C. There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefor.

D. Such a discontinuance is in compliance with any of the State laws regarding the "Cold Weather Rule".

Subd. 5. Ownership of Municipal Utilities. Ownership of all municipal utilities, plants, lines, mains, extensions and appurtenances thereto, shall be and remain in the City and no person shall own any part or portion thereof. Provided, however, that private facilities and appurtenances constructed on private property are not intended to be included in municipal ownership.

Subd. 6. Right of Entry. The City has the right to enter in and upon private property, including buildings and dwelling houses, in or upon which is installed a municipal utility, or connection therewith, at all times reasonable under the circumstances, for the purpose of reading utility meters, for the purpose of inspection and repair of meters or a utility system, or any part thereof, and for the purpose of connecting and disconnecting service. The City shall also have the right to refuse service if the right of entry is denied. The City shall further have authority to impose a surcharge on a utility bill for a parcel of property in an amount specified in the City's fee schedule as adopted by the City Council from time to time by resolution when access is denied for the months service is provided to the property in which the City has not been able to disconnect existing service which has been officially refused by denial of the right of entry for inspection. (*Section 710.05, Subd. 6 amended per Ordinance 07-06 dated 5-21-07.*)

Subd. 7. Meter Test. Whenever a consumer shall request the City to test any utility meter in use by him or her, such a request shall be accompanied by a cash deposit of \$10.00 for each

meter to be tested. If any such meter is found to be inaccurate the same shall be replaced with an accurate meter and the deposit thereon refunded. If the meter shall be found to be accurate in its recordings or calculations it shall be reinstalled and the \$10.00 deposit shall be retained by the City and any additional costs incurred in testing shall be billed to the customer.

Subd. 8. Unlawful Acts.

A. It is unlawful for any person to willfully or carelessly break, injure, mar, deface, disturb, or in any way interfere with any buildings, attachments, machinery, apparatus, equipment, fixture, or appurtenance of any municipal utility or municipal utility system, or commit any act tending to obstruct or impair the use of any municipal utility.

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

C. It is unlawful for any person to turn on or connect a utility when the same has been turned off or disconnected by the City for non-payment of a bill, or for any other reason, without first having obtained a permit to do so from the City.

D. It is unlawful for any person to “jumper” or by any means or device fully or partially circumvent a municipal utility meter, or to knowingly use or consume unmetered utilities or use the services of any utility system, the use of which the proper billing authorities have no knowledge. (*Section 710.05 amended and added a new subdivision 1 and renumbered subsequent subdivisions per Ordinance 04-21 dated 11-15-04.*)

710.06. Municipal Utility Service Outside the City. Premises located outside the City other than those located within the established Public Service Commission distribution boundaries shall not be connected to or served by any municipal utility, except such premises as are publicly owned or presently served. Persons needing municipal utility service whose property is located outside the corporate limits must initiate and complete annexation proceedings in advance prior to being provided with such service or services.

710.07. Rules and Regulations Relating to Electricity.

Subd. 1. Code Requirement. All wiring, connections and appurtenances shall be installed and performed strictly in accordance with the National Electrical Code. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the City, be an additional ground for termination of electrical service to any consumer.

Subd. 2. Services. New or changed service installations shall be made at the expense of the consumer, placed underground where designated by the City, and the meter location shall also be designated by the City. Overhead service installations may be permitted by the City (1) temporarily during new construction; (2) temporarily during an emergency to prevent danger to persons or property; (3) for a period of not more than seven months when soil conditions make excavation for underground service impractical, or (3) where to require underground service, the consumer has shown that such requirement is unduly burdensome.

Subd. 3. Electrical Installations. All new electrical installations shall comply with the following, where applicable:

A. Motors of 20 HP or more must have line compensators on same. Provided, however, that the City may, at its option, make an exception if the total connected motor load

required is smaller than the consumer connected load, and the motor starting current is less than the current corresponding to the consumer's total connected load.

B. Any establishment having a total motor load of 125 HP or more is required to have 440 volts for its motor load.

C. All motor installations of less than 5 HP shall be supplied with 240 volt single phase energy except: (1) motors of ½ HP or smaller may be 120 volt; or (2) three phase motors of 3 HP or more may be served from existing secondary power circuits where only service wires and meters are required.

D. The City shall make an installation charge for extraordinary expenses required by a consumer.

710.08. Rules and Regulations Relating to Steam Heat. All traps, valves, and other equipment, connected with the municipal steam heat system shall be of the type approved by the City. All such equipment shall meet maintenance and operation standards approved by the City.

Section 720 - Municipal Sewer and Water Services

720.01. Administration of Sewer and Water Services. The administration of City sewer and water utilities shall be in accordance with Section 7.03 of the Charter of the City of Blue Earth.

720.02. Rules and Regulations Relating to Sewer Services.

Subd. 1. City Sewer Service Charge System.

A. Definitions: Unless the context specifically indicates otherwise, the meaning of the terms used in this ordinance shall be as hereafter designated:

1. Administration Costs. The phrase “administration costs” means those fixed costs attributable to administration of the wastewater treatment works (i.e., billing and associated bookkeeping and accounting costs).

2. Biochemical Oxygen Demand or BOD5. The phrase “Biochemical Oxygen Demand (BOD5)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20' C, expressed in milligrams per liter.

3. City. The term “city” means the area within the corporate boundaries of the City of Blue Earth, as presently established or as amended by ordinance or other legal actions at a future time. When used herein the term “City” may also refer to the City Council or its authorized representative.

4. Commercial User. The term “commercial user” means any place of business which discharges sanitary waste as distinct from industrial wastewater.

5. Debt Service Charge. The phrase “debt service charge” means a charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct said facilities.

6. Governmental User. The term “governmental user” means users which are units, agencies or instrumentalities of federal, state, or local government discharging Normal Domestic Strength wastewater.

7. Normal Domestic Strength Wastewater. The phrase “normal domestic strength waste water” means wastewater that is primarily produced by residential users, with BOD5 concentrations not greater than 227 mg/l and suspended solids concentrations not greater than 273 mg/l and ammonia-nitrogen (NH3-N) concentrations not greater than 37 mg/l.

8. Extra Strength Waste. The phrase “extra strength waste means wastewater having a BOD5 and/or TSS greater than domestic waste as defined in this Section and not otherwise classified as an incompatible waste.

9. Incompatible Waste. The phrase “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, creates a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works.

10. Industrial Users or Industries. The terms “industrial users” or “industries” mean:

a. Entities that discharge into a publicly owned wastewater treatment works, liquid wastes resulting from the processes employed in industrial or manufacturing processes, or 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 supplemental 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 following characteristics:

- BOD5 Less than 227 mg/l
- Suspended Solids Less than 273 mg/l
- Ammonia-Nitrogen Less than 37 mg/l

b. Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

11. Industrial Wastewater. The phrase “industrial wastewater” means the liquid processing wastes from an industrial manufacturing process, trade, or business including but not limited to all Standard Industrial Classification Manual Divisions A, B, D, E, and I manufacturers as distinct from domestic wastewater.

12. Institutional User. The term “institutional user” means users other than commercial, governmental, industrial or residential users, discharging primarily Normal Domestic Strength wastewater (e.g. Non-profit organizations).

13. Operation and Maintenance. The terms “operation” and “maintenance” mean activities required to provide for the dependable and economical functioning of the treatment works, throughout the design or useful life, whichever is longer of the treatment works, and at the level of performance for which the treatment works were constructed. Operation and maintenance includes replacement.

14. Operation and Maintenance Costs. The terms “operation cost” and “maintenance cost” mean the expenditures for operation and maintenance, including replacement.

15. Public Wastewater Collection System. The phrase “public water collection system” means a system of sanitary sewers owned, maintained, operated and controlled by the City.

16. Replacement. The term “replacement” means the obtaining and installing 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.

17. Replacement Costs. The phrase “replacement costs” means expenditures for replacement.

18. Residential User. The term “residential user” means a user of the

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 discharges primarily normal domestic strength sanitary wastes.

19. Sanitary Sewer. The phrase “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.

20. Sewer Service Charge. The phrase “sewer service charge” means the aggregate of all charges, including charges for operation, maintenance, replacement, debt service, and other sewer related charges that are billed periodically to users to the City's wastewater treatment facilities.

21. Sewer Service Fund. The phrase “sewer service fund” means a fund into which income from Sewer Service Charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditure of the Sewer Service Fund will be for operation, maintenance and replacement costs; and to retire debt incurred through capital expenditure for wastewater treatment.

22. Shall and May. The term “shall” is mandatory. The term “may” is permissive.

23. Slug. The term “slug” means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

24. Standard Industrial Classification Manual. The phrase “standard industrial classification manual” refers to the manual published by the office of Management and Budget, latest edition.

25. Suspended Solids (SS) or Total Suspended Solids (TSS). The terms “suspended solids (SS)” and “total suspended solids (TSS)” mean 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, and referred to as nonfilterable residue.

26. Toxic Pollutant. The term “toxic pollutant” means the concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to Section 307 (a) of the Act, which upon exposure to or assimilation into any organism will cause adverse effects.

27. User Charge. The term “user charge” means a charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement.

28. Users. The term “users” means those residential, non-residential, and industrial establishments which are connected to the public sewer collection system.

29. Wastewater. The term “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.

30. Wastewater Treatment Works or Treatment Works. The phrases “wastewater treatment works” or “treatment works” refer to 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.

B. Establishment. The City of Blue Earth hereby establishes a Sewer Service Charge System whereby all revenue collected from users of the wastewater treatment facilities will be used to affect all expenditures incurred for annual operation, maintenance, and replacement and for debt service on capital expenditure incurred in constructing the wastewater treatment works.

1. Proportionment. Each user shall pay its proportionate share of operation maintenance and replacement costs of the treatment works, based on the user's proportionate contribution to the total wastewater loading from all users.

2. Debt Service Charges. Each user shall pay debt service charges to retire local capital costs as determined by the City Council.

3. Sewer Service Rates. Sewer Service rates and charges to users of the wastewater treatment facility shall be determined and fixed in a "Sewer Service Charge System" developed according to the provisions of this Section. Subsequent changes in Sewer Service rates and charges shall be adopted by Council resolution and shall be published in the official newspaper.

4. Revenues. Revenues collected for Sewer Service shall be deposited in a separate fund known as "The Sewer Service Fund". Income from revenues collected will be expended to offset the cost of operation, maintenance and equipment replacement for the facility and to retire the debt for capital expenditure.

5. Administration of Charges. Sewer Service Charges and the Sewer Service Fund will be administrated in accordance with the subsequent provisions of this Section.

C. Determination of Sewer Service Charges.

1. User Classes. Users of the City of Blue Earth wastewater treatment works shall be identified as belonging to one of the following user classes:

- a. Residential
- b. Commercial
- c. Governmental
- d. Institutional
- e. Industrial

The allocation of users to these categories for the purpose of assessing User Charges and Debt Service Charges shall be the responsibility of the Clerk-Administrator. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.

2. Proportionment. Each user shall pay operation, maintenance, and replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, with the minimum rate for loadings of BOD, TSS and NH₃-N being the rate established for concentrations of 227 mg/l BOD and 273 mg/l TSS and 37 mg/l (NH₃-N) (i.e. Normal Domestic Strength Wastewater). Those "Industrial Users" discharging segregated "Normal Domestic Strength Wastewater" only, can be classified as "Commercial Users" for the purpose of rate determination.

3. Residential User Charges. The charges assessed residential users and those users of other classes discharging "Normal Domestic Strength Wastewater" 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 billable wastewater volume shall be equal to 90 percent of the yearly metered water usage. The city may require residential users to install meters for the purpose of determining billable wastewater volume.

b. Non-Residential Users. The billable wastewater volume of non-residential users will be determined on 100 percent of the metered water usage as recorded throughout the year. The City may, at its discretion, require nonresidential users to install such additional water meters or wastewater flow meters as may be necessary to determine billable wastewater volume.

4. Determination of User Charges. User Charges for Normal Domestic users shall be determined as follows:

a. Calculation of Unit Cost for Treatment of Normal Domestic Strength Wastewater:

$$Uomr = \frac{Comr}{Tbwv}$$

Where: Uomr = Unit cost for operation, maintenance and replacement in \$/Kgal.
Comr = Total annual OM & R costs.
Tbwv = Total annual billable wastewater volume in kgal.

b. Calculation of User Charge:

$$Uc = Uomr \times bwv$$

Where: Uc = User Charge
Uomr = Unit cost for operation, maintenance and replacement in \$/kgal.
bwv = Billable wastewater volume of a particular user in kgal

5. Recovery of Local Construction Costs. Local construction costs of the wastewater treatment facility will be recovered through a Debt Service Charge calculated using wastewater volume and connection charges as follows:

a. Calculation of Debt Service Unit Cost for Wastewater Volume:

$$Uds = \frac{CDs}{Tbwv}$$

Where: Uds = Unit cost for debt service in \$/kgal.
*CDS = Cost of annual debt service assigned for wastewater volume.
Tbwv = Total annual billable wastewater volume in Kgal.

*City may reduce the cost of annual debt service through the use of other City funds at its discretion.

b. Calculation of Debt Service Billable Connection Cost:

$$UD = \frac{CDC}{Tc}$$

Where: UD = Unit Billable Connection Cost for debt service.
*CDC = Costs of Annual Debt Service Assigned for Connections.
Tc = Total Number of Billable Connections

*City may reduce the cost of annual debt service through the use of other City funds at its discretion.

c. Calculation of Debt Service Charge.

$$Dc = Uds \times bwv + UD \times U$$

Where: Dc = Debt Service Charge.
Uds = Unit Cost for Debt Service in \$/Kgal.
UD = Unit Billable Connection Cost for Debt Service.
u = Number of Billable Connections for Particular User.
bwv = Billable Wastewater Volume of a Particular User in Kgal.

6. Determination of Sewer Service Charges. The Sewer Service Charge for a particular connection shall be determined as follows:

$$SSC = Uc + Dc$$

Where: SSC = Sewer Service Charge
Uc = User Charge
Dc = Debt Service Charge

7. The Sewer Service charges established in this ordinance shall not prevent 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. The user pays Operation, Maintenance, and Replacements costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, and no user is charged at a rate less than that of "Normal Domestic Strength Wastewater".

b. The measurements of such wastes are 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 subsequent provisions of this Section. A study of unit costs of collection and treatment processes attributable to Flow, BOD, TSS and other significant loadings

shall be developed for determining the proportionate allocation of costs to flows and loadings for users discharging wastes of greater than normal domestic strength or wastes of unusual character.

D. Sewer Service Fund.

1. The City of Blue Earth hereby establishes a "Sewer Service 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, replacement and construction of the wastewater treatment works, including taxes, special charges, fees, and assessments intended to retire construction debt. 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
- c. Debt Retirement Account

2. All revenue generated by the Sewer Service Charge System, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be held by the Clerk separate and apart from all other funds of the City. Funds received by the Sewer Service Fund shall be transferred to the "Operation and Maintenance Account," the "Equipment Replacement Account," and the "Debt Retirement Account" in accordance with State and Federal regulations and the provisions of this Section.

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

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

E. Administration. The Sewer Service Charge System and Sewer Service Fund shall be administrated according to the following provisions:

1. The Clerk-Administrator shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works, and shall furnish the City Council with a report of such costs annually in January. The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works, and whether sufficient revenue is being generated for debt retirement. The Council will also determine whether the user charges are distributed proportionately to each user in accordance with the provisions of this Section 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, and to retire the construction debt.

2. In accordance with Federal and State requirements each user will be notified annually in conjunction with a regular billing of that portion of the Sewer Service Charge attributable to operation, maintenance and replacement.

3. In accordance with Federal and State requirements, the Clerk-Administrator shall be responsible for maintaining all records necessary to document compliance with the Sewer Service Charge System adopted.

4. Bills for Sewer Service Charges shall be rendered on a monthly basis succeeding the period for which the service was rendered and shall be due 30 days from the date of rendering. Any bill not paid in full after the due date will be considered delinquent. At that time the City shall notify the delinquent owner/occupant in writing regarding the delinquent bill and subsequent penalty. The penalty shall be computed as 5% of the original bill and be placed in the City's general fund. (*Section 720.02, Subd. 1E (4) amended per Ordinance 99-08 on 9-21-99.*)

5. The owner of the premises, shall be liable to pay for the service to such premises, and the service is furnished to the premises by the City only upon the condition that the owner of the premises is liable therefore to the City.

6. Any additional costs caused by discharges to the treatment works of toxics or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs, and sludge disposal, shall be borne by the dischargers of said wastes, at no expense to the City.

F. Penalties.

1. Each and every sewer service charge levied by and pursuant to this Ordinance is hereby made a lien upon the lot or premises serviced, and all such charges which are on December of each year past due and delinquent, shall be certified to the County Auditor as taxes or 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 levy as taxes or assessments against any premises affected any delinquent or past due sewer service charges.

2. As an alternative to levying a lien, the City may, at its discretion, file suit in a civil action to collect such amounts as are delinquent and due against the occupant, owner, or user of the real estate, and shall collect as well all attorney's fees incurred by the City in filing the civil action. Such attorney's fees shall be fixed by order of the court.

3. In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate of 10% per annum.

Subd. 2. Sewer Use Regulations.

A. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this Subdivision shall have the meanings hereinafter designated:

1. Act. The term "act" means the Federal Water Pollution Control Act also referred to as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

2. ASTM. The term "ASTM" means the American Society for Testing Materials.

3. Authority. The term "authority means the City of Blue Earth, Minnesota or its representative thereof.

4. BOD5 or Biochemical Oxygen Demand. The term "BOD5" or "Biochemical Oxygen Demand" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20' Centigrade in terms of milligrams per liter (mg/l).

5. Building Drain. The term "building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning immediately outside the building wall.

6. Building Sewer. The term "building sewer" means the extension from the

building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.

7. City. The term “city” means the area within the corporate boundaries of the City of Blue Earth as presently established or as amended by ordinance or other legal actions at a future time. The term “City” when used herein may also be used to refer to the City Council and its authorized representative.

8. Chemical Oxygen Demand (COD). The term “chemical oxygen demand (COD) means the quantity of oxygen utilized in the chemical oxidation of organic matter as determined by standard laboratory procedures, and as expressed in terms of milligrams per liter (mg/l).

9. Compatible Pollutant. The phrase “compatible pollutant” means biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS Permit if the treatment facilities are designed to treat such pollutants to a degree which complies with effluent concentration limits imposed by the permit.

10. Control Manhole. The phrase “control manhole” means a structure specially constructed for the purpose of measuring flow and sampling of wastes.

11. Easement. The term “easement” means an acquired legal right for the specific use of land owned by others.

12. Fecal Coliform. The phrase “fecal coliform” means any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

13. Floatable Oil. The phrase “floatable oil” means oil, fat, or grease in a physical state, such that it will separate by gravity from wastewater.

14. Garbage. The phrase “garbage” means animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.

15. Incompatible Pollutant. The phrase “incompatible pollutant” means any pollutant that is not defined as a compatible pollutant (Sec. 9) including non-biodegradable dissolved solids.

16. Industry. The term “industry” means any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, which is categorized in Divisions A, B, D, E, and I.

17. Industrial Waste. The phrase “industrial waste” means gaseous, liquid, and solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development, recovery, and processing of natural resources, as distinct from residential or domestic strength wastes.

18. Infiltration. The term “infiltration” means water entering the sewage system (including building drains and pipes) from the ground through such means as defective pipes, pipe joints, connections, and manhole walls.

19. Infiltration/Inflow (I/I). The Term “infiltration/inflow (I/I)” means the total quantity of water from both infiltration and inflow.

20. Inflow. The term “inflow” means water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

21. Interference. The term “interference” means the inhibition or disruption

of the City's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the City's NPDES and/or SDS Permit. The term includes of sewage sludge use or disposal by the City in accordance with published regulations providing guidelines under Section 405 of the Act or any regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria applicable to the method of disposal or use employed by the City.

22. MPCA. The term "MPCA" stands for the Minnesota Pollution Control Agency.

23. National Categorical Pretreatment Standards. The phrase "National Categorical Pretreatment Standards" means federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to be not susceptible to treatment by such treatment facilities or would interfere with the operation of such treatment facilities, pursuant to Section 307(b) of the Act.

24. National Pollutant Discharge Elimination System (NPDES) Permit. The term "national pollutant discharge elimination (NPDES) permit" is a permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act.

25. Natural Outlet. The phrase "natural outlet" means any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.

26. Non-contact Cooling Water. The phrase "non-contact cooling water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added is heat.

27. Normal Domestic Strength Waste. The phrase "normal domestic strength waste" means wastewater that is primarily introduced by residential users with a BOD5 concentration not greater than 225 mg/l and a suspended solids (TSS) concentration not greater than 250 mg/l.

28. Person. The term "person" means any individual, firm, company, association, society, corporation, or group.

29. pH. The term "pH" means the logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.

30. Pretreatment. The term "pretreatment" means the treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works.

31. Properly Shredded Garbage. The phrase "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 ½-inch (1.27 cm) in any dimension.

32. Sewage. The term "sewage" means the spent water of a community. The preferred term is wastewater.

33. Sewer. The term "sewer" means a pipe or conduit that carries wastewater or drainage water. The following are types of sewers:

a. Collection Sewer. A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.

b. Combined Sewer. A sewer intended to serve as a sanitary sewer and a storm sewer.

c. Forcemain. A pipe in which wastewater is carried under pressure.
d. Interceptor Sewer. A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

e. Private Sewer. A sewer which is not owned and maintained by a public authority.

f. Public Sewer. A sewer owned, maintained and controlled by a public authority.

g. Sanitary Sewer. 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.

h. Storm Sewer or Storm Drain. A drain or sewer intended to carry storm waters, surface runoff, ground water, sub-surface water, street wash water, drainage, and unpolluted water from any source.

34. Shall and May. The term “shall” is mandatory; the term “may” is permissive.

35. Significant Industrial User. The phrase “significant industrial user” means any industrial user of the wastewater treatment facility which has a discharge flow (1) in excess of 25,000 gallons per average work day, or (2) has exceeded five percent (5%) of the total flow received at the treatment facility, or (3) whose waste contains a toxic pollutant in toxic amounts pursuant to Section 307 (a) of the Act, or (4) whose discharge has a significant effect, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or emissions generated by the treatment system.

36. Slug. The term “slug” means any discharge of water or wastewater 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 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment works.

37. State Disposal System (SDS) Permit. The “State Disposal System (SDS) permit” is any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to Minnesota Statutes 115.07 for a disposal system as defined by Minnesota Statutes 115.01, Subdivision 8.

38. Superintendent. The term “superintendent” means the utilities superintendent or a deputy, agent or representative thereof.

39. Suspended Solids (SS) or Total Suspended Solids (TSS). The terms “suspended solids (SS)” or “total suspended solids (TSS)” mean the total suspended matter that either floats on the surface of, 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, and referred to as nonfilterable residue.

40. Toxic Pollutant. The phrase “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 Act.

41. Unpolluted Water. The phrase “unpolluted water” means water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not be benefited by discharge to the sanitary sewers

and wastewater treatment facilities.

42. User. The term “user” means any person who discharges or causes or permits the discharge of wastewater into the City's wastewater disposal system.

43. Wastewater. The term “wastewater” means the spent water of a community and 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.

44. Wastewater Treatment Works or Treatment Works. The phrases “wastewater treatment works” or “treatment works” mean 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 or 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.

45. Watercourse. The term “watercourse” means a natural or artificial channel for the passage of water, either continuously or intermittently.

46. WPCF. “WPCF” stands for The Water Pollution Control Federation.

47. Clerk-Administrator. The term “clerk-administrator” means the duly appointed official of the City which assists the City in the operation of its affairs or a deputy, agent or representative thereof.

B. Control by the Clerk-Administrator. The Clerk-Administrator shall have control and general supervision of all public sewers and service connections in the City, and shall be responsible for administering and provisions of this ordinance to the end that a proper and efficient public sewer is maintained.

C. Illegal Acts.

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under jurisdiction, any human or animal excrement, garbage or objectionable waste.

2. It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and the City's NPDES/SDS Permit.

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

4. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated within the City and adjacent to any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the City, shall be required at the owner(s) expense to install a suitable service connection to the public sewer in accordance with provisions of this Code, within ninety (90) days of the date said public sewer is operational, provided said public sewer is within 500 feet of the structure generating the wastewater. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this section, an official

thirty (30) day notice shall be served instructing the affected property owner to make said connection.

5. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under the provisions of this Section, the City must undertake to have said connection made and shall assess the cost thereof against the benefited property. Such assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the Auditor of the County of Faribault, 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 remedial or enforcement provisions of this Section.

D. Private Wastewater Disposal.

1. Where a public sewer is not available under the provisions of Article III, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the Faribault County Subsurface Sewage Treatment Ordinance.

2. Prior to commencement of construction, replacement, or substantial repair of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the City. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary to the City.

3. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within thirty (30) days.

4. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the State of Minnesota. (*Section 720, Subd. 2(D) amended and renumbered per Ordinance 07-08 dated 10-1-07.*)

E. Building Sewers and Connections.

1. Any new connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, but not limited to capacity for flow, BOD5, and Suspended Solids, as determined by the Clerk-Administrator.

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

3. Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of the building to be connected, and how occupied. No person shall extend any private building beyond the limits of the building or property for which the service connection permit has been given.

4. There shall be (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the City. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

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

6. It is the responsibility of the owner to maintain the sanitary sewer service line from the building to the sanitary sewer main connection. The City is not obligated to clean or repair or replace service lines and has no responsibility for damages arising from clogged, broken or damaged service lines. *(Section 720, Subd. 2(E) paragraph 6 added and subparagraphs 6-13 are all increased by one per Ordinance 03-20 dated 11-03-03.)*

7. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.

8. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Clerk-Administrator or his or her representative, to meet all requirements of this Section.

9. The size, slopes, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the City. In the absence of code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9, shall apply.

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

11. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or indirectly to the wastewater disposal system.

12. The connection of the building sewer into the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight, and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the City prior to installation.

13. The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the City Administrator or authorized representative thereof.

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

(Section 720.02, Subd. 2E (14 - 18) removed per Ordinance 99-08 dated 9-21-99.)

F. Use of Public Services.

1. No person(s) shall discharge or cause to be discharged any unpolluted water such as storm water, ground water, roof runoff, surface drainage, or noncontact cooling water

to any sanitary sewer.

2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the City and other regulatory agencies. Industrial cooling water of unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the City and upon approval and the issuance of a discharge permit by the MPCA.

3. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

a. 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, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

b. Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

c. Any wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater disposal system.

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

4. The following described substances, materials, water, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works treatment process or equipment, will not have an adverse effect on the receiving stream and/or soil, vegetation and ground water, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Clerk-Administrator may set limitations lower than limitations established in the regulations below if, in his or her opinion, such more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability of wastes, the Clerk-Administrator will give consideration to such factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the City's NPDES and/or SDS permit, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the City Administrator are as follows:

a. Any wastewater having a temperature greater than 150° F (65.60 C), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104° F (40' C), or having heat in amounts which

will inhibit biological activity in the wastewater treatment works resulting in interference therein.

b. Any wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° F and 150° F (00 C and 65.60 C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not.

c. Any quantities of flow, concentrations, or both which constitute a “slug” as defined herein.

d. Any garbage not properly shredded, as defined in Article I, Section 31. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food on the premises or when served by caterers.

e. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.

f. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to dye wastes and vegetable tanning solutions.

g. Non-contact cooling water or unpolluted storm, drainage, or ground water.

h. Wastewater containing inert suspended solids (such as, but not, limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to sodium chloride and sodium sulfate) in such quantities that would cause disruption with the wastewater disposal system.

i. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

j. Any waters or wastes containing the following substances to such degree that any such material received in the composite wastewater at the wastewater treatment works in excess of the following limits for such materials:

0.5	mg/l arsenic	0.5 mg/l molybdenum
0.5	mg/l cadmium	0.5 mg/l selenium
1.5	mg/l copper	
0.5	mg/l cyanide	
1.5	mg/l lead	
0.05	mg/l mercury	
1.5	mg/l nickel	
0.5	mg/l silver	
0.5	mg/l total chromium	
1.5	mg/l zinc	

phenolic compounds which cannot be removed by City's wastewater treatment system. (*Section 720.02, subd. 2F (4) (j) amended per Ordinance 99-08 on 9-21-99.*)

k. Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule, regulation, or ordinance of any regulatory agency, or state or federal regulatory body.

l. Any waters or wastes containing BOD5 or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the

wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of Section 16 of this Article.

5. If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in a provision of this Section, and/or which in the judgment of the Clerk- Administrator may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment; receiving waters, and/or soil, vegetation, and ground water; or which otherwise create a hazard to life or constitute a public nuisance, the City may:

- a. Reject the wastes,
- b. Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307 (b) of the Act and all addendums thereof,
- c. Require control over the quantities and rates of discharge, and/or,
- d. Require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer service charges. If the City permits the pretreatment or equalization of waste flows, the design, installation, and maintenance of the facilities and equipment shall be made at the owners' expense, and shall be subject to the review and approval of the City pursuant to the requirements of the MPCA.

6. No user shall increase the use 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 herein, or contained in the National Categorical Pretreatment Standards or any state requirements.

7. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner(s).

8. 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 floatable grease in excessive amounts, as specified in this Section, any flammable wastes as specified in this Section, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Clerk-Administrator. Any removal and hauling of the collecting materials not performed by the owner's personnel, must be performed by a currently licensed waste disposal firm.

9. Where required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, or control manhole, with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The structure shall be installed by the owner at his expense and shall be maintained by the owner to be safe and accessible at all times.

10. The owner 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 Ordinance and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses to be performed

by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents 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 such manner as prescribed by the City. The owner shall bear the expense of all measurements, analyses, and reporting required by the City. At such times as deemed necessary, the City reserves the right to take measurements and samples for analysis by an independent laboratory.

11. 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 are to be determined on an individual basis subject to approval by the Clerk- Administrator.

12. Where required by the City, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this Section. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Clerk-Administrator for review and approval prior to construction of the facility. Review and approval of such plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this Section. Users shall notify the Clerk-Administrator immediately upon having a slug or accidental discharge of substances of wastewater in violation of this ordinance to enable countermeasures to be taken by the Clerk-Administrator to minimize damage to the wastewater treatment works. Such notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the City on account thereof under any State and Federal law. Employees shall insure that all employees who may cause or discover such a discharge, are advised of the emergency notification procedure.

13. No person, having charge of any building or other premises which drains into the public sewer, shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within thirty (30) days after receipt of written notice from the City, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same, and perform such other work as the Clerk-Administrator may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of thirty (30) days, the Clerk-Administrator may cause such work to be completed at the expense of the owner or representative thereof.

14. Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause such work to be done as the Clerk-Administrator may direct. Each day after thirty (30) days that a person neglects or fails to so act shall constitute a separate violation of this Section, and the Clerk-Administrator may then cause the work to be done, and recover from such owner or agency the expense thereof by an action in the name of the City.

15. The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times, a catch basin or waste trap in the building drain system to prevent grease, oil, dirt or any mineral deposit from entering the public sewer system.

16. In addition to any penalties that may be imposed for violation of any

provision of this Section, the City may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge or prohibited wastes by such applicable to the type of service, and in accordance with the provisions set forth in this Section.

G. Damage to Wastewater Facilities. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure appurtenance, or equipment which is part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

H. User Rate Schedule For Charges. Each user of sewer service shall pay the charge(s) applicable to the type of service, and in accordance with the provisions set forth in Subdivision 1.

I. Power and Authority of Inspectors.

1. The Clerk-Administrator or other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to the discharges to the City's sewer system in accordance with the provisions of this ordinance.

2. The Clerk-Administrator or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential however, the industry must establish that the revelation to the public of the information in question, might result in an advantage to competitors.

3. While performing necessary work on private properties, the Clerk-Administrator or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this Section.

4. The Clerk-Administrator or other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

J. Penalties.

1. Any person found to be violating any provision of this ordinance, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2. Any person who shall continue the violation beyond the time limit provided for in Subpart 1 above, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount not exceeding \$ 700.00 for each violation. Each day in which any such violation occurs shall be deemed as a separate offense.

3. Any person violating any of the provision of this Section shall become liable to the City for any reason of such violation.

720.03. Rules and Regulations Relating to Water Services.

Subd. 1. Deficiency of Water and Shutting Off Water. The City is not liable for any deficiency or failure in the supply of water to customers whether occasioned by shutting the water off for the purpose of making repairs or connections or by any other cause whatever. In case of fire, or alarm of fire, water may be shut off to insure a supply for fire fighting. In making repairs or construction of new works, water may be shut off at any time and kept off so long as may be necessary.

Subd. 2. Repair of Leaks. It is the responsibility of the consumer or owner to maintain the service pipe from the main stop into the house or other building. In case of failure upon the part of any consumer or owner to repair any leak occurring in his service pipe within twenty-four (24) hours after oral or written notice has been given the owner or occupant of the premises, the water may be shut off and will not be turned on until a reconnection charge has been paid and the water service has been repaired. When the flow of water is great or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately. (*Section 720.03, Subd. 2 amended per Ordinance 99-08 on 9-21-99.*)

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

Subd. 4. Service Pipes. Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than six feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing. Frozen service pipes between the main and the building shall be the responsibility of the owner. Service pipes must extend from the curb stops to the inside of the building; or if not taken into a building then to the hydrant or other fixtures which they are intended to supply. All services must be installed in such a manner as to allow the connection of a meter. A valve, the same size as the service pipe, shall be placed close to the inside wall of the building, ahead of the meter and well protected from freezing. Joints on copper tubing shall be flared and kept to a minimum. Not more than one joint shall be used for a service up to seventy feet in length. All joints shall be left uncovered until inspected. Minimum size connection with the water mains shall be seven-eighths inch outside diameter or three-fourths inch inside diameter.

Subd. 5. Private Water Supplies. No water pipe of the City water system shall be connected with any pump, well, pipe, tank or any device that is connected with any other source of water supply and when such are found, the City shall notify the owner or occupant to disconnect the same and, if not immediately done, the City water shall be turned off. Before any new connections to the City system are permitted, the City shall ascertain that no cross-connections will exist when the new connection is made. When a building is connected to "City Water" the private water

supply may be used only for such purposes as the City may allow.

Subd. 6. Restricted Hours for Sprinkling. Whenever the City shall determine that a shortage of water threatens the City, it may limit the times and hours during which water may be used from the City water system for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other uses, or either or any of them. It is unlawful for any water consumer to cause or permit water to be used in violation of such determination after public announcement thereof has been made through the news media specifically indicating the restrictions thereof.

Subd. 7. Private Fire Hose Connections. Owners of structures with self-contained fire protection systems may apply for and obtain permission to connect the street mains with hydrants, large pipes, and hose couplings, for use in case of fire only, at their own installation expense and at such rates as the Council may adopt by resolution as herein provided.

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

Subd. 9. Unmetered Service. Unmetered service may be provided for construction, flooding skating rinks, and any other purpose. Such service shall be at a duly adopted rate. Where it is difficult or impossible to accurately measure the amount of water taken, unmetered service may be provided and the unmetered rate applied: provided, however, that by acceptance thereof the consumer agrees to have the City estimate the water used. In so estimating the City shall consider the use to which the water is put and the length of time of unmetered service.

Subd. 10. Code Requirement. All piping, connections and appurtenances shall be installed and performed strictly in accordance with the Minnesota Plumbing Code. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the City, be an additional ground for termination of water service to any consumer.

Subd. 11. Connection Fees. Service shall be furnished only after proper application has been made and connection fees paid in full.

Section 730 – City Storm Water Utility

(Section 730 added per Ordinance 09-02 dated 2-17-09.)

730.01. Establishment. Pursuant to Minnesota Statute §444.075, the City of Blue Earth hereby establishes a public utility for storm water drainage which shall be known as the Storm Water Drainage Utility in and for the City of Blue Earth. The Storm Water Drainage Utility shall be operated as a public utility pursuant to the City Charter, City Code and applicable statutes. The revenues therefrom shall be derived subject to provisions of this Section and Chapter 444 of the Minnesota Statutes. The Storm Water Drainage Utility shall be part of the Public Works Department and shall be administered by the Public Utilities Director, the City Public Works Director under the administration of the City Administrator.

730.02. Findings and Determination.

Subd. 1. In the exercise of the governmental authority and in order to promote the public health, safety, and general welfare, the City of Blue Earth has constructed, operated and maintained a storm water drainage system. This ordinance is adopted in further exercise of such authority and responsibility for the same purpose.

Subd. 2. The system, as constructed heretofore, has been financed and paid for through the imposition of special assessments and ad valorem taxes. It is now necessary and desirable to provide an alternative method of financing which allows for the recovery of some or all of the future costs of improving, establishing, enlarging, replacing, repairing, maintaining and operating said Storm Water Drainage System through the imposition of charges as provided in this ordinance.

730.03. Storm Water Drainage Fees. Income for the Storm Water Drainage Utility account will be generated from a fixed monthly fee as set by resolution of the City Council of the City of Blue Earth from time to time billed to all residents who currently are billed for sanitary sewer usage. The Storm Water Drainage Utility fees shall be added to the current bill issued by the City's Light and Water Department and shall be due and payable in the same fashion as current water and sewer usage charges.

730.04. Penalties and Remedies for Delinquencies. A penalty charge of an amount set by resolution of the City Council shall be imposed for late payments or non-payment of Storm Water Drainage Utility Fees. Said late payments shall be added for each month or part thereof that said fee remains unpaid.

730.05. Exemptions. The following land uses are exempt from Storm Water Drainage Utility Fees.

- a. Public right of ways
- b. Lakes, wetlands and rivers
- c. Undeveloped independent parcels not receiving water or sewer service
- d. Dedicated cemeteries

730.06. Certification of Past Due Fees on Taxes. Any past-due Storm Water Drainage Utility fees in excess of 90 days past due on October 1 of any year may be certified to the County Auditor's office for collection with real estate taxes in the following year pursuant to Minnesota Statute §444.075, Subd. 3. In addition, the City shall also retain the right to bring a civil action or take other legal remedies to collect the unpaid fees.

730.07. Establishment of a Fund. All fees collected for the Storm Water Drainage Utility shall be placed in a fund for Storm Water Drainage Utility purposes. Revenues shall be used to pay for the construction, reconstruction, repair, enlargement, improvement, or other expansion, maintenance, operation and use needs of necessary facilities and for all other purposes as permitted by Minnesota Statute §444.075 for Storm Water Drainage Utilities.