

ARTICLE IV. - SEWERS AND SEWAGE DISPOSAL

DIVISION 1. - GENERALLY

Sec. 58-190. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning at least one foot outside the outer face of the building footings.

Building sewer means the extension from the building drain to the public sewer or other places of disposal.

Connection charge means a charge levied by the city to contribute to the payment of the cost of the city public sewer facilities.

Inspector means the person or persons authorized by the city to inspect and approve the installation of building sewers and their connections to the public sewer system.

Private sewage system means any septic tank, or drainfield used for the disposal of sewage.

Private sewer means a sewer in which all owners of abutting property have equal rights and is controlled by the city.

Sanitary sewer means a sewer that carries sewage and to which stormwaters, surface waters, and groundwaters are not intentionally admitted.

Service availability charge means a fixed fee levied by the metropolitan waste control commission and collected at the time a building permit is issued for a new housing unit or commercial development or any connection to the sewer system where metropolitan sewer service disposal is or becomes available.

(Code 1977, § 15-401)

Sec. 58-191. - Use of public sewers required.

- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the city, any human excrement, sewage, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.
- (b) It shall be unlawful to discharge to any natural outlet within the city any sanitary sewage, industrial wastes, or other polluted waters.

- (c) Except as hereafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- (d) The owner of all houses, buildings or property used for human occupancy, employment, recreation, or other purposes which is served or intended to be served (as determined by the city council) by a public sanitary sewer of the city is required, at his expense, to install suitable toilet facilities and to connect such facilities with the proper public sewer, in accordance with the provisions of this article or, in the case of sewers which are constructed after the effective date of the ordinance from which this section is derived, within two years after such sanitary sewer service becomes available.
- (e) The city council shall have the power to adjust and make exceptions to the provisions of this section that require connection to the public sewer to the extent of the following and no further: To vary or modify the strict application of the connection provisions contained in this article in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application; provided that modification or adjustment will not materially affect adversely the health or safety of persons residing or working in the neighborhood and will not be discriminatory.
- (f) At such time as the public sewer becomes available to a property served by a private sewage disposal system as provided in subsection (e) of this section, a connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private disposal facilities shall be abandoned and treated as follows:
 - (1) If the private facility is concrete and the cover is four feet or more below grade, the facility may be abandoned without opening, pumping and filling; or
 - (2) If the private facility or the cover thereof is wood and/or the cover is less than four feet below grade, the facility shall be opened, pumped and filled with suitable gravel material.

(Code 1977, § 15-402)

Sec. 58-192. - Permits and insurance required.

- (a) No person shall uncover, make any connection with or opening into, or discharge into, use, alter, repair, or disturb any public sewer or building sewer, or appurtenances thereof without first obtaining a written permit from the city. Before a permit may be issued for excavating for plumbing, for a connection to any public sewer in any public street, way or public easement, or alley, a licensed master plumber (under the laws of the state) shall apply for such permit and shall have executed unto the city and deposited with the city, a bond approved by the city in the sum of \$2,000.00 conditioned that he will perform faithfully all work with due care and skill and in accordance with the laws, rules and regulations established under the authority of any ordinance of the city. This bond shall state the principal and surety will indemnify and save harmless the city and the owner of the premises against all damages, costs, expenses, outlays, and claims of every

nature and kind arising out of ordinance violation, lack of skill, or negligence on his part in connection with plumbing or excavating for plumbing. Such bond shall remain in force and must be executed for a period of one year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

- (b) Prior to commencement of construction work, the licensed master plumber shall take out and maintain insurance in some company approved by the city against damages of property or injury or death to persons, which policy or policies shall indemnify and save harmless the property owner, whose premises the work will serve, the city and all of its officers and personnel against any claim, demand for damages, action arising out of or by reason of the doing of the work or activities relating or incidental thereto, and from any costs, disbursements, or expense of defending the same. Such insurance shall be a general liability or all perils policy in the minimum amount of at least \$1,000,000.00. Proof of insurance shall be filed with the city clerk prior to commencement of the construction work. The policy shall provide that the city shall be notified immediately of any termination of or modification to such insurance. Should the insurance coverage provided for in this section be inadequate in amount, then, the licensed master plumber shall indemnify and save harmless the property owner, the city, and all its officers and personnel in like manner.
- (c) A licensed master plumber shall make application for a building sewer installation permit on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information that the inspector may reasonably require. A permit and inspection fee, as set forth in chapter 22, for a building sewer permit shall be paid to the city at the time the application is filed.

(Code 1977, § 15-403)

Sec. 58-193. - Building sewers.

- (a) A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no building sewer is available or can be constructed to the rear building sewer through an adjoining alley, courtyard, or driveway, then the building sewer from the front building may be extended to the rear building and the whole considered as the building sewer. Other exceptions will be allowed only by special permission granted by the city.
- (b) An old building sewer or portions thereof, may be used in connection with new buildings only when they are found on examination and test by the inspector to meet all requirements of this article.
- (c) Where a building sewer is laid across or over an existing cesspool or septic tank, one continuous piece of schedule 40 plastic or equivalent shall be used for that portion of the building sewer that is laid across or over the existing cesspool or septic tank.

(Code 1977, § 15-404)

Sec. 58-194. - Materials and methods.

- (a) Approved materials and methods shall be prescribed by the city.
- (b) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. Its depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the inspector. No backfill shall be placed until the work has been inspected by the city. Back casting method may be used under supervision of the inspector and extra inspector's fees are to be paid to the city at the rate of current wages per hour.
- (c) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. No water operated sewage ejector shall be used.
- (d) Before excavation is commenced, the applicant of the building sewer must obtain the location of all public utilities installed. The applicant is responsible for the location of the sanitary sewer service at the property line.
- (e) The applicant for the building sewer shall notify the inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the inspector or his representative.
- (f) The applicant shall obtain acknowledgment from a representative of each public utility serving the particular area that no utilities installed have been disturbed by the building sewer constructor's work.
- (g) All excavations within four feet of the public sewer (horizontal or vertical measurement) shall be by hand excavation only.
- (h) The city shall make the final decision as to the type of pipe used for sanitary sewer construction when it lies within a city right-of-way. The internal diameter of the pipe shall also be determined by the city.

(Code 1977, § 15-405)

Sec. 58-195. - Connections.

- (a) Approved types of house service connections shall be one of the following:
 - (1) *Type 1.* Connections to existing vitrified clay wye branches shall be made with an approved type of joint material of the bituminous type or an approved compression coupling. The connection shall be completely watertight. No connection shall be allowed to a damaged wye branch. If damage occurs during the making of the connection, the wye branch shall be taken out of the main sewer by the plumber and replaced either by another undamaged wye or by a

straight vitrified clay pipe. If a straight pipe is used in the replacement, other approved connection methods shall be used. Concrete encasement of the wye branch, connection joint, or any other part of the connection shall not be deemed watertight and shall not be allowed as a method of repairing a damaged joint.

- (2) *Type 2.* Connections of the saddle type shall be made in a smooth, round hole, machine drilled into the main sewer pipe. The fittings used in the connection shall be made in such a manner as to ensure that no protrusion of the fitting into the main sewer pipe shall result. The connector shall fit perfectly the contour of the inside of the sanitary sewer and shall be specifically designed to fit the particular size main sewer pipe into which the connection is made. The machine-drilled hole shall be of such size to provide one-eighth-inch clearance between the outside of the fitting and the hole. The space thus provided shall be completely filled with joint material. The space between the shoulder of the fittings and the face of the main sewer pipe shall be one-eighth-inch thick and this space shall be completely filled with joint material. The joint material used for the type 2 house service connection shall be completely waterproof and shall be capable of withstanding any condition of stress or strain likely to be encountered in normal sanitary sewer construction or maintenance. Concrete encasement will not be considered waterproof. The fitting shall be manufactured of either cast aluminum alloy or vitrified clay pipe and shall be capable of receiving all normally used types of pipe for house service connections.
- (b) Type 1 wye connections may be used in existing sanitary sewers when wye branches previously installed are readily and conveniently available. If existing wye branches cannot be found after diligent search or are not located properly for providing the needed service, type 2 saddle connections shall be made; provided the inspector approves. When new sanitary sewers are constructed, type 1 connections may be made in cases where the connection to the house is made during the construction and before backfilling of the sanitary main sewer trench. No wye branches shall be installed and covered up for future use. Type 2 connections shall be made in all cases where house services are installed subsequent to construction and backfilling operations.
- (c) Wherever the sewer constructed under city sewer project 64-1 traverses the interior of an established lot, block or parcel containing lands suitable for development upon either side of the sewer, if the lands have been assessed only one-half of the cost of the sewer line, then, an additional assessment charge of \$3.00 per foot of sewer shall be made when a connection is applied for, to serve a building sewer running to the side of the sewer not previously served. An additional charge of \$3.00 per foot of sewer may be assessed for building sewers designed to serve portions of a corner or parcel developed after construction of the sewer.
- (d) A connection charge shall be paid to the city before any building sewer shall be permitted to be connected to the public sewer. This connection charge shall be established by resolution of the city council.

- (e) A service availability charge as fixed by the metropolitan waste control commission shall be collected by the city for the metropolitan waste control commission at the time a building permit is issued for a building where metro sewer service is available.

(Code 1977, § 15-406)

Sec. 58-196. - Use of the public sewers.

- (a) No person shall discharge any waste, or cause or allow any waste to be discharged into the public sewers unless in accordance with these rules and regulations.
- (b) Use of the public sewers shall be in conformance with the metropolitan waste control commission sewage and waste control rules and regulations for the metropolitan disposal system. In the event of conflict between said rules and regulations and this section, then the provisions of this section shall control.
- (c) The sewer drain from the customer's building to the public sewer (located in the street) is the property owner's responsibility. Under this section the property owner is responsible for repairing and cleaning this sewer service.
- (d) In the event that a building that is connected to the public sewer is to be demolished, then, prior to the commencement of the demolition, the building sewer leading to the public sewer shall be plugged by a licensed master plumber at the lot line or within three feet thereof, at the owner's expense. An inspection fee, as set forth in chapter 22, shall be paid to the city before the demolition commences. In the event that a building that is connected to the public sewer is destroyed by accident, explosion, fire, windstorm or other casualty, then within 48 hours after the destruction, the building sewer leading to the public sewer shall be plugged by the above method.

(Code 1977, § 15-407)

Sec. 58-197. - Sanitary sewer charges.

- (a) Charges for sewer use shall be established as set forth in chapter 22.
- (b) If the monthly service charge is not paid when due, a penalty in the amount set forth in chapter 22 shall be added thereto.
- (c) Bills for sewage service shall be rendered at regular intervals, as determined by the city council. Each charge levied pursuant to this article, plus reasonable clerical expense is hereby made a lien upon the corresponding property land or premises served by a connection to the sewer system of the city. Any amounts due for sewer charges hereunder may be collected in a civil action, or the city may certify to the county auditor the amount due, together with a legal description of the premises served, and the county auditor shall thereupon enter such amount as part of the tax levy on said premises to be collected during the ensuing year. A minimum charge of \$5.00 or ten percent of the delinquent charges, whichever is larger, shall be attached for expense.

(Code 1977, § 15-408)

Sec. 58-198. - Power and authority of inspectors.

The city shall have the right to enter upon any premises connected with any public sewer or drain at all reasonable hours for the purpose of ascertaining whether the provisions of this article or any other ordinance in regard to house drains or connections have been complied with and whether the sewer or drain connecting such premises with the public sewers is in good condition. If such sewer or drain or its appurtenances do not conform to the provisions of law in regard thereto, or have become clogged, obstructed, broken or out of order, the city shall notify the owner, agent or occupant or person having charge of the building or premises which are drained by such sewer or drain. It shall thereupon be the duty of such owner, agent, occupant or person having charge of the building or premises to cause the sewer or drain or appurtenances to be removed, reconstructed, repaired, altered or cleansed as the condition of such sewer or drain or appurtenances may require, and in case of neglect or refusal of the owner, agent, occupant or other person to remove, reconstruct, repair, alter or cleanse such sewer or drain or appurtenances within three days after receiving such notice from the city, the city shall cause such work to be done in such a manner as deemed expedient and shall charge the expense thereof to the owner, agent, occupant or other person aforesaid.

(Code 1977, § 15-410)

Sec. 58-199. - Prohibited discharges into sanitary sewer.

No person shall discharge or cause to be discharged any stormwater, groundwater, roof runoff, yard drainage, yard fountain, pond overflow or any substance other than sanitary sewage into the sanitary collection system.

(Ord. No. 443, § 15-412, 11-14-1994)

Sec. 58-200. - Connection to sanitary sewer prohibited.

No roof runoff, sump pump, swimming pool discharge, or surface water drainage shall be connected to the sanitary sewer system and no building shall hereafter be constructed nor shall any existing building be hereafter altered in such a manner that the roof drainage or any other source of discharge or drainage other than sanitary sewer shall connect with the sanitary sewer system inside or outside the building.

(Ord. No. 443, § 15-413, 11-14-1994)

Sec. 58-201. - Disconnection.

Any person, firm or corporation having a roof, sump pump, swimming pool discharge, cistern overflow pipe or surface drain now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove the same. Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective, workmanlike manner as described in section 58-202.

(Ord. No. 443, § 15-414, 11-14-1994)

Sec. 58-202. - Discharge equipment.

- (a) All sump pumps shall have a discharge pipe installed to the outside wall of the building with a one inch inside minimum diameter. The pipe attachment must be a rigid and permanent fitting such as PVC pipe with glued fittings. The discharge shall extend at least three feet outside of the foundation wall and must be directed toward the front yard or rear yard area of the property.
- (b) All new residential construction, having a sump basket, shall have permanent piping installed in the sump basket with permanent fittings and discharged to the outside of the foundation wall as described in subsection (a) of this section. Such work shall be completed prior to the final building inspection and issuance of a certificate of occupancy.

(Ord. No. 443, § 15-415, 11-14-1994)

Sec. 58-203. - Discharge inspections.

Every person owning improved real estate that discharges into the city's sanitary sewer system shall allow the city employee or its designated agent to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. Any person refusing to allow their property to be inspected shall immediately become subject to the surcharge hereinafter provided for. Any property found to violate this article shall make the necessary changes to comply with this article and such changes shall be verified by an authorized city employee.

(Ord. No. 443, § 15-416, 11-14-1994)

Sec. 58-204. - Sewer surcharge.

A surcharge of \$75.00 per month is hereby imposed and shall be added to every sewer billing mailed for properties that are not in compliance with this article. The surcharge shall be added every month, until the property is in compliance. In the event a violation of this article is discovered upon inspection of new construction, the surcharge shall be paid to the city prior to the issuance of an occupancy permit. Repeat violations of this article by the same contractor or property owner shall be subject to an escalating schedule of surcharges as set forth in section 58-197. The imposition of such surcharge shall in no way limit the right

of the city to seek an injunction in district court ordering the property owner to disconnect the nonconforming connection to the sanitary sewer system or from pursuing any other legal remedies available.

(Ord. No. 443, § 15-417, 11-14-1994)

Sec. 58-205. - Compliance inspections.

Upon verified compliance with this section, the city reserves the right to inspect such property at least yearly to verify compliance herewith.

(Ord. No. 443, § 15-418, 11-14-1994)

Sec. 58-206. - Penalties.

The escalating penalty for unlawful discharges into the sanitary sewer system shall be as follows:

- (1) For the first offense, \$75.00 per month until remedied;
- (2) For the second offense, \$150.00 per month until remedied;
- (3) For the third offense, \$300.00 per month until remedied; and
- (4) For the fourth and subsequent offenses, \$500.00 per month until remedied.

(Ord. No. 443, § 15-419, 11-14-1994)

Secs. 58-207—58-235. - Reserved.

DIVISION 2. - STRENGTH CHARGES

Sec. 58-236. - Recitals.

The metropolitan waste control commission, a metropolitan commission organized and existing under the laws of the state (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. Stats. § 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. Stats. § 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.

(Code 1977, § 15-801)

Sec. 58-237. - 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 the strength of industrial waste discharge into the sewer system of the city (the "strength charge").

(Code 1977, § 15-802)

Sec. 58-238. - Establishment of formula.

For the purpose of computation of the strength charge established by section 58-237, there is hereby established, approved and adopted in compliance with the Act the same strength charge formula designated in Resolution No. 76-172, adopted by the governing body of the commission on June 15, 1976, such formula being based upon pollution qualities and difficulty of disposal of the sewage produced through and 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.

(Code 1977, § 15-803)

Sec. 58-239. - Payment.

It is hereby approved, adopted and established that the strength charge established by section 58-237 shall be paid by each industrial user receiving waste treatment services and subject thereto before the 20th day next succeeding the date of billing thereof to such user by or on behalf of the city, and such payment thereof 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 per month on the unpaid balance due.

(Code 1977, § 15-804)

Sec. 58-240. - Establishment of tax lien.

As provided by Minn. Stats. § 444.075, subd. 3, it is hereby approved, adopted and established that if payment of the strength charge established by section 58-237 is not paid before the 16th day next succeeding the date of billing thereof to the industrial user by or on behalf of the city, said delinquent sewer strength charge, plus accrued interest established pursuant to section 58-239, 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.

(Code 1977, § 15-805)

Secs. 58-241—58-260. - Reserved.