

TITLE 5: PUBLIC WORKS

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CHAPTER 500: GARBAGE AND RUBBISH

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Health and Safety; Nuisances, see Chapter 902

§ 500.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARBAGE. Organic refuse resulting from the preparation of food, and decayed and spoiled food from any source.

RUBBISH. All inorganic refuse matter such as tin cans, glass, paper, rags, ashes, old clothing, wood and the like. Rubbish excludes, earth, sand, brick, and stone created or generated as a result of construction activities.

§ 500.02 COLLECTION OF GARBAGE AND RUBBISH.

§ 500.021. The cost of collecting and disposing of such garbage or rubbish shall be borne by the homeowner/resident. Surcharges levied by other government bodies that are directly related to garbage disposal or recycling shall also be billed to the individual homeowner/resident. These costs shall be billed monthly to each homeowner/resident. In the event of nonpayment by a homeowner/resident; following the third billing, these costs shall be certified by the City Clerk to the Rice County Auditor, and shall become part of the real estate tax of the owner of the property.

§ 500.022. No person not duly licensed and bonded by the City Council of Dundas to do so shall haul garbage or other refuse for hire upon the streets of Dundas.

§ 500.023. All garbage or other refuse shall be transported on the streets or alleys in the City only in vehicles with leakproof bodies of easily cleanable construction and completely covered with metal or heavy canvas. Vehicles shall be so operated that contents do not spill or drip upon streets or alleys or otherwise create a nuisance.

§ 500.03 CONTAINER REQUIRED; PLACEMENT.

(A) It shall be the duty of every person whose garbage and refuse is collected by the City's sanitation collection service to utilize a container or containers for garbage and refuse, sufficient in size and number to accommodate and securely keep all garbage and refuse that may accumulate between collections. Garbage containers shall be watertight and constructed of a solid and durable grade of metal, plastic, or paper material.

(B) It shall be the duty of every person whose garbage and refuse is collected by the City's sanitation collection service to place their garbage containers directly behind the curblineline of the street abutting their property or in the absence of a curb directly behind the ditch line abutting their property. In no event shall containers be placed in the street or on the sidewalk or in any manner placed where the containers will interfere with vehicular or pedestrian traffic.

It shall be the responsibility of the subscriber to place the containers no earlier than 6:00 p.m. of the afternoon preceding the collection day and shall remove said container from the street or sidewalk by no later than 6:00 a.m. on the day following collection.

Penalty, see § 100.99

§ 500.04 MEDDLING WITH TRASH RECEPTACLES PROHIBITED.

(A) It shall be unlawful to meddle with garbage cans, trash or rubbish receptacles or in any way pilfer, search or scatter contents of garbage cans or rubbish receptacles in or upon any street or alley within the city limits.

(B) This section shall not apply to persons authorized by the city or persons authorized by state or federal law to search or otherwise meddle with trash receptacles.

Penalty, see § 100.99

§ 500.05 CONTAINERS TO BE KEPT SANITARY AND SECURE.

All containers shall be kept clean and free from accumulation of any substance remaining attached to the inside of the container which would attract or breed flies, mosquitoes, or other insects. The area surrounding garbage containers shall be maintained in a clean and sanitary condition. The contents of all receptacles shall be protected so that the wind cannot scatter the contents over the streets, alleys or other property within the city. All containers shall be securely closed in a manner as to prevent the scattering of the contents and to make them inaccessible to insects, rodents and other animals.

Penalty, see § 100.99

§ 500.06 UNAUTHORIZED PRIVATE COLLECTIONS PROHIBITED.

(A) It shall be unlawful for any person to transport garbage or refuse for hire which has been collected from any premises within the city over any public street within the city.

(B) This section shall not apply to any person who at the time of the activity is operating under a valid contract or franchise granted by the city which authorizes that person to use the public streets to conduct that activity.

Penalty, see § 100.99

§ 500.07 SANITATION SERVICE: CITY OPTIONS.

The City Council shall provide for sanitation collection services within the city by use of city employees and vehicles, or it may grant licenses under the terms and conditions of § 500.13, or it may contract with one or more contractors for the provision of these services under the

terms and conditions negotiated with the contractors, except that the provisions for insurance under § 500.13(E) shall always apply.

§ 500.08 RATES AND CHARGES; COLLECTION AND LATE PAYMENT.

If the city collects charges for the collection, removal and disposal of garbage and trash within the city, the following provisions apply:

(A) *GENERALLY.* The monthly charge for the collection, removal and disposal of garbage and trash from residences and businesses within the corporate limits of the city shall be as established by resolution of the Dundas City Council, as adopted from time to time.

HISTORY: Amended by Ord. 2003-02

(B) *COLLECTION OF CHARGES.* The charges fixed herein for the collection, removal and disposal of all garbage and trash shall be entered in their respective amounts on the utility bill. The city may discontinue all utility services, including water, sewer, and garbage and trash services, for failing to pay any assessed charges and until the charges have been paid in full under conditions and procedures detailed in division (C) of this section.

(C) *DISCONNECTION FOR LATE PAYMENT.*

(1) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(a) That all bills are due and payable on or before the date set forth on the bill;

(b) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(c) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(2) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be

discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(3) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge as established by the Ordinance Establishing Fees and Charges adopted pursuant to § 300.11 and Chapter 101 of this code, as that ordinance may be amended from time to time.

§ 500.09 REMOVAL OF BUILDING MATERIALS.

Waste from building operations, rock waste, building materials or other refuse resulting from building or remodeling operations or resulting from a general cleanup of vacant or improved property shall be removed by the building contractor, owner or occupant of the building at his or her own expense. It shall be unlawful for any person to place those materials in any dumpster or other trash receptacle for disposal by the city or any agent or contractor of the city.

Penalty, see § 100.99

§ 500.10 PROHIBITED ACTS.

(A) It shall be unlawful for any person to sweep, throw or deposit any garbage, rubbish, trash, debris, stagnant water or dead animal into, upon or along any public property or private property of another, except as may be specifically provided by this chapter.

(B) It shall be unlawful for any person owning or otherwise in control of any premises within the city to permit any of the conditions described in division (A) to exist upon property owned or controlled by him or her after having actual or constructive notice thereof.

(C) It shall be unlawful for any person to place in any container any material other than as specifically provided in this chapter.

(D) It shall be unlawful for any person to deposit or maintain garbage or trash except as provided for by this chapter.

(E) It shall be unlawful for any person to deposit any burning match, charcoal, ember, or other material in any container used for the disposal of garbage.

Penalty, see § 100.99

§ 500.11 NON-RESIDENTIAL CUSTOMERS; CONTAINER TYPES; COLLECTION SCHEDULES.

(A) It shall be the duty of the owner or person otherwise in charge of multi-family, institutional or industrial premises within the city to cause all garbage and trash accumulated on the premises to be placed in disposable containers, or commercial-type containers. Commercial-type containers may be used and may be placed at a location on the premises as arranged between the customer and the collector, but subject to review by the city at any time.

(B) Disposable containers shall be placed at a location on the premises which is readily accessible to the collector.

(C) The amount and character of garbage shall be considered in establishing size of commercial containers and frequency of pickup. The city shall have final authority to establish the size and frequency based on the history of amount and type of garbage generated by the customer. The collection and removal of garbage and trash from premises used for commercial, institutional, or industrial purposes shall be made as often as necessary in order to maintain the premises free of accumulations. Garbage, except dry trash in contractor-supplied containers, shall be collected not less than one time each week, except for roll-off containers which shall not be subject to this provision so long as they are used solely for brush and dry trash.
Penalty, see § 100.99

§ 500.12 MANNER OF COLLECTION AND TRANSPORTATION.

(A) The collection, removal and disposal of all garbage, trash and brush shall be carried on in a systematic, efficient manner to keep the city in a clean and sanitary condition.

(B) All vehicles used for the collection and transportation of garbage and trash shall be equipped with suitable covers which shall be used to prevent blowing or scattering of refuse while garbage and trash are being transported for disposal.
Penalty, see § 100.99

§ 500.13 LICENSING FOR COLLECTION.

(A) *PURPOSE.* In order to provide for a continuous system of refuse collection and disposal in a manner which meets the needs and conveniences of the residents of the city and in order to protect the area from the problems of uncoordinated, unsanitary and improper solid waste disposal, the City Council determines that it is in the best interests of the residents of the city to require licenses of persons collecting or hauling garbage and rubbish for hire, reserving to the city the right and authority to contract with one or more operators to provide these services.

(B) *LICENSING.* No person may collect or haul garbage or rubbish within the city without first obtaining a written license from the City Council. An application for a license shall be submitted in writing to the City Clerk, and shall contain the following information:

- (1) Name and address of the applicant;
- (2) Description of the equipment which will be used within the city by the applicant;
- (3) A schedule of the rate that will be charged by the applicant for the various categories of customers within the city;
- (4) Evidence of compliance with the other applicable sections of this chapter.

(C) *FRANCHISE.* The City Council may exercise its reserved right to contract with one or more operators for the collection of garbage and rubbish within the city.

(D) *SUSPENSION OF LICENSE OR CONTRACT.* A contract or license issued under the provisions of this section may be revoked or suspended for a violation of this chapter or other applicable regulations of law upon a showing that the contractor or licensee has failed to comply with that regulation.

(E) *FINANCIAL RESPONSIBILITY.* The licensee or contractor shall show financial responsibility or a certificate of insurance coverage prior to obtaining the license or franchise whereby each vehicle to be used by the licensee or contractor shall be covered against loss or injury in the following amounts: \$300,000 when the claim is one for death by wrongful act or omission and \$300,000 to any claimant in any other case; \$1,000,000 for any number of claims arising out of a single occurrence. The licensee or contractor shall hold the city harmless and agrees to defend and indemnify the city, and the city's employees and agents, for any claims, damages, losses, and expenses related to the work under the license or contract. The city shall be named as an additional insured under that insurance for the services provided under the license or contract. The licensee's or contractor's insurance shall be the primary insurance for the city and the licensee or contractor shall provide a certificate of insurance on the city's approved form which verifies the existence of the insurance required, including provisions to hold the city harmless and defend and indemnify the city. The licensee or contractor shall also provide evidence of workers compensation insurance for employees. These insurance policies shall be for the full term of the license or franchise and shall provide for the giving of ten days prior notice to the city of the termination or cancellation of these policies. In case any policies are terminated or cancelled, the license or contract shall be automatically revoked upon receipt by the City Clerk of the termination or cancellation.

(F) *DESIGN OF EQUIPMENT.* All trucks or motor vehicles used by the licensee or contractor shall be water-tight so as not to allow the leakage of liquids or refuse while hauling the same and shall be covered with a covering to prevent the scattering of its contents upon the public streets or private properties in the city.

(G) *INSPECTIONS.* All vehicles used for garbage or rubbish shall be made available for inspection within the city at the times and places as the City Council may designate.

(H) *BOND.* The contractor or licensee may be required to furnish a surety bond in an amount as the City Council deems necessary running to and approved by the City Council,

guaranteeing the franchisee's or licensee's faithful and continuous performance of the terms of the franchise, license or contract and of this chapter.

§ 500.14 COLLECTION OF LEAVES, TREES OR TREE LIMBS.

Nothing in this chapter shall be construed to prevent the collection for hire by other persons of leaves, trees or tree limbs.

§ 500.15 BURNING OF GARBAGE AND RUBBISH.

A. *GARBAGE BURNING PROHIBITED.* No person shall burn any garbage in the City.

B. *TRASH BURNING REGULATED.* No person shall burn any trash, lumber, straw, papers, or other combustible material except grass lawn sweepings and leaves, in any street, alley, yard or upon any lot except in the manner hereinafter provided in this ordinance. Such burning in or upon any street, sidewalk, or alley of the City is expressly prohibited.

C. *TRASH BURNING REGULATION.* Any of the refuse or material described in Section B of this ordinance may be burned in the City in a refuse burner constructed in a substantial manner of iron, steel, brick, concrete, or stone, which shall be a closed receptacle with a tight door at the bottom, if any opening there exists, and the top opening shall be protected in a secure manner by a wire screen of not less than nine gauge wire with a mesh not to exceed one-half (½) inch. If such refuse burner is constructed of iron or steel, it shall not be thinner than 14 B.W. gauge. Provided, however, that such refuse or material shall not be burned within twenty (20) feet of any building, structure or flammable material, nor within ten (10) feet of any fence, partition or neighboring property line.

D. *CONTROL OF FIRES.* No fire shall be set on any unusually windy day. No person shall set fire to or burn any weeds, grass, leaves, rubbish or other substance within the meaning of Section B hereof without first providing adequate means to control such fire at all times.

E. *EVIDENCE.* The setting of such a fire on any unusually windy day or the calling or appearance of fire-fighting equipment at such a fire shall constitute prima facie evidence that the person so setting the fire did not provide adequate means to control such fire.

HISTORY: Ordinance 4.02 (1985)

§ 500.16 CIVIL ENFORCEMENT.

In addition to any criminal penalty which may apply for a violation of this Chapter, the City Council may issue civil orders to any person, including occupants or property owners, to clean up their property or abate any violation of this Chapter.

The City shall complete any necessary clean up work, after notice to the occupant or property owner and failure to comply with the City's Order. The City may recover 110 percent (110%) of the actual costs of clean-up work performed plus attorney fees by special levy or civil action.

HISTORY: Ordinance 4.01 Section 5 (1985)

CHAPTER 501: SEWER REGULATIONS

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Cross-reference:

Health and Safety; Nuisances, see Chapter 902

GENERAL PROVISIONS

§ 501.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Federal Water Pollution Control Act, also referred to as the Clean Water Act, being 33 USC 1251 et seq., as amended.

ASTM. American Society for Testing Materials.

AUTHORITY. This city or its representative thereof.

BIOCHEMICAL OXYGEN DEMAND (BOD₅). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C, expressed in terms of milligrams per liter (mg/l).

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three feet outside the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.

CITY. The area within the corporate boundaries of the city of Dundas 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.

CONTROL MANHOLE. A structure specially constructed for the purpose of measuring flow and sampling of wastes.

EASEMENT. An acquired legal right for the specific use of land owned by others.

GARBAGE. Animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

INDUSTRIAL WASTE. Gaseous, liquid and solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development, recovery and processing of natural resources, as distinct from residential or domestic strength wastes.

INDUSTRY. Any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, which is categorized in Divisions A, B, D, E and I.

INFILTRATION. Water entering the sewage system (including building drains and pipes) from the ground through means as defective pipes, pipe joints, connections and manhole walls.

INFILTRATION/INFLOW (I/I). The total quantity of water from both infiltration and inflow.

INFLOW. Water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

INTERFERENCE. The inhibition or disruption of the city's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the city's NPDES or SDS permit. The term includes sewage sludge use or disposal by the city in accordance with published regulations providing guidelines under Section 405 of the Act (33 USC 1345) or any regulations developed pursuant to the Solid Waste Disposal Act (42 USC 6901 et seq.), the Clean Air Act (42 USC 7401 et seq.), the Toxic Substances Control Act (15 USC 2601 et seq.), or more stringent state criteria applicable to the method of disposal or use employed by the city.

JOINT WASTEWATER TREATMENT AGREEMENT. The Agreement entered into between the City of Dundas and the City of Northfield on May 7, 2001, and as Amended or revised, which allows Dundas effluent to be treated as part of the Northfield Wastewater Treatment System and facility.

MAY. The term is permissive.

MPCA. The Minnesota Pollution Control Agency.

NATIONAL CATEGORICAL PRETREATMENT STANDARDS. Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to be not susceptible to treatment by those treatment facilities or would interfere with the operation of those treatment facilities, pursuant to Section 307(b) of the Act (33 USC 1317(b)).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act (33 USC 1342 and 33 USC 1345).

NATURAL OUTLET. Any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.

NON-CONTACT COOLING WATER. The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added is heat.

NORMAL DOMESTIC STRENGTH WASTE (NDSW). Wastewater that is primarily introduced by residential users with a BOD₅ concentration not greater than 287 mg/l and a suspended solids (TSS) concentration not greater than 287 mg/l.

PERSON. Any individual, firm, company, association, society, corporation or group.

pH. The logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.

PRETREATMENT. The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than ½-inch (1.27 cm) in any dimension.

SEWAGE. The spent water of a community. The preferred term is wastewater.

SEWER. A pipe or conduit that carries wastewater or drainage water.

(1) *COLLECTION SEWER.* A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.

(2) *INTERCEPTOR SEWER.* A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

(3) *PRIVATE SEWER.* A sewer which is not owned and maintained by a public authority.

(4) *PUBLIC SEWER.* A sewer owned, maintained and controlled by a public authority.

(5) *SANITARY SEWER.* A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters which are not admitted intentionally.

(6) *STORM SEWER or STORM DRAIN.* A drain or sewer intended to carry storm waters, surface runoff, ground water, subsurface water, street wash water, drainage and unpolluted water from any source.

SHALL. The term is mandatory.

STATE DISPOSAL SYSTEM (SDS) PERMIT. Any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to M.S. § 115.07, as it may be amended from time to time for a disposal system as defined by M.S. § 115.01(8), as it may be amended from time to time.

SUSPENDED SOLIDS (SS) or 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, and referred to as non-filterable residue.

TOXIC POLLUTANT. The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse affects as defined in standards issued pursuant to Section 307(a) of the Act (33 USC 1317(a)).

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, and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities.

USER. Any person who discharges or causes or permits the discharge of wastewater into the city's wastewater disposal system.

UTILITIES SUPERINTENDENT. The person appointed by the City Council to supervise the sewer and water systems of the city.

WASTEWATER. The spent water of a community and referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with any ground water, surface water and storm water that may be present.

WASTEWATER TREATMENT WORKS or TREATMENT WORKS. An arrangement of any devices, facilities, structures, equipment or processes owned or used by the city of Dundas or the City of Northfield for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from that treatment.

WPCF. The Water Pollution Control Federation.

§ 501.002 CONTROL OF SEWERS; ADMINISTRATION OF CHAPTER.

The Utilities Superintendent, or other official designated by the City Council 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 chapter to the end that a proper and efficient public sewer is maintained. The Utilities Superintendent may delegate responsibilities to designated representatives of the City.

The Superintendent shall further ensure that all terms, regulations, rights and obligations of Northfield City Ordinances regulating the discharge of sewage, as defined in that Wastewater Treatment Agreement between Dundas and the City of Northfield dated May 7, 2001, and as amended, and the terms and provisions of said agreement, are fully enforced and complied with.

§ 501.003 BUILDING SEWERS; GENERAL REQUIREMENTS.

Building sewer construction shall meet the pertinent requirements of the Minnesota State Building Code, which is those chapters of Minn. Rules referenced in Minn. Rules part 1300.2400, subpart 6, as they may be amended from time to time, and the Minnesota Plumbing Code, Minn. Rules Ch. 4715, as it may be amended from time to time. The applicant shall notify the City Clerk when the building sewer and connection is ready for inspection. The connection shall be made under the supervision of the Building Official or the Building Official's representative, if the city has adopted the State Building Code. If the city has not adopted the State Building Code, the Utilities Superintendent shall perform the inspection. If the city does not have a Utilities Superintendent, an installer licensed under § 51.064 shall certify that the building sewer and connection comply with the State Building Code. No backfill shall be placed until the work has been inspected and approved, or until the certification has been received. Penalty, see § 501.999

§ 501.004 TAMPERING WITH WASTEWATER FACILITIES.

No person 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. Penalty, see § 501.999

§ 501.005 COST OF REPAIRING OR RESTORING SEWERS.

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 that person, and may collect the assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the city.

GENERAL REGULATIONS

§ 501.015 DEPOSITS OF AN UNSANITARY MANNER PROHIBITED.

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 the city's jurisdiction, any human or animal excrement, garbage or objectionable waste.

Penalty, see § 501.999

§ 501.016 DISCHARGE OF WASTEWATER OR OTHER POLLUTED WATERS.

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 chapter and the city's NPDES/SDS permit.

Penalty, see § 501.999

§ 501.017 RESTRICTIONS ON WASTEWATER DISPOSAL FACILITIES.

Except as otherwise provided in this chapter, 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.

Penalty, see § 501.999

§ 501.018 INSTALLATION OF SERVICE CONNECTION TO PUBLIC SEWER.

The owners 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 in the future be 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 code; provided, the public sewer is within 660 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 ten-day notice shall be served instructing the affected property owner to make the connection.

Penalty, see § 501.999

§ 501.019 FAILURE TO CONNECT TO A PUBLIC SEWER.

In the event an owner shall fail to connect to a public sewer in compliance with a notice given under § 501.018, the city shall undertake to have the connection made and shall assess the cost thereof against the benefitted property. The assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the County Auditor 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 chapter.

Penalty, see § 501.999

§ 501.020 INCORPORATION OF NORTHFIELD CITY ORDINANCES.

All terms, regulations, rights, and obligations of Northfield Ordinances regulating the discharge of sewage (as defined in that Wastewater Treatment Agreement between the cities of Dundas and Northfield, dated May 7, 2001) and the said Wastewater Treatment Agreement are incorporated herein, to be a part of this Ordinance as if fully stated herein, including without limitation, the right of the City of Northfield to inspect, monitor, impose and collect rates, or require pretreatment within the Dundas collection system service area.

PRIVATE WASTEWATER DISPOSAL

§ 501.035 PUBLIC SEWER NOT AVAILABLE.

Where a public sewer is not available under the provisions of § 501.018, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this subchapter and Minn. Rules Ch. 7080, Individual Sewage Treatment Systems Program, as they may be amended from time to time.

Penalty, see § 501.999

§ 501.036 PERMITS.

(A) *REQUIRED.* Prior to commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the city. The application for the 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.

(B) *INSPECTIONS.* 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.

Penalty, see § 501.999

§ 501.037 TYPE, CAPACITIES, LOCATION AND LAYOUT.

The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of Minn. Rules Ch. 7080, Individual Sewage Treatment Systems Program, as they may be amended from time to time. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Penalty, see § 501.999

§ 501.038 DIRECT CONNECTION REQUIRED.

At the time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 30 days in compliance with this chapter, and within 30 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.

Penalty, see § 501.999

§ 501.039 OPERATION AND MAINTENANCE BY OWNER.

The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the city.

§ 501.040 APPLICATION OF SUBCHAPTER.

No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Minnesota Department of Health.

BUILDING SEWERS AND CONNECTIONS

§ 501.055 RESTRICTIONS ON NEW CONNECTIONS.

Any new connections 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 Utilities Superintendent.

Penalty, see § 501.999

§ 501.056 BUILDING SEWER PERMITS.

(A) *REQUIRED.* No unauthorized person 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.

(B) *APPLICATIONS.* 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.

(C) *CLASSES.* There shall be two classes of building sewer permits: one for residential and commercial service, and one 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.

(D) *INSPECTION AND CONNECTION.* 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 Utilities Superintendent or authorized representative thereof.

Penalty, see § 501.999

§ 501.057 COSTS AND EXPENSES.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

Penalty, see § 501.999

§ 501.058 SEPARATE BUILDING SEWERS REQUIRED.

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 connection.

Penalty, see § 501.999

§ 501.059 OLD BUILDING SEWERS; RESTRICTIONS ON USE.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Utilities Superintendent or his or her representative, to meet all requirements of this chapter.

§ 501.060 CONFORMANCE TO STATE BUILDING AND PLUMBING CODE REQUIREMENTS.

(A) The size, slopes, alignment, materials of construction of building sewers 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 Building and Plumbing Code or other applicable rules and regulations of the city.

(B) The connection of the building sewer into the public sewer shall conform to the requirements of the State Building and Plumbing Code or other applicable rules and regulations of the city. All 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.

Penalty, see § 501.999

§ 501.061 ELEVATION BELOW BASEMENT FLOOR.

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 the building drain shall be lifted by an approved means and discharged to the building sewer.

Penalty, see § 501.999

§ 501.062 SURFACE RUNOFF OR GROUNDWATER CONNECTIONS PROHIBITED.

No person shall make connection of roof downspouts, sump pumps, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or indirectly to the wastewater disposal system.

Penalty, see § 501.999

§ 501.063 EXCAVATIONS.

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.

Penalty, see § 501.999

§ 501.064 LICENSES.

(A) *REQUIRED.* No person shall make a service connection with any public sewer unless regularly licensed under this chapter to perform the work, and no permit shall be granted to any person except a regularly licensed person.

(B) *APPLICATION.* 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 Utilities Superintendent for recommendations to the Council. If approved by the Council, the license shall be issued by the City Clerk upon the filing of a bond as hereinafter provided.

(C) *ISSUANCE.* No license shall be issued to any person until a policy of insurance 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 that 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 Utilities Superintendent, and shall conform in all respects to any rules and regulations of the Council relative thereto, and pay all fines that may be imposed on the licensee by law.

(D) *FEE.* The license fee for making service connections shall be as established by the Ordinance Establishing Fees and Charges adopted pursuant to § 300.11 and Chapter 101 of this Code, as that ordinance may be amended from time to time. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked by the Council for cause.

(E) *SUSPENSION OR REVOCATION.* The Council may suspend or revoke any license issued under this subchapter for any of the following causes:

- (1) Giving false information in connection with the application for a license.
- (2) Incompetence of the licensee.
- (3) Willful violation of any provisions of this chapter or any rule or regulation pertaining to the making of service connections.
Penalty, see § 501.999

USE OF PUBLIC SERVICES

§ 501.080 DISCHARGES OF UNPOLLUTED WATER.

(A) No person shall discharge or caused to be discharged any water such as stormwater, ground water, roof runoff, surface drainage or non-contact cooling water to any sanitary sewer.

(B) Stormwater and all other unpolluted drainage shall be discharged to those 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.

Penalty, see § 501.999

§ 501.081 DISCHARGES OF WATERS OR WASTES.

No person 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 ½-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 residues, 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 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 (33 USC 1317(a)).

Penalty, see § 501.999

(E) Any sewage, polluted water or other Effluent which is prohibited by State Law or City of Northfield Ordinance.

§ 501.082 LIMITED DISCHARGES.

(A) 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 soil, vegetation and ground water, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Utilities Superintendent may set limitations lower than limitations established in the regulations below if, in his or her opinion, the more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability of wastes, the Utilities Superintendent will give consideration to 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/SDS permit, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

(B) 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 Utilities Superintendent are as follows:

(1) 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.

(2) 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.

(3) Any quantities of flow, concentrations, or both which constitute a "slug" as defined in § 501.001.

(4) Any garbage not properly shredded, as defined in § 501.001 of this chapter. 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.

(5) 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.

(6) Any wastewater with objectionable color not removed in the treatment process such as but not limited to dye wastes and vegetable tanning solutions.

(7) Non-contact cooling water or unpolluted storm, drainage or ground water.

(8) 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 quantities that would cause disruption with the wastewater disposal system.

(9) Any radioactive wastes or isotopes of half-life or concentration as may exceed limits established by the Utilities Superintendent in compliance with applicable state or federal regulations.

(10) Any waters or wastes containing the following substances to the degree that any material received in the composite wastewater at the wastewater treatment works is detrimental to treatment process, adversely impacts land application, adversely effects receiving waters, or is in violation of standards pursuant to Section 307(b) of the Act (33 USC 1317(b)): Arsenic, Cadmium, Copper, Cyanide, Lead, Mercury, Nickel, Silver, total Chromium, Zinc and Phenolic compounds which cannot be removed by the city's wastewater treatment system.

(11) 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.

(12) Any waters or wastes containing BOD₅ or suspended solids of character and quantity that unusual attention or expense is required to handle the materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of § 501.094.

(13) Wastewater containing substances which cannot be treated to produce effluent quality required by the permit or causes a violation of any Local, State or Federal regulation.

§ 501.083 DISCHARGES HAZARDOUS TO LIFE OR CONSTITUTE PUBLIC NUISANCES.

(A) 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 § 501.082, or which in the judgement of the Utilities Superintendent may have a deleterious effect upon the

wastewater treatment facilities, processes, or equipment, receiving waters or soil, vegetation, and ground water, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act (33 USC 1317(b)) and all amendments thereof;
- (3) Require control over the quantities and rates of discharge; and
- (4) Require payment to cover the added costs of handling, treating and disposing of wastes not covered by existing taxes or sewer service charges.

(B) 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 owner's expense and shall be subject to the review and approval of the city pursuant to the requirements of the MPCA.

§ 501.084 INCREASING USE OF PROCESS WATER.

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 §§ 501.081 and 501.082, or contained in the National Categorical Pretreatment Standards or any state requirements.

Penalty, see § 501.999

§ 501.085 PRETREATMENT OR FLOW-EQUALIZING FACILITIES.

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.

§ 501.086 GREASE, OIL AND SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Utilities Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in § 501.082(B)(2), any flammable wastes as specified in § 501.081(A), sand or other harmful ingredients; except that 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 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 Utilities Superintendent. 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.

Penalty, see § 501.999

§ 501.087 INDUSTRIAL WASTES; INSTALLATIONS.

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 necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes.

The 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 or her expense and shall be maintained by the owner to be safe and accessible at all times.

Penalty, see § 501.999

§ 501.088 INDUSTRIAL WASTES; REQUIREMENTS.

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 chapter 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 times and in the manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses and reporting required by the city. At those times as deemed necessary, the city reserves the right to take measurements and supplies for analysis by an independent laboratory.

Penalty, see § 501.999

§ 501.089 MEASUREMENTS, TESTS AND ANALYSES OF WATERS AND WASTES.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter 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. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Utilities Superintendent.

Penalty, see § 501.999

§ 501.090 PROTECTION FROM ACCIDENTAL DISCHARGE OF PROHIBITED MATERIALS.

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 chapter. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Utilities Superintendent for review and approval prior to construction of the facility. Review and approval of the 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 chapter.

Users shall notify the Utilities Superintendent immediately upon having a slug or accidental discharge of substances of wastewater in violation of this chapter to enable countermeasures to be taken by the Utilities Superintendent to minimize damage to the wastewater treatment works. The 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 a discharge are advised of the emergency notification procedure. A notice shall be permanently posted in a prominent place advising employees of the emergency notification procedure in the event of a slug or accidental discharge. Penalty, see § 501.999

§ 501.091 PERMITTING SUBSTANCE OR MATTER TO FLOW OR PASS INTO PUBLIC SEWERS.

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 30 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 other work as the Utilities Superintendent 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 30 days, the Utilities Superintendent may cause the work to be completed at the expense of the owner or representative thereof. Penalty, see § 501.999

§ 501.092 REPAIRING SERVICE CONNECTION.

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 the work to be done as the Utilities Superintendent may direct. Each day after 30 days that a person neglects or fails to so act shall constitute a separate violation of this section,

and the Utilities Superintendent may then cause the work to be done, and recover from the owner or agent the expense thereof by an action in the name of the city.
Penalty, see § 501.999

§ 501.093 CATCH BASIN OR WASTE TRAPS REQUIRED FOR MOTOR VEHICLE WASHING OR SERVICING FACILITIES.

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.
Penalty, see § 501.999

§ 501.094 SPECIAL AGREEMENT AND ARRANGEMENT.

No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern; provided, that National Categorical Pretreatment Standards and the city's NPDES/SDS Permit limitations are not violated.

USER RATE SCHEDULE FOR CHARGES

§ 501.110 CHARGES GENERALLY.

Each user of sewer service shall pay the charges applicable to the type of service, and in accordance with the provisions set forth in this subchapter.

§ 501.111 PURPOSE.

The purpose of the subchapter is to provide for sewer service charges to recover costs associated with operation, maintenance and replacement to ensure effective functioning of the city's wastewater treatment system, and local capital costs incurred in the construction of the city's wastewater treatment system.

§ 501.112 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATION. Those fixed costs attributable to administration of the wastewater treatment works such as billing and associated bookkeeping and accounting costs.

CITY. The area within the corporate boundaries of the city of Dundas as presently established or as amended by ordinance or other legal actions at a future time. When used herein the term CITY may also refer to the City Council or its authorized representative.

DEBT SERVICE CHARGE. A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct the facilities.

INCOMPATIBLE WASTE. Waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works.

INDUSTRIAL USERS or INDUSTRIES.

(1) (a) Entitles that discharge into a publicly owned wastewater treatment works liquid wastes resulting from the processes employed in industrial or manufacturing processes, or from the development of any natural resources. These are identified in the Standard Industrial Classification Manual, latest edition, Office of Management and Budget, as amended and supplemental under one of the following divisions:

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) For the purpose of this definition, domestic waste shall be considered to have the following characteristics: BOD₅ - less than 287 mg/l; Suspended solids - less than 287 mg/l.

(2) Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

MAY. The term is permissive.

NON-RESIDENTIAL USER. A user of the facility whose building is not used as a private residence, and discharges NDSW.

OPERATION AND MAINTENANCE. Activities required to provide for the dependable and economical functioning of the treatment works, throughout the design or useful life, whichever is longer of the treatment works, and at the level of performance for which the treatment works were constructed. The term includes replacement.

OPERATION AND MAINTENANCE COSTS. Expenditures for operation and maintenance, including replacement.

REPLACEMENT. Obtaining and installing of equipment, accessories or appurtenances which are necessary during the design life or useful life, whichever is longer, of the treatment works to maintain the capacity and performance for which the works were designed and constructed.

REPLACEMENT COSTS. Expenditures for replacement.

RESIDENTIAL USER. A user of the treatment facility whose building is used primarily as a private residence and discharges NDSW.

SANITARY SEWER. A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters which are not admitted intentionally.

SEWER SERVICE CHARGE. The aggregate of all charges, including charges for operation, maintenance, replacement, debt service, and other sewer related charges that are billed periodically to users of the city's wastewater treatment facilities.

SEWER SERVICE FUND. A fund into which income from sewer service charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditure of the sewer service fund will be for operation, maintenance and replacement costs and to retire debt incurred through capital expenditure for wastewater treatment.

SHALL. The term is mandatory.

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.

TOXIC POLLUTANT. The concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to Section 307(a) of the Act (33 USC 1317(a)), which upon exposure to or assimilation into any organism, will cause adverse effects.

USER CHARGE. A charge levied on a user of a treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement.

USERS. Those residential, commercial, governmental, institutional and industrial establishments which are connected to the public sewer collection system.

WASTEWATER. The spent water of a community, also referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with any ground water, surface water and storm water that may be present.

WASTEWATER TREATMENT WORKS or TREATMENT WORKS. An arrangement of any devices, facilities, structures, equipment or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from the treatment.

§ 501.113 ESTABLISHMENT OF A SEWER SERVICE CHARGE SYSTEM.

(A) The city hereby establishes a Sewer Service Charge System whereby all revenue collected from users of the wastewater treatment facilities will be used to affect all expenditures incurred for annual operation, maintenance and replacement and for debt service on capital expenditure incurred in constructing the wastewater treatment works.

(B) Each user shall pay its proportionate share of operation, maintenance, and replacement costs of the treatment works, based on the users proportionate contribution to the total wastewater loading from all users.

(C) Each user shall pay debt service charges to retire local capital costs as determined by the City Council.

(D) Sewer service rates and charges to users of the wastewater treatment facility shall be determined and fixed in a “Sewer Service Charge System” developed according to the provisions of this subchapter. The Sewer Service Charge System shall be the system enacted prior to the adoption of this code. The Dundas City Council shall establish sewer service rates and charges by resolution, from time to time. *HISTORY: Amended by Ord. 2003-02*

(E) Revenues collected for sewer service shall be deposited in a separate fund known as “The Sewer Service Fund.” Income from revenues collected will be expended to off-set the cost of operation, maintenance and equipment replacement for the facility and to retire the debt for capital expenditure.

(F) Sewer service charges and the sewer service fund will be administrated in accordance with the provisions of § 501.116.

(G) A connection fee as fixed in the Ordinance Establishing Fees and Charges adopted pursuant to § 300.11 and Chapter 101 of this Code, as that ordinance may be amended from time to time, shall be charged to each user connecting a new service to the Sanitary Sewer System. The connection fee shall be due and payable within 90 days of the date the connection is completed.

Penalty, see § 501.999

§ 501.114 DETERMINATION OF SEWER SERVICE CHARGES.

The sewer service rates and charges to users of the wastewater treatment facility shall be as established by the resolution of the Dundas City Council, as adopted from time to time.

Penalty, see § 501.999

HISTORY: Amended by Ord. 2003-02

§ 501.115 SEWER SERVICE FUND.

(A) The city hereby establishes a “Sewer Service Fund” as an income fund to receive all revenues generated by the sewer service charge system, and all other income dedicated to the operation, maintenance, replacement and construction of the wastewater treatment works,

including taxes, special charges, fees and assessments intended to retire construction debt. The city also establishes the following accounts as income and expenditure accounts within the sewer service fund:

- (1) Operation and maintenance account.
- (2) Equipment replacement account.
- (3) Debt retirement account.

(B) All revenue generated by the sewer service charge system, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be held by the City Clerk separate and apart from all other funds of the city. Funds received by the sewer service fund shall be transferred to the "Operation and Maintenance Account," the "Equipment Replacement Account," and the "Debt Retirement Account" in accordance with state and federal regulations and the provisions of this chapter.

(C) Revenue generated by the sewer service charge system sufficient to insure adequate replacement throughout the design life or useful life, whichever is longer, of the wastewater facility shall be held separate and apart in the "Equipment Replacement Account" and dedicated to affecting replacement costs. Interest income generated by the "Equipment Replacement Account" shall remain in the "Equipment Replacement Account".

(D) Revenue generated by the sewer service charge system sufficient for operation and maintenance shall be held separate and apart in the "Operation and Maintenance Account."

§ 501.116 ADMINISTRATION.

The sewer service charge system and sewer service fund shall be administrated according to the following provisions:

(A) The City Clerk shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works, and shall furnish the City Council with a report of those costs annually in December. The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works, and whether sufficient revenue is being generated for debt retirement. The Council will also determine whether the user charges are distributed proportionately to each user in accordance with § 501.113(B). The city shall thereafter, but not later than the end of the year, reassess and as necessary revise the Sewer Service Charge System then in use to insure the proportionality of the user charges and to insure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.

(B) In accordance with federal and state requirements, each user will be notified annually in conjunction with a regular billing of that portion of the sewer service charge attributable to operation, maintenance and replacement.

(C) In accordance with federal and state requirements, the City Clerk shall be responsible for maintaining all records necessary to document compliance with the Sewer Service Charge System adopted.

(D) Bills for sewer service charges shall be rendered on a monthly basis succeeding the period for which the service was rendered and shall be due ten days from the date of rendering. Any bill not paid in full 60 days after the due date will be considered delinquent. At that time the city shall notify the delinquent owner/occupant in writing regarding the delinquent bill and subsequent penalty. The penalty shall be computed at 10% of the original bill and shall be increased the same 10% for every quarter the bill is outstanding. Disconnection of services for late payment shall follow the procedures established in § 501.117.

(E) The owner of the premises shall be liable to pay for the service to their premises, and the service is furnished to the premises by the city only upon the condition that the owner of the premises is liable therefore to the city.

(F) Any additional costs caused by discharges to the treatment works of toxics or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs, and sludge disposal, shall be borne by the discharger of the wastes, at no expense to the city.

§ 501.117 DETERMINATION OF SEWER SERVICE CHARGES.

(A) 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.

(B) 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 minimum 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.

(C) 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. 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 manner as for residential users. 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.

(D) 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.

(E) Determination of User Charges

1) For producers of Normal Domestic Strength Wastes:

$$Uomr = \frac{OM\&R}{Tbwv}$$

Where: Uomr = Unit cost for Operation, Maintenance and Equipment Replacement in \$/Kgal.

OM&R = Total annual OM&R costs.

Tbwv = Total annual billable wastewater flow in Kgal.

2) Calculation of User Charges:

$$UC = Uomr \times Bwv + Base$$

Where: UC = User Charge

Uomr = Unit cost for Operation, Maintenance and Equipment Replacement in \$/Kgal.

Bwv = Billable wastewater volume in Kgal.

Base = Base charge for administration costs.

(F) 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:

1) Calculation of Unite Cost for Debt Service:

$$Uads = \frac{Ads}{Tbwv}$$

Where: Uads = Unit cost for annual debt service (\$/Kgal).
Ads = Cost of annual debt service.
Tbwv = Total annual billable wastewater volume (Kgal).

2) Calculation of Debt Service Charge:

$$DSC = Uds \times Bwv$$

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

(G) Determination of Sewer Service Charges

The sewer service charge for a particular connection shall be determined as follows:

$$SSC = UC + DSC$$

Where: SSC = Sewer Service Charge
UC = User Charge
DSC = Debt Service Charge

§ 501.118 DISCONNECTION FOR LATE PAYMENT.

(A) It is the policy of the city to discontinue sewer service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill;

(2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official

shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the city to discontinue sewer service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge as established by the Ordinance Establishing Fees and Charges adopted pursuant to § 300.11 and Chapter 101 of this Code, as that ordinance may be amended from time to time.

POWERS AND AUTHORITY OF INSPECTORS

§ 501.130 AUTHORIZED EMPLOYEES PERMITTED TO ENTER ALL PROPERTIES.

The Utilities Superintendent 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 chapter.

§ 501.131 AUTHORIZED EMPLOYEES OBTAINING INFORMATION FOR INDUSTRIAL PROCESSES.

The Utilities Superintendent 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.

§ 501.132 AUTHORIZED EMPLOYEES TO OBSERVE SAFETY RULES.

While performing necessary work on private properties, the Utilities Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the property owner shall be held harmless for injury or death to the city employees and the city shall indemnify the property owner 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 may be caused by negligence or failure of the company to maintain safe conditions as required in § 501.087.

§ 501.133 AUTHORIZED EMPLOYEES PERMITTED TO ENTER ALL PROPERTY WITH EASEMENTS.

The Utilities Superintendent or other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ 501.999 PENALTY.

(A) (1) Any person found to be violating any provisions of §§ 501.001 through 501.094 and 501.130 through 501.133 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in division (A) of this section shall be punished as provided in § 100.99. Each day in which any violation occurs shall be deemed as a separate offense.

(3) Any person violating any of the provisions of §§ 501.001 through 501.094 and 501.130 through 501.133 shall become liable to the city for any expense, loss or damage occasioned by the city by reason of that violation, including reasonable attorney, and investigator, staff and expert fees.

(4) In addition to any other civil remedy, the City may impose a civil fine upon any user for negligent or intentional violation of this Chapter. Such fines shall be added to the user's next sewer service charge after reasonable notice to the user.

Any user desiring to dispute the civil fine may request a hearing before the City Council to reconsider the imposition of the fine. The request for hearing shall be made within 20 days of notice of the fine. The hearing on the request to reconsider shall be held within 30 days of receipt of the request, but may be continued for good cause or by agreement of the City and user.

The fine imposed shall not exceed the greater of \$1,000.00 per day or the amount of penalty imposed upon Dundas by the City of Northfield under the Joint Wastewater Treatment Agreement. Each day that a violation continues shall be deemed a separate offense and shall subject the user to a separate civil fine.

(B) (1) Each and every sewer service charge levied by and pursuant to §§ 501.110 through 501.118 is made a lien upon the lot or premises served, and all charges which are on October 31 of each year past due and delinquent shall be certified to the County Auditor by November 30 as taxes or assessments on the real estate. Nothing in §§ 501.110 through 501.118 shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected any delinquent or past due sewer service charges.

(2) As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect amounts as are delinquent and due against the occupant, owner or user of the real estate, and shall collect as well all attorney's fees incurred by the city in filing the civil action. Attorney's fees shall be fixed by order of the court.

(3) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate of 8% per annum.

CHAPTER 502: WATER REGULATIONS

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Cross-reference:

Assessable current services, see §902.01

GENERAL PROVISIONS

§ 502.01 GENERAL OPERATION.

The city does hereby make provision for the establishment of a municipal water system (hereinafter called the water system) to be operated as a public utility.

§ 502.02 USE OF WATER SERVICE.

No person other than a city employee shall uncover or make or use any water service installation connected to the city water system except in the manner provided by this chapter. No person shall make or use any installation contrary to the regulatory provisions of this chapter. Penalty, see § 100.99

§ 502.03 USE TO CIRCUMVENT CHAPTER PROHIBITED.

No person shall permit water from the water system to be used for any purpose to circumvent this chapter. Penalty, see § 100.99

§ 502.04 DAMAGE TO WATER SYSTEM.

(A) No unauthorized person shall remove or damage any structure, appurtenance, or part of the water system or fill or partially fill any excavation or move any gate valve used in the water system.

(B) No person shall make any connection of an electrical welder to the city water main, appurtenance or service or use an electric welder for the purpose of thawing frozen water mains, appurtenances or services. Penalty, see § 100.99

§ 502.05 CONNECTIONS BEYOND CITY BOUNDARIES.

Where water mains of the city are in any street or alley adjacent to or outside the corporate limits of the city, the City Council may issue permits to the owners or occupants of properties adjacent or accessible to the water main to make proper water service pipe connections with the water mains of the city and to be supplied with water in conformity with the applicable provisions of this chapter and subject to any contract for the supply of water between the city and any other city. Penalty, see § 100.99

§ 502.06 CONNECTION TO SYSTEM REQUIRED; USE OF PRIVATE WELLS.

HISTORY: Amended by Ord. 2006-06

(A) Water from the municipal water system shall be considered available, if a connection to the municipal system lies within 300 feet of the property line of any property.

(B) It shall be unlawful to install, construct, reconstruct, maintain or repair any private water well or system which is designed or intended to provide water for human consumption (domestic use), unless:

(1) municipal water is not available, and the property owner obtains a Conditional Use Permit from the City of Dundas; or

(2) continued use of a private water well is allowed as a pre-existing well under paragraph (C) below.

All new homes or buildings shall connect to the municipal water system if water is available to the property. When municipal water becomes available to existing homes or buildings, a direct connection shall be made to municipal water system within a period of time as determined by the City Council. If a connection is not made pursuant to this Section, the charge shall be made in the amount established by §502.55.

Where new homes or buildings do not have municipal water available to the property, the City shall determine whether and under what conditions the municipal water system will be extended to serve the property.

(C) Private water wells.

(1) Residential properties. Existing private water wells may continue to be used through December 1, 2009, or whenever any building or structure located upon the property is repaired or improved, whichever occurs first. At that time the property owner must connect to the municipal water system, or obtain a Conditional Use Permit for the continued use of the private water well.

(2) Non-Residential properties (commercial, industrial and rural service districts).

a) Existing private water wells may continue to be used through December 1, 2009, or when any repair or improvement is made to any building or structure located upon the property, whichever occurs first. At that time, the property owner must obtain a Conditional Use Permit for continued use of the private well, or connect to the municipal water system.

b) A Conditional Use Permit for the use of private water wells may be approved for non-residential properties under the following circumstances only:

i) (a) municipal water is not available; or

(b) the private water well is used solely for non-domestic purposes, including crop irrigation or industrial and commercial purposes, and as long as the water from the private well does not enter into the Dundas sanitary sewer system; and.

ii) private water wells which are continued or maintained after any structure is connected to the municipal water system shall have no means of cross-connection between the private well and the municipal system at any time. Hose bibbs that will enable cross-connections of the two systems are prohibited.

(3) Metering of Water Usage from Private Wells. All water usage from private water wells within the City must be metered. Existing private water wells shall install new remote-read water meters from the City within 60 days after adoption of this ordinance.

(4) Discontinuation of Private Water Wells. If the well is not to be used after the time a municipal water connection is made:

(a) The well pump and tank shall be disconnected from all internal piping;

(b) The casing shall be filled with sandy soil from the bottom to a point eight feet from the top;

(c) The remaining eight feet shall be filled with concrete to the floor level and the well casing cut off as close to the floor level as possible;

(d) Within 30 days after the municipal water connection is made, the owner or occupant must advise the City Utilities Superintendent that the well has been sealed.

(e) Notwithstanding the foregoing, all well abandonment shall be done in accordance with M.S. §§ 103I.301 to 103I.345 and Minn. Rules Ch. 4725, Wells and Borings, as it may be amended from time to time.

(D) **Connection to municipal system after availability.** Effective September 1, 2009, all properties which have municipal water available to them, as described above, shall be required to connect to the public water system, and seal any private well which is maintained upon the property. The connecting property shall pay for the cost of the extension of the municipal water system, or Petition the City for extension of the water system by the City, under Minnesota Statutes §429, so that connection is completed by September 1, 2009.

All connections to the municipal water system shall be completed by a licensed plumber.

Penalty, see § 100.99

Type of Property	Requirements from present date to 12-01-09	Requirements after December 1, 2009
1. <i>Residential properties</i>		
A) New construction	No private wells permitted, unless municipal water unavailable. Then, CUP is required.	Same requirements.
B) Properties with existing private water wells	Private well may continue through 12-1-09, or until repair or improvement to the property. Water use must be metered.	Private well use must discontinue unless CUP approved, due to no availability.
2. <i>Industrial/ Commercial/ Rural Service Districts</i>		
A) New construction	(i) No private well for domestic use, unless municipal water unavailable. Then, CUP is required. (ii) Non-domestic use permitted by CUP.	Requirements are the same.
B) Existing private water wells	(i) Private well may continue for domestic use through 12-1-09, or until repair or improvement. Then, connection or CUP required. Use must be metered. (ii) May be continued indefinitely for non-domestic use by obtaining Conditional Use Permit, and if no disposal into sewer system and metered.	Must connect to municipal system for domestic use, unless CUP obtained due to no availability. Requirements are same for non-domestic use.

§ 502.07 USE OF WATER FROM FIRE HYDRANTS; TEMPORARY CONNECTIONS.

(A) Use of fire hydrants. Except for extinguishment of fires, no person, unless authorized by the Public Works Director or Public Utilities Department, shall operate fire hydrants or interfere in any way with the water system without first obtaining a permit to do so from the city as follows:

(1) A permit to use a fire hydrant shall be issued for each individual job or contract and for a minimum of 30 days and for the additional 30 day period as the city shall determine. The permit shall state the location of the hydrant and shall be for the use of that hydrant and none other.

(2) The user shall make an advance cash deposit to guarantee payment for water used and to cover breakage and damage to the hydrant and meter, which shall be refunded upon expiration of the permit, less applicable charges for use.

(3) The user shall relinquish the use of the hydrant to authorized city employees in emergency situations.

(4) The user shall pay a rental charge for each day including Sundays and legal holidays, and a fee as established by the Ordinance Establishing Fees and Charges adopted pursuant to § 101.02 of this code, as that ordinance may be amended from time to time for each 1,000 gallons of water used.

HISTORY: Amended by Ord. 2003-02

(B) Temporary connection to fire hydrants. An owner of a private water system may make a temporary above ground connection to a fire hydrant, subject to the time periods, conditions, and payment specified in § 502.51. In addition, the method of connection to the private system shall conform to all existing requirements of this chapter and city ordinance and the type of meter used shall meet the approval of the Utilities Superintendent.
Penalty, see § 100.99

§ 502.08 WATER DEFICIENCY, SHUT OFF AND USE RESTRICTIONS.

The city shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections or from any other cause whatsoever. In case of fire, or alarm of fire, or in making repairs of construction of new works, water may be shut off without notice at any time and kept off as long as necessary. In addition, the City Council shall have the right to impose reasonable restrictions on the use of the city water system in emergency situations. For non-payment of charges, water service may be discontinued according to the procedures established in § 502.72.

WATER REGULATIONS

§ 502.25 SUPPLY FROM ONE SERVICE.

No more than one housing unit or building shall be supplied from one service connection except by permission of City Council. Each unit served shall have a separate water meter. Penalty, see § 100.99

§ 502.26 TAPPING OF MAINS RESTRICTED.

No person, except persons authorized by the City Council, shall tap any distributing main or pipe of the water supply system or insert stopcocks or ferrules therein. Penalty, see § 100.99

§ 502.27 REPAIRS.

(A) *DETERMINATION OF NEED FOR REPAIRS.* Based on the information supplied by the property owner or available to the city, the city will make a determination whether a problem exists in that portion of the service which is the city's responsibility. If the problem, appears to exist in the areas for which the city has no responsibility, the private owners will be responsible for correction of the problem.

(B) *THAWING OF WATER SERVICES.* The city will attempt to thaw water services on request of the resident. If the problem is found within that portion of the service for which the private owner is responsible, the private owner thereafter will be responsible for thawing the service and correction of the problem.

(C) *EXCAVATION OR REPAIR OF WATER SERVICE.*

(1) The city will arrange for the investigative digging up and repair of any water service where the problem apparently exists within that area for which the city has responsibility.

(2) Unless it is clearly evident, however, that the problem is the responsibility of the city, the excavation and repair will not be made until the property owner requests the city in writing to excavate or repair the service and agrees to pay the cost.

(3) The owner further agrees to waive public hearing and be special assessed the cost of the excavation and repair if the problem is found to be other than the city's responsibility. The city will make the determination for responsibility of the cost of investigation or repair.

(4) The matter of whether the dig up is done by city forces or contracted would depend on the urgency or need of repair and the availability of city forces to do the work. Recovery by the city for faulty construction will depend upon the circumstances and the decision of the City Attorney on the likelihood of recovery.

(D) *FAILURE TO REPAIR.* In case of failure upon the part of any consumer or owner to repair any leak occurring in his or her service pipe within 24 hours after verbal or written notice thereof, the water may be turned off by the city and shall not be turned on until the leak has been repaired and a fee pursuant to § 101.02 has been paid to the city.

Penalty, see § 100.99

HISTORY: Amended by Ord. 2003-02

§ 502.28 ABANDONED OR UNUSED SERVICES.

(A) If the premises served by water have been abandoned, or if the service has not been used for one year, then the service shall be shut off at the curb stop box by the city and the water meter will be removed.

(B) When new buildings are erected on the site of old ones, and it is desired to increase or change the old water service, no connections with the mains shall be made until all the old service has been removed and the main taps plugged or yoked connections installed by the city at the owner's expense.

Penalty, see § 100.99

§ 502.29 DISCONNECTION PERMIT.

A permit must be obtained to disconnect from the existing water service leads at the curb stop box. The fee for the permit shall be set pursuant to § 101.02.

Penalty, see § 100.99

HISTORY: Amended by Ord. 2003-02

§ 502.30 SERVICE PIPES.

Every service pipe shall be laid so as to allow at least one foot of extra length in order to prevent rupture by settlement. The service pipe must be placed no less than seven feet below the ground and in a manner as to prevent rupture by freezing. Service pipes must extend from the curb stop box to the inside of the building, or if not taken into the building, then to the hydrant or fixtures which it is intended to supply. Type K copper tubing shall be used up to and including two-inch services. All underground joints are to be mechanical, except joints under floors shall be silver soldered, unless otherwise approved by the Utilities Superintendent. Joints of copper tubing shall be kept, to a minimum, with not more than one joint used for service for each 70 feet in length. Splicing may be approved with three-piece unions only. All joints and connections shall be left uncovered until inspected by the Utilities Superintendent and tested at normal water line pressure. Unions must be three-part type. All services over two inches shall be cast iron.

Connections with the mains for domestic supply shall be at least three-quarter inch up to the curb stop box.

Penalty, see § 100.99

§ 502.31 EXCAVATION AND CONSTRUCTION REQUIREMENTS.

(A) No excavation shall be made until a permit for the connection has been issued by the city.

(B) No water service pipe or water connection shall be installed in the same trench or closer than ten feet horizontally to a sewer trench or drain laid, or to be laid, either in the street or in private property, except that the water pipe on private property may be in a common trench with a sewer drain which is of a material that is in conformance with the current Minnesota Plumbing Code, Minn. Rules Ch. 4715, as it may be amended from time to time.

(C) Where it is desired to lay the water service pipe and the building sewer pipe in the same trench, or in separate trenches less than ten feet apart, the water service pipe shall be above the sewer pipe unless approved by the City Engineer. It shall be placed at least one foot above the sewer and on a solid shelf excavated at one side of the trench. The sewer pipe shall be of a material that is in conformance with the Minnesota Plumbing Code with tested watertight joints. The water service pipe shall be watertight and corrosion resistant. Copper pipe and cast iron water pipe with specially protected joints is acceptable for this construction. Cast iron pipe shall conform to the American Water Works Association specifications for this pipe. Bell joint clamps with rubber gaskets are provisionally acceptable as extra protection for the joints on cast iron water pipe. In all cases, precautions shall be taken to assure a firm foundation for the pipes. The intervening space between the pipes shall be backfilled with compacted earth.

(D) In case the installation is on a surfaced street, the following shall apply: All backfill materials shall be mechanically compacted in 12-inch layers to the density of the adjacent material in the roadway area and to the existing street grades in accordance with the Minnesota Department of Transportation Standards. Complete surface restoration shall be made. Penalty, see § 100.99

§ 502.32 CONNECTION TO OTHER WATER SUPPLIES RESTRICTED.

No water pipe of the water system shall be connected with any pump, well, tank, or piping that is connected with any other source of water supply except to service municipal systems.

Penalty, see § 100.99

§ 502.33 WATER CONNECTIONS; APPLICATIONS AND CHARGES.

(A) *CONNECTION APPLICATIONS.*

(1) All applications for service installations and for water service shall be made to the City Clerk. All applications for service installations and water service shall be made by the owner or agent of the property to be served and shall state the size and location of service connection required. The applicant shall, at the time of making application, pay to the city the amount of fees as established by the Ordinance Establishing Fees and Charges adopted pursuant to § 101.02 of this code, as that ordinance may be amended from time to time, or deposit required for the installation of the service connection as hereinafter provided. Applications for services larger than one inch shall be accompanied by two sets of plans or sketches indicating preferred location of service pipe, and size of service based on building demand.

HISTORY: Amended by Ord. 2003-02

(2) The size of the water service connections and meter shall be subject to approval of the City Engineer or Utility Superintendent.

(3) Water billing shall start at the time of installation of the water meter, or in the event the meter is not installed, seven days after completion of outside piping, and shall be calculated upon the minimum monthly rate, prorated on a semi-monthly basis.

(B) **CONNECTION CHARGES.**

HISTORY: Amended by Ord. 2003-02

(1) A permit must be obtained to connect to the existing water service leads at the curb stop box. The fee for the permit shall be set pursuant to § 101.02. The city shall install or have installed all service connections from the water main to the curb stop box, including the stop box. Payment for service connections must be made before the work is started, and should be based upon 1½ times the estimate of costs provided by the City Engineer. Any excess deposit shall be returned to the applicant.

(2) Additional charges shall be paid at the time of making application for tapping and making connections with the water main to where a curb stop box and service lead is not previously installed. The charge shall include the tapping of the water main, corporation cocks, the installation of a service line, the installation of a curb stop box, cost of restoring disturbed areas and all other costs related to the installation.

(3) There shall be a connection charge pursuant to § 101.02 levied by the city to contribute to the payment of the costs of the Public Water System Facilities. The City Council shall set by resolution the charges to be made for non-residential installations.

(4) When water services have been stopped because of a violation of this chapter, the city shall collect the fee established pursuant to § 101.02 before service is recommenced.

(5) If a person desires to connect to the system and service a parcel that has not been assessed for the cost of water main and lateral construction, then before a permit

is granted, the city shall collect an amount from the applicant that is established pursuant to § 101.02.

Penalty, see § 100.99

§ 502.34 LOCATION OF CURB STOP BOX.

Curb stop boxes will be installed on the right-of-way line or easement limits at a location as determined by the City Engineer to be best suitable to the property and shall be left in a vertical position when backfilling is completed. Curb stop boxes will be installed at an approximate depth of seven feet below the finished ground elevation and the top of the curb stop box shall be adjusted to be flush with the finished ground elevation. Curb stop boxes must be firmly supported by a masonry block.

No person shall erect any fence or plant any tree or other landscaping that would obstruct the use of the curb stop box, or cause damage to the same.

Penalty, see § 100.99

§ 502.35 WATER METERS.

(A) *GENERALLY.* Except for extinguishment of fires, no person, unless otherwise authorized by the City Council or Public Utilities Department, shall use water from the water system or permit water to be drawn therefrom unless the same be metered by passing through a meter supplied or approved by the city. No person not authorized by the City Council or Utilities Superintendent shall connect, disconnect, take apart, or in any manner change or cause to be changed or interfere with any meter or the action thereof, or break any meter or valve seal.

(1) A charge established pursuant to § 502.51 shall be paid by customers to the city for water meters including installations and check valves and payment for same shall be made at the time of water service application. This payment shall be made only once, subject to the following.

(2) Where a consumer has need for a larger line in addition to his or her domestic line, as in the case of a commercial consumer who needs a one-inch line for normal use and a six-inch or larger line for a fire sprinkler system, he or she will be permitted to run one line into the premises and “Y” off into two lines at the building. When this is done, the meter will be attached to the small or domestic line and a check valve as well as one-inch detection meter shall be put on the large line.

(3) The city shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them if necessary. When replacement, repair, or adjustment of any meter is rendered by the act, neglect (including damage from freezing or hot water backup) or carelessness of the owner or occupant of the premises, any expense caused the city thereby shall be charged against and collected from the water consumer.

(4) A consumer may, by written request, have his or her meter tested by paying the amount established pursuant to § 101.02. In case a test should show an error of over 5% of the water consumed, a correctly registering meter will be installed, and the bill will be adjusted accordingly and the testing payment refunded. This adjustment shall not extend back more than one billing period from the date of the written request.

HISTORY: Amended by Ord. 2003-02

(5) All water meters and remote readers shall be and remain the property of the city.

(6) Authorized city employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the water system for reading of meters and inspections.

(7) It shall be the responsibility of the consumer to notify the city to request a final reading at the time of the customer's billing change.

(8) If the City Council orders the citywide replacement of water meters, then the city may charge for the cost and installation of said replacement water meter on the monthly bill for each user.

(B) *WATER METER SETTING.* All water meters hereafter installed shall be in accordance with the Minnesota Plumbing Code and any standards established by resolution of the City Council.

Penalty, see § 100.99

RATES AND CHARGES

§ 502.50 WATER UNIT.

A water unit (hereinafter called unit) shall be one residential equivalent connection based on usage of 100,000 gallons per year or portion thereof.

§ 502.51 RATES, FEES AND CHARGES GENERALLY.

The City Council shall establish a schedule of all water rates, fees and charges for permits or services by resolution of the Dundas City Council, as adopted from time to time.

HISTORY: Amended by Ord. 2003-02

§ 502.52 WATER SERVICE BILLING; CHANGE OF ADDRESS.

All bills and notices shall be mailed or delivered to the address where service is provided. If non-resident owners or agents desire personal notice sent to a different address, they shall so note on the water service application. Any change or error in address shall be promptly reported to the City Clerk.

§ 502.53 WATER RATES.

(A) The rate due and payable by each user within the city for water taken from the water system shall be established pursuant to § 502.51.

(B) In case the meter is found to have stopped, or to be operating in a faulty manner, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the year.

(C) Rates due and payable by each water user located beyond the territorial boundaries of the city shall be determined by special contract.

(D) The minimum rates established pursuant to § 101.02 shall begin to accrue after connection of the service pipe with the curb stop box.

HISTORY: Amended by Ord. 2003-02

(E) A meter shall be installed on the water valve in the house and a remote register outside regardless of whether inside piping is connected.

(F) In the event a water customer elects to discontinue the use of the municipal water, the regular or minimum charge shall continue until the date as service is disconnected at the curb box.

Penalty, see § 100.99

§ 502.54 PAYMENT OF CHARGES; LATE PAYMENT; COLLECTION.

(A) Any prepayment or overpayment of charges may be retained by the city and applied on subsequent quarterly charges.

(B) If a quarterly service charge is not paid when due, then a penalty of 10% shall be added thereto.

(C) In the event a user fails to pay his or her water user fee within a reasonable time following discontinuance of service (a time period not to exceed 90 days), the fee shall be certified by the City Clerk and assessed against the property on which the charges have incurred, and forwarded to the County Auditor for collection.

Penalty, see § 100.99

§ 502.55 AVAILABILITY FEE

(A) *DEFINITION - AVAILABILITY FEE.*

A fee shall be charged and billed monthly for the availability of water service.

Each building site in the core area of the City of Dundas with a structure on the site was furnished a curb stop with pressurized water to the curb stop and a fire hydrant close enough to meet the needs of fire protection. Whether or not the property owner decides to use this service, a fee of three dollars per month has been established for the availability of this water for any legal purpose the owner may care to make of it.

(B) All moneys from this fee are to be used for the operating expense and maintenance of the Dundas Water System.

(C) In the event the owner does not make payment 20 days after second billing, the payment shall be considered delinquent. The City Clerk of the City of Dundas shall notify the County Auditor of Rice County to add the delinquent payment for availability to the tax statement of the owner of record.

ADMINISTRATION AND ENFORCEMENT

§ 502.70 SUPERVISION BY UTILITIES SUPERINTENDENT.

(A) All piping connections from the curb stop box to house supply piping shall be made under the supervision of a licensed plumber subject to inspection by the Utilities Superintendent. The piping connection made to the curb stop box on the house side shall be inspected by the Utilities Superintendent. The water meter installation shall be inspected, tested and the meter sealed by the Utilities Superintendent.

§ 502.71 POWERS AND AUTHORITY OF INSPECTORS.

The Utilities Superintendent and other duly authorized employees of the city, upon proper identification, shall be permitted to enter upon all properties for the purpose of inspections, observation and testing in accordance with the provisions of this chapter.

§ 502.72 DISCONTINUANCE OF SERVICE.

(A) *GENERALLY.* Water service may be shut off at any connection whenever:

(1) The owner or occupant of the premises served or any person working on any pipes or equipment thereon which are connected with the water system has violated, or threatens to violate, any of the provisions of this chapter.

(2) Any charge for water, service, meter, or any other financial obligations imposed on the present or former owner or occupant served is unpaid.

(3) Fraud or misrepresentation by the owner or occupant of the premises serviced in connection with an application for service.

(B) *DISCONNECTION FOR LATE PAYMENT.*

(1) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(a) That all bills are due and payable on or before the date set forth on the bill;

(b) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(c) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(2) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(3) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge as established by City Council resolution.

§ 502.73 AUTHORIZED EMPLOYEES TO TURN WATER ON AND OFF.

No person, except an authorized city employee or a person authorized by the Utility Superintendent shall turn on or off any water supply at the curb stop box.
Penalty, see § 100.99

§ 502.74 LIABILITY FOR EXPENSE, LOSS OR DAMAGE.

Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.

CHAPTER 503. XCEL ENERGY UTILITY SYSTEMS

Section

503.01	Xcel Energy Electric Distribution
503.02	Xcel Energy Gas Distribution

§ 503.01 XCEL ENERGY ELECTRIC DISTRIBUTION

GRANTING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN IN THE CITY OF DUNDAS, MINNESOTA, AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, POLE LINES, FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY AND ITS INHABITANTS, AND OTHERS, AND TO USE THE PUBLIC WAYS AND PUBLIC GROUNDS OF SAID CITY FOR SUCH PURPOSES.

§ 503.011. There be and hereby is granted to Northern States Power Company, a Minnesota corporation, its successors and assigns, hereinafter referred to as “Company”, during the period of 20 years from the date hereof, the right and privilege of constructing, operating, repairing, and maintaining, in, on, over, under, and across the streets, alleys and public grounds of the City of Dundas, Rice County, Minnesota, herein after referred to as “City”, an electric distribution system and electric transmission lines, including poles, pole lines, and fixtures and appurtenances, usually conveniently, or necessarily used in connection therewith, for the purpose of transmitting and furnishing electric energy for light, heat, power and other purposes for public and private use in and to said City such electric energy, provided that such Electric distribution system and transmission lines shall be so located as in no way to interfere with the safety and convenience of ordinary travel along and over said streets, alleys, and public grounds, and provided that Company, in the construction, operation, repair and maintenance of such poles, pole lines, and fixtures and appurtenances, shall be subject to such reasonable regulation as may be imposed by the City Council.

§ 503.012. The service to be provided and the rates to be charged by Company for electric service in the city shall be subject to the jurisdiction of the Public Utilities Commission of this State. Company shall provide reasonably efficient and adequate service to members of the public within the City who apply for such service in accordance with the rules and regulations of Company.

§ 503.013. There is also granted to Company, during the term hereof, permission and authority to trim all trees and shrubs in the Streets, alleys, and public grounds of said City which may interfere with the proper construction, operation, repair, and maintenance of any poles, pole lines, and fixtures and appurtenances, installed in pursuance of the authority hereby granted, provided that Company shall save said City harmless from any liability in the premises.

§ 503.014. The Company shall indemnify, keep and hold the City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits, or the operation of the Electric Facilities located in the City. The City shall not be indemnified for losses or claims

occasioned through its own negligence except for losses or claims arising out of or alleging the City's negligence as to the issuance of permits for, or inspection of, the Company's plans or work. The City shall not be indemnified if the injury or damage results from the performance in a proper manner of acts reasonably deemed hazardous by Company, and such performance is nevertheless ordered or directed by City after notice of Company's determination.

In the event a suit is brought against the City under circumstances where this agreement to indemnify applies, the Company at its sole cost and expense shall defend the City in such suit if written notice thereof is promptly given to the Company within a period wherein the Company is not prejudiced by lack of such notice. If the Company is required to indemnify and defend, it will thereafter have control of such litigation, but the Company may not settle such litigation without the consent of the City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the City; and the Company in defending any action on behalf of the City shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf.

§ 503.015. The City shall give the Company at least two weeks prior written notice of a proposed vacation of public way. Except where required solely for a City improvement project, the vacation of any public way, after the installation of electric facilities, shall not operate to deprive Company of its rights to operate and maintain such electric facilities, until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to Company. In no case, however, shall City be liable to the Company for failure to specifically preserve a right-of-way under Minnesota Statutes, Section 160.29.

§ 503.016. Company shall have full right and authority to assign to any person, persons, firm, or corporation all the rights conferred upon it by this Ordinance, provided that the assignee of such rights, by accepting such assignment, shall become subject to the terms and provisions of this Ordinance.

§ 503.017. Company shall, if it accepts this Ordinance and the rights and obligations hereby granted, file a written acceptance of the rights hereby granted with the City Clerk within ninety (90) days after the final passage and any required publication of this Ordinance.

§ 503.018. This Ordinance shall be in full force and effect from and after its passage, any publication required by law, and acceptance by Company.

§ 503.019. Where a provision of any other Ordinance conflicts with the provisions of this Ordinance, the provisions of this Ordinance shall prevail. Notice to Company shall be mailed to the Regional General Manager thereof at 210 Lime Street, Mankato, MN 56001, and any notice to City shall be mailed to the CITY CLERK.

§ 503.02 XCEL ENERGY GAS DISTRIBUTION

GRANTING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO ERECT A GAS DISTRIBUTION SYSTEM FOR THE PURPOSE OF INSTALLING, ENLARGING, OPERATING, REPAIRING AND MAINTAINING IN THE CITY OF DUNDAS, MINNESOTA, THE NECESSARY GAS PIPES, MAINS AND APPURTENANCES FOR THE TRANSMISSION OR DISTRIBUTION OF GAS TO SAID CITY AND ITS INHABITANTS AND OTHERS AND TRANSMITTING GAS INTO AND THROUGH SAID CITY, AND TO USE THE PUBLIC WAYS AND PUBLIC GROUNDS OF SAID CITY FOR SUCH PURPOSES.

§ 503.021. There be and hereby is granted to Northern States Power Company, a Minnesota corporation, its successors and assigns, hereinafter referred to as “Company”, during the period of 20 years from the date hereof, the right and privilege of erecting a gas distribution system in the City of Dundas, Rice County, Minnesota, hereinafter referred to as “City”, and using the public ways and public grounds of City for the purpose of installing, operating, repairing, and maintaining, in, on, over, under, and across the same, all gas pipes, mains, and appurtenances, usually, conveniently, or necessarily used in connection therewith, for the purpose of the transmission of gas, or the distribution of gas, for public and private use within the limits of City as its boundaries exist or as they may be extended in the future, and for the purpose of transmitting gas into and through the City. Company may also do all reasonable things necessary or customary to accomplish these purposes subject, however, to the further provisions of this franchise. “Gas” as used herein shall be held to include natural gas, manufactured gas, or other form of gaseous.

§ 503.022. The gas transmission or distribution service to be provided and the rates to be charged by Company for service in the City shall be subject to the jurisdiction of the Public Utilities Commission of this State. Company shall provide reasonably efficient and adequate service to members of the public within the City who apply for such service in accordance with the rules and regulations of Company.

§ 503.023. The Company shall indemnify, keep and hold the City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits, or the operation of the gas facilities located in the City. The City shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the City’s negligence as to the issuance of permits for, or inspection of, the Company’s plans or work. The City shall not be indemnified if the injury or damage results from the performance in a proper manner of acts reasonably deemed hazardous by Company, and such performance is nevertheless ordered or directed by City after notice of Company’s determination.

In the event a suit is brought against the City under circumstances where this agreement to indemnify applies, the Company at its sole cost and expense shall defend the City in such suit if written notice thereof is promptly given to the Company within a period wherein the Company is not prejudiced by lack of such notice.

If the Company is required to indemnify and defend, it will thereafter have control of such litigation, but the Company may not settle such litigation without the consent of the City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the City; and the Company in defending any action on behalf of the City shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf.

§ 503.024 The City shall give the Company at least two weeks prior written notice of a proposed vacation of a public way. Except where required solely for a City improvement project, the vacation of any public way, after the installation of gas facilities, shall not operate to deprive Company of its rights to operate and maintain such gas facilities, until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to Company. In no case, however, shall City be liable to the Company for failure to specifically preserve a right-of-way under Minnesota Statutes, Section 160.29.

§ 503.025 Company shall have full right and authority to assign to any person, persons, firm, or corporation all the rights conferred upon it by this Ordinance, provided that the assignee of such rights, by accepting such assignment, shall become subject to the terms and provisions of this Ordinance.

§ 503.026 Company shall, if it accepts this Ordinance and the rights and obligations hereby granted, file a written acceptance of the rights hereby granted with the City Clerk within ninety (90) days after the final passage and any required publication of this Ordinance.

§ 503.027 This Ordinance shall be in full force and effect from and after its passage, any publication required by law, and acceptance by Company.

§ 503.028 Where a provision of any other Ordinance conflicts with the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

§ 503.029 Any notice to Company required under this Ordinance, shall be mailed to the Area Manager of Red Wing thereof at 3930 Pepin Avenue, Red Wing, MN 55066. Any notice to City shall be mailed to the CITY CLERK.

CHAPTER 500: GARBAGE AND RUBBISH

Section

- 500.01 Definitions
- 500.02 Collection of garbage and rubbish
- 500.03 Container required; placement
- 500.04 Meddling with trash receptacles prohibited
- 500.05 Containers to be kept sanitary and secure
- 500.06 Unauthorized private collections prohibited
- 500.07 Sanitation service: city options.
- 500.08 Rates and charges; collection and late payment
- 500.09 Removal of building materials
- 500.10 Prohibited acts
- 500.11 Non-residential customers; container types; collection schedules
- 500.12 Manner of collection and transportation
- 500.13 Licensing for collection
- 500.14 Collection of leaves, trees or tree limbs
- 500.15 Burning of garbage and rubbish
- 500.16 Civil enforcement

Cross-reference:

Health and Safety; Nuisances, see Chapter 902

§ 500.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARBAGE. Organic refuse resulting from the preparation of food, and decayed and spoiled food from any source.

RUBBISH. All inorganic refuse matter such as tin cans, glass, paper, rags, ashes, old clothing, wood and the like. Rubbish excludes, earth, sand, brick, and stone created or generated as a result of construction activities.

§ 500.02 COLLECTION OF GARBAGE AND RUBBISH.

§ 500.021. The cost of collecting and disposing of such garbage or rubbish shall be borne by the homeowner/resident. Surcharges levied by other government bodies that are directly related to garbage disposal or recycling shall also be billed to the individual homeowner/resident. These costs shall be billed monthly to each homeowner/resident. In the event of nonpayment by a homeowner/resident; following the third billing, these costs shall be certified by the City Clerk to the Rice County Auditor, and shall become part of the real estate tax of the owner of the property.

§ 500.022. No person not duly licensed and bonded by the City Council of Dundas to do so shall haul garbage or other refuse for hire upon the streets of Dundas.

§ 500.023. All garbage or other refuse shall be transported on the streets or alleys in the City only in vehicles with leakproof bodies of easily cleanable construction and completely covered with metal or heavy canvas. Vehicles shall be so operated that contents do not spill or drip upon streets or alleys or otherwise create a nuisance.

§ 500.03 CONTAINER REQUIRED; PLACEMENT.

(A) It shall be the duty of every person whose garbage and refuse is collected by the City's sanitation collection service to utilize a container or containers for garbage and refuse, sufficient in size and number to accommodate and securely keep all garbage and refuse that may accumulate between collections. Garbage containers shall be watertight and constructed of a solid and durable grade of metal, plastic, or paper material.

(B) It shall be the duty of every person whose garbage and refuse is collected by the City's sanitation collection service to place their garbage containers directly behind the curblines of the street abutting their property or in the absence of a curb directly behind the ditch line abutting their property. In no event shall containers be placed in the street or on the sidewalk or in any manner placed where the containers will interfere with vehicular or pedestrian traffic.

It shall be the responsibility of the subscriber to place the containers no earlier than 6:00 p.m. of the afternoon preceding the collection day and shall remove said container from the street or sidewalk by no later than 6:00 a.m. on the day following collection.

Penalty, see § 100.99

§ 500.04 MEDDLING WITH TRASH RECEPTACLES PROHIBITED.

(A) It shall be unlawful to meddle with garbage cans, trash or rubbish receptacles or in any way pilfer, search or scatter contents of garbage cans or rubbish receptacles in or upon any street or alley within the city limits.

(B) This section shall not apply to persons authorized by the city or persons authorized by state or federal law to search or otherwise meddle with trash receptacles.

Penalty, see § 100.99

§ 500.05 CONTAINERS TO BE KEPT SANITARY AND SECURE.

All containers shall be kept clean and free from accumulation of any substance remaining attached to the inside of the container which would attract or breed flies, mosquitoes, or other insects. The area surrounding garbage containers shall be maintained in a clean and sanitary condition. The contents of all receptacles shall be protected so that the wind cannot scatter the contents over the streets, alleys or other property within the city. All containers shall be securely closed in a manner as to prevent the scattering of the contents and to make them inaccessible to insects, rodents and other animals.

Penalty, see § 100.99

§ 500.06 UNAUTHORIZED PRIVATE COLLECTIONS PROHIBITED.

(A) It shall be unlawful for any person to transport garbage or refuse for hire which has been collected from any premises within the city over any public street within the city.

(B) This section shall not apply to any person who at the time of the activity is operating under a valid contract or franchise granted by the city which authorizes that person to use the public streets to conduct that activity.

Penalty, see § 100.99

§ 500.07 SANITATION SERVICE: CITY OPTIONS.

The City Council shall provide for sanitation collection services within the city by use of city employees and vehicles, or it may grant licenses under the terms and conditions of § 500.13, or it may contract with one or more contractors for the provision of these services under the

terms and conditions negotiated with the contractors, except that the provisions for insurance under § 500.13(E) shall always apply.

§ 500.08 RATES AND CHARGES; COLLECTION AND LATE PAYMENT.

If the city collects charges for the collection, removal and disposal of garbage and trash within the city, the following provisions apply:

(A) *GENERALLY.* The monthly charge for the collection, removal and disposal of garbage and trash from residences and businesses within the corporate limits of the city shall be as established by resolution of the Dundas City Council, as adopted from time to time.

HISTORY: Amended by Ord. 2003-02

(B) *COLLECTION OF CHARGES.* The charges fixed herein for the collection, removal and disposal of all garbage and trash shall be entered in their respective amounts on the utility bill. The city may discontinue all utility services, including water, sewer, and garbage and trash services, for failing to pay any assessed charges and until the charges have been paid in full under conditions and procedures detailed in division (C) of this section.

(C) *DISCONNECTION FOR LATE PAYMENT.*

(1) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(a) That all bills are due and payable on or before the date set forth on the bill;

(b) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(c) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(2) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be

discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(3) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge as established by the Ordinance Establishing Fees and Charges adopted pursuant to § 300.11 and Chapter 101 of this code, as that ordinance may be amended from time to time.

§ 500.09 REMOVAL OF BUILDING MATERIALS.

Waste from building operations, rock waste, building materials or other refuse resulting from building or remodeling operations or resulting from a general cleanup of vacant or improved property shall be removed by the building contractor, owner or occupant of the building at his or her own expense. It shall be unlawful for any person to place those materials in any dumpster or other trash receptacle for disposal by the city or any agent or contractor of the city.

Penalty, see § 100.99

§ 500.10 PROHIBITED ACTS.

(A) It shall be unlawful for any person to sweep, throw or deposit any garbage, rubbish, trash, debris, stagnant water or dead animal into, upon or along any public property or private property of another, except as may be specifically provided by this chapter.

(B) It shall be unlawful for any person owning or otherwise in control of any premises within the city to permit any of the conditions described in division (A) to exist upon property owned or controlled by him or her after having actual or constructive notice thereof.

(C) It shall be unlawful for any person to place in any container any material other than as specifically provided in this chapter.

(D) It shall be unlawful for any person to deposit or maintain garbage or trash except as provided for by this chapter.

(E) It shall be unlawful for any person to deposit any burning match, charcoal, ember, or other material in any container used for the disposal of garbage.

Penalty, see § 100.99

§ 500.11 NON-RESIDENTIAL CUSTOMERS; CONTAINER TYPES; COLLECTION SCHEDULES.

(A) It shall be the duty of the owner or person otherwise in charge of multi-family, institutional or industrial premises within the city to cause all garbage and trash accumulated on the premises to be placed in disposable containers, or commercial-type containers. Commercial-type containers may be used and may be placed at a location on the premises as arranged between the customer and the collector, but subject to review by the city at any time.

(B) Disposable containers shall be placed at a location on the premises which is readily accessible to the collector.

(C) The amount and character of garbage shall be considered in establishing size of commercial containers and frequency of pickup. The city shall have final authority to establish the size and frequency based on the history of amount and type of garbage generated by the customer. The collection and removal of garbage and trash from premises used for commercial, institutional, or industrial purposes shall be made as often as necessary in order to maintain the premises free of accumulations. Garbage, except dry trash in contractor-supplied containers, shall be collected not less than one time each week, except for roll-off containers which shall not be subject to this provision so long as they are used solely for brush and dry trash.

Penalty, see § 100.99

§ 500.12 MANNER OF COLLECTION AND TRANSPORTATION.

(A) The collection, removal and disposal of all garbage, trash and brush shall be carried on in a systematic, efficient manner to keep the city in a clean and sanitary condition.

(B) All vehicles used for the collection and transportation of garbage and trash shall be equipped with suitable covers which shall be used to prevent blowing or scattering of refuse while garbage and trash are being transported for disposal.

Penalty, see § 100.99

§ 500.13 LICENSING FOR COLLECTION.

(A) *PURPOSE.* In order to provide for a continuous system of refuse collection and disposal in a manner which meets the needs and conveniences of the residents of the city and in order to protect the area from the problems of uncoordinated, unsanitary and improper solid waste disposal, the City Council determines that it is in the best interests of the residents of the city to require licenses of persons collecting or hauling garbage and rubbish for hire, reserving to the city the right and authority to contract with one or more operators to provide these services.

(B) *LICENSING.* No person may collect or haul garbage or rubbish within the city without first obtaining a written license from the City Council. An application for a license shall be submitted in writing to the City Clerk, and shall contain the following information:

- (1) Name and address of the applicant;
- (2) Description of the equipment which will be used within the city by the applicant;
- (3) A schedule of the rate that will be charged by the applicant for the various categories of customers within the city;
- (4) Evidence of compliance with the other applicable sections of this chapter.

(C) *FRANCHISE*. The City Council may exercise its reserved right to contract with one or more operators for the collection of garbage and rubbish within the city.

(D) *SUSPENSION OF LICENSE OR CONTRACT*. A contract or license issued under the provisions of this section may be revoked or suspended for a violation of this chapter or other applicable regulations of law upon a showing that the contractor or licensee has failed to comply with that regulation.

(E) *FINANCIAL RESPONSIBILITY*. The licensee or contractor shall show financial responsibility or a certificate of insurance coverage prior to obtaining the license or franchise whereby each vehicle to be used by the licensee or contractor shall be covered against loss or injury in the following amounts: \$300,000 when the claim is one for death by wrongful act or omission and \$300,000 to any claimant in any other case; \$1,000,000 for any number of claims arising out of a single occurrence. The licensee or contractor shall hold the city harmless and agrees to defend and indemnify the city, and the city's employees and agents, for any claims, damages, losses, and expenses related to the work under the license or contract. The city shall be named as an additional insured under that insurance for the services provided under the license or contract. The licensee's or contractor's insurance shall be the primary insurance for the city and the licensee or contractor shall provide a certificate of insurance on the city's approved form which verifies the existence of the insurance required, including provisions to hold the city harmless and defend and indemnify the city. The licensee or contractor shall also provide evidence of workers compensation insurance for employees. These insurance policies shall be for the full term of the license or franchise and shall provide for the giving of ten days prior notice to the city of the termination or cancellation of these policies. In case any policies are terminated or cancelled, the license or contract shall be automatically revoked upon receipt by the City Clerk of the termination or cancellation.

(F) *DESIGN OF EQUIPMENT*. All trucks or motor vehicles used by the licensee or contractor shall be water-tight so as not to allow the leakage of liquids or refuse while hauling the same and shall be covered with a covering to prevent the scattering of its contents upon the public streets or private properties in the city.

(G) *INSPECTIONS*. All vehicles used for garbage or rubbish shall be made available for inspection within the city at the times and places as the City Council may designate.

(H) *BOND*. The contractor or licensee may be required to furnish a surety bond in an amount as the City Council deems necessary running to and approved by the City Council,

guaranteeing the franchisee's or licensee's faithful and continuous performance of the terms of the franchise, license or contract and of this chapter.

§ 500.14 COLLECTION OF LEAVES, TREES OR TREE LIMBS.

Nothing in this chapter shall be construed to prevent the collection for hire by other persons of leaves, trees or tree limbs.

§ 500.15 BURNING OF GARBAGE AND RUBBISH.

A. *GARBAGE BURNING PROHIBITED.* No person shall burn any garbage in the City.

B. *TRASH BURNING REGULATED.* No person shall burn any trash, lumber, straw, papers, or other combustible material except grass lawn sweepings and leaves, in any street, alley, yard or upon any lot except in the manner hereinafter provided in this ordinance. Such burning in or upon any street, sidewalk, or alley of the City is expressly prohibited.

C. *TRASH BURNING REGULATION.* Any of the refuse or material described in Section B of this ordinance may be burned in the City in a refuse burner constructed in a substantial manner of iron, steel, brick, concrete, or stone, which shall be a closed receptacle with a tight door at the bottom, if any opening there exists, and the top opening shall be protected in a secure manner by a wire screen of not less than nine gauge wire with a mesh not to exceed one-half (½) inch. If such refuse burner is constructed of iron or steel, it shall not be thinner than 14 B.W. gauge. Provided, however, that such refuse or material shall not be burned within twenty (20) feet of any building, structure or flammable material, nor within ten (10) feet of any fence, partition or neighboring property line.

D. *CONTROL OF FIRES.* No fire shall be set on any unusually windy day. No person shall set fire to or burn any weeds, grass, leaves, rubbish or other substance within the meaning of Section B hereof without first providing adequate means to control such fire at all times.

E. *EVIDENCE.* The setting of such a fire on any unusually windy day or the calling or appearance of fire-fighting equipment at such a fire shall constitute prima facie evidence that the person so setting the fire did not provide adequate means to control such fire.

HISTORY: Ordinance 4.02 (1985)

§ 500.16 CIVIL ENFORCEMENT.

In addition to any criminal penalty which may apply for a violation of this Chapter, the City Council may issue civil orders to any person, including occupants or property owners, to clean up their property or abate any violation of this Chapter.

The City shall complete any necessary clean up work, after notice to the occupant or property owner and failure to comply with the City's Order. The City may recover 110 percent (110%) of the actual costs of clean-up work performed plus attorney fees by special levy or civil action.

HISTORY: Ordinance 4.01 Section 5 (1985)

CHAPTER 501: SEWER REGULATIONS

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GENERAL PROVISIONS

§ 501.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Federal Water Pollution Control Act, also referred to as the Clean Water Act, being 33 USC 1251 et seq., as amended.

ASTM. American Society for Testing Materials.

AUTHORITY. This city or its representative thereof.

BIOCHEMICAL OXYGEN DEMAND (BOD₅). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C, expressed in terms of milligrams per liter (mg/l).

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three feet outside the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.

CITY. The area within the corporate boundaries of the city of Dundas 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.

CONTROL MANHOLE. A structure specially constructed for the purpose of measuring flow and sampling of wastes.

EASEMENT. An acquired legal right for the specific use of land owned by others.

GARBAGE. Animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

INDUSTRIAL WASTE. Gaseous, liquid and solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development, recovery and processing of natural resources, as distinct from residential or domestic strength wastes.

INDUSTRY. Any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, which is categorized in Divisions A, B, D, E and I.

INFILTRATION. Water entering the sewage system (including building drains and pipes) from the ground through means as defective pipes, pipe joints, connections and manhole walls.

INFILTRATION/INFLOW (I/I). The total quantity of water from both infiltration and inflow.

INFLOW. Water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

INTERFERENCE. The inhibition or disruption of the city's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the city's NPDES or SDS permit. The term includes sewage sludge use or disposal by the city in accordance with published regulations providing guidelines under Section 405 of the Act (33 USC 1345) or any regulations developed pursuant to the Solid Waste Disposal Act (42 USC 6901 et seq.), the Clean Air Act (42 USC 7401 et seq.), the Toxic Substances Control Act (15 USC 2601 et seq.), or more stringent state criteria applicable to the method of disposal or use employed by the city.

JOINT WASTEWATER TREATMENT AGREEMENT. The Agreement entered into between the City of Dundas and the City of Northfield on May 7, 2001, and as Amended or revised, which allows Dundas effluent to be treated as part of the Northfield Wastewater Treatment System and facility.

MAY. The term is permissive.

MPCA. The Minnesota Pollution Control Agency.

NATIONAL CATEGORICAL PRETREATMENT STANDARDS. Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to be not susceptible to treatment by those treatment facilities or would interfere with the operation of those treatment facilities, pursuant to Section 307(b) of the Act (33 USC 1317(b)).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act (33 USC 1342 and 33 USC 1345).

NATURAL OUTLET. Any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.

NON-CONTACT COOLING WATER. The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added is heat.

NORMAL DOMESTIC STRENGTH WASTE (NDSW). Wastewater that is primarily introduced by residential users with a BOD₅ concentration not greater than 287 mg/l and a suspended solids (TSS) concentration not greater than 287 mg/l.

PERSON. Any individual, firm, company, association, society, corporation or group.

pH. The logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.

PRETREATMENT. The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than ½-inch (1.27 cm) in any dimension.

SEWAGE. The spent water of a community. The preferred term is wastewater.

SEWER. A pipe or conduit that carries wastewater or drainage water.

(1) *COLLECTION SEWER.* A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.

(2) *INTERCEPTOR SEWER.* A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

(3) *PRIVATE SEWER.* A sewer which is not owned and maintained by a public authority.

(4) *PUBLIC SEWER.* A sewer owned, maintained and controlled by a public authority.

(5) *SANITARY SEWER.* A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters which are not admitted intentionally.

(6) *STORM SEWER or STORM DRAIN.* A drain or sewer intended to carry storm waters, surface runoff, ground water, subsurface water, street wash water, drainage and unpolluted water from any source.

SHALL. The term is mandatory.

STATE DISPOSAL SYSTEM (SDS) PERMIT. Any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to M.S. § 115.07, as it may be amended from time to time for a disposal system as defined by M.S. § 115.01(8), as it may be amended from time to time.

SUSPENDED SOLIDS (SS) or 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, and referred to as non-filterable residue.

TOXIC POLLUTANT. The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse affects as defined in standards issued pursuant to Section 307(a) of the Act (33 USC 1317(a)).

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, and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities.

USER. Any person who discharges or causes or permits the discharge of wastewater into the city's wastewater disposal system.

UTILITIES SUPERINTENDENT. The person appointed by the City Council to supervise the sewer and water systems of the city.

WASTEWATER. The spent water of a community and referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with any ground water, surface water and storm water that may be present.

WASTEWATER TREATMENT WORKS or TREATMENT WORKS. An arrangement of any devices, facilities, structures, equipment or processes owned or used by the city of Dundas or the City of Northfield for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from that treatment.

WPCF. The Water Pollution Control Federation.

§ 501.002 CONTROL OF SEWERS; ADMINISTRATION OF CHAPTER.

The Utilities Superintendent, or other official designated by the City Council 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 chapter to the end that a proper and efficient public sewer is maintained. The Utilities Superintendent may delegate responsibilities to designated representatives of the City.

The Superintendent shall further ensure that all terms, regulations, rights and obligations of Northfield City Ordinances regulating the discharge of sewage, as defined in that Wastewater Treatment Agreement between Dundas and the City of Northfield dated May 7, 2001, and as amended, and the terms and provisions of said agreement, are fully enforced and complied with.

§ 501.003 BUILDING SEWERS; GENERAL REQUIREMENTS.

Building sewer construction shall meet the pertinent requirements of the Minnesota State Building Code, which is those chapters of Minn. Rules referenced in Minn. Rules part 1300.2400, subpart 6, as they may be amended from time to time, and the Minnesota Plumbing Code, Minn. Rules Ch. 4715, as it may be amended from time to time. The applicant shall notify the City Clerk when the building sewer and connection is ready for inspection. The connection shall be made under the supervision of the Building Official or the Building Official's representative, if the city has adopted the State Building Code. If the city has not adopted the State Building Code, the Utilities Superintendent shall perform the inspection. If the city does not have a Utilities Superintendent, an installer licensed under § 51.064 shall certify that the building sewer and connection comply with the State Building Code. No backfill shall be placed until the work has been inspected and approved, or until the certification has been received. Penalty, see § 501.999

§ 501.004 TAMPERING WITH WASTEWATER FACILITIES.

No person 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. Penalty, see § 501.999

§ 501.005 COST OF REPAIRING OR RESTORING SEWERS.

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 that person, and may collect the assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the city.

GENERAL REGULATIONS

§ 501.015 DEPOSITS OF AN UNSANITARY MANNER PROHIBITED.

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 the city's jurisdiction, any human or animal excrement, garbage or objectionable waste.

Penalty, see § 501.999

§ 501.016 DISCHARGE OF WASTEWATER OR OTHER POLLUTED WATERS.

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 chapter and the city's NPDES/SDS permit.

Penalty, see § 501.999

§ 501.017 RESTRICTIONS ON WASTEWATER DISPOSAL FACILITIES.

Except as otherwise provided in this chapter, 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.

Penalty, see § 501.999

§ 501.018 INSTALLATION OF SERVICE CONNECTION TO PUBLIC SEWER.

The owners 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 in the future be 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 code; provided, the public sewer is within 660 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 ten-day notice shall be served instructing the affected property owner to make the connection.

Penalty, see § 501.999

§ 501.019 FAILURE TO CONNECT TO A PUBLIC SEWER.

In the event an owner shall fail to connect to a public sewer in compliance with a notice given under § 501.018, the city shall undertake to have the connection made and shall assess the cost thereof against the benefitted property. The assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the County Auditor 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 chapter.

Penalty, see § 501.999

§ 501.020 INCORPORATION OF NORTHFIELD CITY ORDINANCES.

All terms, regulations, rights, and obligations of Northfield Ordinances regulating the discharge of sewage (as defined in that Wastewater Treatment Agreement between the cities of Dundas and Northfield, dated May 7, 2001) and the said Wastewater Treatment Agreement are incorporated herein, to be a part of this Ordinance as if fully stated herein, including without limitation, the right of the City of Northfield to inspect, monitor, impose and collect rates, or require pretreatment within the Dundas collection system service area.

PRIVATE WASTEWATER DISPOSAL

§ 501.035 PUBLIC SEWER NOT AVAILABLE.

Where a public sewer is not available under the provisions of § 501.018, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this subchapter and Minn. Rules Ch. 7080, Individual Sewage Treatment Systems Program, as they may be amended from time to time.

Penalty, see § 501.999

§ 501.036 PERMITS.

(A) *REQUIRED.* Prior to commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the city. The application for the 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.

(B) *INSPECTIONS.* 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.

Penalty, see § 501.999

§ 501.037 TYPE, CAPACITIES, LOCATION AND LAYOUT.

The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of Minn. Rules Ch. 7080, Individual Sewage Treatment Systems Program, as they may be amended from time to time. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Penalty, see § 501.999

§ 501.038 DIRECT CONNECTION REQUIRED.

At the time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 30 days in compliance with this chapter, and within 30 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.

Penalty, see § 501.999

§ 501.039 OPERATION AND MAINTENANCE BY OWNER.

The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the city.

§ 501.040 APPLICATION OF SUBCHAPTER.

No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Minnesota Department of Health.

BUILDING SEWERS AND CONNECTIONS

§ 501.055 RESTRICTIONS ON NEW CONNECTIONS.

Any new connections 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 Utilities Superintendent.

Penalty, see § 501.999

§ 501.056 BUILDING SEWER PERMITS.

(A) *REQUIRED.* No unauthorized person 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.

(B) *APPLICATIONS.* 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.

(C) *CLASSES.* There shall be two classes of building sewer permits: one for residential and commercial service, and one 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.

(D) *INSPECTION AND CONNECTION.* 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 Utilities Superintendent or authorized representative thereof.

Penalty, see § 501.999

§ 501.057 COSTS AND EXPENSES.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

Penalty, see § 501.999

§ 501.058 SEPARATE BUILDING SEWERS REQUIRED.

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 connection.

Penalty, see § 501.999

§ 501.059 OLD BUILDING SEWERS; RESTRICTIONS ON USE.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Utilities Superintendent or his or her representative, to meet all requirements of this chapter.

§ 501.060 CONFORMANCE TO STATE BUILDING AND PLUMBING CODE REQUIREMENTS.

(A) The size, slopes, alignment, materials of construction of building sewers 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 Building and Plumbing Code or other applicable rules and regulations of the city.

(B) The connection of the building sewer into the public sewer shall conform to the requirements of the State Building and Plumbing Code or other applicable rules and regulations of the city. All 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.

Penalty, see § 501.999

§ 501.061 ELEVATION BELOW BASEMENT FLOOR.

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 the building drain shall be lifted by an approved means and discharged to the building sewer.

Penalty, see § 501.999

§ 501.062 SURFACE RUNOFF OR GROUNDWATER CONNECTIONS PROHIBITED.

No person shall make connection of roof downspouts, sump pumps, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or indirectly to the wastewater disposal system.

Penalty, see § 501.999

§ 501.063 EXCAVATIONS.

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.

Penalty, see § 501.999

§ 501.064 LICENSES.

(A) *REQUIRED.* No person shall make a service connection with any public sewer unless regularly licensed under this chapter to perform the work, and no permit shall be granted to any person except a regularly licensed person.

(B) *APPLICATION.* 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 Utilities Superintendent for recommendations to the Council. If approved by the Council, the license shall be issued by the City Clerk upon the filing of a bond as hereinafter provided.

(C) *ISSUANCE.* No license shall be issued to any person until a policy of insurance 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 that 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 Utilities Superintendent, and shall conform in all respects to any rules and regulations of the Council relative thereto, and pay all fines that may be imposed on the licensee by law.

(D) *FEE.* The license fee for making service connections shall be as established by the Ordinance Establishing Fees and Charges adopted pursuant to § 300.11 and Chapter 101 of this Code, as that ordinance may be amended from time to time. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked by the Council for cause.

(E) *SUSPENSION OR REVOCATION.* The Council may suspend or revoke any license issued under this subchapter for any of the following causes:

- (1) Giving false information in connection with the application for a license.
- (2) Incompetence of the licensee.
- (3) Willful violation of any provisions of this chapter or any rule or regulation pertaining to the making of service connections.
Penalty, see § 501.999

USE OF PUBLIC SERVICES

§ 501.080 DISCHARGES OF UNPOLLUTED WATER.

(A) No person shall discharge or caused to be discharged any water such as stormwater, ground water, roof runoff, surface drainage or non-contact cooling water to any sanitary sewer.

(B) Stormwater and all other unpolluted drainage shall be discharged to those 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.

Penalty, see § 501.999

§ 501.081 DISCHARGES OF WATERS OR WASTES.

No person 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 ½-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 residues, 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 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 (33 USC 1317(a)).

Penalty, see § 501.999

(E) Any sewage, polluted water or other Effluent which is prohibited by State Law or City of Northfield Ordinance.

§ 501.082 LIMITED DISCHARGES.

(A) 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 soil, vegetation and ground water, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Utilities Superintendent may set limitations lower than limitations established in the regulations below if, in his or her opinion, the more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability of wastes, the Utilities Superintendent will give consideration to 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/SDS permit, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

(B) 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 Utilities Superintendent are as follows:

(1) 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.

(2) 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.

(3) Any quantities of flow, concentrations, or both which constitute a "slug" as defined in § 501.001.

(4) Any garbage not properly shredded, as defined in § 501.001 of this chapter. 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.

(5) 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.

(6) Any wastewater with objectionable color not removed in the treatment process such as but not limited to dye wastes and vegetable tanning solutions.

(7) Non-contact cooling water or unpolluted storm, drainage or ground water.

(8) 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 quantities that would cause disruption with the wastewater disposal system.

(9) Any radioactive wastes or isotopes of half-life or concentration as may exceed limits established by the Utilities Superintendent in compliance with applicable state or federal regulations.

(10) Any waters or wastes containing the following substances to the degree that any material received in the composite wastewater at the wastewater treatment works is detrimental to treatment process, adversely impacts land application, adversely effects receiving waters, or is in violation of standards pursuant to Section 307(b) of the Act (33 USC 1317(b)): Arsenic, Cadmium, Copper, Cyanide, Lead, Mercury, Nickel, Silver, total Chromium, Zinc and Phenolic compounds which cannot be removed by the city's wastewater treatment system.

(11) 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.

(12) Any waters or wastes containing BOD₅ or suspended solids of character and quantity that unusual attention or expense is required to handle the materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of § 501.094.

(13) Wastewater containing substances which cannot be treated to produce effluent quality required by the permit or causes a violation of any Local, State or Federal regulation.

§ 501.083 DISCHARGES HAZARDOUS TO LIFE OR CONSTITUTE PUBLIC NUISANCES.

(A) 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 § 501.082, or which in the judgement of the Utilities Superintendent may have a deleterious effect upon the

wastewater treatment facilities, processes, or equipment, receiving waters or soil, vegetation, and ground water, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act (33 USC 1317(b)) and all amendments thereof;
- (3) Require control over the quantities and rates of discharge; and
- (4) Require payment to cover the added costs of handling, treating and disposing of wastes not covered by existing taxes or sewer service charges.

(B) 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 owner's expense and shall be subject to the review and approval of the city pursuant to the requirements of the MPCA.

§ 501.084 INCREASING USE OF PROCESS WATER.

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 §§ 501.081 and 501.082, or contained in the National Categorical Pretreatment Standards or any state requirements.

Penalty, see § 501.999

§ 501.085 PRETREATMENT OR FLOW-EQUALIZING FACILITIES.

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.

§ 501.086 GREASE, OIL AND SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Utilities Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in § 501.082(B)(2), any flammable wastes as specified in § 501.081(A), sand or other harmful ingredients; except that 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 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 Utilities Superintendent. 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.

Penalty, see § 501.999

§ 501.087 INDUSTRIAL WASTES; INSTALLATIONS.

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 necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes.

The 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 or her expense and shall be maintained by the owner to be safe and accessible at all times.

Penalty, see § 501.999

§ 501.088 INDUSTRIAL WASTES; REQUIREMENTS.

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 chapter 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 times and in the manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses and reporting required by the city. At those times as deemed necessary, the city reserves the right to take measurements and supplies for analysis by an independent laboratory.

Penalty, see § 501.999

§ 501.089 MEASUREMENTS, TESTS AND ANALYSES OF WATERS AND WASTES.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter 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. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Utilities Superintendent.

Penalty, see § 501.999

§ 501.090 PROTECTION FROM ACCIDENTAL DISCHARGE OF PROHIBITED MATERIALS.

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 chapter. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Utilities Superintendent for review and approval prior to construction of the facility. Review and approval of the 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 chapter.

Users shall notify the Utilities Superintendent immediately upon having a slug or accidental discharge of substances of wastewater in violation of this chapter to enable countermeasures to be taken by the Utilities Superintendent to minimize damage to the wastewater treatment works. The 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 a discharge are advised of the emergency notification procedure. A notice shall be permanently posted in a prominent place advising employees of the emergency notification procedure in the event of a slug or accidental discharge. Penalty, see § 501.999

§ 501.091 PERMITTING SUBSTANCE OR MATTER TO FLOW OR PASS INTO PUBLIC SEWERS.

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 30 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 other work as the Utilities Superintendent 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 30 days, the Utilities Superintendent may cause the work to be completed at the expense of the owner or representative thereof. Penalty, see § 501.999

§ 501.092 REPAIRING SERVICE CONNECTION.

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 the work to be done as the Utilities Superintendent may direct. Each day after 30 days that a person neglects or fails to so act shall constitute a separate violation of this section,

and the Utilities Superintendent may then cause the work to be done, and recover from the owner or agent the expense thereof by an action in the name of the city.
Penalty, see § 501.999

§ 501.093 CATCH BASIN OR WASTE TRAPS REQUIRED FOR MOTOR VEHICLE WASHING OR SERVICING FACILITIES.

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.
Penalty, see § 501.999

§ 501.094 SPECIAL AGREEMENT AND ARRANGEMENT.

No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern; provided, that National Categorical Pretreatment Standards and the city's NPDES/SDS Permit limitations are not violated.

USER RATE SCHEDULE FOR CHARGES

§ 501.110 CHARGES GENERALLY.

Each user of sewer service shall pay the charges applicable to the type of service, and in accordance with the provisions set forth in this subchapter.

§ 501.111 PURPOSE.

The purpose of the subchapter is to provide for sewer service charges to recover costs associated with operation, maintenance and replacement to ensure effective functioning of the city's wastewater treatment system, and local capital costs incurred in the construction of the city's wastewater treatment system.

§ 501.112 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATION. Those fixed costs attributable to administration of the wastewater treatment works such as billing and associated bookkeeping and accounting costs.

CITY. The area within the corporate boundaries of the city of Dundas as presently established or as amended by ordinance or other legal actions at a future time. When used herein the term CITY may also refer to the City Council or its authorized representative.

DEBT SERVICE CHARGE. A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct the facilities.

INCOMPATIBLE WASTE. Waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works.

INDUSTRIAL USERS or INDUSTRIES.

(1) (a) Entitles that discharge into a publicly owned wastewater treatment works liquid wastes resulting from the processes employed in industrial or manufacturing processes, or from the development of any natural resources. These are identified in the Standard Industrial Classification Manual, latest edition, Office of Management and Budget, as amended and supplemental under one of the following divisions:

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) For the purpose of this definition, domestic waste shall be considered to have the following characteristics: BOD₅ - less than 287 mg/l; Suspended solids - less than 287 mg/l.

(2) Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

MAY. The term is permissive.

NON-RESIDENTIAL USER. A user of the facility whose building is not used as a private residence, and discharges NDSW.

OPERATION AND MAINTENANCE. Activities required to provide for the dependable and economical functioning of the treatment works, throughout the design or useful life, whichever is longer of the treatment works, and at the level of performance for which the treatment works were constructed. The term includes replacement.

OPERATION AND MAINTENANCE COSTS. Expenditures for operation and maintenance, including replacement.

REPLACEMENT. Obtaining and installing of equipment, accessories or appurtenances which are necessary during the design life or useful life, whichever is longer, of the treatment works to maintain the capacity and performance for which the works were designed and constructed.

REPLACEMENT COSTS. Expenditures for replacement.

RESIDENTIAL USER. A user of the treatment facility whose building is used primarily as a private residence and discharges NDSW.

SANITARY SEWER. A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters which are not admitted intentionally.

SEWER SERVICE CHARGE. The aggregate of all charges, including charges for operation, maintenance, replacement, debt service, and other sewer related charges that are billed periodically to users of the city's wastewater treatment facilities.

SEWER SERVICE FUND. A fund into which income from sewer service charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditure of the sewer service fund will be for operation, maintenance and replacement costs and to retire debt incurred through capital expenditure for wastewater treatment.

SHALL. The term is mandatory.

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.

TOXIC POLLUTANT. The concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to Section 307(a) of the Act (33 USC 1317(a)), which upon exposure to or assimilation into any organism, will cause adverse effects.

USER CHARGE. A charge levied on a user of a treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement.

USERS. Those residential, commercial, governmental, institutional and industrial establishments which are connected to the public sewer collection system.

WASTEWATER. The spent water of a community, also referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with any ground water, surface water and storm water that may be present.

WASTEWATER TREATMENT WORKS or TREATMENT WORKS. An arrangement of any devices, facilities, structures, equipment or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from the treatment.

§ 501.113 ESTABLISHMENT OF A SEWER SERVICE CHARGE SYSTEM.

(A) The city hereby establishes a Sewer Service Charge System whereby all revenue collected from users of the wastewater treatment facilities will be used to affect all expenditures incurred for annual operation, maintenance and replacement and for debt service on capital expenditure incurred in constructing the wastewater treatment works.

(B) Each user shall pay its proportionate share of operation, maintenance, and replacement costs of the treatment works, based on the users proportionate contribution to the total wastewater loading from all users.

(C) Each user shall pay debt service charges to retire local capital costs as determined by the City Council.

(D) Sewer service rates and charges to users of the wastewater treatment facility shall be determined and fixed in a “Sewer Service Charge System” developed according to the provisions of this subchapter. The Sewer Service Charge System shall be the system enacted prior to the adoption of this code. The Dundas City Council shall establish sewer service rates and charges by resolution, from time to time. *HISTORY: Amended by Ord. 2003-02*

(E) Revenues collected for sewer service shall be deposited in a separate fund known as “The Sewer Service Fund.” Income from revenues collected will be expended to off-set the cost of operation, maintenance and equipment replacement for the facility and to retire the debt for capital expenditure.

(F) Sewer service charges and the sewer service fund will be administrated in accordance with the provisions of § 501.116.

(G) A connection fee as fixed in the Ordinance Establishing Fees and Charges adopted pursuant to § 300.11 and Chapter 101 of this Code, as that ordinance may be amended from time to time, shall be charged to each user connecting a new service to the Sanitary Sewer System. The connection fee shall be due and payable within 90 days of the date the connection is completed.

Penalty, see § 501.999

§ 501.114 DETERMINATION OF SEWER SERVICE CHARGES.

The sewer service rates and charges to users of the wastewater treatment facility shall be as established by the resolution of the Dundas City Council, as adopted from time to time.

Penalty, see § 501.999

HISTORY: Amended by Ord. 2003-02

§ 501.115 SEWER SERVICE FUND.

(A) The city hereby establishes a “Sewer Service Fund” as an income fund to receive all revenues generated by the sewer service charge system, and all other income dedicated to the operation, maintenance, replacement and construction of the wastewater treatment works,

including taxes, special charges, fees and assessments intended to retire construction debt. The city also establishes the following accounts as income and expenditure accounts within the sewer service fund:

- (1) Operation and maintenance account.
- (2) Equipment replacement account.
- (3) Debt retirement account.

(B) All revenue generated by the sewer service charge system, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be held by the City Clerk separate and apart from all other funds of the city. Funds received by the sewer service fund shall be transferred to the "Operation and Maintenance Account," the "Equipment Replacement Account," and the "Debt Retirement Account" in accordance with state and federal regulations and the provisions of this chapter.

(C) Revenue generated by the sewer service charge system sufficient to insure adequate replacement throughout the design life or useful life, whichever is longer, of the wastewater facility shall be held separate and apart in the "Equipment Replacement Account" and dedicated to affecting replacement costs. Interest income generated by the "Equipment Replacement Account" shall remain in the "Equipment Replacement Account".

(D) Revenue generated by the sewer service charge system sufficient for operation and maintenance shall be held separate and apart in the "Operation and Maintenance Account."

§ 501.116 ADMINISTRATION.

The sewer service charge system and sewer service fund shall be administrated according to the following provisions:

(A) The City Clerk shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works, and shall furnish the City Council with a report of those costs annually in December. The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works, and whether sufficient revenue is being generated for debt retirement. The Council will also determine whether the user charges are distributed proportionately to each user in accordance with § 501.113(B). The city shall thereafter, but not later than the end of the year, reassess and as necessary revise the Sewer Service Charge System then in use to insure the proportionality of the user charges and to insure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.

(B) In accordance with federal and state requirements, each user will be notified annually in conjunction with a regular billing of that portion of the sewer service charge attributable to operation, maintenance and replacement.

(C) In accordance with federal and state requirements, the City Clerk shall be responsible for maintaining all records necessary to document compliance with the Sewer Service Charge System adopted.

(D) Bills for sewer service charges shall be rendered on a monthly basis succeeding the period for which the service was rendered and shall be due ten days from the date of rendering. Any bill not paid in full 60 days after the due date will be considered delinquent. At that time the city shall notify the delinquent owner/occupant in writing regarding the delinquent bill and subsequent penalty. The penalty shall be computed at 10% of the original bill and shall be increased the same 10% for every quarter the bill is outstanding. Disconnection of services for late payment shall follow the procedures established in § 501.117.

(E) The owner of the premises shall be liable to pay for the service to their premises, and the service is furnished to the premises by the city only upon the condition that the owner of the premises is liable therefore to the city.

(F) Any additional costs caused by discharges to the treatment works of toxics or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs, and sludge disposal, shall be borne by the discharger of the wastes, at no expense to the city.

§ 501.117 DETERMINATION OF SEWER SERVICE CHARGES.

(A) 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.

(B) 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 minimum 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.

(C) 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. 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 manner as for residential users. 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.

(D) 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.

(E) Determination of User Charges

1) For producers of Normal Domestic Strength Wastes:

$$Uomr = \frac{OM\&R}{Tbwv}$$

Where: Uomr = Unit cost for Operation, Maintenance and Equipment Replacement in \$/Kgal.

OM&R = Total annual OM&R costs.

Tbwv = Total annual billable wastewater flow in Kgal.

2) Calculation of User Charges:

$$UC = Uomr \times Bwv + Base$$

Where: UC = User Charge

Uomr = Unit cost for Operation, Maintenance and Equipment Replacement in \$/Kgal.

Bwv = Billable wastewater volume in Kgal.

Base = Base charge for administration costs.

(F) 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:

1) Calculation of Unite Cost for Debt Service:

$$Uads = \frac{Ads}{Tbwv}$$

Where: Uads = Unit cost for annual debt service (\$/Kgal).
Ads = Cost of annual debt service.
Tbwv = Total annual billable wastewater volume (Kgal).

2) Calculation of Debt Service Charge:

$$DSC = Uds \times Bwv$$

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

(G) Determination of Sewer Service Charges

The sewer service charge for a particular connection shall be determined as follows:

$$SSC = UC + DSC$$

Where: SSC = Sewer Service Charge
UC = User Charge
DSC = Debt Service Charge

§ 501.118 DISCONNECTION FOR LATE PAYMENT.

(A) It is the policy of the city to discontinue sewer service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

- (1) That all bills are due and payable on or before the date set forth on the bill;
- (2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and
- (3) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official

shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the city to discontinue sewer service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge as established by the Ordinance Establishing Fees and Charges adopted pursuant to § 300.11 and Chapter 101 of this Code, as that ordinance may be amended from time to time.

POWERS AND AUTHORITY OF INSPECTORS

§ 501.130 AUTHORIZED EMPLOYEES PERMITTED TO ENTER ALL PROPERTIES.

The Utilities Superintendent 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 chapter.

§ 501.131 AUTHORIZED EMPLOYEES OBTAINING INFORMATION FOR INDUSTRIAL PROCESSES.

The Utilities Superintendent 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.

§ 501.132 AUTHORIZED EMPLOYEES TO OBSERVE SAFETY RULES.

While performing necessary work on private properties, the Utilities Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the property owner shall be held harmless for injury or death to the city employees and the city shall indemnify the property owner 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 may be caused by negligence or failure of the company to maintain safe conditions as required in § 501.087.

§ 501.133 AUTHORIZED EMPLOYEES PERMITTED TO ENTER ALL PROPERTY WITH EASEMENTS.

The Utilities Superintendent or other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ 501.999 PENALTY.

(A) (1) Any person found to be violating any provisions of §§ 501.001 through 501.094 and 501.130 through 501.133 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in division (A) of this section shall be punished as provided in § 100.99. Each day in which any violation occurs shall be deemed as a separate offense.

(3) Any person violating any of the provisions of §§ 501.001 through 501.094 and 501.130 through 501.133 shall become liable to the city for any expense, loss or damage occasioned by the city by reason of that violation, including reasonable attorney, and investigator, staff and expert fees.

(4) In addition to any other civil remedy, the City may impose a civil fine upon any user for negligent or intentional violation of this Chapter. Such fines shall be added to the user's next sewer service charge after reasonable notice to the user.

Any user desiring to dispute the civil fine may request a hearing before the City Council to reconsider the imposition of the fine. The request for hearing shall be made within 20 days of notice of the fine. The hearing on the request to reconsider shall be held within 30 days of receipt of the request, but may be continued for good cause or by agreement of the City and user.

The fine imposed shall not exceed the greater of \$1,000.00 per day or the amount of penalty imposed upon Dundas by the City of Northfield under the Joint Wastewater Treatment Agreement. Each day that a violation continues shall be deemed a separate offense and shall subject the user to a separate civil fine.

(B) (1) Each and every sewer service charge levied by and pursuant to §§ 501.110 through 501.118 is made a lien upon the lot or premises served, and all charges which are on October 31 of each year past due and delinquent shall be certified to the County Auditor by November 30 as taxes or assessments on the real estate. Nothing in §§ 501.110 through 501.118 shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected any delinquent or past due sewer service charges.

(2) As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect amounts as are delinquent and due against the occupant, owner or user of the real estate, and shall collect as well all attorney's fees incurred by the city in filing the civil action. Attorney's fees shall be fixed by order of the court.

(3) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate of 8% per annum.

CHAPTER 502: WATER REGULATIONS

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GENERAL PROVISIONS

§ 502.01 GENERAL OPERATION.

The city does hereby make provision for the establishment of a municipal water system (hereinafter called the water system) to be operated as a public utility.

§ 502.02 USE OF WATER SERVICE.

No person other than a city employee shall uncover or make or use any water service installation connected to the city water system except in the manner provided by this chapter. No person shall make or use any installation contrary to the regulatory provisions of this chapter. Penalty, see § 100.99

§ 502.03 USE TO CIRCUMVENT CHAPTER PROHIBITED.

No person shall permit water from the water system to be used for any purpose to circumvent this chapter. Penalty, see § 100.99

§ 502.04 DAMAGE TO WATER SYSTEM.

(A) No unauthorized person shall remove or damage any structure, appurtenance, or part of the water system or fill or partially fill any excavation or move any gate valve used in the water system.

(B) No person shall make any connection of an electrical welder to the city water main, appurtenance or service or use an electric welder for the purpose of thawing frozen water mains, appurtenances or services. Penalty, see § 100.99

§ 502.05 CONNECTIONS BEYOND CITY BOUNDARIES.

Where water mains of the city are in any street or alley adjacent to or outside the corporate limits of the city, the City Council may issue permits to the owners or occupants of properties adjacent or accessible to the water main to make proper water service pipe connections with the water mains of the city and to be supplied with water in conformity with the applicable provisions of this chapter and subject to any contract for the supply of water between the city and any other city. Penalty, see § 100.99

§ 502.06 CONNECTION TO SYSTEM REQUIRED; USE OF PRIVATE WELLS.

HISTORY: Amended by Ord. 2006-06

(A) Water from the municipal water system shall be considered available, if a connection to the municipal system lies within 300 feet of the property line of any property.

(B) It shall be unlawful to install, construct, reconstruct, maintain or repair any private water well or system which is designed or intended to provide water for human consumption (domestic use), unless:

(1) municipal water is not available, and the property owner obtains a Conditional Use Permit from the City of Dundas; or

(2) continued use of a private water well is allowed as a pre-existing well under paragraph (C) below.

All new homes or buildings shall connect to the municipal water system if water is available to the property. When municipal water becomes available to existing homes or buildings, a direct connection shall be made to municipal water system within a period of time as determined by the City Council. If a connection is not made pursuant to this Section, the charge shall be made in the amount established by §502.55.

Where new homes or buildings do not have municipal water available to the property, the City shall determine whether and under what conditions the municipal water system will be extended to serve the property.

(C) Private water wells.

(1) Residential properties. Existing private water wells may continue to be used through December 1, 2009, or whenever any building or structure located upon the property is repaired or improved, whichever occurs first. At that time the property owner must connect to the municipal water system, or obtain a Conditional Use Permit for the continued use of the private water well.

(2) Non-Residential properties (commercial, industrial and rural service districts).

a) Existing private water wells may continue to be used through December 1, 2009, or when any repair or improvement is made to any building or structure located upon the property, whichever occurs first. At that time, the property owner must obtain a Conditional Use Permit for continued use of the private well, or connect to the municipal water system.

b) A Conditional Use Permit for the use of private water wells may be approved for non-residential properties under the following circumstances only:

i) (a) municipal water is not available; or

(b) the private water well is used solely for non-domestic purposes, including crop irrigation or industrial and commercial purposes, and as long as the water from the private well does not enter into the Dundas sanitary sewer system; and.

ii) private water wells which are continued or maintained after any structure is connected to the municipal water system shall have no means of cross-connection between the private well and the municipal system at any time. Hose bibbs that will enable cross-connections of the two systems are prohibited.

(3) Metering of Water Usage from Private Wells. All water usage from private water wells within the City must be metered. Existing private water wells shall install new remote-read water meters from the City within 60 days after adoption of this ordinance.

(4) Discontinuation of Private Water Wells. If the well is not to be used after the time a municipal water connection is made:

(a) The well pump and tank shall be disconnected from all internal piping;

(b) The casing shall be filled with sandy soil from the bottom to a point eight feet from the top;

(c) The remaining eight feet shall be filled with concrete to the floor level and the well casing cut off as close to the floor level as possible;

(d) Within 30 days after the municipal water connection is made, the owner or occupant must advise the City Utilities Superintendent that the well has been sealed.

(e) Notwithstanding the foregoing, all well abandonment shall be done in accordance with M.S. §§ 103I.301 to 103I.345 and Minn. Rules Ch. 4725, Wells and Borings, as it may be amended from time to time.

(D) **Connection to municipal system after availability.** Effective September 1, 2009, all properties which have municipal water available to them, as described above, shall be required to connect to the public water system, and seal any private well which is maintained upon the property. The connecting property shall pay for the cost of the extension of the municipal water system, or Petition the City for extension of the water system by the City, under Minnesota Statutes §429, so that connection is completed by September 1, 2009.

All connections to the municipal water system shall be completed by a licensed plumber.

Penalty, see § 100.99

Type of Property	Requirements from present date to 12-01-09	Requirements after December 1, 2009
1. <i>Residential properties</i>		
A) New construction	No private wells permitted, unless municipal water unavailable. Then, CUP is required.	Same requirements.
B) Properties with existing private water wells	Private well may continue through 12-1-09, or until repair or improvement to the property. Water use must be metered.	Private well use must discontinue unless CUP approved, due to no availability.
2. <i>Industrial/ Commercial/ Rural Service Districts</i>		
A) New construction	(i) No private well for domestic use, unless municipal water unavailable. Then, CUP is required. (ii) Non-domestic use permitted by CUP.	Requirements are the same.
B) Existing private water wells	(i) Private well may continue for domestic use through 12-1-09, or until repair or improvement. Then, connection or CUP required. Use must be metered. (ii) May be continued indefinitely for non-domestic use by obtaining Conditional Use Permit, and if no disposal into sewer system and metered.	Must connect to municipal system for domestic use, unless CUP obtained due to no availability. Requirements are same for non-domestic use.

§ 502.07 USE OF WATER FROM FIRE HYDRANTS; TEMPORARY CONNECTIONS.

(A) Use of fire hydrants. Except for extinguishment of fires, no person, unless authorized by the Public Works Director or Public Utilities Department, shall operate fire hydrants or interfere in any way with the water system without first obtaining a permit to do so from the city as follows:

(1) A permit to use a fire hydrant shall be issued for each individual job or contract and for a minimum of 30 days and for the additional 30 day period as the city shall determine. The permit shall state the location of the hydrant and shall be for the use of that hydrant and none other.

(2) The user shall make an advance cash deposit to guarantee payment for water used and to cover breakage and damage to the hydrant and meter, which shall be refunded upon expiration of the permit, less applicable charges for use.

(3) The user shall relinquish the use of the hydrant to authorized city employees in emergency situations.

(4) The user shall pay a rental charge for each day including Sundays and legal holidays, and a fee as established by the Ordinance Establishing Fees and Charges adopted pursuant to § 101.02 of this code, as that ordinance may be amended from time to time for each 1,000 gallons of water used.

HISTORY: Amended by Ord. 2003-02

(B) Temporary connection to fire hydrants. An owner of a private water system may make a temporary above ground connection to a fire hydrant, subject to the time periods, conditions, and payment specified in § 502.51. In addition, the method of connection to the private system shall conform to all existing requirements of this chapter and city ordinance and the type of meter used shall meet the approval of the Utilities Superintendent.
Penalty, see § 100.99

§ 502.08 WATER DEFICIENCY, SHUT OFF AND USE RESTRICTIONS.

The city shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections or from any other cause whatsoever. In case of fire, or alarm of fire, or in making repairs of construction of new works, water may be shut off without notice at any time and kept off as long as necessary. In addition, the City Council shall have the right to impose reasonable restrictions on the use of the city water system in emergency situations. For non-payment of charges, water service may be discontinued according to the procedures established in § 502.72.

WATER REGULATIONS

§ 502.25 SUPPLY FROM ONE SERVICE.

No more than one housing unit or building shall be supplied from one service connection except by permission of City Council. Each unit served shall have a separate water meter. Penalty, see § 100.99

§ 502.26 TAPPING OF MAINS RESTRICTED.

No person, except persons authorized by the City Council, shall tap any distributing main or pipe of the water supply system or insert stopcocks or ferrules therein. Penalty, see § 100.99

§ 502.27 REPAIRS.

(A) *DETERMINATION OF NEED FOR REPAIRS.* Based on the information supplied by the property owner or available to the city, the city will make a determination whether a problem exists in that portion of the service which is the city's responsibility. If the problem, appears to exist in the areas for which the city has no responsibility, the private owners will be responsible for correction of the problem.

(B) *THAWING OF WATER SERVICES.* The city will attempt to thaw water services on request of the resident. If the problem is found within that portion of the service for which the private owner is responsible, the private owner thereafter will be responsible for thawing the service and correction of the problem.

(C) *EXCAVATION OR REPAIR OF WATER SERVICE.*

(1) The city will arrange for the investigative digging up and repair of any water service where the problem apparently exists within that area for which the city has responsibility.

(2) Unless it is clearly evident, however, that the problem is the responsibility of the city, the excavation and repair will not be made until the property owner requests the city in writing to excavate or repair the service and agrees to pay the cost.

(3) The owner further agrees to waive public hearing and be special assessed the cost of the excavation and repair if the problem is found to be other than the city's responsibility. The city will make the determination for responsibility of the cost of investigation or repair.

(4) The matter of whether the dig up is done by city forces or contracted would depend on the urgency or need of repair and the availability of city forces to do the work. Recovery by the city for faulty construction will depend upon the circumstances and the decision of the City Attorney on the likelihood of recovery.

(D) *FAILURE TO REPAIR.* In case of failure upon the part of any consumer or owner to repair any leak occurring in his or her service pipe within 24 hours after verbal or written notice thereof, the water may be turned off by the city and shall not be turned on until the leak has been repaired and a fee pursuant to § 101.02 has been paid to the city.

Penalty, see § 100.99

HISTORY: Amended by Ord. 2003-02

§ 502.28 ABANDONED OR UNUSED SERVICES.

(A) If the premises served by water have been abandoned, or if the service has not been used for one year, then the service shall be shut off at the curb stop box by the city and the water meter will be removed.

(B) When new buildings are erected on the site of old ones, and it is desired to increase or change the old water service, no connections with the mains shall be made until all the old service has been removed and the main taps plugged or yoked connections installed by the city at the owner's expense.

Penalty, see § 100.99

§ 502.29 DISCONNECTION PERMIT.

A permit must be obtained to disconnect from the existing water service leads at the curb stop box. The fee for the permit shall be set pursuant to § 101.02.

Penalty, see § 100.99

HISTORY: Amended by Ord. 2003-02

§ 502.30 SERVICE PIPES.

Every service pipe shall be laid so as to allow at least one foot of extra length in order to prevent rupture by settlement. The service pipe must be placed no less than seven feet below the ground and in a manner as to prevent rupture by freezing. Service pipes must extend from the curb stop box to the inside of the building, or if not taken into the building, then to the hydrant or fixtures which it is intended to supply. Type K copper tubing shall be used up to and including two-inch services. All underground joints are to be mechanical, except joints under floors shall be silver soldered, unless otherwise approved by the Utilities Superintendent. Joints of copper tubing shall be kept, to a minimum, with not more than one joint used for service for each 70 feet in length. Splicing may be approved with three-piece unions only. All joints and connections shall be left uncovered until inspected by the Utilities Superintendent and tested at normal water line pressure. Unions must be three-part type. All services over two inches shall be cast iron.

Connections with the mains for domestic supply shall be at least three-quarter inch up to the curb stop box.

Penalty, see § 100.99

§ 502.31 EXCAVATION AND CONSTRUCTION REQUIREMENTS.

(A) No excavation shall be made until a permit for the connection has been issued by the city.

(B) No water service pipe or water connection shall be installed in the same trench or closer than ten feet horizontally to a sewer trench or drain laid, or to be laid, either in the street or in private property, except that the water pipe on private property may be in a common trench with a sewer drain which is of a material that is in conformance with the current Minnesota Plumbing Code, Minn. Rules Ch. 4715, as it may be amended from time to time.

(C) Where it is desired to lay the water service pipe and the building sewer pipe in the same trench, or in separate trenches less than ten feet apart, the water service pipe shall be above the sewer pipe unless approved by the City Engineer. It shall be placed at least one foot above the sewer and on a solid shelf excavated at one side of the trench. The sewer pipe shall be of a material that is in conformance with the Minnesota Plumbing Code with tested watertight joints. The water service pipe shall be watertight and corrosion resistant. Copper pipe and cast iron water pipe with specially protected joints is acceptable for this construction. Cast iron pipe shall conform to the American Water Works Association specifications for this pipe. Bell joint clamps with rubber gaskets are provisionally acceptable as extra protection for the joints on cast iron water pipe. In all cases, precautions shall be taken to assure a firm foundation for the pipes. The intervening space between the pipes shall be backfilled with compacted earth.

(D) In case the installation is on a surfaced street, the following shall apply: All backfill materials shall be mechanically compacted in 12-inch layers to the density of the adjacent material in the roadway area and to the existing street grades in accordance with the Minnesota Department of Transportation Standards. Complete surface restoration shall be made. Penalty, see § 100.99

§ 502.32 CONNECTION TO OTHER WATER SUPPLIES RESTRICTED.

No water pipe of the water system shall be connected with any pump, well, tank, or piping that is connected with any other source of water supply except to service municipal systems.

Penalty, see § 100.99

§ 502.33 WATER CONNECTIONS; APPLICATIONS AND CHARGES.

(A) *CONNECTION APPLICATIONS.*

(1) All applications for service installations and for water service shall be made to the City Clerk. All applications for service installations and water service shall be made by the owner or agent of the property to be served and shall state the size and location of service connection required. The applicant shall, at the time of making application, pay to the city the amount of fees as established by the Ordinance Establishing Fees and Charges adopted pursuant to § 101.02 of this code, as that ordinance may be amended from time to time, or deposit required for the installation of the service connection as hereinafter provided. Applications for services larger than one inch shall be accompanied by two sets of plans or sketches indicating preferred location of service pipe, and size of service based on building demand.

HISTORY: Amended by Ord. 2003-02

(2) The size of the water service connections and meter shall be subject to approval of the City Engineer or Utility Superintendent.

(3) Water billing shall start at the time of installation of the water meter, or in the event the meter is not installed, seven days after completion of outside piping, and shall be calculated upon the minimum monthly rate, prorated on a semi-monthly basis.

(B) **CONNECTION CHARGES.**

HISTORY: Amended by Ord. 2003-02

(1) A permit must be obtained to connect to the existing water service leads at the curb stop box. The fee for the permit shall be set pursuant to § 101.02. The city shall install or have installed all service connections from the water main to the curb stop box, including the stop box. Payment for service connections must be made before the work is started, and should be based upon 1½ times the estimate of costs provided by the City Engineer. Any excess deposit shall be returned to the applicant.

(2) Additional charges shall be paid at the time of making application for tapping and making connections with the water main to where a curb stop box and service lead is not previously installed. The charge shall include the tapping of the water main, corporation cocks, the installation of a service line, the installation of a curb stop box, cost of restoring disturbed areas and all other costs related to the installation.

(3) There shall be a connection charge pursuant to § 101.02 levied by the city to contribute to the payment of the costs of the Public Water System Facilities. The City Council shall set by resolution the charges to be made for non-residential installations.

(4) When water services have been stopped because of a violation of this chapter, the city shall collect the fee established pursuant to § 101.02 before service is recommenced.

(5) If a person desires to connect to the system and service a parcel that has not been assessed for the cost of water main and lateral construction, then before a permit

is granted, the city shall collect an amount from the applicant that is established pursuant to § 101.02.

Penalty, see § 100.99

§ 502.34 LOCATION OF CURB STOP BOX.

Curb stop boxes will be installed on the right-of-way line or easement limits at a location as determined by the City Engineer to be best suitable to the property and shall be left in a vertical position when backfilling is completed. Curb stop boxes will be installed at an approximate depth of seven feet below the finished ground elevation and the top of the curb stop box shall be adjusted to be flush with the finished ground elevation. Curb stop boxes must be firmly supported by a masonry block.

No person shall erect any fence or plant any tree or other landscaping that would obstruct the use of the curb stop box, or cause damage to the same.

Penalty, see § 100.99

§ 502.35 WATER METERS.

(A) *GENERALLY.* Except for extinguishment of fires, no person, unless otherwise authorized by the City Council or Public Utilities Department, shall use water from the water system or permit water to be drawn therefrom unless the same be metered by passing through a meter supplied or approved by the city. No person not authorized by the City Council or Utilities Superintendent shall connect, disconnect, take apart, or in any manner change or cause to be changed or interfere with any meter or the action thereof, or break any meter or valve seal.

(1) A charge established pursuant to § 502.51 shall be paid by customers to the city for water meters including installations and check valves and payment for same shall be made at the time of water service application. This payment shall be made only once, subject to the following.

(2) Where a consumer has need for a larger line in addition to his or her domestic line, as in the case of a commercial consumer who needs a one-inch line for normal use and a six-inch or larger line for a fire sprinkler system, he or she will be permitted to run one line into the premises and “Y” off into two lines at the building. When this is done, the meter will be attached to the small or domestic line and a check valve as well as one-inch detection meter shall be put on the large line.

(3) The city shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them if necessary. When replacement, repair, or adjustment of any meter is rendered by the act, neglect (including damage from freezing or hot water backup) or carelessness of the owner or occupant of the premises, any expense caused the city thereby shall be charged against and collected from the water consumer.

(4) A consumer may, by written request, have his or her meter tested by paying the amount established pursuant to § 101.02. In case a test should show an error of over 5% of the water consumed, a correctly registering meter will be installed, and the bill will be adjusted accordingly and the testing payment refunded. This adjustment shall not extend back more than one billing period from the date of the written request.

HISTORY: Amended by Ord. 2003-02

(5) All water meters and remote readers shall be and remain the property of the city.

(6) Authorized city employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the water system for reading of meters and inspections.

(7) It shall be the responsibility of the consumer to notify the city to request a final reading at the time of the customer's billing change.

(8) If the City Council orders the citywide replacement of water meters, then the city may charge for the cost and installation of said replacement water meter on the monthly bill for each user.

(B) *WATER METER SETTING.* All water meters hereafter installed shall be in accordance with the Minnesota Plumbing Code and any standards established by resolution of the City Council.

Penalty, see § 100.99

RATES AND CHARGES

§ 502.50 WATER UNIT.

A water unit (hereinafter called unit) shall be one residential equivalent connection based on usage of 100,000 gallons per year or portion thereof.

§ 502.51 RATES, FEES AND CHARGES GENERALLY.

The City Council shall establish a schedule of all water rates, fees and charges for permits or services by resolution of the Dundas City Council, as adopted from time to time.

HISTORY: Amended by Ord. 2003-02

§ 502.52 WATER SERVICE BILLING; CHANGE OF ADDRESS.

All bills and notices shall be mailed or delivered to the address where service is provided. If non-resident owners or agents desire personal notice sent to a different address, they shall so note on the water service application. Any change or error in address shall be promptly reported to the City Clerk.

§ 502.53 WATER RATES.

(A) The rate due and payable by each user within the city for water taken from the water system shall be established pursuant to § 502.51.

(B) In case the meter is found to have stopped, or to be operating in a faulty manner, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the year.

(C) Rates due and payable by each water user located beyond the territorial boundaries of the city shall be determined by special contract.

(D) The minimum rates established pursuant to § 101.02 shall begin to accrue after connection of the service pipe with the curb stop box.

HISTORY: Amended by Ord. 2003-02

(E) A meter shall be installed on the water valve in the house and a remote register outside regardless of whether inside piping is connected.

(F) In the event a water customer elects to discontinue the use of the municipal water, the regular or minimum charge shall continue until the date as service is disconnected at the curb box.

Penalty, see § 100.99

§ 502.54 PAYMENT OF CHARGES; LATE PAYMENT; COLLECTION.

(A) Any prepayment or overpayment of charges may be retained by the city and applied on subsequent quarterly charges.

(B) If a quarterly service charge is not paid when due, then a penalty of 10% shall be added thereto.

(C) In the event a user fails to pay his or her water user fee within a reasonable time following discontinuance of service (a time period not to exceed 90 days), the fee shall be certified by the City Clerk and assessed against the property on which the charges have incurred, and forwarded to the County Auditor for collection.

Penalty, see § 100.99

§ 502.55 AVAILABILITY FEE

(A) *DEFINITION - AVAILABILITY FEE.*

A fee shall be charged and billed monthly for the availability of water service.

Each building site in the core area of the City of Dundas with a structure on the site was furnished a curb stop with pressurized water to the curb stop and a fire hydrant close enough to meet the needs of fire protection. Whether or not the property owner decides to use this service, a fee of three dollars per month has been established for the availability of this water for any legal purpose the owner may care to make of it.

(B) All moneys from this fee are to be used for the operating expense and maintenance of the Dundas Water System.

(C) In the event the owner does not make payment 20 days after second billing, the payment shall be considered delinquent. The City Clerk of the City of Dundas shall notify the County Auditor of Rice County to add the delinquent payment for availability to the tax statement of the owner of record.

ADMINISTRATION AND ENFORCEMENT

§ 502.70 SUPERVISION BY UTILITIES SUPERINTENDENT.

(A) All piping connections from the curb stop box to house supply piping shall be made under the supervision of a licensed plumber subject to inspection by the Utilities Superintendent. The piping connection made to the curb stop box on the house side shall be inspected by the Utilities Superintendent. The water meter installation shall be inspected, tested and the meter sealed by the Utilities Superintendent.

§ 502.71 POWERS AND AUTHORITY OF INSPECTORS.

The Utilities Superintendent and other duly authorized employees of the city, upon proper identification, shall be permitted to enter upon all properties for the purpose of inspections, observation and testing in accordance with the provisions of this chapter.

§ 502.72 DISCONTINUANCE OF SERVICE.

(A) *GENERALLY.* Water service may be shut off at any connection whenever:

(1) The owner or occupant of the premises served or any person working on any pipes or equipment thereon which are connected with the water system has violated, or threatens to violate, any of the provisions of this chapter.

(2) Any charge for water, service, meter, or any other financial obligations imposed on the present or former owner or occupant served is unpaid.

(3) Fraud or misrepresentation by the owner or occupant of the premises serviced in connection with an application for service.

(B) *DISCONNECTION FOR LATE PAYMENT.*

(1) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(a) That all bills are due and payable on or before the date set forth on the bill;

(b) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(c) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(2) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(3) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge as established by City Council resolution.

§ 502.73 AUTHORIZED EMPLOYEES TO TURN WATER ON AND OFF.

No person, except an authorized city employee or a person authorized by the Utility Superintendent shall turn on or off any water supply at the curb stop box.
Penalty, see § 100.99

§ 502.74 LIABILITY FOR EXPENSE, LOSS OR DAMAGE.

Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.

CHAPTER 503. XCEL ENERGY UTILITY SYSTEMS

Section

503.01	Xcel Energy Electric Distribution
503.02	Xcel Energy Gas Distribution

§ 503.01 XCEL ENERGY ELECTRIC DISTRIBUTION

GRANTING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN IN THE CITY OF DUNDAS, MINNESOTA, AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, POLE LINES, FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY AND ITS INHABITANTS, AND OTHERS, AND TO USE THE PUBLIC WAYS AND PUBLIC GROUNDS OF SAID CITY FOR SUCH PURPOSES.

§ 503.011. There be and hereby is granted to Northern States Power Company, a Minnesota corporation, its successors and assigns, hereinafter referred to as “Company”, during the period of 20 years from the date hereof, the right and privilege of constructing, operating, repairing, and maintaining, in, on, over, under, and across the streets, alleys and public grounds of the City of Dundas, Rice County, Minnesota, herein after referred to as “City”, an electric distribution system and electric transmission lines, including poles, pole lines, and fixtures and appurtenances, usually conveniently, or necessarily used in connection therewith, for the purpose of transmitting and furnishing electric energy for light, heat, power and other purposes for public and private use in and to said City such electric energy, provided that such Electric distribution system and transmission lines shall be so located as in no way to interfere with the safety and convenience of ordinary travel along and over said streets, alleys, and public grounds, and provided that Company, in the construction, operation, repair and maintenance of such poles, pole lines, and fixtures and appurtenances, shall be subject to such reasonable regulation as may be imposed by the City Council.

§ 503.012. The service to be provided and the rates to be charged by Company for electric service in the city shall be subject to the jurisdiction of the Public Utilities Commission of this State. Company shall provide reasonably efficient and adequate service to members of the public within the City who apply for such service in accordance with the rules and regulations of Company.

§ 503.013. There is also granted to Company, during the term hereof, permission and authority to trim all trees and shrubs in the Streets, alleys, and public grounds of said City which may interfere with the proper construction, operation, repair, and maintenance of any poles, pole lines, and fixtures and appurtenances, installed in pursuance of the authority hereby granted, provided that Company shall save said City harmless from any liability in the premises.

§ 503.014. The Company shall indemnify, keep and hold the City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits, or the operation of the Electric Facilities located in the City. The City shall not be indemnified for losses or claims

occasioned through its own negligence except for losses or claims arising out of or alleging the City's negligence as to the issuance of permits for, or inspection of, the Company's plans or work. The City shall not be indemnified if the injury or damage results from the performance in a proper manner of acts reasonably deemed hazardous by Company, and such performance is nevertheless ordered or directed by City after notice of Company's determination.

In the event a suit is brought against the City under circumstances where this agreement to indemnify applies, the Company at its sole cost and expense shall defend the City in such suit if written notice thereof is promptly given to the Company within a period wherein the Company is not prejudiced by lack of such notice. If the Company is required to indemnify and defend, it will thereafter have control of such litigation, but the Company may not settle such litigation without the consent of the City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the City; and the Company in defending any action on behalf of the City shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf.

§ 503.015. The City shall give the Company at least two weeks prior written notice of a proposed vacation of public way. Except where required solely for a City improvement project, the vacation of any public way, after the installation of electric facilities, shall not operate to deprive Company of its rights to operate and maintain such electric facilities, until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to Company. In no case, however, shall City be liable to the Company for failure to specifically preserve a right-of-way under Minnesota Statutes, Section 160.29.

§ 503.016. Company shall have full right and authority to assign to any person, persons, firm, or corporation all the rights conferred upon it by this Ordinance, provided that the assignee of such rights, by accepting such assignment, shall become subject to the terms and provisions of this Ordinance.

§ 503.017. Company shall, if it accepts this Ordinance and the rights and obligations hereby granted, file a written acceptance of the rights hereby granted with the City Clerk within ninety (90) days after the final passage and any required publication of this Ordinance.

§ 503.018. This Ordinance shall be in full force and effect from and after its passage, any publication required by law, and acceptance by Company.

§ 503.019. Where a provision of any other Ordinance conflicts with the provisions of this Ordinance, the provisions of this Ordinance shall prevail. Notice to Company shall be mailed to the Regional General Manager thereof at 210 Lime Street, Mankato, MN 56001, and any notice to City shall be mailed to the CITY CLERK.

§ 503.02 XCEL ENERGY GAS DISTRIBUTION

GRANTING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO ERECT A GAS DISTRIBUTION SYSTEM FOR THE PURPOSE OF INSTALLING, ENLARGING, OPERATING, REPAIRING AND MAINTAINING IN THE CITY OF DUNDAS, MINNESOTA, THE NECESSARY GAS PIPES, MAINS AND APPURTENANCES FOR THE TRANSMISSION OR DISTRIBUTION OF GAS TO SAID CITY AND ITS INHABITANTS AND OTHERS AND TRANSMITTING GAS INTO AND THROUGH SAID CITY, AND TO USE THE PUBLIC WAYS AND PUBLIC GROUNDS OF SAID CITY FOR SUCH PURPOSES.

§ 503.021. There be and hereby is granted to Northern States Power Company, a Minnesota corporation, its successors and assigns, hereinafter referred to as “Company”, during the period of 20 years from the date hereof, the right and privilege of erecting a gas distribution system in the City of Dundas, Rice County, Minnesota, hereinafter referred to as “City”, and using the public ways and public grounds of City for the purpose of installing, operating, repairing, and maintaining, in, on, over, under, and across the same, all gas pipes, mains, and appurtenances, usually, conveniently, or necessarily used in connection therewith, for the purpose of the transmission of gas, or the distribution of gas, for public and private use within the limits of City as its boundaries exist or as they may be extended in the future, and for the purpose of transmitting gas into and through the City. Company may also do all reasonable things necessary or customary to accomplish these purposes subject, however, to the further provisions of this franchise. “Gas” as used herein shall be held to include natural gas, manufactured gas, or other form of gaseous.

§ 503.022. The gas transmission or distribution service to be provided and the rates to be charged by Company for service in the City shall be subject to the jurisdiction of the Public Utilities Commission of this State. Company shall provide reasonably efficient and adequate service to members of the public within the City who apply for such service in accordance with the rules and regulations of Company.

§ 503.023. The Company shall indemnify, keep and hold the City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits, or the operation of the gas facilities located in the City. The City shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the City’s negligence as to the issuance of permits for, or inspection of, the Company’s plans or work. The City shall not be indemnified if the injury or damage results from the performance in a proper manner of acts reasonably deemed hazardous by Company, and such performance is nevertheless ordered or directed by City after notice of Company’s determination.

In the event a suit is brought against the City under circumstances where this agreement to indemnify applies, the Company at its sole cost and expense shall defend the City in such suit if written notice thereof is promptly given to the Company within a period wherein the Company is not prejudiced by lack of such notice.

If the Company is required to indemnify and defend, it will thereafter have control of such litigation, but the Company may not settle such litigation without the consent of the City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the City; and the Company in defending any action on behalf of the City shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf.

§ 503.024 The City shall give the Company at least two weeks prior written notice of a proposed vacation of a public way. Except where required solely for a City improvement project, the vacation of any public way, after the installation of gas facilities, shall not operate to deprive Company of its rights to operate and maintain such gas facilities, until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to Company. In no case, however, shall City be liable to the Company for failure to specifically preserve a right-of-way under Minnesota Statutes, Section 160.29.

§ 503.025 Company shall have full right and authority to assign to any person, persons, firm, or corporation all the rights conferred upon it by this Ordinance, provided that the assignee of such rights, by accepting such assignment, shall become subject to the terms and provisions of this Ordinance.

§ 503.026 Company shall, if it accepts this Ordinance and the rights and obligations hereby granted, file a written acceptance of the rights hereby granted with the City Clerk within ninety (90) days after the final passage and any required publication of this Ordinance.

§ 503.027 This Ordinance shall be in full force and effect from and after its passage, any publication required by law, and acceptance by Company.

§ 503.028 Where a provision of any other Ordinance conflicts with the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

§ 503.029 Any notice to Company required under this Ordinance, shall be mailed to the Area Manager of Red Wing thereof at 3930 Pepin Avenue, Red Wing, MN 55066. Any notice to City shall be mailed to the CITY CLERK.