

Ordinance # 93
AN ORDINANCE PERTAINING TO WATER AND WASTEWATER
RULES, REGULATIONS, AND PENALTIES

Sect. 1 Definitions. As used in this Ordinance, the following words and terms shall have the meanings stated:

- a. City: The area within the corporate boundaries of the city of Vernon Center 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 Vernon Center City Council and its authorized representative.
- b. Utility: All utility services, whether the same be public City-owned facilities or furnished by public utility companies.
- c. Municipal Utility: Any City-owned utility system or utility provided pursuant to contract with the City, including, but not by way of limitation, water, sewerage, and refuse service.
- d. Company, Grantee, and Franchisee: Any public utility system to which a franchise has been granted by the City.
- e. Consumer and Customer: Any landowner with a building structure and physical connection to municipal water and/or sewer utility.
- f. Service: Providing a particular utility to a customer or consumer.

Sect. 2 Fixing Rates and Charges for Municipal Utilities.

- a. All rates and charges for municipal utilities, including, but not by way of limitation, rates for service, permit fees, deposit, connection and meter testing fees, disconnection fees, reconnection fees including penalties for non-payment if any, shall be subject to a fee schedule, determined and amended annually by the Council and adopted by resolution. Such resolution, containing the effective date thereof, shall be kept on file and open to inspection in the office of the City Clerk-Treasurer and shall be uniformly enforced. For the purpose of fixing such rates and charges, the Council may categorize and classify under the various types of service, provided, that such categorization and classification shall be included in the resolution authorized by this Section.

Sect. 3 Contractual Contents.

- a. 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.

Sect. 4 Rules and Regulations Relating to Municipal Utilities.

- a. **Billing, Payment and Delinquency.** All municipal utilities shall be billed monthly and a utilities statement or statements shall be provided to each consumer. All utilities charges shall be delinquent if they are unpaid at the close of business on the last calendar day of the month following such billing, provided, that if the last calendar day of the month 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 as listed on a fee schedule, determined and amended annually by the Council and adopted by resolution shall be added to, and become part of, all delinquent utility bills. If service is suspended due to delinquency it shall not be restored at that location until any disconnect and reconnect charges have been paid for each utility and all amounts owed for service and penalties have been paid.
- b. **Application, Connection and Sale of Service.** Application for municipal utility services shall be made upon forms supplied by the City, and strictly in accordance therewith. No connection shall be made until consent has been received from the City 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.
- c. **Discontinuance of Service.** All municipal utilities may be shut off or discontinued whenever it is found that:
 1. 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,
 2. 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 thirty (30) days after notice thereof, or,
 3. A Point-of-Sale Certification is not completed as stated in Section 5, or the owner does not correct within 12 months any deficiency identified during Point-of-Sale inspection.
 4. There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefore,

Provided, however, that utility services shall not be shut off or discontinued until the property owner or occupant, as the case may be, has been provided with notice of such termination in accordance with the procedures detailed in paragraph (d) of this section.

- d. **Discontinuance Procedure.**
 1. When an account is past due, or the account is otherwise subject to discontinuance as authorized herein, the City shall send the property owner, at the service address

and at any other address provided in writing by the property owner to the City, a notice of delinquency and intent to discontinue service, which notice shall state the date and time service will be terminated, which shall be no less than twenty (20) days of the date after the date of the notice, the reason for termination, the person to contact and how to contact that person to whom the property owner should speak if they believe that the bill is erroneous, and the action, if any, that the property owner can take to prevent the discontinuance of service.

2. Ten (10) days after the initial notice of delinquency and intent to discontinue service, a reminder notice shall be sent to the property owner at the service address and at any other address provided in writing by the property owner to the City reminding the property owner of the intent of the City to discontinue service, stating the date and time service will be terminated, the reason for the termination, and reiterating the action, if any, that the property owner can take to prevent the discontinuance of service.
 3. If the account is not brought current within the time prescribed in the notice, the City may, at its option, shut off the water service line at the curb stop.
 4. Disconnection of water service for delinquent payment will not occur on a Friday or the day before a national holiday. All rules and regulations of Minnesota Chapter 235, Article 2 of the "Cold Weather Rule" will be followed.
 5. Once discontinued, service shall not be restored until the account is brought current by paying the full balance due on the account, including all charges for service, penalties, disconnect and reconnect fees as fixed, determined and amended by the Council and adopted by Resolution in accordance with Section 2.
 6. Regardless of whether the City exercises its right to discontinuation of service, the City reserves the right to assess unpaid water and sewer bills as a part of a special assessment against the property.
 7. Until building structure is removed and water line is shut off at curb stop and/or sewer service(s) are physically disconnected and capped at property line as approved by the City, property is subject at a minimum to the respective base fees regardless of a lack of water consumption or sewer discharge.
- e. **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 of portion thereof. Provided, however, that private facilities and appurtenances constructed on private property are not intended to be included in municipal ownership.
- f. **Right of Entry.** By applying for, or receiving, a municipal utility service, a customer irrevocably consents and agrees that any City employee acting within the course and scope of their employment may enter into and upon the private property of the customer, including dwellings and other buildings, at all reasonable times under the circumstances,

in or upon which private property a municipal utility, or connection therewith, is installed, for the purpose of inspecting, sampling at any location, repairing, reading meters, connecting or disconnecting the municipal utility service.

Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with any security guard so that upon presentation of suitable identification, the City, MPCA, MDH and/or EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities which include inspection, sampling, repairs, reading meters, connecting or disconnecting the municipal utility service.

- g. **Meter Test.** Whenever a consumer shall request the City to test any utility meter in use by the consumer, such a request shall be accompanied by a cash deposit set by a fee schedule, for each meter to be tested. If any such meter is found to be inaccurate the same shall be replaced with an accurate meter and the deposit thereon refunded. If the meter shall be found to be accurate in its recordings or calculations it shall be reinstalled and the deposit may be retained by the City to defray the cost of such test.

h. **Unlawful Acts.**

1. 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.
2. 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.
3. 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.
4. It is unlawful for any person to "jumper," or by any means or device fully or partially circumvent, a municipal utility meter.
5. It is unlawful for any person to knowingly use or consume unmetered utilities or use the services of any utility system, the use of which the property billing authorities have no knowledge.

i. **Municipal Utility Services and Charges a Lien.**

1. Payment for all municipal utilities (as that term is defined in Section 1(b)) service and charges shall be the primary responsibility of the fee owner of the premises served and shall be billed to such owner unless otherwise contracted for and authorized in writing by the fee owner and any other person (such as a tenant,

contract purchaser, manager, etc.), as agent for the fee owner, and consented to by the City of Vernon Center, Minnesota. The City may collect the same in a civil action or, in the alternative and at the option of the City, as otherwise provided in this Subdivision.

2. Each such account is hereby made a lien upon the premises served. All such accounts which are more than thirty (30) days delinquent may, when authorized by resolution of the Council, be certified by the City Clerk-Treasurer of the City of Vernon Center, Minnesota, to the County Auditor, and the City Clerk-Treasurer in so certifying shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City along with other taxes. Utility service and charges shall not be certified for collection with taxes until the property owner has been provided with notice of such proposed certification and given an opportunity to be heard before the Council.
- j. **Deferred Payment Plan.** The property owner may request and arrange a Deferred Payment Plan. No verbal arrangement for a Deferred Payment Plan will be accepted. To be effective, a Deferred Payment Plan must be in writing and signed by the property owner and the City of Vernon Center, Minnesota.
 - k. **Connection or Tapping Prohibited - Delinquent Assessments or Charges.** No permit shall be granted to tap or connect with sewer or water mains when any assessment or connection charge for 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.
 - l. **Abandoned Services - Penalties.** All service installations connected to the water and sewerage system that have been abandoned or, for any reason, have become useless for further service shall be forthwith disconnected at a location as approved by the City of Vernon Center. Disconnection location shall be on a case-by-case basis, which may be at the main, curb line or property line as determined by the City of Vernon Center. The owner of the premises served shall pay all costs of excavation, capping, main and street restoration. The City may perform or contract for the actual disconnection and all pipe and appurtenances removed from the street right-of-way shall become the property of the City. 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 improperly remove such pipe from the main. Also, such improper disposition thereof shall be connected by the City and the cost incurred shall be borne by the person causing or allowing such work to be performed. If any property owner shall fail to pay the costs incident to services performed under this Section, the City may collect payment therefore as any other utility charge.
 - m. **Repair of Water Service Lines.** The City shall bear the expense for the repair of the

water service lines from the main to and including the curb stop. The property owner shall notify the City if the property experiences a problem in water service line. The City shall evaluate the nature of the problem and make the determination regarding the repair. The property owner shall bear the expense of the repair from the curb stop to the building. Property owner shall be responsible for any and all costs incurred for repairs or work performed on water service without prior authorization by the City. Property owner shall be subject to penalty for any water service work performed without a permit issued by the City.

- n. **Repair of Sanitary Sewer Service Lines.** The property owner shall bear the expense for the repair of the sanitary sewer service lines from the main to the building. The property owner shall notify the City if the property experiences a problem in the sanitary sewer service line. The City shall evaluate the nature of the problem and make the determination regarding the repair. The property owner shall bear the expense of the repair from the main to the building, including any sewer clean out. Property owner shall be subject to penalty for any sewer service work performed without a permit issued by the City.

- o. **Replacement of Utility Service Lines.** The City reserves the right to assess the property owner for the cost of complete replacement of water and sanitary sewer service lines from the main to the property line. This assessment shall be levied at a time considered to be prudent by the City, but in no case shall it be more than four years from the time of replacement.

SECT 5. POINT OF SALE CERTIFICATION

- a. **Scope and Intent.** The provisions of this section shall apply to all real estate which is connected to the City's sanitary sewer system, sump pumps, and water service lines, located within the City. It is the intent of this ordinance to identify and eliminate inflow and infiltration resulting from cracked and leaking pipes, foundation drain connections, roof drain connects, and sump pump connections. These provisions will also be used to determine proper water connections including water meter and if any cross connections or back siphoning connections exist.

- b. **Definitions.** For the purpose of this section, the following terms are defined as follows:
 - 1. **Back Siphonage:** A reversal of the normal flow of water or other liquid due to a negative-pressure gradient. Back siphonage in a water system may result in contamination, triggering a "boil order."
 - 2. **Buyer:** Any person or entity who purchases a Property or to whom title to a Property is conveyed
 - 3. **Building Official:** The Building Official appointed by the City Council and/or the Building Official's designee.

4. City Clerk-Treasurer: The City Clerk-Treasurer appointed by the City Council and/or the City Clerk-Treasurer's designee
5. Cross Connection: Any actual or potential physical connection between a drinking water system and any other non-potable substance (liquid, solid, or gas).
6. Seller: The current owner of real estate as identified in the Property records on file at the Blue Earth County Auditor's Office or by Court Order.
7. Point of Sale Certification or Certification: The certificate provided to the City evidencing compliance with this Section.
8. Qualified Person: A person qualified to complete an inspection and Certification under Point D.3 of this Section.
9. Sale or Sold: the transfer of title to a Property.
10. Closing: the date in which the ownership of the Property is transferred to the Buyer.

c. Requirements

1. **Sanitary Sewer Lines.** All sanitary sewer lines serving Property, from the sanitary stack within the house to the main line, shall be in a safe and functional condition and shall be free from all leaks and failures, including but not limited to sags, partially collapsed sections, or tree root intrusion.
2. In addition, all sanitary sewer lines shall meet the standards and specifications established in Section 7 and MN State Plumbing Codes.
3. **Sump Pumps:** All sump pumps must not connect to sanitary sewer nor should their drainage be allowed to create a puddling of water that would provide habitat for bugs or create a hazard. They may be drained over the top of the ground, buried under the ground and drained either thru a pipe into the curb or a storm drain tile that has been placed in the right of way.
4. **City Water Service Lines:** Water service lines must contain water shut-off valves on each side of water meter. There must not be cross connections causing a back siphoning connection.

d. Point of Sale Certification Required and Monies Escrowed for Deficiencies.

1. No property which is connected to the City's sanitary sewer and/or water service line shall be sold within the City unless the Seller or Buyer has provided a Point-of-Sale Certification to the Building Official at least 2 business days prior to Closing. The Certification shall certify that the Property has been inspected and is in compliance with the requirements of this Section. Certifications shall be valid

for three (3) years from the date of signature, unless the City finds evidence of noncompliance. In the event a sale occurs without prior inspection, the new owner must have an inspection completed within 30 days.

2. The Certification shall be in the form provided by the City and requires one digital copy of the televising report to be provided to the City along with the written report.
3. The inspection and certification of sanitary sewer lines and/or water service lines must be completed by a Qualified Person. A Qualified Person is a plumber licensed by the State of Minnesota or another sewer professional pre-approved by the City.
4. The fee for inspection and preparation of the Certification by the Contractor shall be paid by the Buyer or Seller. There shall be no fee paid to the City.
5. Any deficiencies discovered during the inspection shall be disclosed prior to Closing and shall be corrected within twelve (12) months from the Closing. The Seller shall provide proof to the City that funds were placed in an escrow account at Closing to cover the required repairs. Failure to address deficiencies within the 12-month time frame will be subject to disconnection.

e. Exceptions. Certifications Are Not Required for the following:

1. A Property where the Point of Sale Certification filed with the City shows compliance within three (3) years prior to the sale of the Dwelling Unit.
2. A Property sold or transferred by a court ruling including wills, probate actions, divorce, and estate settlements.
3. A Property that is without buildings or contains no dwelling or other buildings with plumbing fixtures.
4. A Property which is sold at a sheriff's sale to a foreclosing mortgagee which holds a mortgage on the Dwelling Unit.
5. A Property transfer which does not require the filling of a Certificate of Real Estate Value, as described in Minnesota Statutes, Section 272.115, subdivision 1.

f. Penalties

1. **Criminal Remedies.** The failure of any Seller or Buyer to comply with the provisions of this Section or to comply with an order issued by the City pursuant to this Section shall be a misdemeanor.
2. **Civil Remedies.** In addition to the criminal remedies, this Section may be enforced by injunction, action for abatement, or other appropriate civil remedy.

In addition, corrections not made within the period of time stated in such Notice or Order issued by the City pursuant to this Section, shall be subject to a surcharge of \$100.00 per month until the violation is corrected, or, at the option of the City, the City may correct the violation and collect all costs together with reasonable attorney's fees and the collection fees by suing the owner in a court of competent jurisdiction, or in the alternative, by certifying said costs of correction as any other special assessment upon the land from which said correction of said violation was made.

3. **City's Choice of Remedy Not Exclusive.** None of the remedies set forth in this Subparagraph are meant to be the sole or exclusive means of enforcement procedures that the City may follow. The remedies referred to in this Subparagraph are in addition to any other right, remedy, or cause of action the City may have under Minnesota law or City Ordinances. All such rights, remedies, and causes of action may, in the City's sole discretion, be exercised separately or in conjunction with one another and with such frequency as the City deems appropriate
- g. **Warranty Disclaimer by City.** By enacting and undertaking to enforce this Section, neither the City nor its council, agents or employees warrant or guarantee the safety, fitness or suitability of any Property in the City.
- h. **Severability.** If any provision of this Section or the application of any provision to a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of the Section and the application of the Section to any other situation shall not be invalidated.

SECT. 6 RULES AND REGULATIONS RELATING TO WATER SERVICE.

- a. **Deficiency of Water and Shutting Off Water.** The City is not liable for any damages, whether legal or equitable or otherwise, caused by any deficiency or failure in the supply of water to customers whether occasioned by shutting the water off for the purpose of making repairs or connections or by any other cause whatever. In case of fire, or alarm of fire, water may be shut off to insure a supply for firefighting. In making repairs or construction of new works, water may be shut off at any time and kept off so long as may be necessary.
- b. **Repair of Leaks.** It is the responsibility of the consumer or owner to maintain the water service from the curb 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 the consumer's water service within five (5) days after oral or written notice has been given the owner or occupant of the premises, the water may be shut off and will not be turned on until a reconnection charge has been paid and the water service has been repaired. When the waste of water is great or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately.
- c. **Increasing Size of Water Service.** When it is desired to increase the size of water

service from the main and/or implementation of additional services, a new permit shall be taken out and the connection charge shall be made as if this were a new service.

- d. **Water Service Lines.** Every water service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than seven (7) feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing. Service pipes must extend from the curb stops (at property lines) to the inside of the building; or if not taken into a building then to the yard hydrant or other fixtures which they are intended to supply. A valve, the same size as the service pipe, shall be placed close to the inside wall of the building, ahead of the meter and another valve behind the meter and must be protected from freezing. There shall be no joint used for a service up to sixty (60) feet in length, or less, and not more than one joint per service up to one hundred (100) feet. All joints shall be left uncovered until inspected. Minimum size connection with the water mains shall be one-inch (1") in diameter. All pipe and fittings shall comply with Minnesota Rural Water Association (MRWA) specification standards and include mapping (direction, length and depth).
- e. **Frozen Water Service Lines.**
1. If for any reason a water service line freezes up, City Hall must be contacted, and the City Maintenance/Water and Sewer Supervisor or City designee must be on site when plumbers, etc. are accessing the service lines and that all public systems (MDH) codes and plumber codes must be followed. The property owner/renter will be responsible for the cost to thaw out any freeze ups which may occur in the water service line from the residence to the main.
 2. For properties that have a history of freezing up or are prone to freeze up the property owner/renter may enter into a "Freeze Run Agreement" with the City of Vernon Center to prevent the freeze up. In the event of a Freeze Run (during severe cold weather season) the resident/owner must run the residential water at a suggested rate of a quart of water per minute for 24 hours a day/7 days a week (360 gallons per day) to prevent their water line from freezing. Per the agreement, City Hall must be contacted **prior** to residence letting the water run. Conditions of the agreement and any potential thawing requirements are outlined in the agreement.
- f. **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.
- g. **City of Vernon Center Water Supply, Emergency Procedure and Contingency Plan.** Whenever the City shall determine that a shortage of water threatens the City, the provisions of the then-applicable "City of Vernon Center Water Supply, Emergency Procedure and Contingency Plan" will be enacted. 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.

- h. **Private Fire Service 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. Fire service connections may be separate from domestic service connections or may be a dual usage services permitted by MN plumbing code.
- i. **Opening Hydrants.** It is unlawful for any person, other than members of the Fire Department, Maintenance/Water and Sewer Supervisor or other persons 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 to any other person any hydrant key or wrench, except for the purposes strictly pertaining to their lawful use.
- j. **Un-metered Service.** Un-metered 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, un-metered service may be provided, and the un-metered 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 un-metered service.
- k. **Water Meters.** All water meters shall be purchased by the property owner from the City and maintained by the City. All repairs of water meters not resulting from normal usage or due to manufacturer defect shall be the responsibility of the property owner. Any other meter in need of replacement, shall be replaced with a remote type which shall be furnished and maintained by the City. All water meters shall be installed by a licensed plumber and controlled by the City and the cost of installation shall be the responsibility of the property owner. Any remote type meter in need of replacement by reason of normal usage shall be furnished and installed by the City.
- l. **Code Requirement.** All piping, connections and appurtenances shall be installed and performed strictly in accordance with the Minnesota Plumbing Code by a plumber licensed in the State of Minnesota. City requires valves to be installed before and after each water meter. Failure to install or maintain the same in accordance there with 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.

SECT.7.RULES AND REGULATIONS RELATING TO SEWERAGE SERVICE.

- a. **Definitions.** The following terms, as used in this Section, shall have the meanings stated:
 - 1. **Ammonia Nitrogen (NH₃-N):** the quantity of nitrogen present in wastewater in

the form of ammonia as measured by procedures described in “Standard Methods”.

2. **Carbonaceous Biological Oxygen Demand (CBOD₅)** is the quantity of oxygen present after five days in biochemical oxidation of organic matter present in wastewater as measured by procedures described in “Standard methods”.
3. **Building Drain:** that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside walls of the building and conveys it to the building sewer, beginning three (3) feet outside the inner face of the building wall.
4. **Building Sewer:** refers to sewer, soil pipe (sanitary stack) and drain pipes constructed within and under buildings to the point of connection of building drain to the public sewer or other place of disposal.
5. **Garbage:** solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce including non-food garbage.
6. **Industrial Wastes:** the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary wastewater.
7. **Natural Outlet:** any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
8. **pH:** is a measure of hydrogen ion concentration, a measure of the acidity or alkalinity of a solution.
9. **Properly Shredded Garbage:** the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") (1.27 centimeters) in any dimension.
10. **Public Sewer:** a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
11. **Sanitary Sewer:** a sewer which carries wastewater and to which storm, surface, and ground waters are not admitted.
12. **Sanitary Sewer Collection and Treatment Facilities:** all facilities for collecting, pumping, treating, and disposing of wastewater.
13. **Sanitary Sewer Service Line:** that part of the piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage

disposal system, or other point of disposal.

14. **Sanitary Sewer Service Lateral:** The sewer line that carries wastewater from the sanitary fixtures and floor drains inside your home or business to the City's sewer mains. A lateral includes the building drain, building sewer, and the sanitary sewer service line.
15. **Sewer:** a pipe or conduit for carrying wastewater.
16. **Significant Industrial User.** Any industrial user of the City's wastewater treatment system which:
 - i. Has a drainage flow of 10,000 gallons or more per average work day; or
 - ii. Has in its wastes toxic pollutants at significant levels as defined pursuant to Section 307 of the Act or Minnesota Statutes and rules; or
 - iii. Has a significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system; or
 - iv. Is subject to Categorical Pretreatment Standards, under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or
 - v. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the Public Owned Treatment Works (POTW); or
 - vi. Is designated as significant by the Permittee on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
17. **Slug:** any discharge of water, wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
18. **Standard Methods:** the latest edition of Standard Methods for the Examination of Water and Wastewater prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation, and, of options are available for a particular characteristic, the method as chosen by the Wastewater Plant for analysis.
19. **Storm Drain (sometimes termed "Storm Sewer"):** a sewer which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling water.
20. **Total Phosphorus (TP):** chemically defined as the measurement of condensed

orthophosphate and organically bound phosphates. It is analytically defined as the measurement of reactive phosphates, hydrolysable phosphates and organically bound phosphates. Standard Methods.

21. **Total Suspended Solids (TSS):** the non-filterable residual matter present in wastewater as measured in procedures described in “Standard Methods”.
22. **Wastewater:** the spent water of a community.
23. **Wastewater Treatment:** The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the City's wastewater treatment system.
24. **Watercourse:** a channel in which a flow of water occurs, either continuously or intermittently.
25. **National Pollutant Discharge Elimination System Permit (NPDES):** a permit issued by the U.S. EPA setting limits on pollutants that a permitter may legally discharge into navigable waters of the U.S. pursuant to the Federal Water Pollution Control Act of 1972, Sections 402 and 405.
26. **Normal Domestic Strength Waste:** wastewater characterized by wastes created in the preparation of foods, bathing, laundry facilities (resulting from normal living functions) and whose wastewater characteristics do not exceed 250 mg/L BODs, 250 mg/L TSS, 7 mg/L TP, and 28 mg/L NH₃-N is identified for the purpose of determining surcharge rates. Any wastewater having a temperature greater than one hundred fifty (150) degrees Fahrenheit (sixty-five and six-tenths (65.6) degrees Centigrade), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding one hundred four (104) degrees Fahrenheit (forty (40) degrees Centigrade) or having heat in amounts which will inhibit biological activity in the wastewater facility resulting in interference.
27. **CFR:** Code of Federal Regulations.
28. **Debt Service Charge:** the total charge levied on users for the purpose of paying construction costs (including principals and associated interest) or obligations incurred to finance the acquisition and/or construction of the wastewater facility.
29. **User Charge:** a charge levied on users of the sanitary sewer collection and treatment facilities for users' proportionate share of cost of operation and maintenance including replacement.
30. **Replacement:** expenditures for obtaining and installing equipment, accessories or appurtenances necessary for useful life of the sanitary sewer collection and

treatment facilities.

31. **Operation and Maintenance (O & M) Costs:** the annual expenditures necessary for the adequate wastewater collection, transport and treatment on a continuing basis, to produce an effluent for discharge which conforms to all related Federal, State and local requirements. The term "Operation and Maintenance" includes replacement.
32. **Surcharge:** a fee which is imposed upon any user discharging wastewater with CBOD₅, TSS, TP, and NH₃-N in excess of those values defined as normal domestic wastewater.
33. **User Classes:** the division of wastewater treatment customers by wastewater characteristics and process or discharge similarities.
34. **Residential User Class:** includes all dwelling units such as detached and row houses, mobile homes, apartments, and permanent multifamily dwellings (transient lodging, considered commercial in nature, is not included).
35. **Commercial User Class:** includes transient lodging, retail and wholesale establishments or places engaged in selling merchandise for personal, household, or industrial consumption, and/or rendering services to others.
36. **Industrial User Class:** any users who discharge to the City's wastewater facility, any liquid, solid or gaseous wastes resulting from the processes employed in industry or manufacturing or in the development of any natural resources.
37. **Governmental Users:** municipalities, townships, counties, States and Federal government or branches of the same.
38. **Institutional Users:** such as hospitals, schools, sanatoriums, penal or charitable institutions.
39. **Wastewater Service Charge:** the user charge plus the monthly base fee charge.

b. Use of Public Sewers Required.

1. It is 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 of said City, any human or animal excrement, garbage, or other objectionable waste.
2. It is unlawful for any person to discharge to any natural outlet within the City, or in any area under jurisdiction of said City, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with this Section.

3. Except as provided in this Section, it is unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater, within the City.
4. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located any public sanitary sewer of the City, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Section, within ninety (90) days after the date of official notice to do so, provided that said public sewer can be feasibly accessed as determined by the City Engineer.

c. Building Sewers and Connections.

1. It is unlawful for an unauthorized person to 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 and/or City Engineer.
2. There shall be two (2) classes of building sewer permits: (I) for residential and commercial service and (II) for service to establishments producing industrial wastes. In either case, the owner or agent shall make application for sanitary sewer permit on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City Engineer. The permit and inspection fees for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the City at the time the application is filed.
3. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may indirectly or directly be occasioned by the installation of the building sewer.
4. A separate and independent building sewer shall be provided for buildings on an individual lot. Shared sewer services between lots shall not be permitted.
5. Existing building sewers may be used in connection with new buildings only when they are found, on examination and tested by the Engineer or City Maintenance/Water and Sewer Supervisor, to meet all requirements of this Section.
6. Sanitary Sewer Service Laterals. Only plastic PVC schedule 40 pipe, SDR35 with a water stop gasket, ASTM D3034 or ASTM F477, virgin resin and has the ability to be pressurized or pressure rated shall be allowed for sanitary sewer piping. Sewer lines will be allowed only after approval of City Maintenance, City

Engineer and/or City Council. Said piping must not have any cracks, leaks, or breaks but may be lined per approval of City Maintenance, City engineer and/or City Council. Any other material (such as, but not limited to, cellular PVC pipe, clay, orange burg, or cement) will not be allowed and will be considered “non-compliant.” In addition, every house and building shall have their own independent sanitary sewer service line. .

7. Installation of new sewer lines shall include 2-way clean outs and tracing wire on all piping. Specifications shall comply with Minnesota Rural Water Association (MRWA) specification standards and include mapping (direction, length and depth). A sewer service lateral is fully compliant when correct piping is used as stated in Section 7.c.6 and is used from the stack within the house to the city sewer main.
8. 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 wastewater carried to such building drain shall be lifted by an approved means and discharged to the building sewer.
9. It is unlawful for any person to make or have any connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
10. The connection of the building sewer into the public sewer shall conform to the requirements of the Plumbing Code or other applicable rules and regulations of the City and State. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City Engineer and Maintenance/Water and Sewer Supervisor before installation.
11. The applicant for the building sewer permit shall follow the current City of Vernon Center’s Property Owners & Contractor Procedure & Requirements Policy as may be amended from time to time. The connection shall be made under the general supervision of the City Engineer or the City Engineer and Maintenance/Water and Sewer Supervisor.
12. All excavations for building sewer installation shall be adequately guarded with barricades and lights 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.
13. Future connections to the sewer system shall be limited in accordance to the availability of sufficient treatment capacity.

d. Use of the Public Sewers.

1. It is unlawful for any person to discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the City Engineer. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Engineer, to a storm sewer, or natural outlet, subject to permits of regulative agencies.
3. It is unlawful for any person to discharge or cause to be discharged any of the following described waters or wastes to the public sewers:
 - i. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - ii. Any waters or waste containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure, inhibit, or disrupt any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment system.
 - iii. Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sanitary sewer collection or treatment facilities.
 - iv. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sanitary sewer collection and treatment facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, cardboard, diapers, sanitary "flushable" wipes, etc., either whole or ground by garbage grinders.
 - v. Any disinfectants discharged to public sewers shall not be toxic to sanitary sewer system life or bacteria or to storm sewers discharging to receiving waters. All Commercial and Significant Users shall provide a list to the City of products currently being used and any future changed or added products at each location that have a sewer service lateral connection to be approved by City Maintenance Supervisor and/or City Engineer.
4. Certain substances requiring pre-approval.

i. It is unlawful for any person to discharge or cause to be discharged any of the substances, materials, waters, or wastes described in this paragraph, without first contacting the City Engineer and/or the Maintenance/Water and Sewer Supervisor and obtaining approval to do so. Any such request will be denied if it appears likely, in the opinion of the City Engineer and/or the Maintenance/Water and Sewer Supervisor, that such wastes can harm either the sewers, wastewater treatment process, or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the City Engineer and/or the Maintenance/Water and Sewer Supervisor will consider such factors as the quantities of subject waste in relation to the flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors. The substances, materials, waters, or wastes which require prior notice and approval before discharging or causing to be discharged are:

1. Any wastewater that would directly or indirectly result in a violation of the current or future City's NPDES Permit or other storm or sanitary sewer permits.
2. Any liquid or vapor having a temperature higher than 150 degrees F (65 degrees C).
3. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 50 mg/L or containing substances which may solidify or become viscous at temperatures between (thirty-two (32) degrees and one hundred-fifty (150) degrees F (zero (0) and sixty-five (65) degrees C); and any wastewater containing oil and grease concentrations of mineral and animal origin of greater than 50 mg/L whether or not emulsified.
4. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Maintenance/Water and Sewer Supervisor or the City Engineer.
5. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.
6. Any waters or wastes containing disinfection products, fertilizers, herbicides or insecticides.
7. Any waters or wastes containing iron, chromium, copper, zinc,

nickel, lead, cadmium, mercury, cyanide, P.C.B.'s, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment facility exceeds the limits established by the Minnesota Pollution Control Agency for such materials.

8. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Maintenance/Water and Sewer Supervisor as necessary, after treatment of the composite wastewater, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
9. Any radioactive wastes or isotopes of such half-life or concentration as may exceed that they are in noncompliance with standards issued by the appropriate authority having control over their use and which will or likely to cause damage or hazards to the City's wastewater treatment facilities or personnel operating it.
10. Any waters or wastes having a pH less than 6.0 or in excess of 9.0. A fine per each occurrence as defined in the approved fee schedule shall be assessed for failure to meet this requirement at any time on or after January 1, 2020. If the discharge impacts treatment, all costs incurred by the City to ensure continued compliance of effluent limits will be the assessed to the discharger.
11. Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to: plastics, 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 they would cause disruption with the wastewater treatment facilities. A "per occurrence surcharge" determined by resolution of fee schedule shall be assessed for failure to meet this requirement at any time on or after January 1, 2020 If the discharge impacts treatment, all costs incurred by the City to ensure continued compliance of effluent limits will be the assessed to the discharger.
 - b. Excessive discoloration (such as, but not limited to: dye wastes and vegetable tanning solutions).
 - c. Unusual CBOD₅, TSS, TP, NH₃-N, Phosphorus,

disinfectants or chlorine that exceeds normal domestic strength waste requirements in such quantities as to constitute a significant load on the wastewater treatment facilities, except by permit or special agreement.

- d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

12. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

- ii. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated herein, and which in the judgment of the City Engineer and/or the Maintenance/Water and Sewer Supervisor may have a deleterious effect upon the sanitary sewer collection or treatment facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Engineer and/or the Maintenance/Water and Sewer Supervisor may: (1) reject the wastes; (2) require pretreatment to an acceptable condition for discharge, and/or public sewers; (3) require control over the quantities and rates of discharge; and/or; (4) require payment to cover the added costs of all measurements, tests and analyses of characteristics of water and wastes, also the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this Section.

- 1. If the Engineer or the Maintenance/Water and Sewer Supervisor permit the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Engineer and the Maintenance/Water and Sewer Supervisor, and subject to the requirements of all applicable codes, City Code provisions, and 40 CFR 307 pretreatment standards.

5. Grease, oil, and sand interceptors shall be provided when, in the opinion of the City Engineer, Maintenance/Water, Sewer Supervisor, and/or designated City Representative, they are necessary for the proper handling of liquid wastes and containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. All interceptors shall be a type and capacity approved by the City Engineer and shall be located as to be readily and easily accessible for cleaning and inspection.

6. Where preliminary treatment or flow-equalizing facilities are provided for any

wastes or water, they shall be maintained continuously in satisfactory effective operation by the owner at his expense.

7. When required by the City Engineer and/or the Maintenance/Water and Sewer Supervisor, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible, safely located, and shall be constructed in accordance with a plan approved by the City Engineer. The manhole shall be installed at the owner's expense, and shall be maintained by the owner, so as to be safe and accessible at all times.
 8. 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, and shall be determined at the control manhole provided, or upon suitable sample taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect to constituents upon the sanitary sewer collection and treatment facilities and to determine the existence of hazards to life, limb, and property. (The analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, CBOD₅, TSS, TP and/or NH₃-N analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples).
 9. Any waters or wastes containing CBOD, TSS, TP and/or NH₃-N or other constituents 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 with the City, whereby such agreement provides for specific charges, payments, or provisions of treating, testing equipment provided, however, that such agreement shall have the prior approval of the Maintenance/Water and Sewer Supervisor and the payments for such services meet the requirements of the City's Sewer Service Charge System.
- e. **Protection from Damage.** It is unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment including, but not limited to, piping, manholes, sewer service laterals, tracing fixtures, wiring and cleanouts; which is a part of the sanitary sewer collection and treatment facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
- f. **Power and Authority of Inspectors.**

1. The City Engineer and/or the Maintenance/Water and Sewer Supervisor and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Section.
 2. While performing the necessary work on private properties referred to above, the City Engineer or the Maintenance/Water and Sewer Supervisor 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 herein.
 3. The City Engineer and/or the Maintenance/Water and Sewer Supervisor and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater works lying within said property. All entry and subsequent work if any on said property shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- g. **Wastewater Disposal; Rates and Rules.** A sewer service charge is hereby imposed upon each premise served by the wastewater system or otherwise discharging wastewater into the sewerage system. The sewer service charge by definition includes separate fair share portions for (1) operation, maintenance and replacement costs, and (2) debt service charges. The sewer service charge shall be billed monthly and shall be as established by Council resolution in accordance with the User Charge System as approved by the Minnesota Pollution Control Agency. The Council may, by resolution, establish a "special user" billing schedule.
1. The rates, rules and regulations hereinafter set forth, shall be a part of the contract with every person, firm, corporation or cooperative whom is supplied with sewer through the sewer systems of the City and every such sewer user shall be considered as having consented to be bound thereby.
 2. The sewer service charges are hereby imposed upon each lot, parcel of land, building or premises served by the wastewater system or otherwise discharging wastewater (including industrial wastes) into the sewer system. Such sewer service charges shall be based upon residential equivalent units for each user class. Where there are no previous charges on which to base the usage, it shall be the duty of the City Clerk-Treasurer to fairly estimate the residential equivalent representative of the user and its appropriate sewer service charge.

3. No single connection shall be charged less than normal domestic rates.
 4. Sewer service charges for industrial users shall be based on actual usage (i.e. flow, CBODs, TSS, TP, NH₃-N or other constituents) and as determined by current National Pollution Discharge Elimination System (NPDES). Furthermore, all industrial users shall contract for sewer service by Special Agreement.
 5. Certain users may be required by City to provide, install and maintain flow meters on all connections to the sanitary sewer that discharge wastewater. Flow meters shall display a daily totalized flow and be situated to allow convenient daily access by City personnel for the purposes of reading the meter. Two copies of keys required to access the flow meter shall be submitted to the City. Flow meters shall be maintained by the larger user at their own expense and shall be kept in operating condition. In the event that the meter fails to properly record a totalized flow on any given day the City may make and use an estimate of the maximum flow that may have occurred during such failures for the purposes of determining service charges.
 6. Certain users may be required by the City to provide, install and maintain automated composite samplers for the purpose of providing the City with a refrigerated daily composite sample. Samplers shall be conveniently located to allow City personnel daily access for the purposes of collecting a daily composite sample including a means of properly disposing of any excess sample and access to fresh water to rinse sample containers. Two copies of any keys required to access the sampler shall be submitted to the City. Automated composite samplers shall be programmed to be actuated by the flow meter in such a way that a flow propositional composite is obtained. Automated composite samplers shall be maintained by the larger user at their own expense and shall be kept in good operating condition.
 7. Annually, as of January 1st of each year, rates as established on the Fee Schedule shall be reviewed and rates adjusted to reflect actual costs of maintenance, operation, replacement and debt service costs. The individual users shall be notified annually of the costs of operation, maintenance, and replacement.
 8. Rates as herein established shall be effective from and after January 1st of the year said rates are reviewed, adjusted and adopted by resolution.
- h. **Wastewater Disposal Monies.** Monies received by the City resulting from payment of monthly sewer service charges by the responsible users shall be placed in a separate Sewer Fund. The Fund shall maintain separate accounting of the two major components of the sewer service charge, operations and maintenance, and debt service, in amounts as prescribed in Appendix A--Fee Schedule determined and amended annually by the Council and adopted by resolution. Furthermore, any monies received from the sale of any by-products arising out of wastewater treatment or disposal shall be credited to this Fund. The monies so received shall be recorded, deposited, secured and paid out as are

other funds of the City to meet the annual costs of the facilities.

- i. **Cleaning of Sewer Service Lines.** The sewer service line from the property line to the building shall be cleaned by the property owner at owner's expense.
- j. **Repair of Broken Service Lines or Non-Compliance** as stated in Section 7.c.6 . The property owner shall be responsible for the repair or replacement of any sewer service line from the main to the stack within the structure.
- k. **Action on Complaint.** Upon a complaint from a property owner of a possible broken sewer service line, the homeowner shall retain a licensed contractor to identify where damage exists. Repairs from the main to the house are the homeowner's responsibility and must be completed by a City approved contractor at property owners expense. Damage found at the Main is the City's responsibility and will be repaired by the City. The City will reimburse the camera costs pertaining to damage found at the main. City shall excavate and if it finds no repair or replacement necessary, the property owner shall be billed for expenses incurred. If not paid within sixty (60) days, the City will certify the amount to the County for collection with an additional late fee charge of ten percent (10%).
- l. **Cleanouts Required.** Sewer service cleanouts are required on new and existing installations outside of the building on the owner's property and at the owner's expense. On existing installations, sewer service cleanouts will be installed when any repair or replacement is required. Such installation shall be at the owner's expense.
- m. **As-Built Drawing.** Whenever a new service is constructed, or an existing service replaced or reconstructed, the property owner shall be required to submit a drawing detailing the location of the service from the right-of-way to the house or building. The drawing shall include dimensions to all bends and termination points from permanent structures, such as a building corner.

SECT. 8. DISCHARGE OF SURFACE WATER PROHIBITED.

- a. **Prohibition.** It is a petty misdemeanor for any owner, occupant or user of any premises to direct into or allow any storm water, surface water or ground water, to drain into the sanitary sewer system. It is a violation of this Section to make or maintain a connection between, or allow discharge from, any rain spout, roof drain or other form of surface drainage, foundation drainage or sump pump into the sanitary sewer system.
- b. **Sump Pump and Rigid Pipe Required.**
 1. **New Subdivisions - All Construction.** A sump pump and rigid pipe discharge connection to the outside shall be required for all construction in new subdivisions when it is determined necessary by the City Engineer to protect sanitary sewer infiltration. The Engineer shall conduct analysis and make a determination of soil conditions on a subdivision basis. The sump pump and rigid PVC pipe discharge requirement will apply to all units constructed within a specific subdivision.

2. **Existing Subdivisions - New Construction.** Any new construction in a subdivision platted prior to the effective date of this Section shall be examined by the City Engineer or Maintenance/Water and Sewer Supervisor when the footing inspection is made. At that time the City Engineer will determine, based upon excavated soils, whether the sump pump and rigid PVC connection are required. Should the building owner choose the option of installing a sump pump and rigid connection where they are not required, they shall be installed in accordance with this Section.
3. **Existing Subdivisions - Existing Construction.** Any existing construction in a subdivision platted prior to the effective date of this Section in which a sump pump has been or will be installed, shall be required to install a rigid PVC pipe connection discharge in accordance with this Section. It is a petty misdemeanor to maintain any connection with the sanitary sewer system carrying roof water, ground water, surface water or any other natural precipitation after the effective date of this Section.

c. **Sump Pump and Rigid Pipe - Method of Installation.**

1. The building shall have a drain tile placed around the inside or outside perimeter of the foundation connected to a sump pit. All baseboard seepage collection systems shall be discharged to the sump pit. The sump pit shall be located at least ten (10) feet away from the inside sanitary floor drain.
2. A discharge pipe shall be installed to the outside wall of the building with rigid pipe (plastic) one (1) inch inside diameter minimum. The discharge pipe must have a check valve within one (1) foot of the floor grade and a union or other approved coupling for easy disconnection for repair or replacement.
3. If a discharge hose is laid on top of the ground, it should be placed so the discharge point is far enough from the house to prevent water from re-entering footing tile or the sanitary sewer system, and should be discharged to a storm sewer. The discharge pipe may be buried and piped into the curb so long as the discharge does not create a health risk; such as, but not limited to, ponding of water causing an ice slick or insect habitat.

- d. **Notice of Violation.** Any person found to be violating any provision of this Section shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Corrections not made within the period of time stated in such notice shall be subject to a surcharge of \$100.00 per month until the violation is corrected, or, at the option of the City, the City may correct it and collect all costs together with reasonable attorney's fees and the collection fees by suing the owner in a court of competent jurisdiction, or in the alternative, by certifying said costs of correction as any other special assessment upon the land from which said correction of said violation was made.

- e. **Inspection Authority.** The City Engineer or Maintenance/Water and Sewer Supervisor and 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 discharge to the sanitary sewer system in accordance with the provisions of this Section.

SECT. 9. INDUSTRIAL PRETREATMENT AGREEMENT.

- a. **Pretreatment Program.** In addition to sewer service charges, an industrial pretreatment charge could be imposed upon all industrial units of service subject to any of the requirements of the industrial pretreatment program established by the City of Vernon Center.
- b. The industrial pretreatment charge shall be in the amount necessary to recover the administrative costs associated with permitting and monitoring the discharge of industrial wastewater into the treatment system.
- c. Charges to individual industrial permittees shall be based on a man-hour and materials basis for time required under the industrial pretreatment program, at the employee cost rate, including fringe benefits, or shall be based on an established schedule of charges and fees.
- d. The City Council shall adopt industrial pretreatment charges and fees which may include:
 - 1. Date base inspection of facilities, review of monitoring reports, review permits, and submission of reports.
 - 2. Scheduled and unscheduled surveillance inspections.
 - 3. Demand monitoring inspections.
 - 4. Sampling equipment charges.
 - 5. Laboratory analyses.
 - 6. Fees for permit applications.
 - 7. Appeal fees.
 - 8. Other fees the City may deem necessary to carry out the requirements of the industrial pretreatment program.
- e. All costs of laboratory analyses of wastewater constituents for an individual discharge permittee shall be borne by that individual industrial permittee.

SECT. 10. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR.

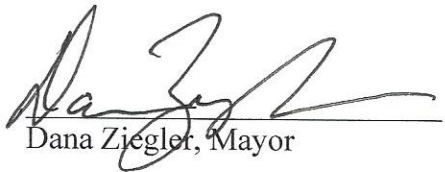
- a. Every person who violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall

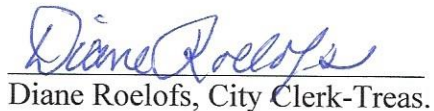
be punished as follows:

1. Where the specific section, subdivision, paragraph or provision specifically makes violation a petty misdemeanor, he/she shall be punished as for a petty misdemeanor.
2. As to any violation not constituting a petty misdemeanor under the provisions of Subdivision I hereof, he/she shall be punished as for a misdemeanor.

SECT. 11. REPEAL & EFFECTIVE DATE: Ordinance #93, enacted on September 1, 2020, and any amendments to it are hereby repealed upon this ordinance taking effect from and after its passage and publication as provided by Minn. Stat. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

Passed by the Vernon Center City Council this 4th day of January 2022.


Dana Ziegler, Mayor


Diane Roelofs, City Clerk-Treas.

Published in Maple River Messenger 1-13-22
Effective Date