

Ordinance 702

An ordinance regulating the use of public and private sewers and drains. The installation and connection of public sewers, and the discharge of waters and wastes into the public sewer system.

Section 1:

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

- 1) "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- 2) "Superintendent" shall mean the City Utility Superintendent of the City of New Auburn.
- 3) "Inspector" shall mean the person or persons duly authorized by the City to inspect and approve the installation of building sewers and their connection to the public sewer system.
- 4) "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments.
- 5) "Sewer" shall mean a pipe or conduit for carrying sewage.
- 6) "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
- 7) "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm surface and ground waters are not intentionally admitted.
- 8) "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from domestic sanitary sewage.
- 9) "Building Drain" shall mean 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 5 feet outside the inner face of the building wall.
- 10) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- 11) "Person" shall mean any individual, firm, company, association, society, corporation or group.
- 12) "Shall is mandatory; "may" is permissive.
- 13) "City" shall mean the City of New Auburn, Minnesota, or any authorized person acting in its behalf.
- 14) "Approving Authority" shall mean the City Council of the City of New Auburn or its duly authorized agent, or representative.
- 15) "Sewage Treatment Facilities" shall mean any City owned facility, devices, and structures used for receiving and treating sewage from the City sanitary sewer system, including sewage pumping station, force main, stabilization ponds, spray irrigation area, and appurtenances.
- 16) "B.O.D." shall mean the quantity of oxygen expressed in parts per million by weight, utilized in the bio-chemical oxidation or organic matter under standard laboratory conditions for five days at a temperature of 20 degrees centigrade. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods".
- 17) "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by a laboratory filtration device.

Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".

- 18) "Standard Methods" shall mean the examination and analytical procedures set forth in the latest edition of the time of analysis of "Standard methods for the Examination of Water and Sewage" as prepared, approved, approved and published by the American Public Health Association.
- 19) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- 20) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- 21) "Parts per Million" shall mean a weight-to-weight ratio; the parts-per-million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.
- 22) "Operation and Maintenance Cost" shall mean annual expenditures made by the city in the operation and maintenance of its sewage treatment facilities, consisting of but not limited to the sums spent for each and all of the following purposes for the twelve month period prior to computing the industrial service charge:
 - a) Wages and salaries of operating, maintenance and supervisory personnel, together with premiums paid on such wages and salaries for State of Minnesota Worker's Compensation coverage.
 - b) Actual sums paid for electricity for light and power used for sewage collection and treatment facilities.
 - c) Actual sums paid for chemicals, fuel and other operating supplies.
 - d) Actual sums paid for repairs to and maintenance and replacement of sewage treatment facilities and the equipment associated therewith.
 - e) Actual sums paid as premiums for hazard insurance carried on sewerage works.
 - f) Actual sums paid as premiums for insurance providing coverage against liability imposed by law for the injury to persons and/or property (including death) of any person or persons resulting from the use and maintenance of said sewerage works.
- 23) "City Engineer" shall mean the person or consulting engineering firm employed by the City Council of the City of New Auburn to provide engineering services for the City.

Section 2:

Prohibited Wastes.

- A. No person shall discharge or cause to be discharged any storm water, groundwater, roof runoff, yard drainage, yard fountain, pond overflow or any substance other than sanitary sewage into the sanitary collection system.
 - a) No roof runoff, 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 buildings 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.

- b) 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 same prior to August 1, 2016. Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective, workmanlike manner as described in the next section.
 - c) All sump pumps shall have a discharge pipe installed to the outside wall of the building with one (1) inch inside minimum diameter. The pipe attachment must be a permanent fitting such as PVC pipe with glued fittings. The discharge shall extend at least three (3) feet outside of the foundation wall and must be directed toward the front yard or rear yard area of the property.
 - d) Every person owning real estate that discharges into the City's sanitary sewer system shall allow the City employee(s) 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 section shall be verified by City employee (s).
 - e) A surcharge of (to be determined by City council annually) per month is hereby imposed and shall be added to every sewer billing mailed on and after August 1, 2016, to property owners who are not in compliance with this section. The surcharge shall be added every month until the property is in compliance. 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.
 - f) Upon verified compliance with this section the City reserves the right to inspect property at City's discretion to verify compliance herewith.
- A. The discharge of cooling water from air conditioning units, 3 ton of refrigeration and larger, without cooling towers or recirculation system is prohibited without securing a special permit from the City Council of the City of New Auburn. The sanitary sewers are not designed to handle these cooling water volumes produced by air conditioning units. Cooling water free from bacteria and harmful chemicals should be drained into storm drains.

Except as hereinafter provided no person shall discharge or cause to be discharged any of the following described wastes of water to any public sewer:

1. Any liquid or vapor having a temperature higher than 180 degrees Fahrenheit.
2. Any water or waste containing more than 100mg/l by weight of fats, oils or greases.
3. Any liquids, solids or gases which by reason of their nature or quality may cause fire or explosion, or be in any other way injurious to persons, to the sewage works structures or to the operation of these works.

4. Any noxious or malodorous gas or substance, which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or preventing entry into sewers for their maintenance and repair.
5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, feathers, rubber tires, plastic, wood, paunch manure, butchers' offal or any other solids or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage system or sewage treatment works.
6. Any water or waste having a pH lower than 6.5 or higher than 9.0 or having any corrosive property capable of causing damage or hazards to structures, equipment or personnel of the sewage works or affecting the biological treatment of the waste.
7. Any toxic substance that will pass through the sewage treatment works and exceed the state or interstate requirements for a receiving stream.
8. Any water or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, without a special permit by the Approving Authority.
9. Any toxic radioactive isotopes, without special permit by the Approving Authority.
10. Any waters or wastes containing a toxic or poisonous substance such as plating or heat treating wastes in sufficient quantity to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, or to create any hazard in the receiving waters of the sewage treatment facilities.
11. Cyanides or cyanogen compounds capable of liberating hydrocyanic gas on acidification in excess of one-half part per million by weight as CN in the wastes from any outlet into the public sewers.
12. Materials which exert or cause:
 - a) Unusual concentrations of solids or composition; as for example, in total suspended solids of inert nature (such as fuller's Earth) and/or in total dissolved solids (such as sodium chloride, or sodium, sulfate).
 - b) Excessive discoloration,
 - c) Unusual biochemical oxygen demand or an immediate oxygen demand,
 - d) High hydrogen sulfide content, or
 - e) Unusual flow and concentration shall be pretreated to a concentration acceptable to the City, if such wastes can (a) cause damage to collection facilities, (b) impair the processes, (c) incur treatment cost exceeding those of normal sewage, or (d) render the water unfit for stream disposal or industrial use. Where discharge of such wastes to the sanitary sewer are not properly pretreated or otherwise corrected the Approving Authority may (a) reject the wastes or terminate the service of water and/or sanitary sewer, (b) require control of the quantities and rates of discharge of such wastes, or (c) require payment of surcharges for excessive cost for treatment provided such wastes are amenable to treatment by normal sewage plant facilities operated by the City.

No statement contained in this section shall be construed as prohibiting any special agreement or arrangement between the City and any person whereby an industrial waste of unusual strength or

character may be admitted into the sanitary sewers for treatment by the City either before or after pretreatment.

Section 3:

Use of public sewer 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 of New Auburn, Minnesota, or in any area under the jurisdiction of said City, any human or animal excrement, 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 said City, or in any area under the jurisdiction of said City, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of sewage.
- D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City and abutting any streets, alley or right of way in which there is now located or may in the future be located a public sewer of the City, is hereby required at his 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 ordinance, within ninety days after date of official notice to do so, provided that said public sewer is within one hundred feet of the property line.

Section 4:

Public sewage disposal.

- A. Where a public sanitary sewer is not available under the provisions of Section 4-D, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the State Pollution Control Agency and City Health Officer.
- B. At such times as a public sewer becomes available to a property served by a sewage disposal system as provided in Section 4-D a direct connection shall be made within 90 days to the public sewer in compliance with this ordinance and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned.
- C. The owner shall operate and maintain the private disposal facilities in a sanitary manner at all times, at no expense to the City.
- D. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the City Approving Authority.

Section 5:

Building sewers and connections.

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the City Clerk. Before a permit may be issued for excavation for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the City Clerk and deposited with the City Clerk a corporate surety in the sum \$5,000.00 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 or any ordinances of the City of New Auburn pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the City of New Auburn and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this ordinance. 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. Copies of insurance shall be filed with the City Clerk; coverage shall conform to current requirements for construction contracts of the City of New Auburn.
- B. There shall be a building sewer permit and the owner or his agent shall make application on a special form furnished by the said City. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the City Engineer.
- C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify said City from any loss or damage that may directly or indirectly be occasioned by said installation.
- D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or 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 may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the City Council.
- E. Old building sewer or portions thereof, may be used in connection with new building only when they are found on examination and test by the Superintendent to meet all requirements of this ordinance.
- F. The building sewer shall be constructed of one of the following: Vitrified Clay Sewer Pipe and Fittings meeting the current A.S.T.M. Specifications for Standard of Extra Strength Clay Sewer Pipe or Extra Heavy Cast Iron Soil Pipe meeting the current A.S.T. M. Specifications or the Department of Commerce Commercial Standards for Extra Heavy Cast Pipe and Fittings

or Polyvinyl Chloride Sewer Pipe and Fittings meeting current A.S.T.M. Specifications. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that vitrified clay pipe may be accepted if laid on a suitable improved bed or cradle as approved by the said Inspector. Other sewer materials may be used if approved by resolution of the City Council.

- G. All joints and connections shall be made gas tight and water tight. Vitrified clay sewer pipe joints shall be in conformance with the latest A.S.T.M. specifications. Before joining the pipe in the trench, the bell and spigot surfaces shall be wiped free of dirt or other foreign matter. The spigot end shall be positioned into the bell end of the pipe previously laid and shall then be shoved home to assure a tight fit. Joints for cast iron soil pipe shall be rubber ring or equal in conformance with the latest A.S.T.M specifications. PVC Sewer Pipe shall be solvent weld joining in accordance with the manufactures' instructions.
- H. The size and slope of the building sewers shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than four inches. The slope of such 4-inch pipe shall not be less than one-eighth inch per foot. A slope of one-fourth inch per foot shall be used wherever practical.
- I. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said Inspector. Pipe laying and backfill shall be governed by A.S.T.M. specifications except that no backfill shall be placed until the work has been inspected by the Superintendent or his representative.
- J. No septic tank discharge will be allowed into the sanitary sewer system. Existing septic tanks may be left in place if the septic tank is first pumped clean and then filled with compacted granular material. The building sewer may be laid across an existing septic tank if the tank is pumped and filled as outlined above and then if the building sewer is constructed of cast iron pipe across the septic tank. No joints will be allowed on the portion of pipe spanning the septic tank.
- K. 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. Not water operated sewage ejector shall be used.
- L. The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer, shall be made only as directed by the said Superintendent.
- M. The applicant for the building sewer shall notify the said Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said Superintendent or his representative.
- N. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect from hazard. Streets, sidewalks, parkway and other public

property disturbed in the course of the work shall be restored in a manner satisfactory to the said City.

Section 6:

Protection from damage.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 7:

Power and authority of Inspectors.

The Superintendent, inspector and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The City of New Auburn will give written notice before entering any building.

Section 8:

Penalties.

- A. Any person that has not obtained an inspection within the time frame given (not to exceed 30 days) shall be in violation of this ordinance.
- B. Any person found to be violating any provision of this ordinance except Section 6, shall be served by the City of New Auburn with written notice stating the nature of the violation and providing a time frame of 10 business days to permanently resolve the violation.
- C. Any person who shall continue any violation beyond the time limit provided for in Section 8A and 8B shall be charged a surcharge in an amount of one hundred dollars (\$100.00) per month until the city has verified the violation has been corrected.
- D. Any person violating any of the provisions of this ordinance shall become liable to the City of New Auburn for any expense, loss or damage occasioned the city by reason of such violation.

Section 9:

Rate and Charges.

- A. (1) Equitable Waste Cost Recovery System Charges – Any person or owner discharging wastes which exhibit none of the characteristics of waste prohibited in Section 2, other than excessive BOD or suspended solids, shall be charged on the following basis for sewer service:
- a) Operation & Maintenance Charges – As its proportionate share of the expenses incurred by the City in the operation and maintenance of the City sewage treatment facilities and the City sanitary sewer system, the person shall pay to the City – a monthly sum equal to the amount computed by the application of the following formula and sampling procedures in Section 3 of this ordinance.
 - 1. The person’s total annual gallons of sewage divided by the total annual gallons of sewage at the City Sewage Treatment Facilities, the result so obtained to be multiplied by the operation and maintenance cost of the City Sewage Treatment Facilities plus the operation and maintenance cost of the sanitary sewer system, and the result so obtained multiplied by one-twelfth.
 - b) Participation in future construction costs – The annual rate of capital costs amortization for all improvements necessary to increase the degree of treatment of the sewage at the City Sewage Treatment Facilities, where such improvements are required to meet standard of effluent quality and purity established by the Minnesota pollution Control Agency, will be apportioned as established in Section 9.A.1.a above and extend for a period not to exceed the amortization period of such improvements.
- (2) For sewer services and the availability thereof, any person connecting to or benefiting from the public sewer agrees to pay the rates and charges established therefore, from time to time by Council Resolutions. The user charge for service to be paid by any person connecting premises to the public sewer shall be based upon the existing water user charges. The exact method of determining user charges shall be established by council resolution. In addition to all other charges, each permit it connect shall be accompanied by a residential equivalent connection charge in the amount of \$1,000.00 for each residential dwelling unit or equivalent.
- (3) In respect to property which shall be connected with the City Sewer System for the discharge and disposal of any waste unusual in either character or amount, then, in addition to all applicable charges hereunder, the City council reserves the right to impose such supplemental sewage rate charges as said City Council shall determine is reasonable and warranted on the basis of all relevant factors.
- (4) The City Council may, by its Resolution, provide that any sewer connection as provided by Section A above, be transmitted to the County Auditor to be payable to not more than fifteen annual installments of principal plus 7% annual interest on the unpaid balance from year to year, and to provide further that all connection charges and interest collected by the County Treasurer therefrom shall be paid over to the City Treasurer in the same manner as other municipal taxes.

- (5) Any application for connection permit shall state whether the subject premises has paid an assessment and, if so, the amount so assessed and the legal description of and the premises as originally assessed.
 - (6) The charges established pursuant to this ordinance shall be in lien on the real estate benefited thereby and against which same is established and shall be of equal rank with the liens and taxes levied under the general laws of the State, and shall become due and payable as fixed by the resolution establishing such charges. Such charges may also at the option of the City be enforced against the owner, lessee, or occupant of the property benefited by the connection service, or availability of service against all of them in a civil action without the waiver of other remedies.
- B. Statements for sewer rental charges for the preceding quarterly period shall be mailed to each customer at such dates as prescribed by the City Council. Said statements shall be due and payable to the Treasurer on or before the 15th of the month following date of bill.
 - C. Any amounts due hereunder for sewage charges may be collected in an action brought for that purpose in the name of the City; or the Clerk may certify to the County Auditor the amounts for sewer charges, including penalty, together with the legal description of the premises served and the County Auditor shall thereupon enter such amount with the tax levy on said premises collectible with the taxes for the next ensuing year.

Section 10:

The City Clerk shall annual review the cash flows associated with providing wastewater treatment service for the City of New Auburn and shall report his findings to the City Council at the first regular meeting of each year. Any inequities and/or shortages of revenues caused by unforeseen changes in the cost-revenue pattern of the wastewater treatment facilities shall be remedied immediately.

Section 11:

Validity.

- A. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- B. Ordinances number 39 and 61 herewith are hereby repealed.
- C. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid parts or parts.

Section 12:

Ordinance in force.

This Ordinance to be in full force and effect from and after this passage, approval and publication.

ADOPTED BY THE CITY COUNCIL THIS 13 DAY OF June, 2016

Doug Munsch, Mayor

Attest:

Wendy L Becker, City Clerk