

**CHAPTER 6. SEWER AND WATER**

**SECTION 600 - REGULATING SEWAGE TREATMENT SYSTEMS**

**600.01 Title and Purpose.**

Subd. 1 Title. This Chapter shall be known as, referred to, and cited as the Individual Sewage Treatment System Ordinance.

Subd. 2 Purpose and Intent. The purpose of this Section is to protect and promote the health, safety, and general welfare of the people of the City and of other affected communities by regulating septage discharges and the location, installation, alteration, operation, maintenance, and monitoring of all individual sewage treatment systems so as to protect land, water, and other natural resources within and outside the City from impairment, pollution, or destruction; to minimize the risk of spreading communicable diseases, and to prevent and avoid other health and ecological hazards attributable to bacterial and chemical contamination of lands and waters; and to save residents and property owners from the large and unnecessary expense associated with providing central public water and sewer services where such expenses may reasonably be avoided.

**600.02 Interpretation and Definitions.**

Subd. 1 Interpretation. In the interpretation and application of this Section, its provisions shall be held to be minimum requirements and shall be construed so as to fully effect its purpose and shall not be deemed a limitation or repeal of any other power established by law or ordinance except as specifically provided herein. In the event that conflicting requirements are imposed by this Section or by other ordinances, the more restrictive provisions shall apply. The administrator shall rule on questions of interpretation under this Section, and appeals from such decisions may be made in accordance with Section 600.09 herein.

Subd. 2 Construction. Words used in the present tense include the past and future tense; the singular includes

the plural, and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive.

Subd. 3 Definitions. The definitions contained in Minnesota Rules 1989, Chapter 7080 are hereby adopted by reference and incorporated as part of this Section, provided that the following definitions shall also apply in the interpretation and enforcement of this Section. Unless the context otherwise indicates, the following terms have the meanings stated:

(a) Administrator. The person designated to administer this Chapter pursuant to 600.09 herein or an agent or employee authorized by him/her to act on his behalf.

(b) Applicant. A person who submits an application for a permit for the installation or renovation of a sewage disposal system or for septage disposal.

(c) Ecologic Scientist. A soil scientist, geologist, registered professional engineer, sanitarian or other individual who has been licensed pursuant to 600.08 herein to perform soil and percolation testing and site evaluations.

(d) Individual Sewage Treatment System. A receiving and treating facility for sewage which is not connected to a public sewer system.

(e) Installation. The construction or placement of a sewage disposal system on real property with the intention of using the same for the treatment of sewage.

(f) Maintenance. For a standard system, the regular inspection and arrangement for the removal and sanitary disposal of septage from the tank whenever the top of the sludge layer is less than 12 inches below the bottom of the outlet baffle, or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle. For permitted alternative systems, "maintenance" shall mean such regular inspection and care for the system as may be determined by the administrator in order to ensure its safer healthful operation consistent with the intent of this Section.

(g) Public Sewer System. The sewage treatment and disposal system owned and operated by the City, including interceptors, collector lines, outfall and outlet sewers, pumping stations and related equipment.

(h) Renovation. Activity involving the extension, alteration, reconstruction, or repair of a sewage disposal system in whole or in part provided that the minor alteration, maintenance, or repair of a system involving activity having a reasonable value, (based on the approximate charge if performed by a licensed installer). Activity having value of less than \$500 shall not be considered a renovation.

(i) Septage. Sludge, scum, solids and untreated wastewater pumped and collected from one or more individual sewage treatment systems for the purpose of land application or discharge to a public sewer system or treatment facility.

(j) Subdivision. The division or redivision of a lot, tract, or other parcel of land into two or more lots, tracts, parcels, or other divisions of land, governed by and subject to the provisions of the subdivision Section of this Code.

### **600.03 Scope and Interpretation.**

Subd. 1 Scope. This Section shall govern and apply to the following when located within the City: septage disposal; the installation or renovation of individual sewage treatment systems; and the operation, maintenance, correction, and inspection of all individual sewage treatment systems.

Subd. 2 Disposal Permits. It shall be unlawful for any person to dispose of septage within the City, except pursuant to a disposal permit from the administrator. Application for a septage disposal permit shall be in writing on forms furnished by the administrator, accompanied by the payment of a fee of \$25.00, and shall be signed by the applicant. Application for disposal into the Metropolitan Waste Control Commission system shall be accompanied by a written statement from the Metropolitan Waste Control Commission that such disposal is acceptable to said Commission. Disposal permits shall specify the

site(s) where the permit holder may dispose of septage and the quantity disposable at each site. Disposal by land application shall be according to guidelines of the Minnesota Pollution Control Agency.

Subd. 3 Installation of Alternate Systems. This Section does not adopt any part of Minnesota Rules 7080.0210 pertaining to the allowance of the installation of any alternative permissible systems described therein.

Subd. 4 Individual Sewage Treatment Systems. Individual sewage treatment systems shall be designed to receive all sewage from the dwelling(s), building(s), or other establishment(s) served by the system, including laundry waste and basement floor drainage. Surface, roof and foundation drainage and other storm water shall not be allowed to enter any part of the system.

Subd. 5 Multiple Connections. Not more than one dwelling, commercial, business, institutional, or industrial unit shall be connected to the same individual sewage treatment system, unless such multiple connection was specified in the application submitted and in the permit issued for the system.

Subd. 6 Additional Construction. Where it can reasonably be anticipated that the construction of additional structures, dwellings or bedrooms, or the installation of additional equipment or services will increase the amount of sewage discharge or affect the operation of the system, a system to be installed or renovated shall comply with requirements applicable to such additional needs.

Subd. 7 Public Sewer Availability. No individual sewage treatment system shall be installed or renovated on lands to which public sewer service is currently available. Within the Urban Service Area, as identified in a Metropolitan Council approved comprehensive sewer plan, developers shall locate individual sewage treatment systems to achieve maximum economic feasibility of connection to the public sewer system, consistent with the other provisions of this Section.

Subd. 8 Subdivisions. Preliminary plats for proposed subdivisions shall be submitted to the administrator for review to determine whether individual

sewage treatment systems which comply with this ordinance could reasonably be installed on each lot in the proposed plat. The administrator may require the subdivider to submit information and studies relating to the soils, water table level, percolation rate, and other relevant features, and to submit information as to the economic feasibility of construction of a sewage treatment system to serve all or a portion of such lots evidenced in the preliminary plat.

No preliminary plat shall be approved by the City unless the administrator makes a favorable recommendation regarding the ability of each lot to accommodate two satisfactory individual sewage treatment systems. Appeal from an unfavorable recommendation hereunder shall be in accordance with the provisions contained in Subsection 600.09. The review and recommendation provided herein shall not eliminate the need for complying with the permit and other requirements contained herein with respect to individual sewage treatment systems on the lots in the preliminary plat.

Subd. 9 Existing System: Improvement. In addition to other requirements contained herein, all individual sewage treatment systems, irrespective of the date of original installation, shall be brought into compliance with applicable provisions relating to the following, on or before June 1, 1983, or their use shall be terminated: distance to ground water; distance to water bodies; distance to water supply.

#### **600.04 System Permits.**

Subd. 1 Permit Requirement. No person shall install or renovate an individual sewage treatment system within the City without first obtaining a system permit from the administrator, applicable to the specific activity to be undertaken. A system permit shall be valid for a period of six months following the date of its approval. No building permit for any building involving the installation or renovation of an individual sewage treatment system shall be issued until a system permit for the involved facility has been approved. No system permit shall be issued except following compliance with the provisions contained herein.

Subd. 2 Application. Applications for permits shall be accompanied by the payment of a fee of \$25.00

shall be in writing on forms furnished by the administrator, and shall be signed and certified as to the accuracy of the information provided by the applicant.

Subd. 3 Content. Each permit application shall contain: legal description of the proposed site; name and address of the property owner(s) and of the person(s) performing the permit activity; a plot plan of the land showing the site of the permit activity, indicating boundary lines, abutting roads, existing and proposed structures, feed lots, wells, water bodies, land elevations, soils, slopes and location of proposed system; a sketch of the proposed system including its parts, size, design and location; a description of the proposed system including building(s) to be served, maximum number of bedrooms to be served (or for nonresidential uses, anticipated average and peak daily flow of water) and size in gallons; a description of the water supply, well depth, proximal location of bedrock and water table; and such additional information as may be required by the administrator. Each permit application shall be kept on file with any permit issued pursuant to this Section.

Subd. 4 Site Evaluation. Upon receipt of an adequate application, the administrator shall visit the applicant site and perform an evaluation of the site with regard to the requirements contained herein and to the design of the proposed system. Such evaluation shall include soil and percolation tests and any other tests the administrator deems necessary. The administrator need not perform any field evaluation where the application includes a site evaluation, prepared by a licensed installer or ecologic scientist, which discusses the testing which has been undertaken in connection with the proposed system, including soil, bedrock and surface and groundwater characteristics, the design of the system in relation to the topographic, geologic and biologic characteristics of the proposed site, and which provides certification as to the adequacy of the location for the proposed system in relation to the requirements contained herein.

Subd. 5 Preliminary Approval. Following the site evaluation, the administrator shall make a written evaluation which describes whether the proposed system can be installed or renovated in compliance with this ordinance, describing site or system problems which must be mitigated in connection with the installation

or renovation. Within 60 days of the site evaluation or receipt of the certification pursuant to Subdivision 4, the administrator shall preliminarily approve, approve with conditions, or disapprove the permit application, with reasons stated in writing.

#### **600.05 System Specifications.**

Subd. 1 Technical Requirements. All individual sewage treatment systems shall be installed and renovated in accordance with the requirements contained in this Section. In addition, such systems shall be installed and renovated in accordance with the provisions contained in the following sections of Minnesota Rules, 1989, 7080.0120, Building Sewers; 7080.0130, Sewage Tanks; 7080.0150 and 7080.0160, Distribution and Dosing of Effluent; 7080.0170, Final Treatment and Disposal. The above sections, together with provisions respecting soil boring and percolation tests, contained in Minnesota Rules 7080.0110, subpts. 3 and 4, and together with provisions respecting water supply and surface water setbacks, contained in Minnesota Rules 7080.0230 and 7080.0240 are hereby incorporated and adopted by reference to the extent that they are not inconsistent with other provisions expressly set forth in this Section.

Subd. 2 Structural Requirements. Plumbing, materials, design, and construction requirements contained in Section 1210 of this Code shall govern and apply with respect to all building sewers, sewage tanks, and other parts of individual sewage treatment systems to the extent applicable which are constructed within this jurisdiction. The administrator shall prepare and have available a list of requirements of Section 1210 with respect to individual sewage treatment systems within this jurisdiction.

#### **600.06 Inspection and Monitoring.**

Subd. 1 Initial Inspection. The administrator shall make at least one inspection and such additional inspections as are necessary to determine whether an installation or renovation of an individual sewage treatment system for which a permit is required pursuant hereto is being accomplished in compliance with this Section and the applicable permit. No part of such a sewage

treatment system shall be covered until it has been inspected and finally approved by the administrator.

Subd. 2 Certificate of Approval: New or Renovated Systems. No individual sewage treatment system, for which a system replaced pursuant hereto, shall be placed or replaced in operation until the administrator has issued a certificate of approval governing the subject installation or renovation. Where, on inspection, the administrator discovers that an individual sewage treatment system has not been installed or renovated in compliance with the provisions contained in this Section or the applicable permit, he/she shall give the applicant written notification describing the noncompliance. The applicant shall be responsible for correcting and eliminating all defects and noncompliance prior to the date scheduled for reinspection.

Subd. 3 Inspections. It shall be the duty of the owner or occupant of the premises upon which an individual sewage treatment system exists to give the administrator free access to the premises at reasonable times for the purpose of system inspections. The administrator shall inspect any individual sewage treatment system concerning which a compliant is received by the administrator. The administrator may inspect any system he/she deems necessary as a result of the reporting program of 600.07. Such inspections shall be performed within 30 days following receipt of the complaint or report and shall be conducted between 8 a.m. and 6 p.m., unless otherwise agreed to by both parties.

Subd. 4 Systems Inventory. The administrator shall create, update and maintain an accurate inventory of all individual sewage treatment systems for which permits have been issued in the City. Information shall include but shall not be limited to location, system description, renovation description, and reports received pursuant to Subsection 600.07. On or before February 1 of each year, the administrator shall transmit to the Metropolitan Waste Control Commission a summary report of all permit activity in the City pursuant to this Section during the preceding calendar year.

## **600.07 Operation, Maintenance and Repair.**

Subd. 1 Unlawful Conditions. It shall be unlawful for the owner of any premises using an individual sewage treatment system to use or allow the use of a system that allows inadequately treated sewage or septage to seep or flow to the surface of the ground or into surface or groundwaters, or that allows an overflow from any of its components.

Subd. 2 Maintenance; Reporting. It shall be the responsibility of the owner of any premises using an individual sewage treatment system, for which a permit has been issued, to provide for the periodic maintenance of such system by a licensed pumper-hauler. It shall be the responsibility of all licensed pumper-haulers to report to the administrator, in a manner acceptable to the administrator, the addresses of systems for which the pumper-hauler has provided maintenance and the nature of the services performed.

Subd. 3 Informational Program. The administrator shall establish a public information program to assist the owners and occupants of premises using individual sewage treatment systems with regard to the safe and lawful operation of such systems.

Subd. 4 Correction: Ineffective Systems. When the administrator, based on inspection, determines that an individual sewage treatment system is not operating in a lawful manner and is in need of correction, he shall notify the owner to that effect in writing and schedule and perform a reinspection of the system within 30 days following the notification. If, on reinspection, the administrator determines that the inspected system is still not operating in a reasonably effective manner and is in need of correction, he shall prepare and transmit an order to the owner which describes the system problems and contains a recommendation as to the corrective action which needs to be taken to alleviate the condition.

## **600.08 Licensing.**

Subd. 1 Installer Licenses. No person shall engage in the business of, or perform for others the service of, soil and percolation testing and site evaluation, installing, renovating, repairing, or pumping and cleaning sewage

treatment systems within the City without first obtaining a license. Installer licensees shall be authorized to construct, install, renovate, repair, pump, clean and otherwise maintain sewage treatment systems, as well as conduct the site evaluation and soil boring and percolation tests described in Section 600.04, Subd. 4. Pumper-hauler licensees shall be authorized to pump and clean sewage treatment systems. Ecologic scientist licensees shall be authorized to perform soil and percolation tests and site evaluations.

Subd. 2 Application. A person desiring to obtain any of the licenses described in Subd. 1 shall submit an application to the administrator which describes his/her: business and authorization to conduct such services; education, training certification, registrations and experience with respect to such services; number of persons employed in performing such services; and such other information as may be reasonably required by the administrator. Prior to the issuance or renewal of a license, the applicant shall be required to demonstrate a knowledge and understanding of this Section. The City may refuse to issue a license to any applicant for reasons relating to the above factors and for other good cause.

Subd. 3 Length of Licenses. Licenses shall be in effect for two years and shall be accompanied by the payment of a license fee of \$25.00.

Subd. 4 Revocation. Licenses may be revoked or refused renewal for cause including, but not limited to: practice(s) or installation(s) which are in violation of any provision of this Section or of any permit issued pursuant hereto; refusal on the part of the licensee to correct defective work on a sewage treatment system which is installed or renovated within this jurisdiction. Before revoking or refusing to renew a license, the City shall notify the licensee of the proposed action describing the cause and stating that a hearing shall be held if requested by the licensee prior to formal action by the City.

Subd. 5 Record Maintenance. Licensees shall maintain soil test data, system plans, and other records and information as may be required by the administrator for the purpose of determining compliance with this Section. Records relating to any system installation or renovation shall be retained for a period of three years following

completion of that activity, and copies of the same shall be transmitted to the City. Licensees shall make available all information, files, and records, and other information required to be maintained to the administrator at any time on the transmission of a reasonable request relating thereto.

**600.09 Administration; Appeal.**

Subd. 1 Administrator. The Building Inspector shall administer the provisions of this Section. In addition to the duties set forth herein, the administrator shall maintain adequate files and records relating to all permits issued, inspections made, work approved, and other official actions.

Subd. 2 Powers. The administrator shall have all powers necessary to administer and enforce the provisions of this ordinance. In addition to the other powers set forth herein, and without limitation, the administrator shall be empowered to do the following:

(a) Prepare reports and recommendations regarding any additional sanitary measures which he/she deems necessary to effect the purpose of this Section.

(b) Obtain assistance and cooperation from agency and commission personnel and other state and local health, legal, and police officials in the administration and enforcement of this Section.

(c) Cooperate with local and state personnel in the enforcement of this Section and state regulations, rules, and requirements relating to sewage treatment and disposal.

(d) Arrange for the enforcement of any and all rules, orders, permits, and other requirements established herein or issued pursuant to this Section.

Subd. 3 Appeal. Any person aggrieved by the issuance or denial of any permit, order, interpretation, or other official action made pursuant to the provisions of this Section may appeal the same to the Utilities Commission within 30 days following the date of the issuance, denial, or order. On appeal, the Utilities Commission shall conduct a public hearing at which all interested parties shall

be given opportunities to present relevant information and to examine personnel of the City in order to determine the basis for any action taken. Notice of said hearing, unless otherwise provided herein, shall be submitted to the affected owner and other interested persons at least 15 days in advance of the hearing. At the conclusion of the hearing, the City shall, as appropriate, make a determination respecting the appeal and prepare written findings of fact and recommendations thereto.

Subd. 4 Variance. On appeal, the City may rescind or modify the issuance or denial of any permit and any order issued pursuant hereto or other action undertaken pursuant to the provisions of this Section.

Subd. 5 Right of Entry. The owner of the site where a sewage disposal system is located shall allow the administrator to enter on his/her property to inspect the location and/or individual sewage treatment system and to undertake such tests and measurements as may be necessary to fulfill the obligations and requirements of this Section, provided that notice of such inspection has been communicated by the administrator in advance. Unless otherwise expressly authorized by the owner, inspections and other entries on to private property shall occur between 8 a.m. and 6 p.m. only.

#### **600.10 Enforcement.**

Subd. 1 Violations. Any person who commits any of the following acts or shall be guilty of a violation of this Section.

(a) Disposes of sewage or installs or renovates an individual sewage treatment system without first having received a permit as provided herein.

(b) Installs or renovates an individual sewage treatment system or discharges sewage in a manner which involves the knowing and material variation from the terms and specifications contained in the application or permit.

(c) Violates the terms of an order issued pursuant to the provisions contained herein.

(d) Conducts the business of or engages in activities described in Subsection 600.08 herein without first having obtained the required license.

(e) Wilfully fails to conduct the testing or cleaning obligations of this Section hereto or unlawfully refuses right of entry to the administrator when requisite notice has been provided.

(f) Violates any other provision of this Section.

Subd. 2 Written Suspension. The administrator may by written order suspend or revoke any disposal or system permit when he/she has information indicating that the permit has been issued in error or on the basis of incorrect or inadequate information or that work is not being performed in compliance with this Section or the provisions of any permit issued pursuant hereto.

Subd. 3 Cease and Desist Order. The administrator may issue an order to the owner or occupant of any premises utilizing an individual sewage treatment system to cease and desist the use of any system which is operating in a manner creating substantial hazard to the public, health, safety, or welfare or which has not been repaired in accordance with the provisions of any order issued pursuant to Subsection 600.07 herein. A noticed public hearing shall be held within 14 days following the issuance of such an order to determine whether the order should be continued in force and effect.

Subd. 4 Cleanup Assessment. The City may cause to be assessed against the property on which an individual sewage treatment system is located the cost of proper closure, restoration, and cleanup of pollution occurring as a result of a system failure. Upon certification by the administrator of the cost incurred, the City auditor shall cause the cleanup assessment to be levied against the property on which the system is located.

**600.11 General Provisions.**

Subd. 1 Personal Liability. This Section shall not relieve or lessen the responsibility or liability of any person owning, operating, controlling, or installing any sewage treatment system, or disposing of septage for damage to persons or property or any other injury occasioned thereby. The City assumes no responsibility for the proper, safe, and efficient functioning and performance of sewage treatment systems installed, renovated, or maintained pursuant to the requirements contained herein.

Subd. 2 Abrogation and Greater Restriction. It is not intended by this Section to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deeds, restrictions, agreements, ordinances, rules, regulations, permits previously adopted or issued pursuant to law. However, where this Section imposes greater restrictions, the provisions of this Section shall govern.

**SECTION 605 - INDUSTRIAL USER STRENGTH CHARGE**

**605.01 Purpose.** This Section is intended to establish an industrial user strength charge in addition to the charge based upon the volume of discharge by an industrial user and to establish an industrial user strength charge formula for the computation thereof to recover operation and maintenance costs of waste treatment services attributable to the strength of the discharge of industrial waste into the sewer system and to establish a tax lien against property served in connection with such strength charge.

**605.02 Recitals.** The Metropolitan Waste Control Commission, a metropolitan commission organized and existing under the laws of the State of Minnesota (the "Commission"), in order to receive and retain grants in compliance with the Federal Water Pollution Control Act Amendments of 1972 and regulations thereunder (the "Act"), has determined to impose an industrial user sewer strength charge upon users of the Metropolitan Disposal System (as defined in Minn. Stat., Sec. 473.121, subd. 24) to recover operation and maintenance costs of treatment works attributable to the strength of the discharge of industrial

waste, such sewer strength charge being in addition to the charge based upon the volume of discharge. In order for the City to pay such costs based upon strength of industrial discharge and allocated to it each year by the Commission, it is hereby found, determined and declared to be necessary to establish sewer strength charges and a formula for the computation thereof for all industrial users receiving waste treatment services within or served by the City. Furthermore, Minn. Stat., Sec. 444.075, Subd. 3, empowers the City to make such sewer charge a charge against the owner, lessee, occupant or all of them and certify unpaid charges to the county auditor as a tax lien against the property served.

**605.03        Establishment of Strength Charges.** For the purpose of paying the costs allocated to the City each year by the Commission that are based upon the strength of discharge of all industrial users receiving waste treatment services within or served by the City, there is hereby approved, adopted and established, in addition to the sewer charge based upon the volume of discharge, a sewer charge upon each person, company or corporation receiving waste treatment services within or served by the City, based upon strength of industrial waste discharged into the sewer system of the City (the "Strength Charge").

**605.04        Establishment of Strength Charge Formula.** For the purpose of computation of the Strength Charge established by Subsection 605.03, there is hereby established, approved and adopted in compliance with the Act, the strength charge formula designated from time to time by the Commission, such formula being based upon pollution qualities and difficulty of disposal of the sewage produced through an evaluation of pollution qualities and quantities in excess of an annual average base and the proportionate costs of operation and maintenance of waste treatment services provided by the Commission.

**605.05        Strength Charge Payment.** It is hereby approved, adopted and established that the Strength Charge established by subsection 600.03 shall be paid by each industrial user receiving waste treatment services before the twentieth (20th) day next succeeding the date of billing to such user by or on behalf of the City, and such payment shall be deemed to be delinquent if not so paid to the billing entity before such date. Furthermore, it

is hereby established, approved and adopted that if such payment is not paid before such date an industrial user shall pay interest compounded monthly at the rate of two-thirds of one percent (2/3%) per month on the unpaid balance due.

**605.06 Establishment of Tax Lien.** As provided by Minn. Stat., Sec. 444.075, Subdivision 3, it is hereby approved, adopted and established that if payment of the Strength Charge is not paid before the sixtieth (60th) day next succeeding the date of billing to the industrial user by or on behalf of the City, said delinquent sewer strength charge, plus accrued interest established pursuant to Subsection 600.05, shall be deemed to be a charge against the owner, lessee and occupant of the property served, and the City or its agent shall certify such unpaid delinquent balance to the county auditor with taxes against the property served for collection as other taxes are collected; provided, however, that such certification shall not preclude the City or its agent from recovery of such delinquent sewer strength charge and interest thereon under any other available remedy.

**605.07 Adoption of Minimum Standards.** Appendix E to the Minnesota Individual Sewage Disposal System Code, entitled "Minimum Standards Recommended by the Minnesota Department of Health" is hereby adopted by the City and is incorporated in this Section 605 by reference. One copy of said Appendix E is on file in the office of the City Clerk.

## **SECTION 610 - SANITARY SEWER SYSTEMS GENERAL PROVISIONS**

**610.01 General Operation.** There is hereby established a municipal sanitary sewer system for the City which shall be operated as a public utility and convenience from which revenues will be derived, subject to the provisions of this Section.

**610.02 Connections with Sewer Required.** Any existing building for human habitation or in which a toilet or other plumbing facility for the disposal of human waste is installed and located on property adjacent to a sewer main, or in a platted block through which are system extends, shall be connected to the municipal sanitary sewer system within one year from the date on which a connection is available to such building. All new buildings

constructed within the City on property adjacent to a sewer main or in a platted block through which the municipal sanitary sewer system extends, shall connect to the sanitary sewer system for the disposal of all sanitary wastes.

**610.02 Connections with Sewer Required.** Any existing building for human habitation or in which a toilet or other plumbing facility for the disposal of human waste is installed and located on property adjacent to a sewer main, or in a platted block through which a system extends, shall be connected to the municipal sanitary sewer system within one year from the date on which a connection is available to such building. All new buildings constructed within the City on property adjacent to a sewer main or in a platted block through which the municipal sanitary system extends, shall connect to the sanitary sewer system for the disposal of all sanitary wastes.

**610.03 Permits Required.** Before any person shall connect to the municipal sanitary sewer system, said person must obtain a permit pursuant to subsection 610.05 or be subject to the penalties set out in subsection 610.23.

**610.04 Inspection of Sewer Connections.** The Plumbing Inspector shall inspect all sewer connections made to the municipal sanitary sewer system and excavations for installing or repairing the connections.

**610.05 Permits.** Persons desiring a connection to the municipal sanitary sewer system shall apply to the City for a permit. The application shall be made on blanks furnished by the Clerk and shall be accompanied by plans, specifications and any other information required by the Plumbing Inspector, together with a permit fee of \$10.00 which includes the original inspection fee. The permit fee for new construction shall be \$25.00. When re-inspection is necessary, a fee of \$5.00 for such re-inspection shall be paid. All costs and expenses incident to installation and connection shall be borne by the owner and the owner shall indemnify the City for any loss or damage that may, directly or indirectly, be occasioned by the installation of the sewer connection, including restoring streets and street surfaces. Permits for such connections will be issued only to the property owner or to a person duly licensed to make such connections under the provisions of this Section.

**610.06 Construction Requirements.** All sanitary sewer construction shall be in accordance with the provisions of Section 1200 of this Code and other applicable provisions.

**610.07 Grades.** Unless otherwise authorized all house sewers shall have a grade of not less than 1/8 inch per foot. A grade of 1/4 inch per foot should be used wherever practical. The person to whom the permit is issued shall check grades before construction proceeds. Wherever possible, the connecting sewer shall join the building at an elevation which is below the basement floor of such building.

**610.08 Trenching and Backfilling.** All excavations shall be open-trench work unless otherwise authorized by the City Building Inspector. The foundation in the trench shall be formed in such manner as to prevent any subsequent settling of the pipes. If the Foundation is good firm earth, the earth shall be pared or molded to give a full support to the lower third of each pipe. Bell holes shall be dug to provide ample space for pouring joints. Care must be exercised in backfilling below the centerline of the pipe in order to give it proper support. Backfilling shall be placed in layers and solidly tamped or packed up to one foot above the pipe. Backfilling shall not be done until the section to be backfilled has been inspected and approved by the City Building Inspector. All excavations work must be done in such a manner as to protect workers from cave-ins.

**610.09 Use of Old House Sewers.** No cesspool or septic tank shall be connected to any sewer connections. If any portion of a house sewer is laid across or over any existing cesspool or septic tank, such cesspool or septic tank shall first be pumped clean and filled with earth to the surrounding ground level. Where a connecting sewer is laid across or over any existing cesspool or septic tank, only Cast Iron Soil Pipe, conforming to the A.S.T.M. Standard Specification A-74-42, shall be used for that portion of the connecting sewer which is laid across or over the existing cesspool or septic tank.

**610.10 Existing Septic Tanks to be Filled.** Upon applying for a permit to connect to the municipal sanitary sewer system, the applicant shall agree when applicable to pump out the contents of any cesspool or septic tank then

located on this property and to refill same with non-combustible and non-deteriorating fill to the lot level. The owner or his/her agent shall have such septic tank and/or cesspool pumped and filled within one year from the time that said sewer connection is completed.

**610.11 Connections at "Y" Only.** Every connecting sewer shall be connected to the municipal sewer system at the "Y" or sewer connection stubs designated for the property served by the connection, except where otherwise expressly authorized by the Plumbing Inspector which authorization shall be in writing. Connections so authorized by the Plumbing Inspector shall be made only under his/her direct supervision and in such manner as he/she may direct.

**610.12 Tunneling.** Tunneling for distances or not more than the area between each connecting joint is permissible in yards, courts, driveways, or beneath basement floors of any building site.

**610.13 Independent Systems.** The drainage and plumbing system of each new building and of new work installed in any existing building shall be separate from, and independent of, that of any other building. Where one existing building stands to the rear of another building 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 drain from the front building may be extended to the rear building and the whole will be considered as one building drain. Where such a building drain is extended, a cleanout shall be provided immediately inside the rear wall of the front building.

**610.14 Independent System-of Way.** No connection to the municipal sanitary sewer system shall be finally approved until all streets, pavements, curbs, and boulevards or other public improvements thereon have been restored to their former condition to the satisfaction of the City Building Inspector.

**610.15 Types of Waste Prohibited.**

Subd. 1 Unlawful Waters or Wastes. It is unlawful to discharge any of the following described waters or wastes into the municipal sanitary sewer system:

(a) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.

(b) Any water or waste containing more than 100 parts per million by weight of fat, oil or grease.

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

(d) Any garbage that has not been properly shredded.

(e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works.

(f) Any waters or waste having a pH lower than 5.5 or higher than 9.5 or having any other property to corrode or abrade, cause materials to be deposited or attached to the walls of sewers, or having any other property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(g) Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

(h) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(i) Grease, oil and sand interceptors shall be provided when, in the opinion of the City Building Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any inflammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private dwelling units which discharge only normal wastes therefrom. Such grease and oil interceptors shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. All grease oil and sand interceptors shall be maintained by the owner, at

his/her expense, in continuously efficient operation at all times.

Subd. 2 Industrial Wastes. It shall be unlawful to discharge into the municipal sanitary sewer system any industrial wastes unless the prior approval of the City Building Inspector is obtained. The City Building Inspector shall approve the discharge of industrial wastes when, in his/her opinion, the proposed wastes will not be of an unusual amount or character.

Subd. 3 Review and Approval. The admission into the public sewers of any waters or wastes having (1) a 5-day Biochemical Oxygen demand greater than 300 parts per million by weight, or (2) containing more than 300 parts per million by weight of suspended solids, or (3) having an average daily flow greater than two percent of the average daily sewage flow of the City, shall be subject to the review and approval of the Plumbing Inspector. The owner shall provide, at his/her expense, such preliminary treatment as may be necessary to, (1) reduce the Biochemical Oxygen Demand to 300 parts per million and the suspended solids to 300 parts per million by weight, or (2) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Council. No construction of such facilities shall be commenced until proper approvals are obtained in writing.

Subd. 4 Preliminary Treatment Facilities. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained, continuously in satisfactory and effective operation, by the owner at his/her expense.

Subd. 5 Control Manholes. The owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City Building Inspector. The manhole shall be installed by the owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times.

Subd. 6 Measurement and Analysis. All measurement tests and analyses of the characteristics of waters and wastes to which reference is made shall be determined in accordance with methods employed by the Minnesota Department of Health, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Subd. 7 Other Unlawful Wastes. It shall be unlawful to discharge or cause to be discharged into the municipal sewer system, either directly or indirectly, any roof, storm, surface or ground water of any type or kind, or water discharged from any air conditioning unit or system.

**610.16 Tampering with Municipal Sewer System Prohibited**. No person shall maliciously, or willfully damage, destroy, uncover, deface or tamper with any part of the municipal sewer system.

**610.17 Entry Upon Private Property**. The City Building Inspector and other duly authorized employees of the City, bearing proper credentials and identification, shall at reasonable times be permitted to enter upon all properties connected to the municipal sanitary sewer system for the purpose of testing in connection with the operation of the municipal sewer system.

**610.18 Maintenance of Sewer**. Each property owner shall be responsible at all times for the sewer line from his/her building to the sanitary sewer main line in the street and shall have the obligation to keep said connection in good repair, to the end that there shall be no interference of obstruction to the sewer system as a whole. The Building Inspector is authorized to make such inspections of the sewer connections as he/she may deem necessary to accomplish this purpose, and the property owner shall be responsible for carrying out such instructions as the Building Inspector deems necessary to accomplish this purpose.

**610.19 Rates**. Rates and charges for the use and service of the sanitary sewer system shall be established by resolution of the Utilities Commission.

**610.20 Additional Connection Charge.** Any person that does not connect to the municipal sanitary sewer system within 12 months after said sanitary sewer service is deemed available by action of the Utilities Commission, may be required to pay, in addition to all other charges enumerated above or by resolution of the Utilities Commission, the service connection charge imposed on the City by the Metropolitan Waste Control Commission, plus any additional charges set by the Utilities Commission.

**SECTION 615 - REGULATING THE OPERATION OF PUBLIC WATER SYSTEM**

**615.01 Lawn Sprinkling Restrictions.** The use of the municipal water system for lawn sprinkling and/or gardens shall be regulated as provided in this section. The sprinkling of lawns will be restricted to odd/even each year from June 1 through August 31. All properties with addresses that end with an odd number may be sprinkled only on odd numbered days, and properties with addresses that end with an even number may be sprinkled only on even numbered days. No sprinkling shall occur on any day between the hours of 10:00 AM and 7:00 PM. This section applies only to those individuals drawing water for sprinkling from the city supply.

**615.02 Additional Restrictions.** In the case of a severe shortage the City Administrator, subject to review of the Utilities Commission, is authorized to impose additional restrictions to provide for the safe operation of the municipal water supply.

**615.03 Violation.** No person shall cause water to be used in violation of the provisions of this Section.

**SECTION 620 - SEWERS AND DRAINS**

**620.01 Definitions.** Unless the context otherwise indicates, the following terms have the meanings stated:

Subd. 1 Sewage Works. All facilities for collecting, pumping, treating and disposing of sewage.

Subd. 2 Sewage. A combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

Subd. 3 Sewer. A pipe or conduit for carrying sewage.

Subd. 4 Public Sewer. A sewer owned or controlled by public authority, and available for public use.

Subd. 5 Combined Sewer. A sewer receiving both surface runoff and sewage.

Subd. 6 Sanitary Sewer. A sewer which carries sewage and to which storm, surface and ground waters are excluded and not intentionally admitted.

Subd. 7 Industrial Wastes. Liquid wastes from industrial processes as distinct from sanitary sewage.

Subd. 8 Building Drain. The piping of a drainage system inside the walls of a building and within five (5) feet outside the inner face of the building wall which receives the discharge from soil, waste, and other drainage pipes inside the walls and conveys such discharge to the building sewer outside.

Subd. 9 Building Sewer. The extension of the building drain to the public sewer or other place of disposal.

Subd. 10 District. North Suburban Sanitary Sewer District, or where appropriate its Board of Trustees or an authorized representative or employee of the District.

Subd. 11 Municipality. Any city, village, town, district, or other governmental unit having powers of a municipality under law.

Subd. 12 Street. Highway, road, alley, or other public thoroughfare.

#### **620.02 Use of Public Sewers Required.**

Subd. 1 Sewage and Industrial Waste. It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon any public or private property within the District, or in any area under and

subject to the jurisdiction of said District, any human or animal excrement, garbage, or other waste which is generally objectionable and which is ordinarily regarded as sewage or industrial wastes.

Subd. 2 Treatment Required. It is unlawful to discharge, place, deposit or permit to be deposited or to be disposed through a sewage system to any natural outlet within said District, or in any area under and subject to the jurisdiction of said District, any sanitary sewage, industrial waste, or other polluted waters, except in accordance with provisions of this Section, and with suitable treatment thereof as required.

Subd. 3 Construction of Sewage Disposal Facilities. Except as herein and under this Section of any municipality, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of sewage, or the disposal of any other type waste which pollute any waters of the state within the District.

Subd. 4 Suitable Toilet Facilities. The owner of every house, building or property used for human occupancy employment, recreation or other purposes, which is situated within the District and which abuts upon any street, alley or right-of-way in which there is now or hereafter located a public sewer available for inter-connection to such property is required at such owner's expense to install suitable toilet facilities therein, and to connect such facilities directly to such public sewer, and in accordance with the provisions of this Section within thirty (30) days after the date of any official notice so to do. No such connection shall be required, however, unless such public sewer is located and available for connection at a point within one hundred (100) feet of the property line of the premises concerned.

Subd. 5 Separate Building Sewer. A separate and independent building sewer is required for every building, except where the location of the sewer is required for every building, except where the location of the sewer and the building to be connected reasonable required otherwise, as in the case where one building stands at the rear of another on an interior lot and no private sewer is available or can reasonably be constructed to the rear building through an adjoining alley, courtyard, or

driveway, or right-of-way (in which case the building sewer from the front the front building may be extended from the outside of the front building to the rear building and the whole considered as one building sewer). Such an exception is allowed only by special permit granted by and obtained from the District premises affected are located. No statement or requirement contained in this Section shall be construed so as to prohibit additional requirements as may be imposed by and within any municipality located within the District.

**620.03 Public Sewers; Unpolluted Waters Prohibited.**

Subd. 1 Prohibited Discharges. No person shall discharge or cause to be discharged, directly or indirectly, to any sanitary sewer any of the following: storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters. Discharges prohibited herein include but are not limited to:

- (a) Direct or indirect drainage of flooded streets or intersections through any manhole openings or other openings into a sanitary sewer or any part of the sewer system.
- (b) Direct or indirect drainage of groundwater from any footing or foundation drainage system.
- (c) Groundwater or surface water from any building or basement therein where a footing or foundation drainage system is not provided or is not effective.
- (d) Direct or indirect discharge of waste water from an air conditioner or similar appliance or device.

**620.04 Dangerous and Harmful Waste Substances Prohibited.**

No person shall discharge or cause to be discharged, directly or indirectly, to any public sanitary sewer any of the following described waters or waste substances, which waters or waste substances are deemed to be dangerous to human life or injurious to the public sewer system, and which are absolutely prohibited without condition, namely:

- (a) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

(b) Water or waste having a pH (Hydrogen ion concentration) in excess of 9.5 (the limit of alkalinity allowed).

(c) Water or waste having a pH lower than 5.5 (the limit of acidity allowed), or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage system.

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

(e) Liquid or vapor having a temperature higher than 150 degrees Fahrenheit.

(f) Water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l (milligram per liter); or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit.

(g) Other water and waste substances known by the person discharging the same to be similarly dangerous to human life or injurious to the public sewer system, for which no special treatment (of a kind approved and specifically permitted by the District) is given (to such substances) prior to discharge into the sanitary sewer.

**620.05 Public Sewers; Materials Prohibited or Allowed Upon Condition.** No person shall discharge or cause to be discharged to any public sanitary sewers any of the following substances, materials, waters, or wastes (as hereinafter described) when it appears likely, upon a finding of the District, that such substances and wastes

may have a deleterious effect upon the sewers, sewage treatment plant, treatment process, equipment, or receiving waters; or otherwise may create a hazard to life, limb or property, or constitute a public nuisance. In making a finding and determination as to the acceptability of any such wastes, the District may give consideration to such factors as: the quantities of the subject waste in relation to flows and velocity in the sewer; the materials of construction of the sewer; the nature of the sewage treatment processes; the capacity of the sewage treatment plant; the suitability of proposals for pretreatment of waters and wastes; and other factors deemed pertinent by the District. Without such prior finding and determination of acceptability by the District, the following are prohibited, namely;

(a) Garbage that is not sufficiently and properly shredded, and in a manner approved by the District.

(b) Water and waste containing strong acid pickling Wastes, or concentrated plating solutions, whether neutralized or not.

(c) Water or waste containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or waste exerting excessive chlorine requirement; to such degree that any such material received in the composite sewage at the sewage treatment plant exceeds the limits established by the District for such materials.

(d) Water or waste containing phenols or other taste or odor-producing substances, in concentrations exceeding limits which may be established by the District as necessary, after treatment of the composite sewage, to meet the requirements (of the state, federal, or other public agencies of jurisdiction) for such discharge to the receiving waters.

(e) Any radioactive waste or isotope of such half-life or concentration as may exceed limits established by the District (in compliance with applicable state or federal regulations).

(f) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries or residues) or of dissolved solids (such as,

but not limited to, sodium chloride and sodium sulfate),

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

(h) Water or waste with a BOD (biochemical oxygen demand) greater than 300 milligrams per liter or containing suspended solids in excess of 300 milligrams per liter, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant.

(i) Unusual volume of flow or concentration of wastes constituting "slugs".

(j) Water or waste containing substances which are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

**620.06 Reservations and Limitations on Discharge Upon Condition.**

Subd. 1 Prohibited Materials Found. Whenever any water or waste discharged or proposed to be discharged to the public sewers contains a substance or possesses the characteristics enumerated in subsection 620.05 hereinabove (of this Section) and such water or waste, in the judgment of the District, may have a deleterious effect upon the sewers, sewage treatment plant processes, equipment, or receiving waters; or such water or waste may create a hazard to life, limb, property or constitute a public nuisance, the District may do any one or all of the following:

(a) Reject the water or waste concerned and prohibit its discharge into any public sewer;

(b) Require pre-treatment (to a condition acceptable to the District for discharge to the public Sewers);

(c) Require control over the quantities and rates of discharge; or

(d) Require special payments (to cover any added cost of handling and treating the waste not covered by any

existing charges imposed for the collection, treatment and disposal of sewage and wastes generally).

Subd. 2 Pre-treatment and Equalization. Such pre-treatment and equalization of waste flows, and the design and installation of the plants and equipment provided and installed for such purposes, and the approval thereof, is subject at all times to the further examination, review and approval by the District; and, is subject always to the requirement of continued compliance with all codes, ordinances and laws applicable thereto. No such examination, review and approval shall at any time be deemed a waiver of the right of the District to prohibit any discharge deemed harmful or injurious as hereinabove otherwise provided.

Subd. 3 Interceptors. Grease, oil, and sand interceptors are required, and shall be provided and maintained by and at the expense of the owner of any premises (with respect to any water or waste discharged) when in the opinion of the District they are necessary for the proper handling (in any discharge) of liquid waste containing grease in excessive amounts, or any flammable waste, sand, or other harmful ingredient. Such interceptors are not, however, required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the District, and shall be so located as to be readily and easily accessible for cleaning and inspection.

Subd. 4 Special Permit. Where, under special permit from the District, preliminary treatment or flow-equalizing facilities are provided (for any water or waste), they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.

Subd. 5 Special Agreements. No provision or statement herein shall be so construed as to prevent any special agreement or arrangement between the District and any person whereby an industrial waste of unusual strength or character may be accepted by the District for treatment and disposal (subject to payment therefore by such person as may be deemed appropriate by the District).

**620.07 Review and Amendment Regarding Industrial Wastes Committee.**

Subd. 1 Industrial Wastes Committee. The provisions of this Section relating to industrial wastes shall be reviewed at intervals, not exceeding three years, by an Industrial Wastes Committee of the District. Such Committee shall consist of seven members appointed by the District, each member to have such qualifications and knowledge of sanitary engineering, industry and industrial wastes, water pollution and pollution control as the District shall by resolution find appropriate.

Subd. 2 Objective of the Committee. The objective of the Committee is and shall be to review this Section in order to assess the continued applicability of its provisions, and to consider any recommendations proposed for its improvements as well as to determine if and what changes are advisable due to advances in the technical methods or processes of waste treatment as are available to the District. Such review shall also be made at other times as may be ordered by the District.

Subd. 3 Findings and Recommendations. The Committee shall report to the District upon its findings and the recommendations of its periodic review. The District will take such action in amending this Section as it then deems advisable and provided by law.

**620.08 District Sewers and Connection Thereto.**

Subd. 1 Permit Required. It is unlawful for any person, without first obtaining a written permit issued by the District so to do, to interconnect any sewer, private or public, with any sewer of the District, or to make use in any way of a sewage disposal facility of the District, without the prior consent and authorization in writing issued by the District. No person shall uncover, make any connection with or opening into, use, alter, or disturb any sewer or appurtenances thereto of the District without a written authorization of the District. Except in those special instances where the District may permit the work of a particular connection (by a municipality into or with a District sewer facility) to be made by a municipality (under plans and specifications therefore previously submitted by the municipality and approved by the District), the actual work necessary to any connection into

a District sewer, or other sewage disposal facility, shall be performed only by the District, its representatives and employees, (with the necessary expense and cost thereof charged to and collected from the person for whose benefit such work was performed). All such connections and work, by whomsoever performed, are nevertheless subject to the examination, inspection and approval of the District; and where found to be deficient or defective, in any way, may be rejected by the District, and required to be replaced or redone (at the cost and expense of the person for whose benefit the same were made whenever not performed by the District, its representatives or employees). Nothing herein limits or prevents any municipality (or other governmental unit) owning or having a sewer or sewage disposal facility under its control or jurisdiction from requiring that all work thereon be performed only by its own representatives and employees.

Subd. 2 Written Notices for Construction. It is unlawful to locate, construct or install within the District an interceptor main or lateral sanitary sewer before giving notice in writing and submitting plans and specifications for construction thereof to the District, and obtaining from the District an approval and permit. This provision does not apply to a building sewer or other similar sewer constructed under a permit from the local municipality where the sewer is for the sole purpose of providing a service connection to a single premise or parcel of land, but the requirement is otherwise applicable, unless previously waived by the District, to every sanitary sewer, public or private, intended or reasonably capable of being used for the purpose of making multiple service connections thereto and being connected thereafter (directly or indirectly) to the sewage disposal facilities of the District or of another sewage disposal authority. Plans and specifications for construction shall conform and be in accordance with established and approved plans and specifications of the District, as related to construction.

Subd. 3 District Approval Required. A connection to a District sewer or other sewage disposal facility shall be made only at allocation and in a manner approved by the District. The sewer and any appurtenance so connected shall be in type, size, design and material approved by the District, free of fault or defect in composition, construction or operation, with all joints water and gas

tight, so that infiltration therein of any ground water or material not intended therein is prevented or reduced to a reasonable minimum. Any sewer and appurtenance so connected and found with fault or defect, whether in material, construction or operation, may be ordered removed by the District and replaced or otherwise ordered corrected and repaired as found appropriate by the District; and the cost thereof, as well as any loss or damage caused the District by reason of such fault or defect, may be charged against the person found responsible therefore.

Subd. 4 Compliance With Specifications. All construction shall be performed strictly and only in compliance with plans and specifications approved and not otherwise. Upon completion of such sewer or appurtenance (whether or not then connected to a District facility), a copy of the "as built" plans and specifications and a map or plat showing the location thereof shall be filed with and made a part of the permanent records of the District. Such "as built" plans and specifications and map or plat shall be furnished without cost to the District and shall be uniform and conform in respect to size, scale, material, durability, and otherwise, with the records of the District.

Where appropriate the District may waive or excuse any of the above requirements in favor of a Municipality or other person so long as construction and work performed with respect to any such sewer or appurtenance conforms to that established for the District, and records thereof are otherwise preserved or found not necessary to the District.

#### **620.09 Building Sewers and Connections Thereto.**

Subd. 1 Public Sewer Connections. In addition to those provisions of this Section, otherwise applicable in general, it is specifically provided herein that no person shall, for the purpose of making a connection between a building and any public sewer uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereto without first obtaining a written permit so to do from the District and the municipality in which such connection is to be made. The District may delegate the authority to process any application and issue any permit of the District and to perform any examination and inspection of work performed

thereon to the municipality or to a designated representative.

Subd. 2 Costs and Expenses. All costs and expenses incident to the installation and connection of a building sewer are the expense of and to be borne by the owner. The owner (or the person installing the building sewer for said owner) shall indemnify the District and such municipality against loss or damage that may directly or indirectly result from said installation.

Subd. 3 Separate Sewer Required. A separate and independent building sewer is required for every building, except as allowed under provisions of Subd. 4.

Subd. 4 Old Building Sewers. An old building sewer, or portions thereof, may be used in connection with a new building only when found upon examination and test by the District to meet all requirements of the District.

Subd. 5 Old Building Sewer Requirements. All building sewers shall be constructed of one of the following, or an equal approved by the District, namely: Vitrified Clay Sewer Pipe and Fittings meeting then current (at the time of use) A.S.T.M. (American Society for Testing Materials) Specifications for Standard or Extra Strength Clay Sewer Pipe; Extra heavy Cast Iron Soil Pipe meeting the current A.S.T.M. Specifications or the Department of Commerce (U.S.A.) Commercial Standards for Extra heavy Cast Iron Soil Pipe and Fittings; or Asbestos-Cement Sewer Pipe meeting the Standard Specification for transite asbestos-cement house connection pipe with ring type couplings. When installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that vitrified clay pipe may be installed where it is laid on a suitable improved bed or cradle of a type approved by the District. The use of materials such as wrapped paper tubing or any material other than as is specifically approved is unlawful and prohibited.

Subd. 6 Joint Requirements. All joints and connections in any building sewer shall meet the State Plumbing Code at all times. Vitrified clay sewer pipe shall be fitted with factory made Resilient Compression Joints meeting the A.S.T.M. "Specifications for Vitrified Clay Pipe Joints Having Resilient Properties" (Designation C425). Before the pipe (in the trench) shall be joined together, the bell and

spigot surfaces shall be wiped free of dirt or other foreign matter. A lubricant or sealer (as recommended by the particular pipe manufacturer) shall then be applied to the bell and spigot mating surfaces (just) before such surfaces are joined together. The spigot end shall then be positioned into the bell end of the pipe (previously laid) and shall be so compressed into the joint as to assure a tight fitting between the interfaces of the bell and spigot.

Joints for cast iron soil pipe shall be made by first inserting therein a roll of hemp or jute (in an approved manner) and then by thoroughly caulking it into place, followed with the insertion (therein) .of pure molten lead, well caulked, and not less than one (1) inch deep. No paint, varnish or putty shall be placed in any joint until such joint has been tested and approved.

Subd. 7 Other Requirements. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for installation of al building sewer shall be open trench work unless otherwise approved by the municipality. Pipe laying and back full shall be performed in accordance with A.S.T.M. Specifications (Designation C12). Where dewatering is required to conform to A.S.T.M. Specifications, groundwater removed (from the trench area) shall not be discharged into or permitted to enter any sanitary sewer.

**620.10 District Powers and Authority Relating to Entry and Inspection.** All properties and premises within the District are open to reasonable entry by the District, its authorized representative and employees, for the purpose of making an inspection, observation, measurement, sampling and testing of any water or waste discharged or to be discharged from said premises, and as well all equipment and appliances connected or to be connected therewith, as the District deems necessary to the proper operation and administration of the facilities of the District. Entry and inspection shall be made by the District only at times as are reasonable, and except in case of an emergency only upon prior notice to the owner or occupant of the premises. At all times entry shall be in a manner consistent with all applicable laws relating thereto. The authorized representative and employee of the District shall, on

entry, carry upon his/her person and exhibit upon demand of an owner or occupant of the premises such identification of his/her person and authority for entry as may be provided by the District. Entry for the purposes above noted is likewise authorized with respect to premises outside the District when sewage facilities thereon are interconnected with and receive disposal services through facilities of the District.

**620.11 Inspection and Control: Facilities Required; Liability for Injury of Person and Damage to Property.**

Subd. 1 Control Manhole. When required by the District, the owner of property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer, to facilitate observation, sampling, and measurement of the waste as required by the District. The manhole, when required, and all facilities shall be accessible and safely located and shall be constructed in accordance with plans approved by the District. The manhole, all meters and other appurtenances shall be installed by the owner at his/her expense, and maintained by him/her so as to be safe and accessible at all times for inspection.

Subd. 2 Authorized Inspection. The District, its duly authorized representatives or employees (bearing proper credentials and identification), is permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Section, but neither the District, not its representative or employee has authority to inquire into any process, including metallurgical, chemical, oil, refining, ceramic, paper, or other type industry beyond the point therein which has a direct bearing on the kind and source of discharge to sewers or waterways or facilities for waste treatment.

Subd. 3 Testing. All measurements, tests, and analyses of the characteristics of water and waste to which reference is made in this Section shall be determined in accordance with "Standard Methods for the Examination of Water and Wastewater", and shall be determined at the control manhole. In the event that no special manhole has

been required, the "control" manhole shall be considered to be the manhole in the public sewer nearest downstream from the point at which the building sewer is connected.

Subd. 4 Sampling. All sampling shall be carried out by methods customarily accepted to reflect the effect of constituents upon the sewerage works and to determine the existence of hazards to life, limb and property. The particular analyses to be made will determine whether composite or grab samples shall be taken. Normally BOD and suspended solids analyses will be obtained from 24-hour composites of all outfalls whereas pH will be determined from periodic grab samples.

Subd. 5 Liability. While performing work necessary to the District on private property of any company, employees of the District are required to observe all safety rules applicable to the premises established by such company. The company shall be held harmless for injury or death to the District employees, and the District shall indemnify the company against loss or damage to its property caused by District employees, or against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gaging and sampling operation, except as the same may be caused by the negligence or failure of the company to maintain safe conditions.

Subd. 6 Willful Damage. Any person who shall without prior lawful authorization of the District maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the District sewage works, is subject to immediate arrest and punishment therefore, as well as liability for loss or damage suffered by the District.

**620.12 Sewerage Connection Charges and Service Uses, Charges and Rates**. For the purpose of providing moneys necessary to the construction, maintenance and operation of the sewage disposal system, and as well additions thereto, or extensions thereof, including payment of principal and interest due or accruing on bonds and other obligations issued or incurred to finance such construction, maintenance and operation, there is hereby charged (to be collected by the District with respect to each lot, parcel

of land, building, or premises, having any connection, direct or indirect, with the sewerage system of the District, or otherwise discharging sewage, industrial waste, water or other liquid, directly or indirectly, into the District sewerage system of the District) all charges set by the Commission.

**620.13 Connection With and Use of District System Without Compliance Prohibited.** No connection to the sewage disposal system of the District shall be made (directly or indirectly) from any premises, and no use of a connection from the premises to the system of the District shall be continued in use except in strict compliance with the provisions of this Section (whether such connection be made and be put in use by a Municipality or other governmental authority, a person, corporation, or otherwise). Failure to comply with the provisions of this Section, whether as to connection or use of the District system or payment of charged imposed and to be collected with respect thereto, subjects an offender to a disconnection and termination of use, claim for loss or damage sustained by the District, and also all provisions and penalties imposed by law (under this Section, any other Section, or rules and regulations of the District).

**620.14 Permit, Connection Charge and Use Charge Payment Required and Provided.**

Subd. 1 Permit Requirement. Except where a different method is provided under agreement with a Municipality, (or other governmental authority), a person, corporation, or otherwise, no connection from any premises to the system of the District is authorized without there being first obtained for such connection a permit issued by and from the District. No permit may be obtained from the District, and no representative of the District is authorized to issue a permit for a connection unless and until an authorized representative of the District receives and approves an application for such connection, determines and establishes the type of connection to be made and the number of "Residential Equivalent Connections" represented thereby, and also, unless by approval of the District such payment is deferred or is to be made in installments, there is received by the District, a sum of money as and for the "Connection Charge" imposed and to be collected by the District with respect to such connection under the terms and provisions of this Section. The Clerk of the District

shall prepare, provide for, and furnish any form and instrument found necessary to the connection applications and permits of the District and perform all acts reasonably required with respect thereto. Applications and permits shall be uniform, in accordance with this Section, and in form and content shall be substantially the same as noted and provided in the form thereof attached hereto as Exhibits B and C respectively.

Subd. 2 Two Permit Types. The permits issued by the District with respect to individual connections are two types, namely: Class I and Class II.

(a) Class I permits include and are issued with respect to all of the connections of the type noted and included in the schedule of Residential Equivalent Connections (made a part of this Section as Exhibit A).

(b) Class II permits include and are issued with respect to connections of a type not so noted or included within the schedule contained in Exhibit A.

(c) Upon prior authority granted and obtained in writing from the District, a Municipality may approve and allow a connection to a Municipal sewer within such Municipality from premises in the Municipality for which a Class I permit of the District is to be issued by forwarding application therefore as provided by such authorization together with payment of charges imposed and due with respect thereto as required by the District. Such authorization in favor of a Municipality may be withdrawn for good cause. Until authority is withdrawn permit by a Municipality shall be deemed the approval and permit of the District.

(d) A Class I permit may also be issued within a Municipality by a deputy clerk (or other representative) of the District appointed for the purpose by the District under the provisions of 620.09 Subd. 9 of this Code.

Subd. 3 Equivalent to "Use Charge". A connection, once made, shall not nevertheless, thereafter be continued in use, except and unless there is paid and received by the District with respect to such connection (and each "Residential Equivalent Connection" represented thereby) a

sum of money at least equal to the "Use Charge" imposed and to be collected by the District (with respect to such connection) for each quarterly period of time that such connection exists, whether such connection is then being actively used or otherwise. Except where payment of such "Use Charge is made for the use and benefit of the owner or occupant of the premises affected by the Municipality or other governmental authority within which such premises are located, such "Use Charge" shall be promptly paid when due by the owner (or occupant) of the premises affected directly to the District for the (quarterly) period of use represented by such payment. Such "Use Charge" imposed and collected by the District and payable by any Municipality (or other governmental authority) with respect to any premises shall likewise be payable promptly and when due from any Municipality (or other governmental authority) to the District for each (quarterly) period of such connection and use.

Subd. 4 Further Determination and Establishment.  
The determination and establishment in the first instance of the number of "Residential Equivalent Connections" represented by a connection, (especially when made by estimate based upon representations of the owner or occupant of the premises) and the amount of "connection charge" and "use charge" to be paid therefore are at all times subject to further determination and establishment (after the connection has been made and used) by an actual measurement by the District of the sewage or waste discharge from such connection and entering into the system of the District. The receipt and acceptance by the District of any money paid and received by the District, either for "connection charges" or "use charges" as previously imposed does not bar the District's right to payment of the correct amount of money due therefore, as may be determined and established by actual measurement; and the District's right to recover therefore is not impaired. Whenever a substantial increase or change is made in the nature or the use of any premises, an increase in the amount of the discharge from the premises into the system of the District shall be presumed, and an adjustment in the "connection and "use" charges shall be made as necessary to protect the interests of the District and the successful operation of its system. After a connection has been made and the connection charge established, imposed and paid, no diminution in discharge from the premises shall be presumed by any change made shall entitle the owner (or occupant)

against the District to a reduction, reimbursement or refund with respect to the connection charge imposed and paid.

**620.15 Enforcement and Uniformity Required.** To effect the orderly enforcement and uniform administration of the provisions of this Section, as well as the rules and regulations of the District (necessary to the proper construction, maintenance and operation of the system of the District), full and strict compliance with the ordinances and strict enforcement of these provisions are required of each Municipality with a system of sewage collection which is interconnected in any way with the system of the District as a condition of continued use and service by facilities of the District. The provisions and requirements of this Section may be incorporated in and made a part of any local ordinance. Failure by any Municipality to incorporate the provisions of this Section and the requirements contained herein into the laws, rules and regulations of the Municipality applicable to connection and use of the Municipal sewage collection system as is interconnected with that of the District subjects such Municipality and any lands and premises therein to action of the District relative thereto deemed proper by the District, including termination of services, where such failure of enactment and enforcement causes or allows damage, loss or injury to the District or any of its facilities. Enforcement by a Municipality of any local code, requirement or provision may be requested or directed by the District whenever the District finds such enforcement appropriate, and the District may also, whenever it is found proper, act to enforce any such requirements or provisions directly; all as found necessary to the orderly enforcement and uniform administration of this Section.