

ORDINANCE NO. 02-01

CITY OF FINLAYSON, MINNESOTA

AN ORDINANCE ESTABLISHING USE AND RATE
REGULATIONS FOR MUNICIPAL
WASTEWATER TREATMENT FACILITIES

An ordinance regulating the use of and establishing a charge system for public and private sewers, establishing methods for a sewer service charge system, and providing penalties for violations of the regulations herein defined.

Be it ordained and enacted by the Council of the City of Finlayson, Minnesota, as follows:

ARTICLE I

Definitions

Unless the context specifically indicates otherwise, the terms used in this Article shall have the meanings hereby designated:

- Sec. 1. "Act" - The Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- Sec. 2. "BOD₅" or "Biochemical Oxygen Demand" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees Centigrade and as expressed in terms of milligrams per liter (mg/l).
- Sec. 3. "Building Drain" - That point of a building which conveys wastewater to the building sewer, beginning five (5) feet outside the building wall.
- Sec. 4. "City" - The area within the corporate boundaries of the City of Finlayson as presently established or as amended by ordinance or other legal actions at a future time. The term "City" when used herein may also be used to refer to the City Council and its authorized representative.
- Sec. 5. "Debt Service Charge" - A charge to users of the wastewater treatment facility for the purpose of repaying capital costs.
- Sec. 6. "Equivalent Residential Unit" (ERU) - A unit of wastewater volume of 250 gallons per day at a strength not greater than NDSW.

Sec. 7. "Industrial User"

(a) Any entity as defined in the Standard Industrial Classification Manual (latest edition) as categorized, that discharge wastewater to the public sewer.

Division A: Agriculture, Forestry and Fishing

Division B: Mining

Division D: Manufacturing

Division E: Transportation, Communications,
Electric, Gas, and Sanitary Sewers

Division I: Services

(b) Any user whose discharges, singly or by interaction with other wastes:

- contaminate the sludge of the wastewater treatment system;
- injure or interfere with the treatment process;
- create a public nuisance or hazard;
- have an adverse effect on the waters receiving wastewater treatment plant discharges;
- exceed NDSW limitations;
- exceed normal residential unit volumes of wastewater.

Sec. 8. "Infiltration/Inflow (I/I)" - Water other than wastewater that enters the sewer system from the ground or from surface runoff, as defined in Minnesota Rules.

Sec. 9. "MPCA" - Minnesota Pollution Control Agency.

Sec. 10. "National Categorical Pretreatment Standards" - Federal regulations establishing pretreatment standards for introduction of pollutants in publicly owned wastewater treatment facilities. Section 307(b) of the Act.

Sec. 11. "National Pollutant Discharge Elimination System (NPDES) Permit" - A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge pursuant to Sections 402 and 405 of the Act.

Sec. 12. "Natural Outlet" - Any outlet, including storm sewers and combined sewers, which flows into a body of surface water or ground water.

Sec. 13. "Normal Domestic Strength Waste" (NDSW) - Wastewater that

is primarily introduced by residential users with BOD₅ concentrations not greater than 250 mg/l and total suspended solids (TSS) concentrations not greater than 250 mg/l.

- Sec. 14. "Non-residential User" - A user of the treatment facility whose building is not used as a private residence, and discharges NDSW.
- Sec. 15. "Operation, Maintenance and Replacement Costs" (OM&R) - Expenditures necessary to provide for the dependable, economical, and efficient functioning of the treatment facility throughout its design life, including operator training, and permit fees. Replacement refers to equipment replacement costs, not the cost of future replacement of the entire facility.
- Sec. 16. "pH" - The logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.
- Sec. 17. "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 particular greater than one-half (1.27 cm) in any dimension.
- Sec. 18. "Residential User" - A user of the treatment facility whose building is used primarily as a private residence and discharges NDSW.
- Sec. 19. "Sewer" - A pipe or conduit that carries wastewater or drainage water.
- (a) "Building Sewer" - The extension from the building drain to the public sewer or other place of disposal, also referred to as a service connection.
 - (b) "Sanitary Sewer" - A sewer designed to carry only liquid and water-carried wastes from residential, non-residential, and industrial sources together with minor quantities of I/I.
 - (c) "Storm Sewer" - A sewer intended to carry unpolluted surface and sub-surface water from any source.
- Sec. 20. "Sewer Service Charge" - The total of the User Charge and the Debt Service Charge.

- Sec. 21. "Slug" - A discharge of water or wastewater which in concentration or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24-hour concentration of flows during normal operation.
- Sec. 22. "State Disposal System (SDS) Permit" - A permit issued by the MPCA pursuant to Minnesota Statutes §115.07 for a disposal system as defined by Minnesota Statutes §115.01, Subd. 8.
- Sec. 23. "Total Suspended Solids" (TSS) - The total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" (latest edition).
- Sec. 24. "Unpolluted Water" - Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards. An example could be non-contact cooling water.
- Sec. 25. "User Charge" - A charge to users of a treatment facility for the user's proportionate share of the cost of operation and maintenance, including replacement.
- Sec. 26. "Wastewater" - Liquid and water-carried wastes from residential, non-residential, and industrial users, together with any ground water, surface water, and storm water that may be present.
- Sec. 27. "Wastewater Treatment Facilities" or "Treatment Facilities" - The land, devices, facilities, structures, equipment, and processes owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal wastewater, and the disposal of residues resulting from such treatment.

ARTICLE II

Control by the Authorized Representative

The City shall appoint an Authorized Representative who shall have control and general supervision of all public sewers and service connections in the City and shall be responsible for administering the provisions of this Ordinance to ensure that a proper and efficient public sewer is maintained. The Authorized Representative may delegate responsibilities to delegated representatives.

ARTICLE III

Use of Public Sewers Required

- Sec. 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under jurisdiction, any human or animal excrement, garbage or objectionable waste.
- Sec. 2. It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and the City's NPDES/SDS Permit.
- Sec. 3. Except as provided hereinafter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- Sec. 4. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated within the City and adjacent to any street, alley, or right of way in which there is now located, or may be in the future located, a public sanitary sewer of the City, shall be required at the owner(s) expense to install a suitable service connection to the public sewer in accordance with provisions of this Ordinance, within ninety (90) days of the date said public sewer is operational, provided said public sewer is within 100 feet of the structure generating the wastewater. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this section, an official sixty (60) day notice shall be served instructing the affected property owner to make said connection.
- Sec. 5. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Article III, Section 4 of this Ordinance, the City must undertake to have said connection made and shall assess the cost thereof against the benefitted property. Such assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the Auditor of the County of Pine, Minnesota, and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City shall be in addition to any remedial or enforcement provisions of this Ordinance.

ARTICLE IV

Private Wastewater Disposal

- Sec. 1. Where a public sewer is not available under the provisions of Article III, Sec. 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.
- Sec. 2. Prior to commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the City. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary to the City.
- Sec. 3. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the City or its Authorized Representative. The City or its representative shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the City when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice. The fee for each inspection shall be \$50.00.
- Sec. 4. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of Minnesota Rules, Chapter 7080, and applicable local ordinances. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- Sec. 5. At such time as a public sewer becomes available to a property services by a private wastewater disposal system, a direct connection shall be made to the public sewer within ninety (90) days in compliance with this Ordinance, and within ninety (90) days any septic tanks, cesspools, and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.
- Sec. 6. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the City.
- Sec. 7. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the MPCA, the Department of Health of the

State of Minnesota, or other responsible federal, state and local agencies.

ARTICLE V

Building Sewers and Connections

- Sec. 1. Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, BOD₅, and Suspended Solids, as determined by the City.
- Sec. 2. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.
- Sec. 3. Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of the building to be connected, and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.
- Sec. 4. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the City. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.
- Sec. 5. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.
- Sec. 6. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The City does not and will not

assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.

- Sec. 7. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City, to meet all requirements of this Ordinance.
- Sec. 8. The size, slopes, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the City. In the absence of code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials (ASTM) and the Water Pollution Control Federation (WPCF) Manual of Practice No. 9, shall apply.
- Sec. 9. 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 sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- Sec. 10. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or indirectly to the wastewater disposal system.
- Sec. 11. The connection of the building sewer into the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight, and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the City prior to installation.
- Sec. 12. The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the City. The inspection fee for each permit issued by the City shall be \$100.00.

- Sec. 13. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work, shall be restored in a manner satisfactory to the City.
- Sec. 14. No person shall make a service connection with any public sewer unless regularly licensed under this chapter to perform such work, and no permit shall be granted to any person except such regularly licensed person.
- Sec. 15. Any person desiring a license to make a service connection with public sewers, shall apply in writing to the City Council with satisfactory evidence that the applicant or employer is trained or skilled in the business and qualified to receive a license. All applications shall be referred to the Authorized Representative for recommendations to the Council. If approved by the City Council, such license shall be issued by the City Clerk upon the filing of a bond as hereinafter provided.
- Sec. 16. No license shall be issued to any person until a \$ 2,500.00 bond to the City, approved by the Council, is filed with the City Clerk conditioned that the licensee will indemnify and save harmless the City from all suits, accidents, and damage that may arise by reason of any opening in any street, alley, or public ground, made by the licensee or by those in the licensee's employment for any purpose whatever, and that the licensee will replace and restore the street and alley over such opening to the condition existing prior to installation, adequately guard with barricades and lights and will keep and maintain the same to the satisfaction of the Authorized Representative, and shall conform in all respects to the rules and regulations of the Council relative thereto, and pay all fines that may be imposed on the licensee by law.
- Sec. 17. The license fee for making service connections is \$ 25.00. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked by the Council for cause.
- Sec. 18. The Council may suspend or revoke any license issued under this Article for any of the following causes:
- (a) Giving false information in connection with the application for a license.
 - (b) Incompetence of the licensee.

- (c) Willful violation of any provisions of this Article or any rule or regulation pertaining to the making of service connections.
- (d) Failure to adequately protect and indemnify the City and the user.

ARTICLE VI

Use of Public Wastewater Treatment Facilities

- Sec. 1. No person(s) shall discharge or cause to be discharged any unpolluted water such as stormwater, ground water, roof runoff, surface drainage, or non-contact cooling water to any sanitary sewer.
- Sec. 2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the City and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the City and upon approval and the issuance of a discharge permit by the MPCA.
- Sec. 3. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - (a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
 - (b) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags,

spent grains, spent hops, waste paper, wood, plastic, asphalt residue, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

- (c) Any wastewater having a pH of less than 5.0 or greater than a 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater disposal system.
- (d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act and Minnesota Statutes §115.01, Subd. 14.

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

- (a) Any wastewater having a temperature greater than 150°F (65.6°C), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104°F (40°C), or having heat in amounts which will inhibit biological activity

in the wastewater treatment works resulting in interference therein.

- (b) Any wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65.6°C), and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not.
- (c) Any quantities of flow, concentrations, or both which constitute a "slug" as defined herein. (See Article I, Section 19.)
- (d) Any garbage not properly shredded, as defined in Article I, Section 17. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food on the premises or when served by caterers.
- (e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.
- (f) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (g) Non-contact cooling water or unpolluted storm, drainage, or ground water.
- (h) Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that would cause disruption with the wastewater disposal system.
- (i) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable state or federal regulations.
- (j) Any waters or wastes containing the following substances to such degree that any such material received in the composite wastewater at the

wastewater treatment works is in excess of the limits set by the City for such materials: arsenic, cadmium, copper, cyanide, lead, mercury, nickel, silver, total chromium, zinc, and phenolic compounds which cannot be removed by City's wastewater treatment system.

- (k) Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule, regulation, or ordinance of any regulatory agency, or state or federal regulatory body.
- (l) Any waters or wastes containing BOD, or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of Section 17 of this Article.

Sec. 5. If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in Sections 3 and 4 of this Article, and/or which in the judgment of the City may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment; receiving waters and/or soil, vegetation, and ground water; or which otherwise create a hazard to life or constitute a public nuisance, the City may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act and all addendums thereof;
- (c) Require control over the quantities and rates of discharge; and/or
- (d) Require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer service charges.

If the City permits the pretreatment or equalization of waste flows, the design, installation, and maintenance of the facilities and equipment shall be made at the owners' expense, and shall be subject to the review and approval of the City pursuant to the requirements of the MPCA.

Sec. 6. No user shall increase the use of process water or, in

any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this Article, or contained in the National Categorical Pretreatment Standards or any state or local requirements.

- Sec. 7. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner(s).
- Sec. 8. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Authorized Representative, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 4(b), any flammable wastes as specified in Section 3(a), sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Authorized Representative. Any removal and hauling of the collecting materials not performed by the owner's personnel, must be performed by a currently licensed waste disposal firm and in compliance with all applicable laws and regulations.
- Sec. 9. Where required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, or control manhole with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The structure shall be installed by the owner at his expense and shall be maintained by the owner to be safe and accessible at all times.
- Sec. 10. The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the City, be required to provide laboratory measurements, tests, or analyses of waters or wastes to illustrate compliance with this Ordinance and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory

analyses to be performed by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with Federal, State and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the City at such times and in such manner as prescribed by the City. The owner shall bear the expense of all measurements, analyses, and reporting required by the City. At such times as deemed necessary, the City reserves the right to take measurements and samples for analysis by an independent laboratory.

Sec. 11. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance 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 kept for a period of at least ten (10) years, or longer if required by applicable laws. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Authorized Representative, with the concurrence of the City Council.

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

- Sec. 13. No person, having charge of any building or other premises which drains into the public sewer, shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within ten (10) days after receipt of written notice from the City, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same, and perform such other work as the Authorized Representative may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of ten (10) days, the Authorized Representative may cause such work to be completed at the expense of the owner or representative thereof.
- Sec. 14. Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause such work to be done as the Authorized Representative may direct. Each day after ten (10) days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Authorized Representative may then cause the work to be done, and recover from such owner or agent the expense thereof by an action in the name of the City.
- Sec. 15. The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times, a catch basin or waste trap in the building drain system to prevent grease, oil, dirt or any mineral deposit from entering the public sewer system.
- Sec. 16. In addition to any penalties that may be imposed for violation of any provision of this chapter, the City may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge of prohibited wastes by such person, any may collect such assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the City.
- Sec. 17. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City of Finlayson and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern, providing that National Categorical Pretreatment Standards and the City's NPDES and/or State Disposal System Permit limitations are not violated.

ARTICLE VII

Determination of Sewer Service Charges (Metered)

Sec. 1. Users of the wastewater treatment facilities shall be permitted into one of the following classes:

- 1) Residential
- 2) Non-residential
- 3) Industrial

Charges to users who discharge NDSW will be calculated on the basis of metered water use.

Sec. 2. Each user shall pay operation, maintenance and replacement costs in proportion to the user's contribution of wastewater flows and loadings to the treatment plant, with a minimal rate for loadings of BOD and TSS being the rate established for normal domestic strength waste (NDSW) concentrations.

Those industrial users discharging only segregated NDSW can be classified as non-residential users for the purposes of rate determination.

Sec. 3. Charges for residential and non-residential users will be determined proportionately according to billable wastewater flow.

RESIDENTIAL USERS: Billable wastewater volume for residential users shall be calculated on the basis of metered water usage. The monthly billable wastewater volume will be equal to the monthly metered water usage as averaged between the first and last quarters of the calendar year. The City may require residential users to install water meters for the purpose of determining billable wastewater volume.

NON-RESIDENTIAL USERS: Billable wastewater volume of non-residential users may be determined in the same amount as for residential users, except that if the City determines that there are significant seasonal variations in metered water usage resulting in a proportionate increase in wastewater volume, the billable wastewater volume will be:

- 1) Calculated on the basis of monthly water usage as recorded throughout the year; or
- 2) Calculated on the basis of metered wastewater flow. The City may require non-residential users to

install such additional water meters or wastewater flow meters as may be necessary to determine billable wastewater volume.

Sec. 4. Determination of User Charges

A. For producers of Normal Domestic Strength Wastes:

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

Where: Uomr = Unit cost for Operation, Maintenance and Equipment Replacement in \$/Kgal.
Comr = Total annual OM&R costs.
Tbwv = Total annual billable wastewater flow in Kgal.

B. Calculations of User Charges:

$$Uc = Uomr \times bwv$$

Where: Uc = User Charge.
Uomr = Unit cost for Operation, Maintenance and Equipment Replacement in \$/Kgal.
bwv = Billable wastewater volume in Kgal.

Sec. 5. Recovery of Local Construction Costs:

Local construction costs for the wastewater treatment facility will be recovered through a Debt Service Charge calculated in a manner consistent with the User Charge as follows:

A. Calculation of Unit Cost for Debt Service

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

Where: Uds = Cost for annual debt service (\$/Kgal).
Cds = Cost of annual debt service.
Tbwv = Total annual billable wastewater volume (Kgal).

B. Calculation of Debt Service Charge

$$Dc = Uds \times bwv$$

Where: Dc = Debt Service Charge.

Uds = Unit charge for Debt Service
(\$/Kgal).
Bwv = Billable wastewater volume of a
single user (Kgal).

Sec. 7. The Sewer Service Charges established in this Ordinance will not prevent the assessment of additional charges to users who discharge wastes in concentrations greater than NDSW or of unusual character (industrial users). Special contractual agreements can be made with such users, subject to the following conditions:

- 1) The user pays OM&R costs in proportion to the user's contribution of wastewater flows and loadings to the treatment facility, and no user is charged at a rate inferior to the charge for normal domestic strength wastes.
- 2) The sampling of wastewater shall be conducted in accordance with the techniques established in "Standard Methods for the Examination of Water and Wastewater," latest edition.

A study of unit costs of collection and treatment processes attributable to flow, BOD, TSS, and other significant loadings shall be developed and used to determine the proportionate allocation of costs to flows and loadings for industrial users.

Sec. 8. In addition to the charges set forth in this Article, each user shall pay to the City a charge of \$35.00 per month for the purpose of recovering the increased costs to the City caused by the discharge of surface water into the sanitary sewer system. Any user allowing city inspection of the property to determine if surface water is being discharged into the sanitary sewer system shall be given a sewer charge credit in the amount of \$35.00 per month after demonstrating compliance with this policy. In order to receive the credit, the user must on a written statment stating that the user will not change, alter, modify or re-configure the property in such a way as to discharge surface water into the sanitary sewer system; and the user must allow re-inspection of the premises by the City at such times as deemed appropriate by the City.

ARTICLE VIII

Determination of Sewer Service Charges (Non-Metered)

Sec. 1. Users of the City of Finlayson wastewater treatment works

shall be permitted into one of the following classes.

- 1) Residential
- 2) Non-residential
- 3) Industrial

Charges to users that discharge NDSW will be calculated on the basis of equivalent residential units (ERU's). Determination of the number of ERUs assigned to a particular connection, shall be the responsibility of the City and shall be based on a calculated flow.

Sec. 2. The Sewer Service Charge shall consist of a user charge for Operation, Maintenance, Replacement, and a charge for debt service. These charges will be determined as follows.

Sec. 3. Determination of User Charges

The existing demographic distribution of the community is 2.43 residents per household, generating an average of 250 gallons of wastewater per capita. A resulting hydraulic load of 243 gallons of wastewater per residential connection is expected, hence a volume of 250 gallons of wastewater per day has been established as an equivalent residential unit (ERU).

Annual User Charge Rate per ERU

$$UC/ERU = \frac{OM\&R}{\text{Total ERU's}}$$

Where: UC = User Charge.
OM&R = Total Annual OM&R costs.
ERU = Equivalent Residential Units.
Total ERU's = Total number of ERU's connected to the treatment facility.

Users may appeal the number of ERU's assigned to a particular connection by installing and maintaining at their own expense water meters of a type approved by the City.

The City may require non-residential and industrial users to install water meters for the purpose of determining wastewater volume.

The sewer service charges established in this Ordinance shall not prevent the assessment of additional charges to users who discharge wastes in concentrations exceeding NDSW or wastes of unusual character, or contractual agreements with such users as long as the following

conditions are met:

- 1) The user pays OM&R costs in proportion to the users proportionate contributions of wastewater flows and loadings, and no user is charged at a rate less than that charged for NDSW.
- 2) The testing of wastes is conducted according to the latest edition of "Standard Methods for the Examination of Water and Wastewater", in a manner acceptable to the City as provided for in this Ordinance.

Sec. 4. The Sewer Service Charges established in this Ordinance will not prevent the assessment of additional charges to users who discharge wastes in concentrations greater than NDSW or of unusual character (industrial users). Special contractual agreements can be made with such users, subject to the following conditions:

- 1) The user pays OM&R costs in proportion to the user's contribution of wastewater flows and loadings to the treatment facility, and no user is charged at a rate inferior to the charge for normal domestic strength wastes.
- 2) The sampling of wastewater shall be conducted in accordance with the techniques established in "Standard Methods for the Examination of Water and Wastewater," latest edition.

A study of unit costs of collection and treatment processes attributable to flow, BOD, TSS, and other significant loadings shall be developed and used to determine the proportionate allocation of costs to flows and loadings for industrial users.

Sec. 5. In addition to the charges set forth in this Article, each user shall pay to the City a charge of \$35.00 per month for the purpose of recovering the increased costs to the City caused by the discharge of surface water into the sanitary sewer system. Any user allowing city inspection of the property to determine if surface water is being discharged into the sanitary sewer system shall be given a sewer charge credit in the amount of \$35.00 per month after demonstrating compliance with this policy. In order to receive the credit, the user must on a written statement stating that the user will not change, alter, modify or re-configure the property in such a way as to discharge surface water into the sanitary sewer system; and the user must allow re-inspection of the premises by the City at such times as

deemed appropriate by the City.

ARTICLE IX

Powers and Authority of Authorized Representative

- Sec. 1. The Authorized Representative and/or the City Council or other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling, and testing pertinent to the discharges to the City's sewer system in accordance with the provisions of this Ordinance.
- Sec. 2. The Authorized Representative and/or the City Council or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential; however, the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors and that the industrial process does not have deleterious results on the treatment process.
- Sec. 3. While performing necessary work on private properties, the Authorized Representative 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 in by this Ordinance.

ARTICLE X

Sewer Service Charge System

- Sec. 1. The City of Finlayson hereby establishes a Sewer System Charge System. All revenue collected from users of the wastewater treatment facilities will be used for annual operation, maintenance, replacement, and capital costs. Each user shall pay a proportionate share of operation, maintenance and replacement costs based on the users

proportionate contribution to the total wastewater loading.

Charges to users of the wastewater treatment facility shall be determined and fixed in a Sewer Service Charge System (SSCS) developed according to the provisions of this Ordinance. The SSCS adopted by resolution upon enactment of this Ordinance shall be published in the local newspaper and shall be effective upon publication. Subsequent changes in the sewer system service rates and charges shall be adopted by Council resolution and published in the legal newspaper of the City.

Revenues collected through the SSCS shall be deposited in a separate fund known as the Sewer Service Fund (SSF).

Sec. 2. The City of Finlayson hereby establishes a Sewer Service Fund as an income fund to receive all revenues generated by the SSCS and all other income dedicated to the wastewater treatment facility.

The SSF administered by the City shall be separate and apart from all other accounts. Revenue received by the SSF shall be transferred to the following accounts established as income and expenditure accounts.

- 1) Operation and Maintenance
- 2) Equipment Replacement
- 3) Debt Retirement

Sec. 3. Administration of the Sewer Service Fund

The City shall maintain a proper system of accounts and records suitable for determining the operation, maintenance, replacement (OM&R) and debt retirement costs of the treatment facilities, and shall provide a report of such costs annually.

At that time the City Council shall determine whether sufficient revenue is being generated for the effective management of the facilities and debt retirement. The City Council will also determine whether the user charges are distributed proportionately. If necessary, the SSCS shall be revised to insure proportionately of user charges and sufficient funds.

In accordance with State requirements, each user will be notified annually in conjunction with a regular billing of that portion of the Sewer Service Charge attributable to OM&R.

Sewer Service Charges shall be billed on a monthly basis. Any bill not paid in full ten (10) days after the due date will be considered delinquent. At that time the user will be notified in writing regarding the delinquent bill and subsequent penalty. The penalty shall be computed as ten percent (10%) of the original bill and shall be increased by the same percent for every month the bill is outstanding.

ARTICLE XI

Penalties

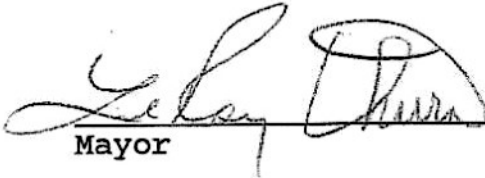
- Sec. 1. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.
- Sec. 2. Any person found to be violating any provisions of this Ordinance, shall be served by the City with written notice stating the nature of the violation. With ten (10) days of such notification, the violator shall submit to the Authorized Representative an adequate explanation for the violation and a plan for the correction and prevention of such occurrences, including specific actions required. Submission of such a plan in no way relieves the violator of liability for any violations occurring before or after the issuance of the notice. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- Sec. 3. Any person who shall continue any violation beyond the time limit provided for in Section 2 of this Article, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount not exceeding \$700.00 for each violation. Each day in which any such violation occurs shall be deemed as a separate offense.
- Sec. 4. Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss, or damage occasioned by the City by reason of such violation.
- Sec. 5. To collect delinquent sewer service charge accounts, the City may file a civil action or levy a lien against the violator. Related attorneys fees fixed by a court order shall also be collected. The violator shall be liable for interest on all unpaid balances at the rate of twelve percent (12%) per annum.

ARTICLE XII

Validity

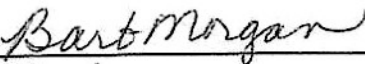
- Sec. 1. This Ordinance shall be in full force and take effect from and after its passage and approval and publication as provided by law.
- Sec. 2. All other ordinances and parts of other ordinances inconsistent or in conflict with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.
- Sec. 3. If any provision, section, sentence, clause or word contained in this Ordinance is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this Ordinance.

Adopted by the City Council of the City of Finlayson, Minnesota, on the 8th day of April, 2002 .



Mayor

ATTEST:



Clerk

Published in the Aspen American on the 25th
day of April, 2002 .