

CHAPTER 8 MUNICIPAL UTILITIES

Section 800 - Water Works

800.01 Name. The water works of this City shall be under the supervision of the City's Public Works Director.

800.02 Director of Public Works. There is hereby continued the office of Director of Public Works, and the Director of Public Works shall be subjected to control and direction of the Council who shall appoint the Director of Public Works.

800.03 Director of Public Works Duties. The Director of Public Works shall be charged with the following duties:

- A. To install the water mains, pipes and accessories as he or she may be instructed to do by the Council and if so directed by the Council, under the supervision of the City Administrator.
- B. To perform such other works and duties as may be assigned to him or her by the Council, or the City Administrator.

800.04 Contract Assumed. The rules, regulations and water rates set forth in this Chapter, or authorized by this Chapter, shall be considered a part of the contract with every person who is supplied with water through the water works department system of this City. Every person by taking water shall be considered as expressing his or her consent to be bound thereby.

800.05 Application for Service. Every person desiring a supply of water shall make application in writing therefore to the Director of Public Works on such form as may be prescribed for that purpose. Blanks for such applications shall be furnished at the Office of the City Administrator or at the Office of the Director of Public Works. The application shall state fully the uses to which the water is to be applied. If the applicant is not the owner of the premises the written consent of the owner must accompany the application. In all cases the owner of the premises shall be held responsible for all rates and rents of the premises. When more than one tenant is supplied through one service pipe, the application for supply of the premises shall be made by the owner, and the owner shall be held responsible for all supplies through such service pipe, but one bill shall be made for each meter installation.

800.06 Excavations. No person shall make any excavations in any street or highway within ten feet of any laid water pipe, while the ground is frozen, or dig up or uncover so as to expose to the frost any water pipe or sewers of the City, except by permission of the Council. No person shall make any excavation in any street or highway, for the purpose of laying water pipe, or tap any water or surface pipe laid down, without written permission from the Public Works Director, or the Council, and all plumbing work required in a building, or for other purposes must be completed to the lines of the street, before any excavation shall be made in the street for the purposes of connecting with the mains.

800.07 Connection Process.

Subd. 1 Permit. Any person desiring to make connection to the City Water Works system shall apply to the City for a permit for the connection and if the Public Works Director of the City or its agent grants such permission then an application shall be submitted and along with the application shall be submitted plans, specifications and other information as may be desired by the Public Works Director together with a permit fee in the amount set by the Council in the fee schedule adopted from time to time by the Council.

Subd. 2 Penalty. Any person, firm or corporation who commences work of any kind for which a permit is required under this Chapter without first having received the necessary permit, shall, when subsequently securing the permit, be required to pay double the fees provided by this Chapter for the permit and shall be subject to all the penal provisions of this Chapter.

Subd. 3 License.

A. Permits shall only be issued when the applications show that the work is to be done by the persons, firms or corporations who have been duly licensed to engage in the business of water installation within the City, and who have paid the required fee and filed the bonds and insurance certificates required under this Chapter hereof.

B. Before any person, firm or corporation shall be licensed to engage in the business of water installation within the City the person, firm or corporation shall make application to the City for a license, shall pay the fee established by the Council in the fee schedule, and shall file with the City Administrator the following bond and insurance requirements:

1. A surety bond in the face amount of twenty thousand dollars (\$20,000.00) payable to the City of Big Lake, approved by the City Council, conditioned that the City will be saved, harmless of any loss, damage, cost or expense, by reason of any work performed under this Chapter or by reason of improper or inadequate performance or compliance with the terms of this Chapter by holder of a license or his or her agent or employees;
2. A certificate of insurance or copies of public liability and property damage insurance policies approved by the City Council containing a provision that the bond shall not be canceled within ten (10) days written notice to the City Administrator, or showing coverages of not less than fifty thousand dollars (\$ 50,000,00) for injuries including accidental death to any one person and subject to the same limit for each person in an amount of not less than one hundred thousand dollars (\$100,000,000) on account of any one accident, and property damage insurance in the amount of not less than fifty thousand dollars (\$50,000.00).

C. The City Council may revoke any license at any time if the licensee shall violate the provisions of this or any other Chapter of the City Code. No licensee shall allow his or her

name to be used for any person for the purpose of doing any work within the City pertaining to this Chapter.

Subd. 4 Inspection. No permit shall be issued until the installation shall be inspected by the plumbing inspector of the City and altered, if necessary to conform to the Minnesota Plumbing code, to the extent necessary to permit a proper and safe connection to the municipal water system. Upon completion of the work, a copy of the permit shall be signed and dated by the individual making the water installation, and delivered to the City Hall, or the Director of Public Works, or the Inspector. The plumbing inspector shall sign the permit to show that the work and material conform to the City Code.

800.08 Water Connections. Water shall not be turned on to any building, or private service type, except under the order in writing of the Public Works Director or the Council or the City Administrator, until the applicant shall have paid for the connection from the street mains to the street line in the amount as the Council may from time to time establish in the fee schedule. Plumbers are strictly prohibited from turning water into any service pipe except upon the order or permission of the City Administrator or Public Works Director. This rule shall not be construed to prevent any plumber from emitting water into test pipes for testing purposes only.

800.09 Maintenance. All persons taking water shall keep their own service pipes, stop-cocks and apparatus in good repair and protected from frost, at their own risk and expense, from the water main through the end of the service pipe inside the house or building. All persons taking water shall prevent any unnecessary waste of water. All the expense relating to the introduction of water from the water main into buildings of private premises shall be paid for by the owner.

800.10 Inspection. Every person taking water shall permit the Public Works Director or the City Engineer or the Director of Public Works at all reasonable hours to enter their premises or buildings to examine the pipes and fixtures, and the manner in which the water is used, and they must at all times, frankly and without concealment, answer all questions put to them relative to its consumption.

800.11 Claims Against City. It is expressly stipulated by the City that no claim shall be made against it by reason of breaking or freezing of any mains, service pipe, or service cocks, nor if from any cause the supply of water should fail, nor from any other purpose that may be deemed necessary. The right shall hereby be reserved to cut off the supply of water at any time, for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the water supply within any district of the City, the Director of Public Works shall, if practicable, give notice to each consumer within the City, of the time when the supply shall be shut off.

800.12 Turning off Water. When the water has been turned off by the order of the Public Works Director, or City Administrator, no consumer or plumber shall turn it on without the written consent of the Public Works Director or the City Administrator.

800.13 Hydrants. All hydrants erected within and by the City for fire extinguishing purposes, shall hereby be declared to be public hydrants. Except for the Director of Public Works, no person other

than members of the fire department of the City, and then only for the uses and purposes of the department, shall open any hydrant, or remove, or attempt to remove therefrom any matter or thing designated or intended for the protection of the hydrant or in any manner interfere or intermeddle with any hydrant. The Public Works Director of the City or its agent may grant any suitable person permission to open any hydrant, and draw water therefrom, in which event such person shall not open the hydrant to any greater extent, nor keep the hydrant open any greater length of time, nor draw water therefrom for any other purpose, not in any greater quantity than as may be specified in the permit. No person authorized to open hydrants shall delegate his or her authority to another nor let out or permit any person to take the wrenches furnished him or her, nor permit the wrenches to be taken from any house of the City, except for purposes strictly connected with the fire department, or as they accompany fire fighting equipment at fires.

800.14 Private Use of Hydrants. No hydrants, except public drinking fountains, shall be placed within the limits of any streets, unless such hydrants are securely closed and protected against general use, and no drinking fountain shall be erected for public use which have openings by which they can be used as a source of domestic supply.

800.15 Private Hydrants. If proprietors of lumber yards, manufacturing establishments, halls, stores, elevators, warehouses, hotels or public buildings, who are regular customers of the water works, wish to lay large pipes with hydrants and hoses couplings to be used only in the case of fire, they shall be permitted to connect with street mains at their own expense, upon application to the City Council, and under its direction. The customers shall be allowed the use of water for fire purposes only, free of charge, but all valves admitting water to the pipes must be sealed, for which a sealing charge in the amount set in the fee schedule shall be made. If the sealing is, at any time, broken or defaced, the Public Works Director or the City Council shall be notified immediately.

800.16 Abutting and Benefited Property. When petitions shall be granted by the City Council for the extension of water mains or the water system, the City Council shall assess the abutting property or benefited area for all or a portion of the cost of the improvement pursuant to the Minnesota Statutes.

800.17 Request for Disconnection. Any person wishing to discontinue the supply of water from the City water works or desiring a change in his or her application as to change of premises or otherwise, must give notice thereof at the office of the Director of Public Works or the City Administrator at least five (5) days previous to such change.

800.18 Rates and Rents Assessed. All rates and rents for water consumption shall be charged directly to the owner of the real estate on which the water shall be consumed and billings paid by owners within thirty (30) days after period of consumption. Bills shall be paid promptly when due at the office of the City Administrator or to the utility billing contractor. The City Administrator shall, in case bills are not paid when due, add a penalty identified in the City Fee Schedule to the amount of the bills and collect the bills. In case of a failure to pay the bills by the fourth month, notice shall be given by mail to the owner of the real estate upon which the water has been consumed, and if, the bill shall not have been paid, the amount of the bill shall be certified to the County Auditor, to be included with the taxes against the real estate involved and to be collected therewith. In addition, after notice to the owner and resident of the premises, the City may proceed with shutting off the water supply to the premises as provided in subsection 800.22 of this Code.

800.19 Payment Dates. All rates and rents shall be payable when due. The rates and rents for users of the City shall be due monthly.

800.20 Discontinuance of Water Service.

Subd. 1. Non-payment. If rates or rents are not paid within thirty (30) days after they become due, the City, upon recommendation from the Public Works Director, may order the water shut off; and it shall not be turned on again until the bills, together with a fee as set in the fee schedule for the cost of turning off the service, and an additional fee is paid to turn on the water. No water shall be shut off until the owner and/or tenant shall have been given notice and a chance to be heard. No water shall be shut off from October 15 until the following April 15 if part of the premise's primary heat source except in compliance with the Cold Weather Rule, M.S. 216B.097, as amended.

Subd. 2. Vacated Properties. The purpose of this Subdivision is to prevent property loss and strain on City water and sewer systems caused by unattended water use in vacant residential units. A residential unit in which the occupant has vacated with no intent to return is considered vacant for purposes of this ordinance. A residential unit in which the occupant is absent for an extended period of time but intends to return on a date certain is not vacant. Water service shall not be shut off, except in the case of an emergency, at a vacant property until the owner or tenant, if the City is aware of a landlord-tenant relationship, has been sent a notice by first class mail. The notice shall state that the City has reasonable belief that the premises served is vacant and that if the owner or tenant does not respond within ten (10) days that the residential unit is supplied with adequate heat, the City may order the water shut off and it shall not be turned on again until the water shut off charge and water turn on charge as set in the fee schedule have been paid, unless the charges are waived by the City Council.

800.21 Rates and Rents. Water rates established by the City Council for metered water service shall be as set out in the fee schedule.

800.22 Enforcement. Each police officer shall report to the head of the Public Works Director all cases of leakage, waste or unnecessary profusion in the use of water, and each violation of any law of

this City relative to the water works thereof, which may come to his or her knowledge or notice, and the police shall each enforce the observation of this Chapter so far as any of them have authority under the laws of this City.

800.23 Violations. Whenever the rules and regulations of this Chapter are violated, the water shall be shut off, subject to the limitations of this Chapter. If two or more parties are receiving water from the same service pipe, the meter of the party involved in the violation shall be removed from service, and not installed again except by the order of the Public Works Director or the City Administrator and on payment of all arrears of rents, together with a fee as set in the fee schedule for removing and reinstallation of the meter. If for any reason digging is required to shut off service, curb-stop charges shall be proportionate to the costs.

800.24 Changing Regulations. The right shall be reserved by the City Council to change the rules, regulations and water rates from time to time as they deem it advisable, and to the Public Works Director to make special rates and contracts in all special cases.

800.25 Base Fee for New Residential Structures. For new residential structures, the City Council will set a fee each year to charge new residential structures.

800.26 Testing of Meters. When a consumer makes a complaint that the bill of any past services has been excessive, the City shall, upon written request, have such meter re-read. If the consumer remains dissatisfied and desires that the meter be tested, said consumer shall then make a deposit of \$150.00 and the City shall test the meter. The consumer shall, if he/she so desires, be present when such test is made. In case a test should show an error of over five percent (5%) of the water consumed in favor of the City, the deposit will be refunded to the consumer and a correctly registering meter will be installed and the date of the written request and the minimum charge shall not be affected. In case the test shows an accurate measurement of water or an error in favor of the consumer, the amount deposited shall be retained by the City to cover the expenses of making such test.

800.27 Water Use Restrictions; Penalties. In order to protect the health, safety, and general welfare of the residents of the City of Big Lake, the following regulations shall apply:

Subd. 1 Definition: “Water Shortage” means the City’s production of water is less than the consumption of water by users so that the Municipal water supply is less than the minimal levels necessary to adequately provide fire protection for the City and potable water for the residents’ drinking and sanitary needs.

Subd. 2 Water Shortage Determination: The City Council shall determine from time to time by resolution when there is a water shortage within the City’s Municipal water system. In case of emergency, the City Administrator may determine a water shortage exists and institute restrictions without a Council resolution; provided, that such a determination and restrictions shall only be effective until the Administrator determines the emergency has ended or the next Council meeting, whichever occurs first. Depending upon the cause and severity of the shortage, additional limitations may be placed on the use of water from the City water supply

system for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other uses of water as specified by the City Administrator’s notification.

Subd. 3 Notification of Water Shortage: Whenever a water shortage exists, the City Administrator may notify users of the Municipal water system that additional use restrictions are being implemented. The notice shall be posted on the City’s bulletin board, Official City Website, government cable channel, may be published in the newspaper of general circulation within the City, and may be broadcast by television and radio stations. The notice shall include the following information:

- A. Uses of the Municipal water system which will be restricted.
- B. Times during which the restrictions will apply.
- C. Whether the use restrictions will be absolute or vary depending upon location or identification of property.
- D. When the restrictions will be implemented and when they will terminate.
- E. Fees and Penalties for noncompliance.

Subd. 4 Fees and Penalties: One or more of the following may be imposed for violating water restrictions:

- A. Fees for violating water usage restrictions shall be added to the water bill of the offending property according to the following schedule:

First violation within a calendar year -	warning only
Second violation within a calendar year -	\$25.00
Third violation within a calendar year -	\$50.00
Fourth violation within a calendar year -	\$100.00
Fifth violation within a calendar year -	\$250.00
- B. Failure to comply with water usage restrictions may constitute cause for the discontinuance of water service.
- C. Failure to comply with water usage restrictions shall be a misdemeanor punishable by the maximum time allowed by law for each offense.

Section 810 - Public Sewers

810.01 Definitions. For the purpose of this Chapter, the following words and terms shall have the meaning set out below, unless the context specifically indicates otherwise.

Subd. 1 BOD (Biochemical Oxygen Demand). "BOD" (Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20
Laboratory procedures shall be in accordance with the latest edition of Standard Methods For The Examination Of Water and Wastewater.

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Subd. 2 Building Drain. "Building Drain" shall mean that part of the lower horizontal piping of a drainage system which receives the discharge from, waste, and other sanitary drainage pipes inside the walls of the building and conveys it to the building sewer beginning five (5) feet outside the inner face of the building wall.

Subd. 3 Building Sewer. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Subd. 4 City. "City" shall mean the area within the corporate boundaries of the City of Big Lake, as presently established or as amended by Ordinance or other legal actions at a future time. The term "City" when used herein may also be used to refer to the City Council and its authorized representatives.

Subd. 5 COD. "COD" (Chemical Oxygen Demands) shall mean the quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedures as set out in the latest edition of Standard Methods For the Examination Of Water and Wastewater.

Subd. 6 Combined Sewer. "Combined Sewer" shall mean a sewer originally designated to receive both surface water runoff and sewage.

Subd. 7 Garbage. "Garbage" shall mean solid waste resulting from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, or sale of meat, fish, fowl, fruit, vegetable, or condemned food.

Subd. 8 Industrial Wastes. "Industrial Wastes" shall mean the solid, liquid, or gaseous wastes resulting from industrial or manufacturing processes, trade or business, or from the development, recovery, or processing of natural resources.

Subd. 9 NPDES Permit (National Pollutant Discharge Elimination System Permit). "NPDES Permit" (National Pollutant Discharge Elimination System Permit shall mean the system for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone, and the oceans by the Environmental Protection Agency pursuant to the Federal Water Pollution Control Act of 1972, Sections 402 and 405.

Subd. 10 Natural Outlet. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Subd. 11 Normal Domestic Strength Wastes. "Normal Domestic Strength Wastes" shall mean wastes which are characterized by a per capita discharge of 100 gallons per day at a loading of 300 mg. per liter BOD, and 250 mg. per liter suspended solids.

Subd. 12 Other Wastes. "Other Wastes" shall mean garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil tar, chemicals, offal, and other substances except sewage and other wastes.

Subd. 13 Person. "Person" shall mean any individual, firm, company, association, society, corporation, municipal corporation, governmental unit, or group.

Subd. 14 pH. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Subd. 15 Process Water. "Process Water" shall mean any water used in the manufacturing, preparation or production of goods, materials, or food. Process water is an industrial waste.

Subd. 16 Public Sewer. "Public Sewer" shall mean any sewer owned or operated by a unit or agency of government.

Subd. 17 Sanitary Sewer. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.

Subd. 18 Sanitary Waste. "Sanitary Waste" shall mean the liquid and water carried wastes discharged from sanitary plumbing facilities.

Subd. 19 Sewage or Wastewater. "Sewage" or "Wastewater" shall mean the water carried waste products from residences, public buildings, institutions, industrial establishments or other buildings including the excrementitious or other discharge from the bodies of human beings or animals.

Subd. 20 Sewer. "Sewer" shall mean a pipe or conduit for carrying sewage, industrial wastes or other waste liquids.

Subd. 21 Sewer System. "Sewer System" shall mean pipelines or conduits, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes or other wastes to a point of ultimate disposal.

Subd. 22 Shall/May. "Shall" shall mean mandatory. "May" shall mean permissive.

Subd. 23 Slug. "Slug" shall mean any discharge of water, wastewater or industrial waste which in concentration of any given constituent, or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during the normal operation.

Subd. 24 Storm Sewer. "Storm Sewer" (sometimes termed Storm Drain) shall mean a sewer which carries storm or surface water and drainage, but excludes sewage and industrial waste, other than unpolluted cooling or process water.

Subd. 25 Suspended Solids. "Suspended Solids" shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering in accordance with the latest edition of Standard Method For The Examination Of Water and Wastewater.

Subd. 26 Unpolluted Water. "Unpolluted Water" shall mean clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean or noxious or impure so as to be actually or potentially harmful or detrimental, or injurious to public health, safety, or welfare to domestic, commercial, industrial or recreational uses; or to livestock, wild animals, birds, fish, or other aquatic life.

Subd. 27 Wastewater Facilities. "Wastewater Facilities" shall mean the structures, equipment, or processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

Subd. 28 Wastewater Treatment Works or Treatment Works. "Wastewater Treatment Works" or "Treatment Works" shall mean an arrangement of devices and structures for treatment of wastewater, industrial waste, and sludge, sometimes used as synonymous for "Wastewater treatment plant" or "Waste treatment plant" or "water pollution control plant" or "sewage treatment plant".

810.02 Required Use of Public Sewers.

Subd. 1 Unlawful Discharge. It shall be unlawful to discharge to any natural outlet within the City or any area under the jurisdiction of the City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.

Subd. 2 Privies. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage if adequate and feasible City facilities are available.

Subd. 3 Mandatory Connection. The owner of any building or property which is located within the City and from which wastewater is discharged, shall be required to connect to a public sewer at his or her expense within eighteen (18) months of the date the public sewer is operational. All properties proposed to be served shall be served. 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 being made pursuant to this Chapter, an official 90 day notice shall be served instructing the affected property owner to make the required connection.

Subd. 4 Failure to Connect In the event an owner shall fail to connect to a public sewer in compliance with a notice given under this Chapter, the City may undertake to have the connection made and shall assess the cost thereof against the benefited property. The assessment shall be a lien against the property. The assessment, when levied, shall bear interest at the maximum legal rate for local improvements and shall be certified to the County Auditor and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City shall be in addition to any remedial or enforcement provisions of this Chapter.

Subd. 5 Exceptions. New connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including, but not limited to, capacity for flow, BOD, and suspended solids.

810.03 Private Sewage Disposal.

Subd. 1 When Allowed. Where a public sanitary sewer is not available under the provisions of this Chapter, the building sewer shall be connected to a private sewage disposal system complying with the rules and regulations of the City, State, and Pollution Control Agency.

Subd. 2 Construction. No new private sewer systems or sewer system extensions shall be constructed within the City without first obtaining written approval of the system plan and the materials to be used in the construction of the system, designed by a designer licensed by the Minnesota Pollution Control Agency.

810.04 Prohibited Discharges.

Subd. 1 Unpolluted Waters. No person, firm, or corporation shall discharge or cause to be discharged directly or indirectly any storm water, groundwater, roof runoff, yard drainage, yard fountain water, pond or pool overflow, subsurface drainage, waste from on-site disposal systems, unpolluted cooling or processing water to any sanitary sewer except as permitted by the City or other local unit government. Storm water and all other unpolluted discharged to a storm sewer if available, except that unpolluted cooling or processing water shall only be so discharged upon approval by the City or other unit of local government.

Subd. 2 Foreign or Hazardous Substances.

- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
- B. Any water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the wastewater treatment works;
- C. Any water or waste having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment works;
- D. Solid or viscous substances, either whole or ground, in quantities or of such size capable of causing obstruction to the flow in the sewers, or other interference with the proper continuation of the wastewater facilities but not limited to ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cuttings or polishing wastes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, sanitary napkins, paper dishes, cups, milk containers, and other paper products;
- E. Noxious or malodorous liquids, gases, or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repairs.

810.05 Regulated Discharges. No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewer unless in the opinion of the City the discharge will not harm the wastewater facilities, nor cause obstruction to the flow in sewers, nor otherwise endanger life, limb, or public property, nor constitute a nuisance. In forming its opinion as to the acceptability of the wastes, the City may give consideration to such factors as the

relation of flows and velocities in the sewers, nature of the sewage treatment process, capacity of the sewage plant, the City's NPDES permit, and other pertinent determinations either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur.

The substances restricted shall be:

- A. Any liquid or vapor having a temperature in excess of one hundred fifty (150) degrees F (65 degrees C);
- B. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F. (zero (0) and sixty-five (65) degrees C.);
- C. Any garbage that has not been ground or comminuted to such degree that all particles will be carried freely in suspension under flows normally prevailing in the public sewers, with no particles greater than one-half inch in any dimension;
- D. Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not;
- E. Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment, or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the State or Federal Government, or any other public agency with proper authority to regulate the discharge from the sewage treatment plant;
- F. Any radioactive wastes or isotopes of such half-life or concentration that they are not in compliance with regulations issued by the appropriate authority having control over their use or may cause damage or hazards to the treatment works or personnel operating it;
- G. Any water or wastes having a pH in excess of 9.5;
- H. Materials which exert or cause:
 - 1. Unusual concentrations of suspended solids, (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate);
 - 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works;
4. Unusual volume of flow or concentration of wastes constituting a slug;
5. Water or water containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the NPDES Permit, or requirements of other governmental agencies having jurisdiction over discharge from the sewage treatment plant;

810.06 Response to Improper Discharge. If any water or wastes are discharged, or are proposed to be discharged directly or indirectly to the public sewers, which water or wastes do not meet the standards set out in or promulgated under this Section, or which in the jurisdiction of the City may have a deleterious effect upon the treatment works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, or constitute a public nuisance, the City may take all or any of the following steps:

- A. Refuse to accept the discharges;
- B. Require control over the quantities and rates of discharge;
- C. Require pretreatment to an acceptable condition for the discharge to the public sewers. The design and installation of the plant and equipment for pretreatment of equalization of flows shall be subject to the review and approval of the City, and subject to the requirements of 40 CFR 403, entitled "Pretreatment Standards", and the Minnesota Pollution Control Agency.
- D. Require payment to cover the added cost of handling or treating the wastes;

810.07 Interceptors. Grease, oil, and mud interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in this Chapter, or any flammable wastes, 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 a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection.

810.08 Operation and Inspection. Where preliminary treatment flow equalization or interceptors are required for any water or waste, they shall be effectively operated and maintained continuously in satisfactory and effective condition by the owner at his or her expense and shall be available for inspection by the City at all reasonable times.

810.09 Testing.

Subd. 1 Required. When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure and equipment, when required, shall be constructed at the owner's expense in accordance with plans approved by the City and shall be maintained by the owner so as to be safe and accessible at all times.

Subd. 2 Standards. All measurements, tests, and analyses of the characteristics of water and waste to which reference is made in this Chapter shall be determined in accordance with 40 CFR 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants"; the latest edition of Standard Methods For the Examination Of Water and Wastewater, and shall be determined at the control structure provided, or upon suitable samples taken at the control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effluent constituents and their effect upon the treatment works and to determine the existence of hazards to life, health and property. Sampling methods location, times, duration, and frequencies are to be determined on an individual basis subject to approval by the City.

810.10 Industrial Waste.

Subd. 1 General. The owner of any property serviced by a building sewer carrying industrial wastes shall, at the discretion of the City, be required to provide laboratory measurements, tests, and analyses of waters or wastes to illustrate compliance with this Chapter and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State and local standards are being met. 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 outside laboratory.

Subd. 2 Special Agreement. No statement contained in this Chapter 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 therefore by the industrial concern, in accordance with applicable ordinances and any supplemental agreements with the City.

810.11 Building Sewers and Connections.

Subd. 1 Private Sewer Lines.

- A. It shall be unlawful for any person to engage in the work or business of installing private sewer service lines and appurtenances for others without a license therefore from the City.
- B. Any person desiring to engage in such work shall make application to the City on forms to be supplied by the City together with a fee in the amount set out in the fee schedule. All licenses issued shall be for one (1) calendar year only and each renewal shall be made by application together with the annual fee as established in the fee schedule.
- C. Each applicant for license shall sign an agreement on such form as may be delivered by the City agreeing to pay the City the actual cost of repair for any damage caused to the City sewer system by the applicant, or by any of his or her employees or agents. This agreement shall accompany the license application.
- D. Each applicant shall accompany his or her application with a certificate of insurance in a company acceptable to the City showing public liability insurance coverage with limits of at least \$100,000 per person, \$300,000 per occurrence, and \$100,000 for property damage. The certificate shall specifically state that the insurance covers underground construction operations and shall contain a provision that the coverage afforded under the policies shall not be canceled or materially changed until at least fifteen (15) days prior written notice has been given to the City.

Subd. 2 Connection to City Sanitary Sewer. No person, unless authorized by a written permit from the City, shall make, install, repair, alter, disturb, uncover, open, or break any sewer connection to the sanitary sewer system of the City. Permits for connection of a new sewer service or repairs to an existing service shall be issued by the City after consideration of the application for the permit with regard to compliance with other Subdivisions of this Chapter. Permits shall be issued in the following manner:

- A. Application for a permit to perform work on a sewer service connection within the City shall be made on a form supplied by the City by the person or firm who will be performing the work to the City along with a fee as set in the fee schedule for the installation of a new connection. The City may waive the fee requirements for repair work. The person or firm performing the work shall be licensed to perform such work by the City.

B. After approval of the permit application by the City, the applicant shall furnish to the City a performance bond in the amount of \$5,000.00. The performance bond shall be for the good and faithful performance of all work on public property relative to the work being performed. The bond shall be payable to the City of Big Lake. The bond shall warrant the work for a period of one year from the date of completion.

C. The City shall issue a permit for the work after the application is approved and the bond is received, and in all instances where the property or parcel was not assessed for a Residential Equivalency Charge for Project 1976-1, which assessment roll was adopted by the Council September 9, 1981, after payment of such other sum as the Council may from time to time establish in the fee schedule the payment being in lieu of the REC assessment.

Subd. 3 Costs. All costs and expenses incidental to the installation and connection of the building sewer or repairs to an existing connection shall be borne by the owner. The owner shall indemnify and hold harmless the City from any loss or damage to the public sewer that may directly or indirectly be occasioned by the installation of the building sewer.

Subd. 4 Independent Sewers. A separate and independent building sewer shall be provided for every building except where two or more buildings are situated on one parcel such that the parcel may not be subdivided. A joint use private sewer may be extended to the rear building or buildings and the whole considered as one joint use private sewer provided the buildings are the property of a single owner. Special variances will be considered by the City.

Subd. 5 Old Sewers. Old building sewers may be used in connection with new buildings only when they shall be found, upon examination and testing by the City, to meet all requirements of this Chapter.

Subd. 6 Standards. The size, slope, alignment, and materials of construction of a building, sewer and the method used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building code and plumbing code or other applicable rules and regulations. In the absence of code provisions, or in amplifications thereof, the materials and procedures set forth in appropriate specifications of the "Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9" and the American Society for Testing Materials (A.S.T.M.) Standards shall apply.

Subd. 7 Elevation. 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 the building drain shall be provided with a lifting device by an approved means and discharged to the building sewer.

Subd. 8 Illegal Cross-Connections. No person shall make connection of roof downspouts, roof drains, exterior foundation drains, areaway drains, sump pumps, drain tile, swimming pool discharge, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer, nor shall any such connection be made directly to the sanitary sewer system. All illegal cross-connections shall be disconnected by the owner within two weeks of receiving notice of the unlawful connection from the City, and if the owner shall fail to make the disconnection, the City shall disconnect the illegal cross-connection and assess the costs back to the property. Cross connections may be allowed where storm water or ground water discharge would create a safety hazard during freezing weather. Exceptions shall be granted on a case by case basis as determined by the Council.

Subd. 9 Plumbing Code. The construction of the building sewer and its connection into the public sewer shall conform to the requirements of the State of Minnesota Plumbing Code, the sewer specifications included herein, and other applicable rules and regulations and procedures adopted by the City. All such construction shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City prior to installation.

Subd. 10 Inspection. Employees of the City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection and no underground portions shall be covered before the final inspection is complete. The connection shall be made under the supervision of the City or its representative.

Subd. 11 Excavations. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed during the course of the work shall be restored in a manner satisfactory to the City.

810.12 Main and Lateral Sewer Construction.

Subd. 1 Authorized Personnel. No person, unless authorized shall uncover, make any connection with or opening into, use, alter, or disturb any sanitary or storm sewer within the City or any part of the City wastewater facilities.

Subd. 2 Sanitary and Storm Construction. No sanitary or storm sewers shall be constructed in the City (except house or building service sewers) except by the City or by others in accordance with plans and specifications approved by a professional engineer. No such sewers shall be constructed or considered to be part of the public sewer system unless accepted by the City.

Subd. 3 Standards. The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling, and other work connected with the construction of sewers shall conform to the requirements of the City.

810.13 Protection from Damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities.

810.14 Sump Pumps. All sump pumps shall have a discharge pipe installed to the outside wall of the building with one inch (1") minimum diameter, with union or other couplings for easy pump disconnection or repair and replacement. The pipe attachments shall be rigid and permanent. The discharge shall extend at least three feet (3') outside of the foundation wall and shall be directed toward the front or rear yards of the property. All new construction having a sump basket shall have permanent piping installed to the sump basket with permanent fittings and discharged to the outside of the foundation wall as described in this Chapter. Such work shall be completed prior to the final building inspection and issuance of a Certificate of Occupancy.

810.15 Backfilling. It shall be recommended that unused septic tanks, cesspools, leaching pits, and similar devices and structures shall be backfilled or made safe and unusable in a manner acceptable to the City.

810.16 Authority of Inspectors.

Subd. 1 Entering Property. Duly authorized employees of the City shall be permitted to enter all properties for the purpose of inspection, observation, confirmation that illegal connections are not present, measurement, sampling, and testing in accordance with the provisions of this Section. Those employees shall have no authority to inquire into processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries except as is necessary to determine the kind and source of the discharge to the public sewer. Each property may be inspected at least once per year, even if found in compliance.

Subd. 2 Safety Rules. While performing the necessary work on private property as referred to in Subd. 1 of this Subsection, the authorized employees of the City shall observe all safety rules applicable to the premises.

Subd. 3 Easements. Duly authorized employees of the City shall be permitted to enter all private properties through which the City holds easements for the purpose of, but not limited to, inspection, observation, maintenance, and construction of public sewers.

Subd. 4 Surcharge. Any person refusing to allow their property to be inspected shall be subject to a surcharge as provided in the City fee schedule. The surcharge shall in no way restrict the City's right to seek an injunction in court ordering the necessary connections or disconnections to the sewer system, or from pursuing any other legal remedy.

810.17 Rates. Sewer rates shall be as established by the Big Lake City Council in the fee schedule.

810.18 Billing Payment. All rates and rents for sewer use shall be charged directly to the owner of the real estate on which the sewer use occurred and billings paid by owners within thirty (30) days after period of use. Bills shall be paid promptly when due at the office of the City Administrator or to the utility billing contractor. The City Administrator shall, in case bills are not paid when due, add a penalty identified in the City Fee Schedule to the amount of the bills and collect the bills. In case of a failure to pay the bills by the fourth month, notice shall be given by mail to the owner of the real estate upon which the sewer use occurred, and if the bill shall not have been paid, the amount of the bill shall be certified to the County Auditor, to be included with the taxes against the real estate involved and to be collected therewith. In addition, after notice to the owner and resident of the premises, the City may proceed with shutting off the water supply to the premises as provided in subsection 800.20 of this Code. (Ord. 2004-31, 10/27/04).

810.19 Payment Dates. The rates and rents shall be payable when due. The rates and rents for users of the City shall be due monthly. (Ord. 2004-31, 10/27/04).

810.20 Violations.

Subd. 1. Any person found to be violating any provisions of this Section shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the time period stated in such notice permanently cease all violation.

Subd. 2. Any person who shall continue any violation beyond the time limit provided for in the written notice shall be guilty of a misdemeanor. Each day in which any such violation shall continue shall be deemed a separate offense.

Subd. 3. Any person violating any of the provisions of this Section shall become liable to the City for any expense, loss or damage occasioned by the City by reason of the violation.

Section 820 – Storm Water Drainage Utility

820.01 Name. This utility shall be called the Storm Water Drainage Utility in and for the City of Big Lake. The Storm Water Drainage Utility shall be operated as a public utility pursuant to the City Charter, City Code, and applicable statutes. The revenues there from shall be derived subject to the provisions of this Ordinance and Chapter 444, Minnesota Statutes.

820.02 Purpose. The purpose of the Storm Water Drainage Utility is to manage and fund the construction and maintenance of the storm water drainage system in the City of Big Lake. The Storm Water Drainage Utility will not be established for the purpose of financing past due debt or generating a return on investment for the City of Big Lake.

820.03 Definitions. The following terms shall have the definitions as hereinafter stated with respect to the construction and interpretation of this Ordinance:

Subd. 1 Construction. Construction shall mean the improvements to the storm water system in areas not previously served with lateral and trunk lines.

Subd. 2 Maintenance. Maintenance shall include direct and indirect costs as well as equipment costs for repairs and cleaning. Cleaning includes catch basin cleaning, jetting, thawing pipes, and any other operation which assures a dependable drainage system. It shall also include the administrative costs.

Subd. 3 Reconstruction. Reconstruction shall mean the improvements made to the storm water drainage system in areas previously served with lateral and trunk lines.

Subd. 4 Administrative. Administrative costs as associated with acquiring and maintaining the necessary contour maps which define the watershed in and for the City of Big Lake. Also included shall be periodic planning and engineering studies which shall determine the adequacy and condition of the storm sewer drainage system.

Subd. 5 Developed Land. The term developed land is land which has been platted. Undeveloped land is any land which has not been platted.

820.04 Storm Water Drainage Fees.

Subd. 1 Billing Schedule. Storm water drainage fees for each land parcel shall be implemented as part of the typical utility billing schedule, which is on a monthly basis.

Subd. 2 Zoning Rate Schedule. The following Zoning Rate Schedule shall be used to calculate Storm Water Drainage Fees for each parcel of land as follows:

- A. B-1; Business Campus District - REF Multiplier = 1.25
- B. B-2; Community Business District – REF Multiplier = 2

- C. B-3; General Business District – REF Multiplier = 2
- D. I-1; Industrial Park District – REF Multiplier = 2.5
- E. I-2; General Industrial District – REF Multiplier = 2.5
- F. R-1; Single Family Residential District – REF Multiplier = 1
- G. R-1E; Single Family Residential Estate District – REF Multiplier = 1
- H. R-2; Medium Density Residential District – REF Multiplier = 1.5
- I. R-3; High Density Residential District – REF Multiplier = 1.5
- J. R-4; Single Family Manufactured Home District – REF Multiplier = 1
- K. R-5; Residential Redevelopment District – REF Multiplier = 1
- L. A; Agricultural District District – REF Multiplier = 0
- M. PUD; Planned Unit Development District – REF Multiplier = 0
- N. SD; Shoreland Management Overlay District – REF Multiplier = 1
- O. W; Wetland Overlay District – REF Multiplier = 0
- P. AG; Agricultural District – REF Multiplier = 0

Subd. 3 Revisions.

- A. The fees may be changed semi-annually to match the current city storm water operations and maintenance budget for the storm sewer system.
- B. If the City finds that any parcel is improperly represented relative to land use and zoning, the City Council, may, by passing a simple majority resolution, change the utility fee of the parcel by correcting the zoning description used in the calculation regardless of the actual designation described by the current zoning map. For example, if a parcel is authorized through a Conditional Use Permit, to place multiple housing units in an R-2 zone, the City may correct the inadequate description to a more representative “zoning code” within the billing schedule.

Subd. 4 Land Use Exemptions. The following land uses are exempt from storm water drainage fees: Public right-of-ways, municipal property being used for public service, City parks, and parkland areas.

Subd. 5 Undeveloped Land. Undeveloped Commercial and Industrial land shall be excluded from the Storm Water Drainage Fee until public right-of-way has been platted and storm sewer improvements are made.

Subd. 6 Undeveloped Platted Residential Lots. Undeveloped platted residential lots shall not be charged a fee until the water and sewer hookups have been made and sewer and water utility fees begin.

Subd. 7 Recalculation of Fees. If a property owner or person responsible for paying the storm water drainage fee, questions the correctness of an invoice for such charge, such person may have the determination of the charge recomputed by written request to the City of Big Lake. The request must be received by the City within twelve (12) months of the City mailing the invoice to the property owner. The property owner may appeal the decision to the City Council by filing a written notice of appeal with the City within sixty (60) days of the City's determination.

Subd. 8 Certification of Past Due Fees on Taxes. Any past due storm water drainage fees in excess of ninety (90) days past due on October 1st of any year, may be certified to the County Auditor for collection with real estate taxes in the following year pursuant to Minnesota Statute Sec. 444.075, Subdivision 3. In addition, the City shall have the right to bring a civil action or to take other legal remedies to collect unpaid fees.

Section 830 – Street Light Utility System
(Ord. 2013-05; 12/11/13)

830.01. Authority and Purpose. Minnesota Statutes, Section 429.021 authorizes cities to install, replace, extend and maintain street lights and street lighting systems and special lighting systems. The City Council has determined that in order to promote the general health, safety and welfare of the citizens of the City, it is in the best interest of the citizens that the City operate and maintain a City street lighting utility system and has further determined that the operation and maintenance of such utility benefits each and every property within the City. The City Council has therefore determined that it is fair, appropriate and reasonable that the costs of such operation and maintenance be paid on a fair and reasonable basis by all of the property in the City so benefited and the cost should be charged and collected from all such benefited property, except for those exempted in Section 830.02, subd. 4.

830.02. Street Light Utility System. A City street lighting utility system is hereby established and continued. The utility system consists of all street lighting whether owned by the City or otherwise, for which the City purchases and supplies electrical energy from a public utility and any additional facilities acquired or operated by the City in the future. The operation of such utility shall be under the supervision of the Public Works Director.

830.03. Cost of System.

Subd. 1. Costs. The cost of the street lighting utility system are the administrative costs, capital costs, maintenance and energy costs associated with the operation of the street lighting utility system.

Subd. 2. Fees. The City Council shall by ordinance establish a fee schedule to pay for the cost of the street lighting utility system. The City Council shall apportion the cost of the system against all developed property in the City. Residential property shall be charged based upon a per-unit charge and all other property shall be charged based upon a front foot charge.

Subd. 3. Billing. Street lighting fees shall be billed with water and sewer utility bills.

Subd. 4. Exemptions. The following land uses are exempt from any fees for street lighting costs:

- A. Public street right-of-way
- B. City-owned land
- C. Railroad right-of-way
- D. Cemeteries
- E. Undeveloped property

830.04. Certification of Unpaid Bills. Any street lighting service charges in excess of 90 days past due on October 1 of any year may be certified to Sherburne County for collection with real estate taxes as a special assessment. An administrative charge of \$25 shall be added to each street lighting service charge so certified. In addition, the city may bring a civil action or to take other legal

remedies to collect unpaid charges.

830.05. Street Lighting Utility Fund. All fees and assessments received pursuant to this Article shall be place in a dedicated fund for the purpose of paying the costs of the street lighting system.