

## CHAPTER 53: SEWERS

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***GENERAL PROVISIONS*****§ 53.001 DEFINITIONS.**

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

**APPROVING AUTHORITY.** The City Manager-Clerk or his or her duly authorized representative.

**BOD** or **BIOCHEMICAL OXYGEN DEMAND.** The quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20°C, expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in Standard Methods.

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

**BUILDING SEWER.** A sanitary sewer which begins immediately outside of the foundation wall of any building or structure being served, and ends at its connection to the public sewer.

**CHLORINE REQUIREMENT.** The amount of chlorine, in mg/l, which must be added to sewage to produce a residual chlorine as specified in the National Pollutant Discharge Elimination System (NPDES) permit.

**CITY.** The City of Milaca.

**COMBINED SEWER.** A sewer intended to receive both wastewater and storm or surface water.

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

**COMPATIBLE POLLUTANTS.** BOD, suspended solids, nitrogen, pH, or fecal coliform bacteria, plus additional pollutants identified in the municipality's NPDES permit for its wastewater treatment facility; provided that the facility is designed to treat these additional pollutants, and, in fact, does remove these pollutants to a substantial degree.

**DEBT SERVICE CHARGE.** The portion of the sewer service charge relating to the cost of retiring outstanding bond issues or other long term obligations of the wastewater collection and treatment facilities.

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

**FLOATABLE OIL.** Oil, fat, or grease in a physical state so that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of **FLOATABLE OIL** if it is properly pretreated and the wastewater does not interfere with the collection system.

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

**GROUND GARBAGE.** The residue from the preparation, cooking, dispersing, handling, storage, and sale of food products and produce that has been shredded to a degree so that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

**INCOMPATIBLE POLLUTANTS.** Wastewater with pollutants that will adversely affect the wastewater collection and treatment facilities or disrupt the quality of wastewater treatment if discharged to the wastewater collection and treatment facilities.

**INDUSTRIAL USERS or INDUSTRIES.**

(1) (a) Users that discharge into a publicly owned wastewater treatment works, liquid wastes resulting from the processes employed in industrial or manufacturing processes, or from the development of any natural resources.

(b) These are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemental under one of the following divisions:

1. Division A: Agriculture, Forestry, and Fishing;
2. Division B: Mining;
3. Division D: Manufacturing;
4. Division E: Transportation, Communications, Electric, Gas, and Sanitary Sewers; and
5. Division I: Services.

(c) For the purpose of this definition, domestic waste shall be considered to have the following characteristics: BOD less than 300 mg/l; suspended solids (TSS) less than 340 mg/l.

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

**INDUSTRIAL WASTE.** Any solid, liquid, or gaseous substance discharged or escaping from any industrial or manufacturing process or from the development of any natural resources. The term includes any wastewater which is not sanitary sewage.

**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 or 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.

**INSTITUTIONAL USER.** A user of the treatment facilities whose establishment is primarily engaged in activities of an educational, religious, social, cultural, charitable, or human services nature (e.g., churches, non-profit organizations, hospitals).

**MAY.** The act referred to is permissible.

**MUNICIPALITY.** The City of Milaca.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT.** A document issued by the State Pollution Control Agency which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility. NPDES PERMIT No. MN0024147 and modifications thereof pertain to the municipal wastewater treatment facility.

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

**NORMAL DOMESTIC STRENGTH WASTEWATER.** Wastewater with concentrations of BOD no greater than 300 mg/l and suspended solids (TSS) no greater than 340 mg/l.

**OPERATION AND MAINTENANCE COSTS.** All costs associated with the operation and maintenance of the wastewater collection and treatment facilities during the design or useful life, whichever is longer, of the wastewater treatment facilities, and at the level of performance for which the facilities were designated and constructed, including administration costs, all as determined from time to time by the municipality.

**PERSON.** Any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

**pH.** The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of  $1^{0-7}$ .

**PUBLIC SEWER.** Any publicly owned sewer, storm drain, sanitary sewer, or combined sewer.

**REPLACEMENT COSTS.** Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the design or useful life, whichever is longer, of the wastewater treatment facility to maintain the capacity and performance for which the facilities were designed and constructed. **REPLACEMENT COSTS** are distinct from operation and maintenance costs but are included in the city's user charges.

**RESIDENTIAL USER.** A user of the treatment facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached and semi-detached housing, apartments, and mobile homes; and which discharges primarily normal domestic strength sanitary wastes.

**SANITARY SEWAGE.** A combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities.

**SANITARY SEWER.** A sewer that carries sewage or wastewater from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.

**SEWAGE.** The spent water of a person or community. The preferred term is **WASTEWATER**.

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

**SEWER SERVICE CHARGE.** A charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance expenses, replacement costs, debt service costs, and other expenses or obligations of the facilities.

**SHALL.** The act referred to is mandatory.

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

**STANDARD METHODS.** The examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

**STORM SEWER OR DRAIN.** A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

**SUSPENDED SOLIDS or TSS.** Total suspended matter that either floats on the surface of, or in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater, and referred to as **NONFILTERABLE RESIDUE**.

**UNPOLLUTED WATER.** Water of quality equal to or better than the effluent of the wastewater treatment facilities 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 CHARGE.** A charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance expenses and replacement costs of these facilities.

**WASTEWATER.** The spent water of a community or person. 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 groundwater, surface water, and storm water that may be present.

**WASTEWATER COLLECTION FACILITIES or WASTEWATER COLLECTION SYSTEM.** Structures and equipment required to collect and carry wastewater.

**WASTEWATER TREATMENT FACILITY.** An arrangement of devices and structures for treating wastewater and sludge. Also referred to as **WASTEWATER TREATMENT PLANT**.  
(Ord. 303, passed 4-21-88)

***CONSTRUCTION AND CONNECTIONS*****§ 53.015 NEW CONNECTIONS; TREATMENT CAPACITY.**

New connections to the municipality's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities.

(Ord. 303, passed 4-21-88)

**§ 53.016 PERMIT REQUIRED.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the public sewers or appurtenances thereof without first obtaining a written permit from the approving authority.

(Ord. 303, passed 4-21-88) Penalty, see § 10.99

**§ 53.017 CONNECTION COSTS.**

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the person making the connection.

(Ord. 303, passed 4-21-88)

**§ 53.018 OLD BUILDING SEWERS.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the approving authority, to meet all requirements for this chapter.

(Ord. 303, passed 4-21-88)

**§ 53.019 MATERIALS AND METHODS OF CONSTRUCTION.**

The size, slope, alignment, and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall conform to the requirements of the municipality's building and plumbing codes or other applicable rules and regulations of the municipality. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(Ord. 303, passed 4-21-88)

**§ 53.020 BUILDING SEWER GRADE.**

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

(Ord. 303, passed 4-21-88)

**§ 53.021 RUNOFF AND GROUNDWATER DRAINS; CONNECTION TO SANITARY SEWER PROHIBITED.**

(A) No persons shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a sanitary sewer.

(B) All existing downspouts, groundwater drains, and the like, connected directly or indirectly to a sanitary sewer, must be disconnected within 60 days of the date of an official written notice from the approving authority.

(Ord. 303, passed 4-21-88) Penalty, see § 10.99

**§ 53.022 CONFORMANCE TO BUILDING AND PLUMBING CODES REQUIRED.**

The connection of the building sewer into the sanitary sewer shall conform to the requirements of the building and plumbing codes, or other applicable rules and regulations of the municipality, or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the approving authority before installation.

(Ord. 303, passed 4-21-88)

**§ 53.023 INSPECTION OF CONNECTION.**

The person making a connection to a public sewer shall notify the approving authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be inspected and approved by the approving authority.

(Ord. 303, passed 4-21-88)

**§ 53.024 EXCAVATIONS; BARRICADES; RESTORATION.**

All excavations for the 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 approving authority. (Ord. 303, passed 4-21-88)

***DISCHARGES TO PUBLIC SEWERS*****§ 53.035 DISCHARGE OF UNPOLLUTED WATERS.**

(A) *Sanitary sewers.* No person shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer.

(B) *Storm sewers.* Storm water and all other unpolluted water shall be discharged to sewers which are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the approving authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the approving authority and upon approval and issuance of a discharge permit by the State Pollution Control Agency (MPCA), to a storm sewer, combined sewer, or natural outlet.

(Ord. 303, passed 4-21-88) Penalty, see § 10.99

**§ 53.036 PROHIBITED SUBSTANCES.**

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

(A) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides;

(B) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, that could injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Clean Water Act;

(C) Any waters or wastes having a pH lower than 5.0, or in excess of 9.0, or having any corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater collection and treatment facilities;

(D) Solid or viscous substances in quantities or of a size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater collection and treatment facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders; and

(E) The following described substances, materials, waters, or waste shall be limited in discharges to sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process, or equipment; will not have an adverse effect on the receiving stream and/or soil, vegetation, and groundwater; and will not otherwise endanger lives, limbs, public property, or constitute a nuisance. The approving authority may set limitations more stringent than those established below if more stringent limitations are necessary to meet the above objectives and/or the city's National Pollutant Discharge Elimination System (NPDES) permit. The approving authority will give consideration to the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment facility, and other pertinent factors. Wastes or wastewaters discharged to the sanitary sewers shall not exceed the following limitations:

(1) Wastewater having a temperature higher than 150°F (65°C);

(2) Wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65.6°C);

(3) Wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not;

(4) Any unground garbage. 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 in kitchens for the purpose of consumption on the premises or when served by caterers;

(5) Any waters or wastes containing iron, chromium, copper, zinc, and other toxic and nonconventional pollutants to such a degree that the concentration exceeds levels specified by federal, state, and local authorities;

(6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the approving authority or limits established by any federal or state statute, rule, or regulation;

(7) Any radioactive wastes or isotopes of a half-life or concentration which may exceed limits established by the approving authority in compliance with applicable state or federal regulations;

(8) Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;

(9) Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes;

(10) Materials which exert or cause:

(a) Unusual BOD, chemical oxygen demand, or chlorine requirements in quantities which constitute a significant load on the wastewater treatment facility;

(b) Unusual volume of flow or concentration of wastes constituting slugs as defined herein;

(c) Unusual concentrations of inert 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 sulfate); and

(d) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(11) Incompatible pollutants in excess of the allowed limits as determined by city, state, and federal laws and regulations in reference to pretreatment standards developed by the Environmental Protection Agency, and as contained in 40 C.F.R. 403, as amended from time to time.

(Ord. 303, passed 4-21-88) Penalty, see § 10.99

**§ 53.037 DISCHARGE SHALL NOT VIOLATE NPDES PERMIT.**

No person shall cause or permit a discharge into the sanitary sewers that would cause a violation of the municipality's NPDES permit and any modifications thereof.

(Ord. 303, passed 4-21-88) Penalty, see § 10.99

**§ 53.038 SPECIAL AGREEMENTS.**

No statement contained in this chapter shall be construed as prohibiting any special agreement between the approving authority and any person whereby a waste of unusual strength or character may be admitted to the wastewater collection and treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment facilities by reason of the admission of these wastes, and no extra costs are incurred by the municipality without recompense by the person; and further provided that all rates and provisions set forth in this chapter are recognized and adhered to and provided that National Categorical Pretreatment Standards and the city's NPDES permit limitations are not violated.

(Ord. 303, passed 4-21-88)

***CONTROL OF INDUSTRIAL WASTES*****§ 53.050 SUBMISSION OF DATA.**

The approving authority may require each person who discharges or seeks to discharge industrial wastes to a public sewer to prepare and file with the approving authority, at those times as it determines, a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater collection and treatment facilities. In the case of a new connection, the approving authority may require that this report be prepared prior to making the connection to the public sewers.

(Ord. 303, passed 4-21-88)

**§ 53.051 HAZARDOUS DISCHARGE CONTROL METHODS.**

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in §§ 53.036 and 53.037, and which in the judgment of the approving authority have a deleterious effect upon the wastewater

collection and treatment facilities, processes, equipment, or receiving waters and/or soil, vegetation, and groundwater, or which otherwise create a hazard to life, health, or constitute a public nuisance, the approving authority may:

- (A) Reject the wastes;
- (B) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Clean Water Act and its amendments;
- (C) Require control over the quantities and rates of discharge; and/or
- (D) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this chapter.

(Ord. 303, passed 4-21-88)

#### **§ 53.052 CONTROL MANHOLES AND ACCESS POINTS.**

(A) Each person discharging industrial wastes into a public sewer shall, at the discretion of the approving authority, construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of wastes, including sanitary sewage.

(B) Control manholes or access facilities shall be located and built in a manner acceptable to the approving authority. If measuring and/or sampling devices are to be permanently installed, they shall be of a type acceptable to the approving authority.

(C) Control manholes, access facilities, and related equipment shall be installed by the person discharging the waste, at the person's expense, and shall be maintained by the person so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the approving authority prior to the beginning of construction.

(Ord. 303, passed 4-21-88)

#### **§ 53.053 FLOW COMPUTATION; WASTE METERING.**

(A) *Measurement of flow.* The volume of flow used for computing sewer service charges shall be the metered water consumption of the person shown in the records of meter readings maintained by the Water Department or Utility, except as noted in division (B) below.

(B) *Metering of waste.* Devices for measuring the volume of waste discharged may be required by the approving authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person discharging the wastewater. Following approval and installation, these meters may not be removed without the consent of the approving authority. The meter shall be installed within 60 days after receiving written notice from the approving authority.

(Ord. 303, passed 4-21-88) Penalty, see § 10.99

#### **§ 53.054 INDUSTRIAL WASTE SAMPLING.**

(A) Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of the wastes. The determination shall be made by the industry as often as may be deemed necessary by the approving authority.

(B) Samples shall be collected in a manner which is to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the approving authority.

(C) Installation, operation, and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the approving authority. Access to sampling locations shall be granted to the approving authority or its duly authorized representative at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

(Ord. 303, passed 4-21-88)

#### **§ 53.055 PRETREATMENT.**

(A) Persons discharging industrial wastes into any public sewer may be required to pretreat these wastes, if the approving authority determines pretreatment is necessary to protect the wastewater collection and treatment facilities or prevent the discharge of incompatible pollutants.

(B) In that event, the person shall provide at his or her expense those pretreatment or processing facilities as may be determined necessary to render wastes acceptable for admission to the sanitary sewers. No user shall increase the process water, or in any manner attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with limitations contained in § 53.036, or contained in the National Categorical Pretreatment Standards or any state requirements.

(Ord. 303, passed 4-21-88)

**§ 53.056 GREASE, OIL, AND SAND INTERCEPTORS.**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the approving authority, they are necessary for the proper handling of liquid wastes containing floatable grease in amounts in excess of those specified in this chapter, or any flammable wastes, sand, or other harmful ingredients; except that these interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the approving authority, and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the approving authority. Disposal of the collected materials performed by owner's personnel or currently licensed waste disposal firms must be in accordance with currently acceptable local, county, and state rules and regulations.

(Ord. 303, passed 4-21-88)

**§ 53.057 ANALYSIS STANDARDS.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods and with the federal regulations 40 C.F.R. 136, Guidelines Establishing Test Procedures for Analysis of Pollutants, as amended from time to time. Sampling methods, location, time, durations, and frequencies are to be determined on an individual basis subject to approval by the approving authority.

(Ord. 303, passed 4-21-88)

**§ 53.058 PRETREATMENT AND INTERCEPTORS; PLAN REVIEW REQUIRED.**

Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, or grease and/or sand interceptor facilities shall be submitted for review and approval of the approving authority prior to the start of their construction if the effluent from these facilities is to be discharged into the public sewers. No construction of these facilities shall commence until approval has been granted.

(Ord. 303, passed 4-21-88) Penalty, see § 10.99

***RATES AND CHARGES*****§ 53.070 WATER METERS; BILLABLE VOLUME.**

(A) *Sewer users served by Water Utility water meters.* There is hereby levied and assessed upon each lot, parcel of land, building, or premises having a connection with the wastewater collection system and being served with water solely by the Water Utility, a sewer service charge based, in part, on the quantity of water used, as measured by the Water Utility water meter used upon the premises.

(B) *Billable volume.*

(1) Billable wastewater volume for all users shall be calculated on the basis of metered water usage except where provided otherwise in this subchapter. The per month billable wastewater volume shall be equal to monthly metered water usage.

(2) The city may require residential users to install water meters for the purpose of determining billable wastewater volume.

(3) The city may require non-residential users, including industries discharging higher than normal domestic strength waste, to install additional water meters or wastewater flow meters as may be necessary to determine billable wastewater volume.

(Ord. 303, passed 4-21-88)

**§ 53.071 METERING PRIVATE WATER SOURCES.**

(A) If any person discharging wastewater into the sanitary sewers procures any part or all of his or her water from sources other than the Water Utility, all or part of which is discharged into the sanitary sewers, the person shall have water meters installed by the Water Utility at the person's expense for the purpose of determining the volume of water obtained from these sources. Where sewer meters are already installed, water meters will not be required. The water meters shall be furnished by the Water Utility and installed under its supervision, all costs being at the expense of the person requiring the meter.

(B) The Water Utility will charge for each meter a rental charge set by the Water Utility to compensate for the cost of furnishing and servicing the meter. The rental charge shall be billed at the time the sewer service charge is billed.

(Ord. 303, passed 4-21-88)

**§ 53.072 DEDUCT METERS.**

If a person feels that a significant amount of metered water does not reach the sanitary sewer, he or she can at his or her own expense, with approval of the approving authority, install additional meters or metered services as are necessary to calculate the volume of water not discharged to the sanitary sewer. Metered water not discharged to the sanitary sewers shall not be subject to sewer service charges. Requests to install additional meters must be made in writing to the approving authority.

(Ord. 303, passed 4-21-88)

**§ 53.073 UNIT COSTS.**

The unit costs for the sewer service charge shall be adopted by resolution and published annually by the approving authority, in accordance with § 53.081(B).

(Ord. 303, passed 4-21-88)

**§ 53.074 DOMESTIC STRENGTH DISCHARGE; SERVICE CHARGE FORMULA.**

(A) The sewer service charge for normal domestic strength discharges shall be computed in accordance with the formula presented below:

$$T = FC + (V \times Cov) + (V \times C_{DV}) + SC_i$$

(B) For the above formula:

(1)  $T$  = total sewer service charge;

(2)  $FC + (V \times Cov)$  = user charge;

(3)  $(V \times C_{DV})$  = debt service charge;

(4)  $FC$  = fixed charge;

(5)  $Cov$  = charge per 1,000 gallons for OM&R costs, less revenues generated through surcharges;

(6)  $C_{DV}$  = charge per 1,000 gallons for debt service costs;

(7)  $V$  = billable wastewater volume in 1,000 gallons; and

(8)  $SC_i$  = surcharge, as described in § 53.078, for users with higher than normal domestic strength waste.

(C) (1) The value of  $Cov$  is determined by dividing the yearly estimated operation, maintenance, and replacement costs, less fixed administrative costs, by the annual billable wastewater flow;

(2) The value of  $CDV$  is determined by dividing the yearly debt service charge for the bond by the annual billable wastewater flow; and

(3) The value of  $FC$  is determined by dividing the yearly fixed administrative costs of operation and maintenance by the total number of billings.

(Ord. 303, passed 4-21-88)

#### **§ 53.075 USER CATEGORY REASSIGNMENT.**

The approving authority will reassign sewer users into appropriate sewer service charge categories if wastewater flow monitoring and sampling programs or other related information indicate a change of categories is necessary.

(Ord. 303, passed 4-21-88)

#### **§ 53.076 OPERATION, MAINTENANCE, REPLACEMENT, AND DEBT SERVICE FUNDS.**

(A) All revenues collected for the replacement fund, operation and maintenance and debt service, of the sanitary and storm water sewer service must be used solely for the replacement fund, operation and maintenance and debt service of the sanitary and storm water sewer service.

(B) All revenues collected for the replacement fund, operation and maintenance and debt service, of the wastewater collection and treatment facilities must be used solely for the replacement fund, operation and maintenance and debt service of the wastewater collection and treatment facilities.

(Ord. 303, passed 4-21-88; Am. Ord. 462, passed 6-18-20)

#### **§ 53.077 TOXIC POLLUTANTS; SURCHARGE.**

Any person discharging toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the municipality's wastewater treatment facility shall pay for those increased costs, as may be determined by the approving authority.

(Ord. 303, passed 4-21-88)

**§ 53.078 WASTES OF GREATER THAN NORMAL DOMESTIC STRENGTH.**

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

(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 plant, and no user is charged at a rate less than that of normal domestic strength wastewater.

(2) The measurements of these 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 for in § 53.057.

(B) Surcharges shall be computed in the following manner:

$$SC_i = (IC_i - NC_i) \times Q \times 8.34 \times CP_i$$

(C) For the formula above:

(1)  $SC_i$  = surcharge for BOD, TSS, or other constituent as determined by the city;

(2)  $IC_i$  = average concentration of BOD, TSS, or other constituent, in the user's wastewater discharge;

(3)  $NC_i$  = normal domestic strength concentration of BOD, TSS, or other constituent;

(4)  $Q$  = billable wastewater volume, in million gallons;

(5)  $CP_i$  = charge per pound of BOD, TSS or other constituent; and

(6) The value of  $CP_i$  is determined by dividing the yearly estimated operation, maintenance, and replacement costs attributable to BOD, TSS, or other significant waste constituent as determined by the city, by the total annual load of that constituent to the wastewater treatment facilities, in pounds.  
(Ord. 303, passed 4-21-88)

**§ 53.079 SEWER SERVICE CHARGES; CALCULATION AND BILLING.**

(A) *Calculation of sewer service charges.* Sewer service charges shall be computed according to the rates and formula presented in this chapter.

(B) *Sewer service charge billing period.* Sewer service charges shall be billed by the city to the sewer users on a monthly basis.

(C) *Payment of sewer service charges.* Persons billed by the city for sewer service charges shall pay those charges within 15 days after the billing date at the City Hall.

(Ord. 303, passed 4-21-88)

## **§ 53.080 DELINQUENT ACCOUNTS; PENALTIES; CIVIL ACTION.**

(A) *Penalties.* Sewer service charges levied by the city against the sewer users in accordance with this chapter shall be a debt due to the city and shall be a lien upon the property. If this debt is not paid within ten days after the fifteenth day of the month in which the bill is issued, it shall be deemed delinquent and may be placed on the next year's tax roll and be collected as other taxes are collected. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

(B) *Civil action.* Any charges levied pursuant to this chapter and which have been properly sent to the occupant or owner and not paid, may be recovered in a civil action by the city in any court of competent jurisdiction.

(Ord. 303, passed 4-21-88)

## **§ 53.081 CITY REVIEW; AUDIT; RATE NOTIFICATION; RECORDS.**

(A) *Annual audit.* The municipality shall annually review the wastewater contribution of its sewer users, the operation, maintenance, and replacement expenses of the wastewater collection and treatment facilities, and the sewer service charge system in accordance with those procedures established by the State Auditor's office and federal statutes (40 C.F.R. 35.2140(d)). Based on this review, the municipality shall revise the sewer service charge system, if necessary, to accomplish the following:

(1) Maintain a proportionate distribution of operation, maintenance, and replacement expenses among sewer users based on the wastewater volume and pollutant loadings discharged by the users;

(2) Generate sufficient revenues to pay the operation, maintenance, and replacement expenses of the wastewater collection and treatment facilities; and

(3) Apply excess revenues collected from a class of users to the operation, maintenance, and replacement expenses attributable to that class of users for the next year and adjust the sewer service charge rates accordingly.

(B) *Annual notification.* The municipality shall notify its sewer users annually about the sewer service charge rates. Notification shall separately indicate what portion of the rates are attributable to the user charge, as defined by this chapter. The notification shall occur in conjunction with a regular bill.

(C) *Records.* The municipality shall maintain records regarding wastewater flows and loadings, costs of the wastewater collection and treatment facilities, sampling programs, and other information which is necessary to document compliance with 40 C.F.R. 35, Subpart E of the Clean Water Act.

(Ord. 303, passed 4-21-88)

## ***ADMINISTRATION AND ENFORCEMENT***

### **§ 53.095 RIGHT OF ENTRY; IDENTIFICATION.**

(A) *Right of entry.* The approving authority or other duly authorized employees of the municipality, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, or testing, all in accordance with the provisions of this chapter. Should a duly authorized person be refused entry, the person may obtain an administrative search warrant in order to gain entry, unless an emergency exists which constitutes an imminent threat to the public's safety, health or welfare, in which case immediate entry may be made, and the city may shut off the water supply to the property following the procedures established in Chapter 51 and this chapter of the code.

(B) *Right to enter easements.* The approving authority or other duly authorized employees of the municipality, bearing proper credentials and identification, shall be permitted to enter all private properties through which the municipality holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, all subject to the terms, if any, of that easement.

(Ord. 303, passed 4-21-88)

### **§ 53.096 OBSERVATION OF SAFETY RULES.**

While performing the necessary work on private premises referred to in § 53.095, the duly authorized municipal employees shall observe all safety rules applicable to the premises established by the person.

(Ord. 303, passed 4-21-88)

**§ 53.097 VIOLATIONS A PUBLIC NUISANCE; NOTICE TO CORRECT.**

Any person found to be violating any provision of this chapter shall be declared a public nuisance and shall be served by the municipality with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(Ord. 303, passed 4-21-88)

**§ 53.098 PUBLIC NUISANCE; ABATEMENT WITHOUT NOTICE.**

If the approving authority determines that a public nuisance exists within the municipality and that there is great and immediate danger to the wastewater collection and treatment facilities or the public health, safety, peace, morals, or decency, the approving authority may cause the same to be abated and charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.

(Ord. 303, passed 4-21-88)

**§ 53.099 ACCIDENTAL DISCHARGE; DAMAGES.**

Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the wastewater collection and treatment facility and/or receiving body of water shall in addition to a fine, pay an amount to cover any damages, both values to be established by the approving authority.

(Ord. 303, passed 4-21-88) Penalty, see § 10.99

**§ 53.100 CONTINUED VIOLATIONS.**

Any person, partnership, or corporation, or any officer, agency, or employee thereof, who shall continue any violation beyond the notice time limit provided as stated in this chapter, shall, upon conviction thereof, be punished as provided in § 10.99. In default of payment of this forfeiture and costs, the violator shall be imprisoned in the County Jail for a period not to exceed 30 days.

(Ord. 303, passed 4-21-88) Penalty, see § 10.99

**§ 53.101 LIABILITY.**

Any person violating any provisions of this chapter shall become liable to the municipality for any expense, loss, or damage occasioned by reason of that violation which the municipality may suffer as a result thereof, including reasonable attorney's fees.

(Ord. 303, passed 4-21-88)

**§ 53.102 APPEALS PROCEDURE.**

(A) Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the approving authority interpreting or implementing the provision of this chapter, or in any permit issued herein, may file with the approving authority a written request for reconsideration within 10 days of the date of the decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The approving authority shall render a decision on the request for reconsideration to the user, permit applicant, or permit holder in writing within 15 days of receipt of request. If the ruling on the request for reconsideration made by the approving authority is unsatisfactory, the person requesting reconsideration may, within 10 days after notification of the action, file a written appeal with the City Council. A fee as named in Chapter 34 of this code shall accompany any appeal to the City Council for their ruling. This fee may be refunded if the appeal is sustained in favor of the appellant.

(B) The written appeal shall be heard by the City Council within 30 days from the date of filing. The Council shall make a final ruling on the appeal within 10 days from the date of hearing.

(Ord. 303, passed 4-21-88)