

**TITLE V: PUBLIC WORKS**

Chapter

**50. UTILITIES**

## Pipestone - Public Works

## CHAPTER 50: UTILITIES

### Section

#### *General Provisions*

- 50.01 Definitions
- 50.02 Accounts
- 50.03 Utility rate schedule
- 50.04 Contractual contents
- 50.05 Rules and regulations relating to municipal utilities
- 50.06 Connection or tapping prohibited; delinquent assessments or charges
- 50.07 Shut-off for non-payment
- 50.08 Certification for collection with taxes
- 50.09 Rules and regulations relating to a sewer service charge
- 50.10 Rules and regulations relating to water service
- 50.11 Rules and regulations relating to refuse collection
- 50.12 Storm sewer charges
- 50.13 Toilet installation required

#### *Rules and Regulations Relating to Sewerage Service*

- 50.25 Definitions
  - 50.26 Metered water not discharged
  - 50.27 Classification of industrial wastes
  - 50.28 Deleterious substances
  - 50.29 Control by the Public Works Director
  - 50.30 Reduction of clear water in the sanitary sewer system
  - 50.31 Use of public sewers required
  - 50.32 Private wastewater disposal
  - 50.33 Building sewers and connections
  - 50.34 Use of public services
  - 50.35 User rate schedule for charges
  - 50.36 Powers and authority of inspectors
- 
- 50.99 Penalty

## Pipestone - Public Works

### *GENERAL PROVISIONS*

#### § 50.01 DEFINITIONS.

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

**ACCOUNT.** A record of utility services used by each property and the periodic costs for those utility services.

**CITY.** The City of Pipestone, Pipestone County, State of Minnesota.

**CITY UTILITY SYSTEM.** Facilities used for providing public utility service owned or operated by city or agency thereof, including sewer, storm sewer, and water service.

**COMPANY, GRANTEE, and FRANCHISEE.** Any public utility system to which a franchise has been granted by the city.

**CONSUMER and CUSTOMER.** Any user of a utility.

**MUNICIPAL UTILITIES.** Any city-owned utility system, including, but not by way of limitation, water, sewerage, and refuse service.

**SERVICE.** Providing a particular utility to a customer or consumer.

**UTILITY.** All utility services, whether the same be public city-owned facilities or furnished by public utility companies.

**UTILITY RATE SCHEDULE.** A schedule of all utility rates and charges set by ordinance of the city.

**WATERWORKS SYSTEM.** The water and sewer transmission pipes, lines, fixtures, meters, and all necessary equipment and appurtenances owned or operated by the city utility system for the purpose of providing water and sewer services for public or private use.

(2005 Code, § 3.01)

#### § 50.02 ACCOUNTS.

All accounts shall be carried in the name of the owner who personally, or by his or her authorized agent, applied for such service. The owner shall be liable for water and sewer services supplied to the property, whether he or she is occupying the property or not, and any unpaid charges shall be a lien upon the property.

(2005 Code, § 3.02)

## Utilities

### § 50.03 UTILITY RATE SCHEDULE.

(A) The utility rate schedule shall be adopted annually by ordinance of the City Council.

(B) The City Council ordinance setting out the utility rate schedule shall also establish at least one certification cycle timed each year to coincide with county requirements for certification to the following year's taxes. Each year, the Council shall establish one or more certification cut-off dates. All city utility accounts, unless exempt for other legal reason, which have been billed a delinquent bill and remain unpaid as of the certification cut-off date shall have the balance on the account included in a preliminary certification list.

(C) The city may require that a deposit be paid prior to providing utility services. Deposits, with interest pursuant to state law, shall be returned to the customer or paid as a credit on the customer's utility bill upon timely payment by the customer for 12 consecutive months. The City Council ordinance setting out the utility rate schedule shall establish the deposit amount. In lieu of paying a deposit, customers may provide an excellent credit rating from their previous utility company.  
(2005 Code, § 3.03)

### § 50.04 CONTRACTUAL CONTENTS.

Provisions of this chapter relating to municipal utilities shall constitute portions of the contract between the city and all consumers of municipal utility services, and every such consumer shall be deemed to assent to the same. All contracts between franchisees and consumers of utility services other than municipal shall be in strict accord with the provisions of this chapter.  
(2005 Code, § 3.04)

### § 50.05 RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITIES.

(A) *Billing.* All municipal charges shall be billed on one bill as applicable to each account. At the end of each month, consumers shall be responsible for self-reading their meters. Consumers shall report such reading the city in the manner it may prescribe on a monthly basis. Failure to report shall result in city reading for an additional charge as set by the Council. All charges for water and sewer shall be due upon receipt and considered delinquent after the tenth day of the following month; provided, that if the tenth shall fall on a Saturday, Sunday, or legal holiday, the time shall be extended to the close of business on the next succeeding business day on which business is normally transacted. A late penalty of 10% shall be assessed on all accounts with a past due balance. All bills shall contain the title, address, and telephone number of the official in charge of billing; the title, address, and phone number shall be clearly visible and easily readable. Bills shall be mailed to the customers on or before the 18th of the month and specify the water consumed and the sewer charges in accordance with the current fee schedule set by ordinance of the City Council. If service is disconnected due to non-payment, it shall not be restored at that location until a reconnection charge has been paid for each utility reconnected in addition to amounts owed for service and penalties.

## Pipestone - Public Works

### (B) *Application, connection, and sale of service.*

(1) Application for municipal utility services shall be made upon forms supplied by the city, and strictly in accordance therewith. No connection shall be made until consent has been received from the city to make the same. All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of such utilities taken as metered or ascertained in connection with such rates.

(2) All new construction shall be metered before any connections can be turned on. Approval to turn on any connections shall be the sole responsibility of the city's authorized water utility designate. All water meters shall be purchased from the city.

(C) *Discontinuance of service.* All municipal utilities may be shut off or discontinued whenever it is found that:

(1) The owner or occupant of the premises served, or any person working on any connection with the municipal utility systems, has violated any requirement of the city code relative thereto, or any connection therewith;

(2) Any charge for a municipal utility service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid after due notice thereof; or

(3) There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefor.

(D) *Ownership of municipal utilities.* Ownership of all municipal utilities, plants, lines, mains, extensions, and appurtenances thereto, shall be and remain in the city and no person shall own any part or portion thereof; provided, however, that private facilities and appurtenances constructed on private property are not intended to be included in municipal ownership.

(E) *Right of entry.* With the express permission of the property owner, renter, or other person in control of the property, the city has the right to enter in and upon private property, including buildings and dwelling houses, in or upon which is installed a municipal utility, or connection therewith, at all times reasonable under the circumstances, for the purpose of reading utility meters, for the purpose of inspection and repair of meters or a utility system, or any part thereof, and for the purpose of connecting and disconnecting service. If the owner, renter, or other person in control of the property does not agree to the entrance of the city onto the property, then the city may obtain an administrative search warrant to enter the property as provided for in Title I of this code.

(F) *Meter test.* Whenever a consumer shall request the city to test any utility meter in use by him or her, payment for this service shall be billed to the consumer at the rate established yearly by the City Council. If such meter is found to be accurate, it shall be reinstalled. If such meter is found to be inaccurate, the same shall be replaced with an accurate meter with the appropriate charge for the new meter billed to the consumer. When the city requires a utility meter to be tested for accuracy, the cost for this service shall be paid by the city. If such meter is found to be accurate, it shall be reinstalled. If

## Utilities

such meter is found to be inaccurate, the same shall be replaced with an accurate meter with appropriate charge for the new meter billed to the consumer.

### (G) *Unlawful acts.*

(1) It is unlawful for any person to willfully or carelessly break, injure, mar, deface, disturb, or in any way interfere with any buildings, attachments, machinery, apparatus, equipment, fixture, or appurtenance of any municipal utility or municipal utility system, or commit any act tending to obstruct or impair the use of any municipal utility.

(2) It is unlawful for any person, whether on private or public property, to make any connection with, opening into, repair, use, or alter in any way any municipal utility system or any private appurtenances connected thereto without first having received written permission. If excavation is required in order to complete the work proposed, an excavation permit must first be obtained prior to city inspection and approval, except in the case of emergencies as determined by the Public Works Director or his or her authorized designate. In any case, written permission from the city must be obtained prior to completing any of the abovementioned modifications.

(3) It is unlawful for any person to turn on or connect a utility when the same has been turned off or disconnected by the city for non-payment of a bill, or for any other reason, without first having obtained a permit to do so from the city.

(4) It is unlawful for any person to “jumper” or by any means or device fully or partially circumvent a municipal utility meter, or to knowingly use or consume unmetered utilities or use the services of any utility system, the use of which the proper billing authorities have no knowledge.

### (H) *Municipal utility service and charges a lien.*

(1) Payment for all municipal utility service and charges provided for in the city code shall be the primary responsibility of the owner of the premises served and shall be billed to him or her unless otherwise authorized. The city may collect the same in a civil action or, in the alternative and at the option of the city, as otherwise provided in this section.

(2) Each such charge is hereby made a lien upon the premises served. All such service and charges which are delinquent shall be certified by the City Administrator to the County Auditor, and the City Administrator in so certifying such charges to the County Auditor shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the city along with other taxes.

(I) *Damage to municipal utility equipment.* It is unlawful for any person to intentionally cause any damage to any municipal utility equipment or appurtenance, including, but not limited to, meters, street lights, water hydrants, and curb cocks. Anyone intentionally causing such damage shall pay the

## Pipestone - Public Works

reasonable value thereof to the city, including labor for renewal and installation of any equipment and shall be, in effect, an insurer of any equipment in his or her possession or with which he or she comes in contact.

(J) *Municipal utility service outside the city.* Structures or facilities located outside the city shall not be connected to or served by any municipal utility, except such premises as are publicly owned or presently served. Persons needing municipal utility service whose property is located outside the corporate limits must initiate and complete annexation proceedings in advance prior to being provided with such service or services.

(K) *Council prohibition against permanent utility fund balance transfers to other funds.* The Council may use the funds and assets of a municipal utility for purposes which provide a direct benefit or improvements to said municipal utility. The Council may not, unless authorized by a majority four-fifths vote, transfer, expend, or in any other manner use municipal utility funds for purposes other than authorized in this division (K). Notwithstanding the provisions contained in this division (K), the Council may make permanent fund transfers from municipal utility funds to other funds which provide goods or services to said utility, provided that the amounts of such transfers or payments are reasonable; or make temporary transfers to allow other funds to borrow in one fiscal year that will be completely repaid in the next fiscal year.

(2005 Code, § 3.05) Penalty, see § 50.99

### **§ 50.06 CONNECTION OR TAPPING PROHIBITED; DELINQUENT ASSESSMENTS OR CHARGES.**

No permit shall be granted to tap or connect with sewer or water mains when assessment or connection charge for such sewer or water main against the property to be connected is in default or delinquent. If such assessment or connection charges are payable in installments, no permit shall be granted unless all installments then due and payable have been paid.

(2005 Code, § 3.06)

### **§ 50.07 SHUT-OFF FOR NON-PAYMENT.**

(A) Water shall not be shut-off until notice and an opportunity for a hearing before the City Council have been provided to the occupant and owner of the premises involved.

(B) If any bill is not paid by the due date listed on the bill, a shut-off notice will be mailed by first class mail and shall state that if payment is not made or a request for Council hearing is not received within ten days of the mailing of the shut-off notice, water service to the premises will be shut off for nonpayment.

(C) The shut-off notice shall contain the title, address, and telephone number of the official in charge of billing; the title, address, and phone number shall be clearly visible and easily readable.

## Utilities

(D) The notice shall also state that the occupant or owner has the right to a hearing before the water service is shut off. The owner or occupant may be represented in person and by counsel or any other person of his or her choosing. The owner or occupant may present orally or in writing his or her complaint to the City Council.

(E) If an occupant or owner requests a hearing, the water shall not be shut off until the hearing process is complete.

(F) If a customer fails to pay and fails to request a hearing under this part, service shall be shut off at the time specified in the notice but not until the charges have been due and unpaid for at least 30 days.

(G) Failure to submit a meter reading for three consecutive billing cycles shall result in disconnection of service. Prior to disconnection of service for failure to submit a reading, the city shall notify the property owner that he or she must submit a water meter reading to the city within 24 hours or water service will be disconnected. Notice shall be in the form of a red tag citing this section and affixed prominently to the affected dwelling. Before water can be reconnected, a water meter reading and a disconnection/reconnection fee must be received.

(2005 Code, § 3.07)

### **§ 50.08 CERTIFICATION FOR COLLECTION WITH TAXES.**

(A) Unpaid charges on sewer and water accounts shall not be certified to the County Auditor until notice and an opportunity for a hearing have been provided to the owner of the premises involved. The notice shall be sent by first class mail and shall state that if payment is not made before the date for certification, the entire unpaid amount plus penalties will be certified to the County Auditor for collection as other taxes are collected. The notice shall also state that the occupant may, before such certification date, attend or schedule a hearing on the matter to object to certification of unpaid utility charges.

(B) The owner of the property shall have the option of paying the balance due on the account until the date the notice of the certification hearing is mailed. After the date the notice of certification hearing is mailed, payment will still be accepted but will include unpaid penalties.

(C) A hearing shall be held on the proposed certification by the City Council. Property owners with unpaid utility charges shall have the opportunity to object to the certification of unpaid charges to be collected as taxes are collected. If, after the hearing, the City Council finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this chapter, the city may certify the unpaid charges to the County Auditor for collection as other taxes are collected.

(D) For each certification sustained, the property owner shall have the following options after the hearing:

(1) To pay delinquent amount listed on the preliminary roll, but without additional interest after the hearing, within ten days of the hearing date;

## Pipestone - Public Works

(2) To pay the certified delinquent amount after the hearing date, but before the county certification deadline, with interest at the rate set in the adopted rate schedule, accrued beginning on the eleventh day following the hearing date through the date of payment; or

(3) To pay the certified charges as billed to them by the county on their property tax statement with a collection term of one year.

(E) Fifteen days after the hearing, the certified roll, minus any payments, shall be delivered to the county.

(2005 Code, § 3.08)

### § 50.09 RULES AND REGULATIONS RELATING TO A SEWER SERVICE CHARGE.

(A) *Purpose of charges.* The city hereby establishes a sewer service charge system whereby all revenue collected from users of the wastewater treatment facilities will be used to offset all expenditures incurred for operations and maintenance, equipment replacement, administrative, and for debt service on capital expenditures incurred in constructing the wastewater treatment facility and related sewage systems.

(B) *Payment of costs.* Each user shall pay its proportionate share of costs associated with the administration, operation, maintenance, and replacement of the public wastewater collection system based on the user's proportionate contribution to the total wastewater loading from all users.

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

(D) *Sewer Fund.* All revenues collected from users will be deposited and accounted for in the Sewer Fund for the purpose of offsetting all expenditures for administration, operation, maintenance, replacement, and debt service of the public wastewater collection system.

(E) *Sewer service charge system.* 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 section. The sewer service charge system developed with the assistance of the City Engineer shall be adopted by resolution upon enactment of this section. Subsequent changes in sewer service rates and charges shall be adopted by Council resolution.

(F) *Classes of users.* There will be four classes of users: residential; commercial; institutional/governmental; and industrial.

(G) *Unmetered water supply.* If any premises discharge normal sewage or industrial waste in the sanitary sewerage system, either directly or indirectly, obtain part or all of the water used thereon from sources other than the city, and the water so obtained is not measured by a meter of equivalent specifications to the meters used by the city, then in such case the city shall permit the discharge of normal sewage or industrial waste into its sanitary sewerage system only when the owner of such

## Utilities

premises or some other interested party shall at his or her own expense install and maintain for the purpose of metering such water supply a water meter of equivalent specifications to those installed by the city in connection with the city water system. Each water meter shall be installed to measure all water received on such premises and the above charges and rates shall be applied to the quantity of water received as measured by such meter. If, because of the nature of the source of water supply, the city deems it impracticable to thus meter the water on any premises, the Council may by resolution establish a flat charge per month in accordance with the estimated use of water on such premises.

(H) *Metered water not discharged.* If a lot, parcel of land, or premises discharges sewage into the sanitary sewer system either directly or indirectly, and the Public Works Director is satisfied that a portion of the water measured by the meter or meters does not and cannot enter the sanitary sewer system, the Public Works Director or his or her designee is authorized to determine, in such manner and by such method as he or she may deem practicable, the percentage of the water measured by the meter which enters the sanitary sewer system. In such case, the charges and rates shall be based upon the percentage of the metered water as determined by the Public Works Director. In the alternative in any such case, the Public Works Director is authorized to require or to permit the installation of other or additional meters in such manner that the quantity of water which actually enters the sanitary sewer system may be determined. In such case, the charges or rates shall be based on the volume of water so shown to actually enter the sanitary sewer system.

(I) *Charges for discharging normal domestic strength wastewater.* The charges assessed residential users and those users of other classes discharging normal domestic strength wastewater shall be established proportionately according to billable wastewater volume. Billable wastewater volume shall be calculated as follows.

(1) *Residential users.* Billable wastewater volume for residential users shall be calculated on the basis of metered water usage. The monthly billable wastewater volume shall be equal to monthly metered water usage with a maximum monthly sewer charge established during the winter quarter (average monthly usage during December, January, and February).

(2) *Nonresidential users.* The billable wastewater volume of nonresidential users may be determined in the same manner as for residential users. Except that if the city determines there are significant seasonal variations in the metered water usage of nonresidential users resulting in a proportionate increase in wastewater volume, then billable wastewater volume shall be:

(a) Calculated on the basis of monthly metered water usage as recorded throughout the year and calculated on the basis of wastewater flow meters; or

(b) Calculated on a separate meter through which all water ultimately entering the sanitary sewer system is metered.

(J) *Additional charges.* The sewer service charges established in this section shall not prevent the assessment of additional charges to users who discharge wastes with concentrations greater than normal domestic strength or wastes of unusual character, or contractual agreements with such users, as long as the following conditions are met:

## Pipestone - Public Works

(1) The user pays operation, maintenance, and replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment facility, and no user is charged at a rate less than that of "normal domestic strength wastewater"; and

(2) The measurement of such wastes are conducted according to the latest edition of *Standard Methods for the Examination of Water and Wastewater* in a manner acceptable to the city as provided in §§ 50.25 through 50.36. A study of unit costs of collection and treatment process attributable to flow, BOD, TSS, and other significant loadings shall be developed for determining the proportionate allocation of costs to flow and loadings for users discharging wastes of greater than normal domestic strength or wastes of unusual character.

(K) *Determination of user charges.* User charges for normal domestic strength users shall be determined as follows:

(1) Calculation of unit cost for treatment of normal domestic strength water:

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

Where: Uomr = Unit cost for operation, maintenance, and replacement in \$/100 gal.

Comr = Total annual OM and R costs

Tbwv = Total annual billable wastewater volume in 100/gal.

(2) Calculation of unit cost for debt service:

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

Where: Uds = Unit cost for debt service in \$/100 gal.

Cds = Cost of annual debt service (less cost used in calculation of basic debt charge)

Tbwv = Total annual billable wastewater volume in 100/gal.

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

$$ssc = [(Uomr + Uds) \times Bwv] + BDC$$

Where: ssc = Sewer service charge

Uomr = Unit cost for operation, maintenance, and replacement in \$/100 gal.

## Utilities

Uds = Unit cost for debt service in \$/100 gal.

Bwv = Billable wastewater volume of a particular user in 100 gal.

BDC = Basic debt charge per unit per month

### (L) *Administration.*

(1) The sewer service charge system and Sewer Service Fund shall be administrated according to the following provisions. The City Administrator 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 Council with a report of such costs annually in the year end financial report. The 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 division (I) above and § 204(b)(2)(A) of the Federal Water Pollution Control Act, being 33 U.S.C. § 1284(b)(2)(A), as amended. The city shall at least annually review the sewer service charge system then in use to ensure the proportionality of the user charges and to ensure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.

(2) In accordance with federal and state requirements, each user will be notified annually by mail the rates for OM&R, debt service, and debt service charges.

(3) In accordance with federal and state requirements, the City Administrator shall be responsible for maintaining all records necessary to document compliance with the sewer service charge system adopted.

(4) 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(s) of said wastes, at no expense to the city.

### (M) *Sewer Service Fund.*

(1) The city hereby established 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 assessment intended to retire construction debt. The city also establishes the following accounts as income and expenditure accounts within the Sewer Service Fund:

- (a) Operation and Maintenance;
- (b) Equipment Replacement Account; and

## Pipestone - Public Works

### (b) Debt Retirement Account.

(2) 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 accounted for in a fund 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 section.

(3) Revenue generated by the sewer service charge system sufficient to ensure adequate replacement throughout the design of useful life, 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.

(4) 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.  
(2005 Code, § 3.21) Penalty, see § 50.99

### § 50.10 RULES AND REGULATIONS RELATING TO WATER SERVICE.

(A) *Deficiency of water and shutting off water.* The city is not liable for any deficiency or failure in the supply of water to customers whether occasioned by shutting water off for the purpose of making repairs or connections or by any other cause whatever. In case of fire, or alarm of fire, water may be shut off to ensure a supply for firefighting. In making repairs or construction of new works, water may be shut off at any time and kept off so long as may be necessary.

(B) *Repair of leaks.* It is the responsibility of the consumer or owner to maintain the service pipe from the curb stop into the house or other building. In the case of failure upon the part of any consumer or owner to repair any leaks occurring in his or her service pipe within 24 hours after oral or written notice has been given the owner or occupant of the premises, the water may be shut off and will not be turned on until a reconnection charge has been paid and the water service has been repaired. If the owner or occupant cannot be located within 24 hours after a reasonable effort has been made to contact the owner or occupant, notice shall be deemed to be complete by posting same in some conspicuous place on the premises served. In any event, when, in sole opinion of the city, the waste of water is great or when damage is likely to result from the leak, the water may be turned off immediately and without notice. If the leak is such that it cannot be stopped by closing the curb stop or if the curb stop will not properly function, the city may proceed with making such repairs as are necessary to stop the leak or make the curb stop functional. In all cases, the costs incurred by the city shall be billed to the owner and shall become additional charges due and owing for said utility service. For the purpose of this section, the owner is deemed to have appointed the occupant his or her agent with respect to receipt of any required notice.

## Utilities

(C) *Abandoned service penalties.* All service installations connected to the water system that have been abandoned or, for any reason, have become useless for further service shall be disconnected at the curb stop unless the city requires otherwise. The owner of the premises served by this service shall pay the cost of the excavation. The city shall perform the actual disconnection and all pipe and appurtenances removed from the street right-of-way shall become the property of the city. When new buildings are erected on the site of old ones, and it is desired to increase the old water service, a new permit shall be taken out and the regular tapping charge, if any, shall be made as if this were a new service. It is unlawful for any person to cause or allow any service pipe to be hammered or squeezed together at the ends to stop the flow of water, or to save expense in improperly removing such pipe from the main. Also, such improper disposition thereof shall be corrected by the city and the cost incurred shall be borne by the person causing or allowing such work to be performed.

(D) *Service pipes.* Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than eight feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing. Frozen service pipes between the main and the building shall be the responsibility of the owner. Service pipes must extend from the curb stops to the inside of the building; or if not taken into a building then to the hydrant or other fixtures which they are intended to supply. A valve, the same size as the service pipe, shall be placed close to the inside wall of the building, ahead of the meter and well protected from freezing. Joints on copper tubing shall be flared and kept to a minimum. Except in cases of repair, after initial installation, not more than one joint shall be used for a service up to 70 feet in length. All joints shall be left uncovered until inspected. Minimum size connection with the water mains shall be three-quarter inch in diameter. It is unlawful to cover any water service installation or repair until it has been inspected by the city.

(E) *Private water supplies.* No water pipe of the city water system shall be connected with any pump, well, pipe, tank, or any device that is connected with any other source of water supply and when such are found, the city shall notify the owner or occupant to disconnect the same and, if not immediately done, the city water shall be turned off. Before any new connections to the city system are permitted, the city shall ascertain that no cross-connections will exist when the new connection is made. When a building is connected to "city water", the private water supply may be used only for such purposes as the city may allow.

(F) *Restricted hours for sprinkling.* Whenever the city shall determine that a shortage of water threatens the city, it may limit the times and hours during which water may be used from the city water system for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other uses, or either or any of them. It is unlawful for any water consumer to cause or permit water to be used in violation of such determination after public announcement thereof has been made through the news media specifically indicating the restrictions thereof.

(G) *Private fire hose connections.* Owners of structure with self-contained fire protection systems may apply for and obtain permission to connect the street mains with hydrants, large pipes, and hose couplings, for use in case of fire only, at their own installation expense, and at such rates as the Council may adopt by resolution as herein provided.

## Pipestone - Public Works

(H) *Opening hydrants.* It is unlawful for any person, other than members of the Fire Department or other person duly authorized by the city, in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the same or in any manner interfere therewith. It is also unlawful for any person so authorized to deliver or suffer to be delivered to any other person any hydrant key or wrench, except for those purposes strictly pertaining to their lawful use.

(I) *Unmetered service.* Unmetered service may be provided for construction, flooding skating rinks, and any other purpose. Such service shall be at a duly adopted rate. Where it is difficult or impossible to accurately measure the amount of water taken, unmetered service may be provided and the unmetered rate applied; provided, however, that by acceptance thereof the consumer agrees to have the city estimate the water used. In so estimating the city shall consider the use to which the water is put and the length of time of unmetered service.

(J) *Code requirement.* All piping, connections, and appurtenances shall be installed and performed strictly in accordance with the state's Plumbing Code. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the city, be an additional ground for termination of water service to any consumer.

(K) *Connection fees.* Service shall be furnished only after proper application has been made and connection fees paid in full.

(L) *Supply from one service.* No more than one house or structure shall be supplied from one service connection except by special permission of the Council. In the event of new construction, each new structure must be supplied from one service connection to the water main.

(1) Whenever the city learns that a single shut-off valve separates two or more individual structures, the city shall require that sufficient water shut-off valves be installed forthwith so that there will be a single shut-off valve for each individual structure.

(2) Whenever two or more parties are supplied from one pipe connecting with a service main, each structure shall have a separate stop box and a separate meter.

(3) The cost of each such additional shut-off valve, including its installation, shall be paid in its entirety by the property owners affected.  
(2005 Code, § 3.30) Penalty, see § 50.99

### § 50.11 RULES AND REGULATIONS RELATING TO REFUSE COLLECTION.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**RECYCLABLE MATERIALS.** The refuse generated and collected at residences, more particularly described as newsprint, unbroken glass containers, aluminum containers and aluminum scrap, certain plastic containers, tin containers, and corrugated cardboard.

## Utilities

**REFUSE.** Includes all drained organic material resulting from the preparation of food and spoiled or decayed food from any source, bottles, cans, glassware, paper or paper products, crockery, ashes, rags, and discarded clothing, but not including construction material or debris.

**YARD WASTE.** The refuse generated and collected at residences, more particularly described as tree and hedge branches and clippings, leaves, lawn clippings, and garden waste.

(B) *Storage and transporting refuse.*

(1) It is unlawful for any person to store refuse except as herein provided.

(2) It is unlawful for any person to transport refuse on any street unless it is carried in a vehicle equipped with a container to prevent loss of contents.

(C) *Containers.*

(1) All refuse not classified as recyclable material shall be placed in a appropriate garbage bag designated by the city and displaying "City of Pipestone" on the side. The bags are available in small-sized and large-sized bags and are limited to certain weight restrictions, which restrictions will be set by local regulation and said restrictions disseminated to garbage customers. Excepting that a designated city bag of appropriate size with respect to the container used may be placed with refuse in a clean, rust-resistant, water-tight, non-absorbent, and washable container properly equipped with handles designed and manufactured for the purpose of refuse disposal.

(2) Yard wastes shall be either transported by the resident/occupant of the property to the city's compost or brush pile, or may be transported at said resident/occupant's expense, by the city to the city's compost or brush pile.

(D) *Collection and disposal of refuse.* The city shall provide for collection and disposal of all refuse in a sanitary manner to ensure the health, safety, and general welfare of its residents, under such terms and conditions as the city may, from time to time, deem appropriate. Containers shall be placed at the designated collection point on days and in the manner specified by the city. Collection points will be the curb line in front of the property from which refuse is collected.

(E) *Scavenging of recyclable materials prohibited.* It is unlawful for a person to collect, remove, or dispose of recyclable materials after the materials have been placed or deposited for collection. (2005 Code, § 3.40) Penalty, see § 50.99

### § 50.12 STORM SEWER CHARGES.

(A) *Creation of storm sewer charge.* Subject to the rules set forth below, a monthly charge shall be made with the normal utility charges which shall be entitled "storm sewer charge". The amount of this monthly charge shall be established by ordinance of the Council and may be amended from time to time by further ordinance of the Council.

## Pipestone - Public Works

(B) *Basic charge.* All single-family residential properties with lots less than 25,000 square feet will be charged the basic rate.

(C) *Properties charged greater than the basic rate.* Residential properties with lots greater than 25,000 square feet, duplexes, and triplexes; commercial/industrial and all other uses less than 100,000 square feet, fourplexes and above; and commercial/industrial and all other uses greater than 100,000 square feet.

(D) *Exceptions to charges.* No city-owned property will be charged a monthly fee. Undeveloped property having no hard surfaces will not be charged a monthly fee. No privately-owned property shall be exempt from charges on the basis it is vacant or unoccupied.

(E) *Use of funds.* Funds collected by the storm sewer utility charges will be used to fund infrastructure replacement, operation, and maintenance, and wetland mitigation. All new development or first time improvements will be assessed their appropriate share of the costs.  
(2005 Code, § 3.50)

### § 50.13 TOILET INSTALLATION REQUIRED.

It is the duty of every owner or occupant of any property within the city, having a dwelling house or business building situated thereon, to install a toilet in such dwelling or business building and make connection thereof to city water main if located within 500 feet of such main and with city sewer main if located within 200 feet of such main as provided in the sewerage service regulations of the city code.  
(2005 Code, § 10.03)

## ***RULES AND REGULATIONS RELATING TO SEWERAGE SERVICE***

### § 50.25 DEFINITIONS.

For the purpose of this subchapter, 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, as amended, 33. U.S.C. §§ 1251 et seq.

**ADMINISTRATION.** Those costs attributable to administration of the wastewater treatment system including billing and customer service costs.

**BASIC DEBT CHARGE.** There will be a minimum charge to each user of the system for recovery of local capital costs. The minimum charge will be determined utilizing the formulas in § 50.09.

## Utilities

**BIOCHEMICAL OXYGEN DEMAND (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C 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 immediately outside the building wall.

**BUILDING SEWER.** The extension of the building drain to the public sewer or other place of disposal, also referred to as a **HOUSE CONNECTION** or **SERVICE CONNECTION**.

**CHEMICAL OXYGEN DEMAND (COD).** The quantity of oxygen utilized in the chemical oxidation of an organic matter as determined by standard laboratory procedures, and as expressed in terms of milligrams per liter (mg/l).

**CITY.** The area within the corporate boundaries of the City of Pipestone, 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 representatives.

**COMMERCIAL USER.** Any place of business which discharges sanitary waste as distinct from industrial wastewater.

**COMPATIBLE POLLUTANT.** Biochemical oxygen demand, total suspended solid, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS permit, if the treatment facilities are designed to treat such pollutants to a degree which complies with effluent concentration limits imposed by the permit.

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

**CUSTOMER CHARGE.** The amount billed to the user in addition to the minimum charge, which has been determined by formulas to adequately recover the cost of service.

**DEBT SERVICE.** Debt service revenue to be used solely for retirement of outstanding debts of the city's wastewater collection and treatment system.

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

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

**EXTRA STRENGTH WASTE.** Wastewater having BOD and/or total suspended solids greater than normal domestic strength waste and not otherwise classified as an incompatible waste.

## Pipestone - Public Works

**FECAL COLIFORM.** Any number of organisms common to the intestinal tract of humans and warm blooded animals whose presence in sanitary sewage is an indicator of pollution.

**FLOATABLE OIL.** Oil, fat, or grease in a physical state, such that it will separate by gravity from wastewater.

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

**GOVERNMENTAL USER.** Users which are units, agencies, or instrumentalities of federal, state, or local government discharging normal domestic strength wastewater.

**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 a hazard to humans or animals, creates a public nuisance, or creates any hazard in the receiving waters of the wastewater treatment works.

**INDUSTRIAL USER.** A facility which discharges to the city's wastewater treatment system liquid waste resulting from the processes employed in industrial, manufacturing, trade, or business establishments, or from the development of any natural resource.

**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 such 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 and/or SDS permit. The term includes published regulations providing guidelines under § 405 of the Act, being 33 U.S.C. § 1345, or any regulations developed pursuant to the Solid Waste Disposal

## Utilities

Act, being 42 U.S.C. §§ 6901 et seq., the Clean Air Act, being 42 U.S.C. §§ 7401 et seq., the Toxic Substances Control Act, being 15 U.S.C. §§ 2601 et seq., or more stringent state criteria applicable to the method of disposal or use employed by the city.

*MAY.* Is permissive.

*MPCA.* Minnesota Pollution Control Agency.

*NATIONAL CATEGORICAL PRETREATMENT STANDARDS.* Federal regulations establishing pretreatment standards for the introduction of pollutants into publicly-owned wastewater treatment facilities which are determined to be not amenable to treatment by such treatment facilities or would interfere with the operation of such treatment facilities, pursuant to § 307(b) of the Act, being 33 U.S.C. § 1317(b).

*NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT.* Any permit or requirements issued by the Minnesota Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended, for the purpose of regulating the discharge of wastewater, industrial wastes, or other wastes under the authority of § 402 of the Act, being 33 U.S.C. § 1342.

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

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

*NORMAL DOMESTIC STRENGTH WASTE.* Wastewater that is primarily introduced by residential users with a BOD concentration not greater than 260 mg/l and a total suspended solids (TSS) concentration not greater than 280 mg/l.

*OPERATION AND MAINTENANCE.* Those variable expenditures and costs which are directly attributable to 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. *OPERATION AND MAINTENANCE* includes replacement.

*PERSON.* The state or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission, or any interstate body, including any officer or governing or managing body of any municipality, governmental subdivision, or public or private corporation, or other entity.

*pH.* The logarithm base ten of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

## Pipestone - Public Works

**PRETREATMENT.** The process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater to a less harmful state prior to introducing such pollutants into the city's wastewater system. The reduction, elimination, or alteration may be obtained by physical, chemical, or biological processes, process changes, or other means, except as prohibited by this section.

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

**PUBLIC WASTEWATER COLLECTION SYSTEM.** A system of sanitary sewers owned, maintained, operated, and controlled by the city.

**REPLACEMENT.** Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the design or useful life, whichever is longer, of the treatment works to maintain the capacity and performance of the treatment facility for which it was designed and constructed.

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

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

(2) **COMBINED SEWER.** A sewer intended to serve as a sanitary sewer and a storm sewer.

(3) **FORCE MAIN.** A pipe in which wastewater is carried under pressure.

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

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

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

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

(8) **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.

**SEWERFUND.** 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

## Utilities

treatment. Expenditures of the **SEWER SERVICE FUND** will be for operation, maintenance, and replacement costs; and to retire debt incurred through capital expenditures for wastewater treatment.

**SEWER SERVICE CHARGE.** The aggregate of all charges, including charges for administration, 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 CHARGE SYSTEM.** The system of charges by which revenue is generated to offset the cost of operation and maintenance, plus replacement, administration, and debt service.

**SHALL.** Is mandatory.

**SIGNIFICANT INDUSTRIAL USER.** Any industrial user of the city's wastewater treatment system which:

- (1) Has a discharge flow of 50,000 gallons or more per average work day;
- (2) Has in its wastes toxic pollutants at significant levels as defined pursuant to § 307(a) of the Act, being 33 U.S.C. § 1317(a), or state statutes and rules; or
- (3) Has a significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the systems effluent quality, or emission generated by the system.

**SLUG.** Any discharge of water or wastewater which in concentration of any given constituent or in quantity flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation and shall adversely effect the collection system and/or performance of the wastewater treatment works.

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

**STORM WATER.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.

**SUSPENDED SOLIDS (SS) or TOTAL SUSPENDED SOLIDS (TSS).** The total suspended matter that either floats on the surface 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 effects as defined in standards issued pursuant to § 307(a) of the Act, being 33 U.S.C. § 1317(a).

## Pipestone - Public Works

**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 system, including replacement.

**USER CHARGE.** A charge levied on users of the treatment system for the operation and maintenance of such system, including replacement.

### **USER CLASSES.**

(1) **COMMERCIAL.** Retail or wholesale business establishments that discharge wastewater into the public wastewater treatment system, works, and facility.

(2) **INDUSTRIAL.** An industry, as defined above, which discharges wastewater into the public wastewater treatment system, works, and facility.

(3) **INSTITUTIONAL GOVERNMENTAL.** Hospitals, nursing homes, schools, city, county, state, or federal buildings or facilities that discharge wastewater into the public wastewater treatment system, works, and facility.

(4) **RESIDENTIAL.** A principal family residence or habitation classified as a single-family, multi-family, or apartment dwelling that discharges domestic sanitary wastewater having characteristics of 260 mg/l BOD and 280 mg/l SS, into the public wastewater treatment system, works, and facility.

**USER RATE SCHEDULE.** A published schedule pursuant to a resolution of the Council which fixes the fees, rates, and terms of utility service.

**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 FACILITY.** 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 such treatment.

(2005 Code, § 3.20) (Ord. 111, passed 5-6-2019)

## Utilities

### **§ 50.26 METERED WATER NOT DISCHARGED.**

If a portion of the water furnished to any premises is not directly or indirectly discharged into the sewerage system, the quantity of such water shall be deducted in computing the sewerage service charge or rental, provided a separate meter shall be installed and operated to register the quantity so not discharged into the sewerage system. Provided also, that where it is not practicable to meter the portion of the water not discharged into the sewerage system, such adjustment may be made by the Council as shall be fair and equitable in order to determine the amount of such service charge or rental, but until such adjustment shall be effected that water consumption basis hereinbefore prescribed shall remain in full force and effect.

(2005 Code, § 3.20) (Ord. 111, passed 5-6-2019)

### **§ 50.27 CLASSIFICATION OF INDUSTRIAL WASTES.**

The city shall have power to classify the industrial wastes from any lot, parcel of land, building, or premises discharged therefrom into the sewerage system of the city, taking into consideration the quantity of sewage produced and its concentration, strength of river pollution qualities in general, and of any other factors entering into the cost of its disposal, for the purpose of fixing and prescribing a distinct rate of rental or use charge, should it be found that as to such sewer uses the water basis consumption does not provide a practicable method in the premises, but until so determined and such distinct rate fixed, the water consumption basis hereinbefore prescribed shall remain in full force and effect as to such commercial or industrial users.

(2005 Code, § 3.20) (Ord. 111, passed 5-6-2019)

### **§ 50.28 DELETERIOUS SUBSTANCES.**

No sewage, including industrial wastes, shall contain any substance which is deemed deleterious by the city to the operation of the sewerage system or to any plant or facilities used in the treatment or disposal of such sewage. If a user of the sewerage system discharges excessive loads or any deleterious substances therein which are likely to retard or injuriously affect sewerage operations, he or she shall discontinue such practice and such practice is hereby declared to be a violation of this section. Each day of such violation continuing after having been notified in writing by the city to discontinue such practice shall be deemed a separate violation.

(2005 Code, § 3.20) (Ord. 111, passed 5-6-2019) Penalty, see § 50.99

### **§ 50.29 CONTROL BY THE PUBLIC WORKS DIRECTOR.**

The Public Works Director or his or her designee 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 section.

(2005 Code, § 3.20) (Ord. 111, passed 5-6-2019)

## Pipestone - Public Works

### § 50.30 REDUCTION OF CLEAR WATER IN THE SANITARY SEWER SYSTEM.

(A) The City Council finds that the discharge of water from roof, surface, ground water, sump pump, footing tile, or swimming pool, or other natural precipitation into the municipal sanitary sewer system, has the potential to cause property damage and overload the municipal and regional sanitary sewer systems. Therefore, in no case shall water from roofs, surfaces, paved areas, yards, courts, courtyards, sump pumps, footing tile, swimming pools, or similar areas having rainwater flow onto the public sidewalk. In the case of one- and two-family dwellings, storm water shall be permitted to be discharged onto flat areas, such as streets or lawns, so long as the storm water shall flow away from the building and away from adjoining property, and shall not create a nuisance.

(B) The City Council therefore finds it essential for the maintenance of health, minimization of property damage, and to maintain the life and capacity of the wastewater treatment system that the provisions of this section be strictly enforced.

(1) *Applicability.* This section shall apply to all water entering the sanitary sewer system unless explicitly exempted by the city. The city and its representatives are authorized to administer, implement, and enforce the provisions of this section.

(2) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CLEAR WATER.** Storm water, natural precipitation, melting snow, ground water, roof drainage, ground surface and subsurface drainage, down spout, yard drain, sump pump, foundation drain, yard fountain, pond, swimming pool, cistern overflow, or any other water that is not required to be treated by state or federal law. Swimming pool water that is required to be treated in accordance with city, county, or state regulations shall not be considered **CLEAR WATER**.

**SEWER SERVICE LATERAL.** All sewer service pipes that extend from the municipal sewer main to the structure that it serves.

(3) *Compatibility with other regulations.* This section is not intended to modify or repeal any other ordinance, rule, regulation, or other provision law. The requirements of this section are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall apply.

(4) *Prohibition against discharge into the sanitary sewer system.* No person shall discharge or cause to be discharged into the municipal sanitary sewer collection system, or infiltrate into the sanitary sewer system any clear water because of a sump pump, defective plumbing, a defective sewer service lateral, or by any other means.

(5) *Sump pump regulation.* Any dwelling, structure, or building that has a sump pump discharge system to remove ground water from its foundation drain must have a permanently installed

## Utilities

discharge line. A ***PERMANENTLY INSTALLED DISCHARGE LINE*** shall be one which provides for year-round discharge capability to either the outside of the dwelling, building, or structure, or is connected to the city storm sewer. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge and, if connected to the city storm sewer line, include a check valve. It shall not be capable of connection or reconnection to the municipal sanitary sewer system.

### (6) *Inspection.*

(a) By June 1, 2025, every person owning improved real estate, or contractors and builders who are building a structure connected to the city's sanitary sewer system, shall obtain an inspection of each building located on such property by an inspector designated by the city. The purpose of this city inspection shall be to confirm that there is no prohibited discharge into the municipal sanitary sewer system.

(b) This inspection requirement may also be met by having the property owner contract with a licensed plumber to perform the inspection. The plumber must inspect the property's sump pump, sewer service lateral, and ground water drainage system, and upon completion, return an inspection form provided by the city documenting the results of the inspection. All costs associated with an inspection by a privately retained plumber shall be the responsibility of the property owner.

(c) Unless the property owner already has a valid certificate of compliance issued by the city for the property, the owner or owner's representative is required to complete an inspection and obtain a certificate of compliance issued by the city before such property is offered for sale, gifted, or transferred, and before the owner or owner's representative enters into any contract for deed or other transaction changing the party responsible for the property. A certificate of compliance shall be issued by the city upon successful completion of an inspection. A certificate of compliance shall be valid for ten years.

(7) *Corrections.* Upon notice that the discharge of clear water on a property is not in compliance with this section, the owner or occupant of the property shall cease from discharging clear water in violation of this section and shall make the necessary repairs and corrections to discharge the clear water in accordance with this section. Discharge of clear water in compliance with this section shall be completed within 30 days of the date of notice of noncompliance, or as determined by the Water Supervisor. A second inspection of the property will be completed after 30 days following the notice of noncompliance.

(8) *Violations.* A monthly surcharge in an amount duly adopted by the City Council and set forth in the city's fee schedule shall be assessed against any property on which clear water is discharged in violation of this section. The monthly surcharge will be charged on the property's municipal utility billing statement if one or more of the following conditions apply:

(a) An inspection as required herein has not been allowed by the property owner or occupant or a certificate of compliance has not been issued by the city within 30 days after the city's notice of inspection;

## Pipestone - Public Works

(b) The property owner or occupant fails to make the sewer line cleanout readily available for the inspection;

(c) The necessary corrections have not been made within the time specified; and

(d) The property owner or occupant reconnects a clear water discharge line to the municipal sanitary sewer system after it has been previously disconnected at the city's or a court's direction. A surcharge as established by the City Council will be assessed for every month during which the property is not in compliance.

### (9) *Temporary waivers.*

(a) The city may grant a temporary waiver from the provisions of this section where strict enforcement would cause a threat of damage or harm to other property, the environment, or public safety because of circumstances unique to the individual property or due to weather conditions. A written request for a temporary waiver must be first submitted to the Water Supervisor specifying the reasons for the temporary waiver.

(b) If a temporary waiver is granted, the property owner shall pay an additional fee for sewage service charges based on the number of gallons discharged into the city's sanitary sewer system as estimated by the Water Supervisor.

(c) The Water Supervisor may set conditions to the temporary waiver. The Water Supervisor may terminate the temporary waiver upon a failure to comply with any conditions imposed on the temporary waiver. The Water Supervisor must give a five-day written notice of the termination to the property owner and occupant setting forth the reasons for the termination. After expiration or termination of a temporary waiver, the property owner shall comply with the provisions of this section.

### (10) *Appeals.*

(a) Applications for appeal of any administrative determination made pursuant to this section shall be addressed in writing to the City Administrator within 30 days of the determination.

(b) Applications shall at a minimum identify the property for the appeal is sought, the name of the property owner, and describe in detail the determination which is being appealed. Within 60 days of receipt of the application, the City Council shall make its decision on the matter and send a written copy of such decision to the property owner by mail.

(2005 Code, § 3.20) (Ord. 111, passed 5-6-2019) Penalty, see § 50.99

## § 50.31 USE OF PUBLIC SEWERS REQUIRED.

(A) Except as provided hereinafter, it is unlawful to construct or maintain any privy, private vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

## Utilities

(B) The owner 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 the provisions of this section, within 90 days of the date said public sewer is operational, provided said public sewer is within 200 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 30-day notice shall be served instructing the affected property owner to make said connection.

(C) In the event an owner shall fail to connect to a public sewer in compliance with a notice given under § 50.31(B), the city may undertake to have said connection made and shall assess the cost thereof against the benefitted property. Such assessment when levied, shall bear interest at the rate determined by the 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 section.

(2005 Code, § 3.20) (Ord. 111, passed 5-6-2019) Penalty, see § 50.99

### **§ 50.32 PRIVATE WASTEWATER DISPOSAL.**

(A) Where a public sewer is not available under the provisions of § 50.31(B), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(B) Prior to commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the city. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the city.

(C) 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 in 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 72 hours of the receipt of the notice.

(D) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of Minn. Rules Ch. 7080, entitled, "Individual Sewage Treatment System Standards". No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) At such 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 90 days in compliance with

## Pipestone - Public Works

this section and, within 180 days, any septic tanks, cesspools, and similar private wastewater disposal systems shall be cleaned of sludge. The bottoms shall be broken to permit drainage and the tank or pit filled with suitable material.

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

(G) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the state's Department of Health. (2005 Code, § 3.20) (Ord. 111, passed 5-6-2019)

### § 50.33 BUILDING SEWERS AND CONNECTIONS.

(A) It is unlawful for any unauthorized person to uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(B) Applications for permits shall be made by the master plumber 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) There shall be two classes of building sewer permits; for residential and commercial service, and 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) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city from any loss of damage that may be directly or indirectly occasioned by the installation of the building sewer.

(E) A separate and independent building sewer shall be provided for every building.

(F) Old building sewers may be used in connection with new buildings only when they are found, on examination and tests by the Public Works Director or his or her representative, to meet all requirements of this section.

(G) The size, slopes, alignment, materials, or construction of building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the state's Building and Plumbing Code or other applicable rules and regulations of the city. In the absence of code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9, shall apply.

## Utilities

(H) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(I) The connection of the building sewer into the public sewer shall conform to the requirements of the state's Building and Plumbing Code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gas-tight and water-tight, 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.

(J) 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 Public Works Director or his or her representative.

(K) 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.

(L) It is unlawful for any person to make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or indirectly to the wastewater disposal system.

(M) Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to, capacity for flow, BODs, and suspended solids, as determined by the Public Works Director.

(N) It is unlawful for any person to make a service connection with any public sewer unless that person is a licensed master plumber in accordance with the state's Plumbing Code or a plumber under the direct supervision of a master plumber.

(2005 Code, § 3.20) (Ord. 111, passed 5-6-2019) Penalty, see § 50.99

### **§ 50.34 USE OF PUBLIC SERVICES.**

(A) It is unlawful for any person to discharge or cause to be discharged any unpolluted water such as storm water, ground water, roof runoff, surface drainage, or non-contact cooling water to any sanitary sewer.

(B) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the city and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the city and upon approval and the issuance of a discharge permit by the MPCA.

## Pipestone - Public Works

(C) It is unlawful for any person to discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) 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;

(2) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic asphalt residue, residue from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes;

(3) 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; and

(4) 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 identified pursuant to § 307(a) of the Act, being 33 U.S.C. § 1317(a).

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

## Utilities

(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 herein;

(4) Any garbage not properly shredded, as defined herein. 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 such quantities that would cause disruption with the wastewater disposal system;

(9) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Public Works Director in compliance with applicable state or federal regulations;

(10) Any waters or wastes containing the following substances to such degree that any such materials received in the composite wastewater at the wastewater treatment works in excess of the established limits for such materials: 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 section of any regulatory agency, or state or federal regulatory body; and/or

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

(E) If any waters or wastes are discharged or are proposed to be discharged to the public sewer which contain substances or possess the characteristic enumerated in division (D) above, and/or which in the judgment of the Public Works Director may have a deleterious effect upon the wastewater

## Pipestone - Public Works

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

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to § 307(b) of the Act, being 33 U.S.C. § 1317(b), and all addendums thereof;

(3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer service charges. If the city permits the pretreatment of 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.

(F) 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 divisions (C) and (D) above, or contained in the National Categorical Pretreatment Standards, or any state requirements.

(G) Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner(s).

(H) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Public Works Director, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in division (D)(2) above, any flammable wastes as specified in division (C)(1), sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Public Works Director. Any removal and handling of the collecting materials not performed by the owner's personnel, must be performed by a currently licensed waste disposal firm.

(I) Where required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, or control manhole, with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the city. The structure shall be installed by the owner at his or her expense and shall be maintained by the owner to be safe and accessible at all times.

(J) 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 and

## Utilities

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

(K) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association. Sampling methods, location, times, duration, and frequencies are to be determined on an individual basis subject to approval by the Public Works Director.

(L) 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 section. 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 Public Works Director for review and approval prior to construction of the facility. Review and approval of such plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this section. Users shall notify the Public Works Director immediately upon having a slug or accidental discharge of substances or wastewater in violation of this section to enable countermeasures to be taken by the Public Works Director to minimize damage to the wastewater treatment works. Such notification will not relieve any user of any liability for any expense, loss, or damage to the wastewater treatment system or treatment process, or for any fines imposed on the city on account thereof under any state and federal law. Employers shall ensure that all employees who may cause or discover such a discharge are advised of the emergency notification procedure.

(M) It is unlawful for any person, having charge of any building or other premises which drains into the public sewer, to 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 such other work as the Public Works Director 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 Public Works Director may cause such work to be completed at the expense of the owner or representative thereof.

(N) Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause such work to be done as the Public Works Director may direct. Each day after ten days that a

## Pipestone - Public Works

person neglects or fails to so act shall constitute a separate violation of this section, and the Public Works Director may then cause the work to be done, and recover from such owner or agent the expense thereof by an action in the name of the city.

(O) 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.

(P) 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 or prohibited wastes by such person, and may collect such assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the city.

(Q) No statement contained in this section 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, providing that National Categorical Pretreatment Standards and the city's NPDES and/or state disposal system permit limitations are not violated.

(2005 Code, § 3.20) (Ord. 111, passed 5-6-2019) Penalty, see § 50.99

### **§ 50.35 USER RATE SCHEDULE FOR CHARGES.**

Each user of sewer service shall pay the charge(s) applicable to the type of service, and in accordance with the provisions set forth in § 50.10.

(2005 Code, § 3.20) (Ord. 111, passed 5-6-2019)

### **§ 50.36 POWERS AND AUTHORITY OF INSPECTORS.**

(A) With the express permission of the property owner, renter, or other person in control of the property, the Public Works Director 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 section. If the owner, renter, or other person in control of the property does not agree to entrance of the city onto the property, then the city may obtain an administrative search warrant to enter the property as provided for in Title I of this code.

(B) The Public Works Director 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.

## Utilities

(C) The Public Works Director 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 limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (2005 Code, § 3.20) (Ord. 111, passed 5-6-2019) Penalty, see § 50.99

### § 50.99 PENALTY.

(A) (1) Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code, including state statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both.

(2) Any person, firm, or corporation who violates any provision of this code, including state statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction, be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

(3) In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(4) The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation. (2005 Code, § 3.99)

(B) (1) Any person, firm, or corporation who violates any provision of § 50.09 for which another penalty is not specifically provided shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code, including state statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$ 1,000, or both.

(2) Any person, firm, or corporation who violates any provision of this code, including state statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction, be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

(3) In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

## Pipestone - Public Works

(4) The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation.

(2005 Code, § 3.21)

(C) (1) Any person, firm, or corporation who violates any provision of §§ 50.25 through 50.36 for which another penalty is not specifically provided shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code, including state statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$ 1,000, or both.

(2) Any person, firm, or corporation who violates any provision of §§ 50.25 through 50.36, including state statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction, be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

(3) In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(4) The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation.

(2005 Code, § 3.20)

(Ord. 111, passed 5-6-2019)