



ORDINANCE NO. 25

**CITY OF RICE LAKE, MINNESOTA
AN ORDINANCE ESTABLISHING SEWER REGULATIONS
August 24, 2020**

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ORDINANCE NO. 25
AN ORDINANCE ESTABLISHING SEWER REGULATIONS

Be it ordained and enacted by the City Council of the City of Rice Lake, State of Minnesota, as follows:

ARTICLE I
DEFINITIONS

Unless the context specifically indicates otherwise, the terms used in this Article have the meanings hereby designated as follows:

- Section 1.1 Authorized Inspector: an inspector authorized by the City to observe installation of Sewers and prepare the reports required by this document.
- Section 1.2 Authorized Representative: An agent, representative or person designated by the Council or the Utility Commission to act on the City's behalf and make decisions regarding the implementation of this Ordinance.
- Section 1.3 Biochemical Oxygen Demand or BOD: the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees Centigrade and as expressed in terms of milligrams per liter (mg/l). It represents the breakdown of carbonaceous materials as distinct from nitrogenous materials.
- Section 1.4 Building Drain: That part of the lowest horizontal piping of a drainage system which receives wastewater from inside the walls of a building and conveys Wastewater to the Building Sewer, ending three feet outside the inner face of the building wall.
- Section 1.5 Building Sewer: The extension from the Building Drain to the Public Sewer, Private Sewer, On-site Wastewater Disposal System or other place of disposal.
- Section 1.6 Capacity Allocation System: The WLSSD system that sets forth the methodology through which capacity in the Wastewater Treatment Facilities is allocated among the municipalities and directly connected Industrial Customers which the WLSSD serves.
- Section 1.7 Capacity Allocation Fee (CAF): The WLSSD fee to be paid by a User who makes a new Service Connection to the Public Sewer or a User of a Redeveloped Property.
- Section 1.8 Chairperson: Shall mean the chairperson of the Utilities Commission, or his/her duly authorized deputy, agent or representative.

- Section 1.9 City: City is the area within the boundaries of the City of Rice 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.
- Section 1.10 Clean Water Act: The Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, 33.U.S.C.1251 et seq.
- Section 1.11 Collection System: The pipes, land, devices, facilities, structures, equipment and processes owned by the City for the purpose of collection, transmission, storage, treatment, recycling and reclamation of wastewater.
- Section 1.12 Commercial User: Any User that is not an Industrial User or Residential User and which discharges Commercial Wastewater.
- Section 1.13 Commercial Wastewater. Any wastewater which is singly or by interaction with other wastes:
- a. NDSW generated by a user in the course of operating a business; or
 - b. exceeds NDSW limitations; or
 - c. exceeds normal residential unit volumes of Wastewater as established by the State.
- Section 1.14 Contractor Permit: The Permit issued by the City which must be obtained by a contractor before performing any work within a City right-of-way or prior to installing a Building Sewer or Service Connection.
- Section 1.15 Council: The City Council of the City of Rice Lake, Minnesota.
- Section 1.16 County. The County of Saint Louis, Minnesota.
- Section 1.17 County Health Department. The health department of the County.
- Section 1.18 Debt Service Charge. A charge to Users of Wastewater Treatment Facilities for the purpose of repaying capital costs.
- Section 1.19 Extra Strength Waste. Wastewater having a BOD and or TSS greater than NDSW and not otherwise classified as an Incompatible Waste.
- Section 1.20 Easement: Means an acquired legal right for the specific use of land owned by others.
- Section 1.21 Engineer: The Person designated as the City’s Engineer(s) or the authorized deputy, agent, or representative of the designated Engineer(s).

- Section 1.22 Flow: The quantity of Wastewater.
- Section 1.23 Foundation Drain: That portion of a drainage system provided only to drain ground water from outside the foundation of a building or from under the building's floor.
- Section 1.24 Garbage: Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce and animal products, including the packaging of such products.
- Section 1.25 Grinder Pump Station: A small pump station used to lift Wastewater into a Public Sewer or Building Sewer. A grinder pump station serves only one user and is owned, operated and maintained by the user.
- Section 1.26 Incompatible Waste: Waste that either singly or by interaction with other wastes interferes with any sewage treatment process, constitutes a hazard to humans or animals in spite of the treatment method used by the City, creates a public nuisance or creates any hazards in the receiving water of the Wastewater Treatment Facility.
- Section 1.27 Industrial User: Any User which discharges liquid, gaseous or solid processing waste from an industrial manufacturing process, trade, or business, or any User whose discharge singly or by interaction with other wastes:
- a. contaminates the sludge of the Wastewater Treatment Facilities;
 - b. injures or interferes with the treatment process;
 - c. creates a public nuisance or hazard;
 - d. has an adverse effect on the waters receiving Wastewater Treatment Facilities discharges;
 - e. exceeds NDSW limitations; or
 - f. exceeds normal residential unit volumes of Wastewater as established by the State.
- Section 1.28 Industrial Wastewater: The liquid, gaseous, and solid processing wastes from an industrial manufacturing process, trade, business or Industrial User.
- Section 1.29 Infiltration/Inflow or I/I: Water other than Wastewater that enters a Public Sewer or Service Connection from the ground or from surface runoff through such means as defective pipes, pipe joints, connections or manholes or from sources such as but not limited to, roof leaders, cellar drains, area drains, foundation drains, cross connections between Storm Sewers and Sanitary Sewers, catch basins, cooling towers, storm waters or drainage, as defined in Minnesota Rules.
- Section 1.30 Infiltration / Inflow Charge: An additional Sewer Service Charge to provide funding for infiltration and inflow removal.

- Section 1.31 Load: Quantities of Wastewater characteristics such as BOO, TSS, phosphorus or other constituents.
- Section 1.32 MPCA: The Minnesota Pollution Control Agency
- Section 1.33 National Categorical Pretreatment Standards: Federal regulations establishing Pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities found in Section 307(b) of the Clean Water Act.
- Section 1.34 National Pollutant Discharge Elimination System Permit or NPDES Permit:
A permit issued by the United State Environmental Protection Agency/MPCA setting limits on pollutant strength that a permittee may legally discharge into the waters of the United States pursuant to Sections 402 and 405 of the Clean Water Act.
- Section 1.35 Natural Outlet: Any outlet, including Storm Sewers and combined Sewers, which flows into a water course, pond, ditch, lake or other body or surface water or ground water.
- Section 1.36 Normal Domestic Strength Waste or NDSW: Wastewater that is introduced primarily by Residential Users with BOD concentrations not greater than 300mg/I and TSS concentrations not greater than 300 mg/I.
- Section 1.37 On-Site Wastewater Disposal Systems: Individual Sewage Treatment Systems or ISTS: An arrangement of devices or structures for treating domestic or non-domestic Wastewater approved for use by applicable regulations of the State or County and located on or adjacent to the property of the generator of the Wastewater.
- Section 1.38 Operation. Maintenance and Replacement Costs or OM&R: Expenditures necessary to provide for the dependable, economical and efficient functioning of the public sewer system throughout its design life, including operator training and permit fees and the establishment of reasonable funds to offset depreciation of the system. Replacement refers to obtaining and installing of equipment, accessories, or appurtenances which are necessary during the design life or useful life, whichever is longer of the system to maintain the performance for which such system was designed and constructed not the cost of future replacement of the entire system.
- Section 1.39 Permit: Written authorization from the City to perform acts allowed or required by this Ordinance.
- Section 1.40 Person: Any individual, firm, company, association, society, corporation (municipal or otherwise) or other group discharging Wastewater.

- Section 1.41 pH: The logarithm of the reciprocal weight of hydrogen ions in grams per liter of solution.
- Section 1.42 Pretreatment: The treatment of Wastewater prior to introduction thereof in to the Sewer or the WLSSD Wastewater Treatment Facilities.
- Section 1.43 Private Sewer or Private Wastewater Disposal System: A privately-owned Wastewater disposal system, including but not limited to a privately-owned On-Site Wastewater Disposal System.
- Section 1.44 Properly Shredded Garbage: Garbage and/or the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the Flow conditions normally prevailing in the Sanitary Sewer, with no particle greater than ½ inch (1.27 centimeters) in any dimension.
- Section 1.45 Public Sewers: Any Sewer or pumping facility owned or operated by the City or WLSSD. A public sewer may be gravity or pressure.
- Section 1.46 Redeveloped Property: A property presently connected, directly or indirectly, to the Wastewater Treatment Facilities that undergoes a change, the effect of which increases the volume or character of Wastewater discharged, directly or indirectly, to the Wastewater Treatment Facilities.
- Section 1.47 Residential User: A User whose building is used primarily as a private residence and discharges NDSW.
- Section 1.48 Sanitary Sewer: A Sewer designed to carry only liquid and water-carried wastes from residential, commercial and industrial sources.
- Section 1.49 Service Connection: The point at which the Building Sewer meets and is connected to the Public Sewer.
- Section 1.50 Septage: High strength Wastewater derived from pumping the septic tank of an On-site Wastewater Disposal System. The term “Septage: also includes the Wastewater derived from recreational vehicles; campers; portable toilets; boats, ships and other marine vehicles, and the like.
- Section 1.51 Sewer: A pipe or conduit that carries Wastewater or drainage water.
- Section 1.52 Sewer Trunk Fee: The fees and charges established from time to time for access to the Public Sewer.
- Section 1.53 Sewer Connection Fee: The fees and charges established from time to time for connection to the Public Sewer.

- Section 1.54 Sewer Service Charge: The total of the User Charge, Infiltration/Inflow Charge and the Debt Service Charge.
- Section 1.55 Sewer Service Charge System or SSCS: The sewer Service Charge system established pursuant to this Ordinance.
- Section 1.56 Shall: “Shall” is mandatory.
- Section 1.57 Slug: A discharge of Water or Wastewater which in Load or Flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24-hour concentration of Flow or Load during normal operation.
- Section 1.58 State: The State of Minnesota, its successors and assigns.
- Section 1.59 Standard Methods: The latest edition of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, the American Waterworks Association and the Water Environment Federation.
- Section 1.60 Storm Sewer: (sometimes termed “storm drain”) A sewer or drain intended to carry storm waters, surface runoff, groundwater, sub-surface water, street wash water, drainage and unpolluted water from any source.
- Section 1.61 Sump Pump: A pump, with related valves, pipe and fittings, installed for the purpose of evacuating water from a sump pit in the basement of a building designed to collect ground water from under the building.
- Section 1.62 Total Suspended Solids or TSS: The total suspended matter that either floats on the surface of, or is in suspension in, Water, Wastewater or other liquids, and is removable by laboratory filtering as prescribed in Standard Methods.
- Section 1.63 Toxic Pollutants: The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects as defined in standards issued pursuant to Section 307(a) of the Clean Water Act or Section 115.01, Subdivision 20 of Minnesota Statutes.
- Section 1.64 Unpolluted Water: Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards. An example could be non-contact cooling water.
- Section 1.65 User/Users: The owner of a Residential, Commercial or Industrial property that is connected to the Sewer System, and any occupant of the property.
- Section 1.66 User Charge: A charge to Users of the system for a User’s share of the Operation Maintenance, and Replacement Cost.

- Section 1.67 Wastewater: A combination of the liquid and water-carried wastes from the Users, including water-carried wastes from residences, business buildings, institutions, and industrial establishments. The term “Wastewater” also includes Septage.
- Section 1.68 Wastewater Treatment Facilities: The land, devices, facilities, structures, equipment and processes owned by the Western Lake Superior Sanitary District (WLSSD) for the purpose of the transmission, storage, treatment, recycling and reclamation of wastewater.
- Section 1.69 Watercourse: A channel in which a flow of water occurs, either continuously or intermittently.
- Section 1.70 WLSSD: The Western Lake Superior Sanitary District, a public corporation and political subdivision established by Minnesota Statute Chapter 458D.

ARTICLE II
GENERAL PROVISIONS

- Section 2.1 Purpose: The purpose of this Ordinance is to require and regulate the use of Public Sewers within the City of Rice Lake.
- Section 2.2 Construction: It is the intent of the City that this Ordinance be consistent with the policies, procedures and ordinances of the WLSSD to the extent possible. If, at any time, any conflict should arise between any provision of this Ordinance and the policies, procedures and ordinance of the WLSSD, the policies, procedures and ordinances of the WLSSD shall in all cases be controlling.
- Section 2.3 Standard Methods: All measurements, tests and analyses of the characteristics of waters and waste to which reference is made in this Ordinance must be determined in accordance with the provision set out in Standard Methods. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the City or its authorized representative.
- Section 2.4 Severability: The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence paragraph or section of this Ordinance is declared unconstitutional or otherwise invalid by the judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity will not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.
- Section 2.5 Amendments: This Ordinance cannot be amended except by further ordinance of the City.

ARTICLE III
CREATION OF SEWER UTILITY: CREATION OF UTILITIES COMMISSION

Section 3.1 Creation: There is hereby created a Sewer Utility within the City and a Utilities Commission.

Section 3.2 Management: The Sewer Utility created herein will be managed by the Utilities Commission. The Commission has control and general supervision of all Public Sewers, Service Connections in the City and is responsible for administering the provisions of this Ordinance to ensure that a proper and efficient Public Sewer is maintained.

Section 3.3 Establishment of Commission. A City Utilities Commission is hereby established. The Commission shall be the City planning agency as to the installation of water systems, sanitary sewer systems, storm sewer systems and stormwater management systems and as to fees to be charged for water service and sewer service in the City and shall be advisory directly to the City Council.

Section 3.4 Composition.

- a. Such Commission shall consist of five (5) members who are residents of the City to be appointed by the City Council. Two members shall have their terms expire on April 30, 2009; two members shall have their terms expire on April 30, 2010; and one (1) member shall have a term which expires on April 30, 2011. After the term of the original Commission members expire, members shall be appointed for a term of three years. Vacancies shall be filled by the Council for the remainder of the terms. Every appointed member shall, before entering upon the discharge of his/her duties, take an oath that he/she will faithfully discharge the duties of his/her office. All appointed members shall serve with compensation. The City Council designated as the Utilities Commissioner shall be an ex-officio member of the Commission.
- b. The City Council, having the power to appoint the Commission members, shall also have the authority to remove any appointed member when, in its judgment, the public welfare will be promoted by the removal. The City Council shall appoint the chair of the Commission.

Section 3.5 Organization, Meetings, Etc.

- a. The City Council shall name a chairperson and a secretary/vice-chairperson from the members of the Commission for the term of one year.
- b. The Commission shall hold one regular meeting each month and shall meet in addition thereto at the call of the Chairperson of the Commission. It shall

adopt rules for the transaction of business and shall keep a record of its resolutions, transactions and the findings, which record shall be a public record.

Section 3.6 Powers and Duties of Commission. The Utilities Commission shall be the planning agency for extension of water and sewer services in and to the City of Rice Lake. The Commission shall also supervise the operation and the maintenance of existing water and sewer systems in the City and advise the City Council as to suggested fees for water and sewer services.

ARTICLE IV

USE OF PUBLIC SEWER: WASTEWATER TREATMENT FACILITIES: METERING

- Section 4.1 Discharge Prohibited: No person(s) shall discharge or cause to be discharged any Unpolluted Water such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any Sanitary Sewer.
- Section 4.2 Unpolluted Water: Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as Storm Sewers or to a Natural Outlet approved by the City and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the City, to a Storm Sewer or Natural Outlet. Discharges to a Storm Sewer or Natural Outlet may require a National Pollutant Discharge Elimination System (NPDES) permit.
- Section 4.3 Septage: Septage may only be discharged or deposited into the Sanitary Sewer at locations specifically designated by the City.
- Section 4.4 Prohibitive Substances: No person(s) shall discharge or cause to be discharged any of the following substances in or to the Public Sewer:
- a. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient, either along or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the treatment facilities or to the operation of the treatment facilities. Prohibited materials include, but are not limited to, gasoline, benzene, naptha, fuel oil, toulene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
 - b. Any substance which either singly or by interaction with other waste will injure or interfere with any waste treatment process or wastewater treatment facilities, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the Wastewater Treatment Facilities, including but not limited to cyanides in excess of Federal and State requirements.
 - c. Any waters or wastes having a pH lower than 5.5 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the Wastewater Treatment Facilities and/or wastewater treatment works.
 - d. Solid or viscous substances which may either singly or by interaction with other wastes cause obstruction to the Flow in a Sewer, or other interference with the proper operation of the wastewater facilities including, but not limited to, ashes, bones, fish heads, fish scales, fish entrails, cinders, sand, mud, straw, shavings,

metal, glass, rags, sanitary napkins, feathers, tar, plastics, wood, Garbage which is not Properly Shredded Garbage, whole blood, paunch manure, hair and fletching, entrails and paper dishes, cups, milk containers, either whole or ground by Garbage grinders.

e. Wastewater containing Toxic Pollutants.

Section 4.5 Other Discharges: No Person may discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the City's Authorized Representative that such wastes can harm either the Sewers, sewage treatment process or Wastewater Treatment Facilities, have an adverse effect on the receiving waters, streams, soils, vegetation and ground water, or can otherwise cause injury or property damage, or constitute a nuisance. In forming an opinion as to the acceptability, the City's Authorized Representative will give consideration to such factors as WLSSD's NPDES Permit, the quantities of subject wastes, in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the treatment process, capacity of the sewage treatment plan, degree of treatability of wastes in the sewage treatment plan, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the City's Authorized Representative are as follows:

- a. Any Wastewater that would directly or indirectly result in a violation of WLSSD's NPDES permit.
- b. Any water or waste containing fats, wax, grease, oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees F. (0: 65 degrees C).
- c. Any Garbage that is not properly Shredded Garbage.
- d. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F. (65 degrees C), or causing, individually or in combination with other Wastewater, the influent at the treatment facilities to have a temperature exceeding 104 degrees F (40 degrees C) or having heat in amounts which will be detrimental to biological activity in treatment facilities.
- e. Any Waters or wastes containing iron, chromium, copper, zinc, nickel, lead, cadmium, mercury, cyanide, PCBs, and similar toxic or objectionable substances to such degree that any such material received in the composite sewage at the treatment facilities exceeds the limits established by the MPCA for such materials.

- f. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the City's Authorized Representative as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City's Authorized Representative, in compliance with applicable State and Federal regulations.
- h. Materials which contain or cause, whether along or by interaction with other substances, release of noxious gases or form Suspended Solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as but not limited to, sodium chloride and sodium sulfate) that would interfere with treatment facilities or create a condition deleterious to or cause disruption to wastewater treatment facilities and process.
- i. Materials which contain or cause excessive discoloration which cannot be removed in the treatment process (such as, but not limited to, dye wastes and vegetable tanning solution.)
- j. Unusual BOD, chemical oxygen demand, or disinfection requirements in such quantities as to constitute a significant Load on the treatment facilities, except by Permit or specific written agreement with the City.
- k. Unusual volume of Flow or concentration of wastes that constitutes a Slug.
- l. Waters or wastes containing substances which are not amenable to treatment or reduction by treatment process employed, or are amenable to treatment only to such degree that the treatment facilities effluent cannot meet the requirements or causes a violation of the regulations of the agencies having jurisdiction over discharge to the receiving waters or a amenable to treatment only by the application of extraordinary processes.
- m. Wastewater with BOD or suspended solids levels greater than defined as Normal Domestic Strength Waste, except as may be permitted by specific written agreement with the City subject to Section 4.12.
- n. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils or products of mineral oil origin.

- o. Wastewater containing substances which cannot be treated to produce effluent quality required by WLSSD or causing a violation of any applicable local, state or federal regulation.
- p. Noxious or malodorous liquids, gases, or solids.
- q. Water or waste containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed or are amenable to treatment only to such degree that the wastewater treatment facilities effluent cannot meet the requirements of the NPDES Permit issued to WLSSD or are amenable to treatment only by the application of extraordinary processes.

Section 4.6 Lower Limitations: The City's Authorized Representative may set limitations lower than the prohibition limits outlined above. Consideration will be given to such factors as the quantity of waste in relation to Flows and velocities, materials of construction, WLSSD's NPDES Permit, capacity of the treatment plant, degree of treatability of wastes and other pertinent factors.

Section 4.7 Grease, Oil and Sand Interceptors:

- a. Grease, oil and sand interceptors (sometimes called traps) must be provided at the User's expense when, in the opinion of the City's Authorized Representative, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, any flammable wastes, sand or other harmful constituents. Facilities requiring interceptors include, but are not limited to, the following:
 - i. Buildings with commercial kitchens,
 - ii. Truck or car wash facilities, and
 - iii. Automotive or truck repair garages.
- b. All interceptors must be of a type and capacity approved by the City's Authorized Representative and must be readily and easily accessible for cleaning and inspection. The User will be responsible for the maintenance of interceptors including proper removal and disposal of the captured materials by appropriate means and must maintain a record of dates and means of disposal that are subject to review by the City. Any material removal and hauling must be performed by User or a currently licensed waste disposal firm and in compliance with all applicable laws and regulations.

Section 4.8 Pretreatment: Where preliminary treatment or flow-equalizing facilities are provided or required for any waters or wastes, specifications and any other pertinent information relating thereto must be submitted for approval of the City

and WLSSD. No construction of such facilities may be commenced until approval in writing is granted by the City and WLSSD. Where such facilities are provided, they must be maintained continuously in satisfactory and effective operating order by the User at User's expense and will be subject to periodic inspection by the City and WLSSD to determine that such facilities are being operated in conformance with applicable federal, state and local laws, regulations and permits. The User must maintain operating records and must submit to the City and WLSSD a monthly summary report of the character of the influent and effluent to show the performance of the pretreatment facilities and for comparison against WLSSD and the City's monitoring records.

Section 4.9 Metering and Testing of Waste:

- a. Metering and Testing Industrial User: When required by the City or WLSSD, Industrial Users must install and maintain, at their own expense, a suitable structure or control manhole with such necessary meters and other testing equipment needed to facilitate observation, sampling, and measurement of the Wastewater. The manhole shall be safe and accessible at all times and must be constructed in accordance with the plans and specifications approved by the City and WLSSD.
- b. Laboratory Analysis: The City or WLSSD may require submission of laboratory analyses to illustrate compliance with this Ordinance and any special conditions for discharge established by the City or responsible regulatory agency. All measurements, tests, and analyses to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods". Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the City's Authorized Representative. The Industrial User must report the results of measurements and laboratory analyses to the City at such times and in such manner as prescribed by the City. The Industrial User must 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 its own measurements and samples for analysis by an independent laboratory.
- c. Metering and Testing of Commercial Users: The City, in its sole discretion, may require Commercial Users to install and maintain, at their own expense, a suitable structure or control manhole with such necessary meters and other testing equipment needed to facilitate observation, sampling and measurement of Wastewater. The manhole shall be safe and accessible at all times and must be constructed in accordance with the plans and specifications approved by the City and WLSSD.

- d. Water Meters: Where required by the City, water meters must be installed on a User's water supply lines to facilitate measurement of Wastewater generated. The City shall own, supply, install and maintain meters. The costs of installation, maintenance, meter readings, and related expenses shall be recovered by the City through a fee set by City. The meters must be accessible to the City at all times.

Section 4.10 Dilution of Discharges: No User may increase the use of process water or in any manner attempt to dilute a discharge as partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this Ordinance, the National Categorical Pretreatment Standards and any State or local requirement.

Section 4.11 Accidental Discharges:

- a. Where required by the City or WLSSD, User must provide protection from an accidental discharge of substances regulated by this Ordinance. Where necessary, facilities to prevent accidental discharges of prohibited materials must be provided and maintained at the Users expense. Detailed plans and operating procedures of said facilities must be submitted to the City for review and approval prior to construction of the facility. Approval of such plans and operating procedures will not relieve User from the responsibility of modifying the facility as necessary to meet the requirements of this Ordinance.
- b. Users must notify the City immediately if a Slug or accidental discharge of Wastewater occurs in violation of this Ordinance. Notification will not relieve Users of liability for any expenses, loss or damage to the Wastewater Treatment Facilities or for resulting fines imposed on the City by any regulating agency.
- c. A notice must be permanently posted on the Industrial Users bulletin Council or other prominent place, advising employees of the emergency notification procedure in the event of a Slug or accidental discharge.

Section 4.12 Contracts with Users: Subject to the agreement for Wastewater treatment with WLSSD, no statement contained in this Ordinance will prevent any special agreement or arrangement between the City and any Commercial User or Industrial User. Industrial waste of unusual strength or character may be subject to adequate pretreatment by the Industrial User, providing that National Categorical Pretreatment Standards and NPDES Permit and SOS Permit limitations are not violated, and that payment of the OM & R is in proportion to the Industrial Users contribution of Load to the Treatment Facilities, in accordance with the provisions of this Ordinance.

Section 4.13 Downstream Capacity: Any new connection to the Sanitary Sewer system is prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for Flow, POD and TSS as determined by the City's Authorized Representative

Section 4.14 Costs Borne by Property Owner: All costs and expenses incidental to the installation and connection of the Building Sewer shall be borne by the property owner. The property owner shall indemnify the City from any loss or damage to the Sanitary Sewer that may directly or indirectly be caused by the installation of the Building Sewer.

Section 4.15 Building Sewers:

- a. A separate and independent Building Sewer shall be provided for every building; except where an existing building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the Building Sewer from the front building may be extended to the rear building, provided:
 - i. An additional sewer connection fee and CAF shall be paid for each additional extension; and
 - ii. That the City's Authorized Representative determines that the connecting Sanitary Sewer lines are sufficient to handle the expected volume of sewage.
- b. All Building Sewers, including the Service Connection, shall be owned and maintained by the property owner.
- c. All costs associated with Building Sewer and Service Connection installation and maintenance shall be borne by the property owner. This includes the cost of crossing or restoring any roadways disturbed during Building Sewer installation.
- d. Old Building Sewers may be used to serve new buildings only when, after compliance with Section 5.3, they are found to meet all requirements of this Ordinance. All costs for inspection, testing and repair of old Building Sewers shall be borne by the property owner.
- e. The size, slope, alignment, and materials of construction of a Building Sewer; the methods to be used in excavating, placing of the pipe, testing, and backfilling the trench; and each Service connection must conform to the requirements of the State Building and Plumbing Code, applicable rules and regulations of the City and the materials and procedural specifications

set forth in the American Society of Testing Materials (ASTM) and the Water Environment Federation (WEF) Manual of Practice No. 9. All Service Connections must be made gas and watertight and must be verified by proper testing to prevent Infiltration/Inflow. Any deviation from these prescribed procedures and materials must be approved by the City's Authorized Representative before installation.

- f. Whenever possible, the Building Sewer must 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, Wastewater must be lifted by a Grinder Pump Station and discharged to the Building Sewer or Sanitary Sewer. All costs for lifting wastewater shall be borne by the property owner.
- g. No Unpolluted Water sources may be connected to the Sanitary Sewer.
- h. No private Building Drain may extend beyond the limits of the building or property for which the Permit has been given.
- i. The installation and operation of any Garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater is subject to the review and approval of the City's Authorized Representative.
- j. All Building Sewers, Service Connections, pumps and other equipment must conform to specifications established by the City from time to time. Installation of a Building Sewer, Service Connection, pump or other equipment which does not comply with the requirements of the City is a violation of this Ordinance. The City reserves the right to discontinue service to a property served by a Building Sewer, Service Connection, pump or other equipment which does not comply with the requirements of the City.
- k. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or indirectly to a public sanitary sewer.
- l. The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the City's Authorized Representative.
- m. The City may require the installation of permanent testing appurtenances, such as cleanouts, during Builder Sewer construction for future testing to ensure water tightness.

- Section 4.16 Testing Existing Building Sewers: The City reserves the right to test, or require the property owner to test, any existing Building Sewer or Service Connection to verify they are gas and watertight to prevent infiltration of groundwater. Any Building Sewer or Service Connection found not to be gas and/or watertight shall be repaired or replaced at the property owner's expense.
- Section 4.17 Tracer Wire: All new Building Sewers shall have a tracing wire installed to facilitate locating the pipe in the future. The tracer wire shall run continuously from the Service Connection to the building and shall daylight at the building. All tracer wires for Building Sewers shall be green in color.
- Section 4.18 Grinder Pump Stations: Where Wastewater must be lifted to be discharged to the Building Sewer or Public Sewer or where the Public Sewer is pressurized, the property owner must purchase and install a Grinder Pump Station. Grinder Pump Stations shall be of a type and design approved by the City. All Grinder Pump Stations shall be installed outside of the building unless approved otherwise by the City's Authorized Representative. All costs for Grinder Pump Stations, including operation and maintenance, shall be borne by the property owner.
- Section 4.19 Excavations must be Guarded: All excavations must 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 must be restored to as good or better condition than before work commenced and in a manner satisfactory to the City's Authorized Representative.
- Section 4.20 Rules and Regulations: The City may, by resolution, adopt reasonable rules and regulations relating to Sewer construction, use, maintenance or discharge and shall govern all Wastewater deposit or disposal, either directly or indirectly, within the City.

ARTICLE V
USE OF PUBLIC SEWERS REQUIRED

Section 5.1 Service Connection Required:

- a. Within 90 days of receiving written notification from the City of Public Sewer availability, the owners of all properties adjacent to the Sanitary Sewer collection system must install a suitable Service Connection and terminate On-Site Wastewater Disposal Systems at their own expense, in accordance with the provisions of this Ordinance.
- b. Within 120 days after written notification of Public Sewer availability, the On-Site Wastewater Disposal System must be abandoned in accord with current requirements of the County, the MPCA and all other regulatory agencies. The abandonment of the On-Site Wastewater Disposal System shall be at the property owner's sole expense.
- c. For purposes of this Ordinance, a Sanitary Sewer will be considered available if adjacent to a property to be served or located within 100 feet of any property line of the property to be served and within 400 feet of the house or building to be connected to the Sanitary Sewer. If a property that is currently served is subdivided so that new parcels are accessed from the same road, any new structures on the new parcels shall be connected to the Sanitary Sewer regardless of distance.

Section 5.2 Failure to Connect:

- a. In the event a property owner fails to connect to the Public Sewer or fails to terminate an On-Site Wastewater Disposal System in compliance with a notice given under this ordinance, the City may:
 - i. have said work done and charge the property owner the cost of the Service Connection and may collect such amounts in the manner set forth in this Ordinance; or
 - ii. collect the sewer trunk fee, sewer connection fee, and sewer capacity allocation fee and start billing the property owner the monthly non-metered sewer usage fee, sewer service charge, and other monthly fees as if the property was connected to the Public Sewer; or
 - iii. instruct the property owner to hire a Permitted Contractor to connect the house or building to the Public Sewer and abandon the On-Site Wastewater Disposal System, then submit invoice to City for payment to Contractor along with the Voluntary Assessment Agreement. Such costs would then be assessed to the property.

- b. Costs for such Service Connection will include the actual cost of connection, the cost of abandonment of the On-Site Wastewater Disposal System and a Sewer Access Charge, or similar fees and charges, as defined in the Sewer Service Charge System.

Section 5.3 Inspection and Repair of Building Sewer, Foundation Drain and Sump Pump.

- a. In the following circumstances, property owners shall inspect, and provide to the City a report of the results of an inspection of, the Building Sewers, Foundation Drains and Sump Pumps on their property prepared by a licensed plumber using closed circuit television inspection or other inspection or test method approved by the City's Authorized Representative:
 - i. When building a new structure on property with an existing Building Sewer, or when otherwise proposing to connect a previously unconnected structure to an existing Building Sewer;
 - ii. As a condition of approval of any major building remodel project. A major building remodel project is one that is estimated by the City to cost \$50,000.00 or more;
 - iii. Prior to the close of escrow when the property is transferred via sale or other transfer of ownership by deed, instrument or writing as provided in Article XI; and
 - iv. Whenever the city finds that a sewage overflow emanating from a Building Sewer presents a threat to public health, even if it has not flowed across a property line.
- b. The Building Sewer shall be considered defective if it has any of the following conditions: displaced joints, root intrusion, substantial deterioration of the lines, damaged clean-out, defective clean-out, inflow/infiltration, or other conditions likely to substantially increase the chance for blockage.
- c. The Foundation Drain or Sump Pump shall be considered defective if it discharges in any way that allows clear water to enter the Building Sewer or the Public Sewer.
- d. In the absence of a specific deadline, all inspection and testing work shall be completed within sixty days of notification by the City that such inspection is required. Existing Building Sewers shall not be used if they are found to be defective by the inspection or if they fail City mandated tests or if they were constructed of materials deemed unacceptable by the City's Authorized Representative.

- e. As part of its periodic construction and maintenance of the Public Sewer, the City may discover defective Building Sewers, Foundation Drains or Sump Pumps. The City may order the property owner to conduct an inspection, repair or replacement of any Building Sewer, Foundation Drain or Sump Pump that the City knows or reasonably suspects to be defective or connected to the Building Sewer or Public Sewer.
- f. If found defective, the property owner shall repair the Building Sewer, at the sole expense of the property owner. The City's Authorized Representative shall determine the extent of repair required, and more limited repair than complete replacement of the lateral may be permitted at the sole discretion of the City's Authorized Representative. The following requirements shall be met.
 - i. A replaced or repaired lateral shall not be covered or backfilled until it has been inspected by a representative of the City.
 - ii. All new and repaired laterals must pass an air pressure test as specified by the City's Authorized Representative.
- g. Roots, grease, or other material which have accumulated in a Building Sewer shall be prevented from entering the Public Sewer during the maintenance or repair of the Building Sewer. In the event that material is permitted to enter the Public Sewer causing or contributing to the cause of a sewage spill, the property owner and/or contractor performing such maintenance work, in addition to any criminal penalties imposed, shall be held civilly liable to the City for any fines or other expenses incurred by the City resulting from the spill.
- h. If found to be contributing clear water to the Building Sewer or Public Sewer, the Foundation Drain or Sump Pump, the property owner shall repair the Foundation Drain or Sump Pump, at the sole expense of the property owner. The City's Authorized Representative shall determine the extent of repair required. All Foundation Drains or Sump Pumps disconnected from the Building Sewer or Public Sewer must be inspected by the City's Authorized Representative.

Section 5.4 Inspection and Repair of Building Sewer, Foundation Drain and Sump Pump – By City

- a. The City shall, on a 10-year rotation cycle, inspect all Building Sewer, Foundation Drain, and Sump Pumps within the City.

- b. The inspections will be conducted by licensed plumbing contractors or City staff.
- c. If the Building Sewer is found to be defective, as defined in Section 5.3, paragraph (b), repair must be completed within ninety days of notification by the City that a defect has been found and must be repaired according to Section 5.3, paragraph (f).
- d. If the Foundation Drain or Sump Pump is found to be defective, as defined in Section 5.3, paragraph (c), repair must be completed within ninety days of notification by the City that a defect has been found and must be repaired according to Section 5.4, paragraph (h).

ARTICLE VI

PERMITS REQUIRED; CONTRACTOR PERMITS: APPLICATIONS

Section 6.1 Permits Required:

- a. Except for City employees, agents, or representatives acting in the course of employment, no Person(s) may make any alterations to the Public Sewer or any appurtenances thereof or any connection thereto without first:
 - i. obtaining a written Permit from the City in accordance with any rules and regulations promulgated by the City pursuant to the provisions of this Ordinance; and
 - ii. submission to the City of a report, in form and substance satisfactory to the City, and prepared by an Authorized Inspector which indicates that no I/I or Unpolluted Water will be discharged in the Public Sewer as a result of the Service Connection for which the Permit is sought.
- b. There will be two classes of Service Connection Permits:
 - i. Users discharging Normal Domestic Strength Wastewater to Sanitary Sewers; and
 - ii. Users discharging non-Normal Domestic Strength Wastewater to Sanitary Sewers.
- c. The property owner or their agent must make application for a Permit on a form furnished by the City. The application must be supplemented by any plans, specifications or other information considered pertinent in the

judgment of the City's Authorized Representative or necessary to comply with any rules or regulations of the City.

- d. An application fee, in an amount established by the City, must be paid to the City at the time the application is filed.
- e. All costs and expenses incidental to the installation of the Service Connection must be borne by the property owner. The property owner must indemnify the City from any loss or damage to the Sanitary Sewer that may directly or indirectly be caused by the installation of the Building Sewer.
- f. No Service Connection Permit will be issued unless the City's Authorized Representative first determines that:
 - i. all City, and WLSSD Wastewater Treatment Facilities have sufficient capacity to accommodate the Flow and Load to be discharged as a result of the Service Connection;
 - ii. the design specifications for the Service Connections, including any pumps, are compatible with the Public Sewer and the Treatment Facilities;
 - iii. the report required by Section 6.1a has been submitted to the City; and
 - iv. the design and construction of the Service Connection complies in all respects with the provisions of this Ordinance and any rules and regulations promulgated by the City.
- g. No Permit will be issued with respect to any property, the use of which is not in compliance with the requirements of any applicable land use and zoning regulations and, if applicable, the City of Rice Lake Comprehensive Land Use Plan.
- h. The applicant for the Permit must notify the City's Authorized Representative when the Building Sewer is ready for installation of the Service Connection. The area to be inspected must be open for inspection and backfilling must not have commenced. All connections to the Public Sewer must be made under the supervision of the City's Authorized Representative.
- i. All Building Sewers shall be pressure tested in the presence of the City's Authorized Representative.

- j. Extensions of the Public Sewer shall require City, MPCA and WLSSD permits.
- k. The City may adopt rules and regulations as to the manner in which permits will be issued. After adoption, the rules and regulations must be placed on file in the general office of the City.

Section 6.2 Contractor Permit:

- a. A Contractor Permit issued by the City is required to install any Building Sewer or Service Connection or to perform any work within a City road right of way. Any Person desiring a Contractor Permit must apply in writing to the City, providing satisfactory evidence of the applicant's qualifications. If approved by the City's Authorized Representative, the Contractor Permit will be issued by the City upon the filing of a bond as herein provided.
- b. In order to assure proper installation and performance, a Permit to install a Building Sewer or Service Connection will not be issued until a \$25,000.00 performance bond in favor of the City, in a form acceptable to the City, has been filed with the City. The permittee will be required to indemnify the City and the property owner from all lawsuits, claims and damages that may arise by reason of any excavation in any street, road, private road, alley or public ground, made by the permittee, or permittees agent, employee or contractor. The permittee will also be required to show proof of insurance coverage in form and substance satisfactory to the City.
- c. The fee for a Contractor Permit will be established by the City and must be paid to the City at the time of application.
- d. All Contractor Permits will expire on December 31 of each calendar year unless the Contractor Permit is extended, suspended or revoked by the City.
- e. The Council may adopt rules and regulations as to the manner in which Contractor Permits will be granted. After adoption, the rules and regulations must be placed on file in the general office of the City.

Section 6.3 Contractor Permit Revocation: The City may suspend or revoke any Contractor Permit for any of the following reasons:

- a. Giving false information in connection with the application for a Contractor Permit or other information filed with the City.
- b. Failure of the permittee to perform work in a reasonable workmanlike manner as determined by the City's Authorized Representative.

- c. Violation of any provisions of this Ordinance or any rule or regulation pertaining to the making of Service Connections.
- d. Failure to adequately protect and indemnify the City and the property owner from damages caused by work performed by or on behalf of permittee.
- e. Failure to complete work promptly.

Section 6.4 Additional Information: The City's Authorized Representative and the WLSSD may require a User of Sewer services and applicant for Sewer service to provide information needed to determine compliance with this Ordinance. These requirements may include, but are not limited to:

- a. Wastewater Peak Flow and volume over a specified period of time;
- b. Chemical analysis of Wastewater;
- c. Information on raw materials, processes and products affecting Wastewater volume and quality;
- d. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to Sewer use control;
- e. A plot plan of the User's property showing Sewer and Pretreatment facility or Flow equalizing facility location;
- f. Details of Wastewater Pretreatment or Flow equalizing facilities;
- g. Details of systems to prevent and control the losses of materials through spills to the Public Sewer; and
- h. Access to User's premises so that the City and WLSSD personnel may carry out sampling, monitoring and measurement of User's discharges.

Section 6.5 Disclosure of Information: Industrial Users are required to provide information concerning industrial processes that have a direct bearing on the type and source of discharge to the Public Sewer. An industry may withhold information claimed confidential, upon establishing that the information in question has been protected by the User as a trade secret or treated as confidential and that the industrial process does not have deleterious impacts on the treatment process.

Section 6.6 Rules and Regulations: The City may adopt rules and regulations as to the manner in which Service Connections must be made.

ARTICLE VII
DAMAGE TO THE FACILITIES: REMEDIES

Section 7.1 General:

- a. No person may maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the Public Sewer.
- b. It is unlawful for any Person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under jurisdiction of the City, any human or animal excrement, Garbage, or other putrescible waste.
- c. It is unlawful to discharge to any Natural Outlet or Watercourse within the City or in any area within the jurisdiction of the City any Wastewater or other polluted waters, except where suitable treatment as defined by State and Federal Regulation and/or in accordance with the City's NPDES Permit has been provided in accordance with the provisions of this Ordinance.

Section 7.2 Deposits or Obstructions:

- a. No Person may permit any substance or material that may form a deposit or obstruction of Flow to be discharged into the Public Sewer. Whenever any Service Connection or Building Sewer becomes clogged, obstructed, detrimental to the use of the Public Sewer, or unfit for the purpose of drainage, the property owner must make repairs as directed by the City.
- b. If 48 hours after receiving written notice from the City, the property owner has not commenced repairs, the City may have said work done and may collect such amounts in the manner set forth in this Ordinance.

Section 7.3 Unauthorized Discharges:

- a. In the event of discharges or proposed discharges to the Public Sewers that contain substances or possess characteristics prohibited in this Ordinance or which in the judgment of the City's Authorized Representative may have a deleterious effect on the City's system, processes, equipment, receiving waters, soils, vegetation, or which create a hazard or nuisance, the City's Authorized Representative may:
 - i. Refuse to accept the wastes.

- ii. Require Pretreatment to an acceptable condition for discharge to the Public Sewers, pursuant to Section 307 (b) of the Clean Water Act, as amended.
 - iii. Require control over the quantities and rates of discharge.
 - iv. Require additional payment by the User or property owner to the City to cover any added costs of handling, treating and disposing of wastes not covered by Sewer Access Charges or Sewer Service Charges.
- b. If the City's Authorized Representative requires Pretreatment or equalization of the Flow, the design and installation of such plant and equipment are subject to review and approval by the City and subject to the requirements of all applicable Federal and State statutes and regulations, and the National Categorical Pretreatment Standards.

Section 7.4 Emergency Repairs: Notwithstanding anything in this Ordinance to the contrary, in the event of damage to Sewers or the Wastewater Treatment Facilities that disrupts other Users, the City may, without notice to the User, repair such damage.

Section 7.5 Charges for City Expenses: In addition to penalties that may be imposed for violation of any provision of this Ordinance, the City may collect from the property owner, in the manner set forth in this Ordinance, the cost of repairing or restoring Sewers and associated facilities damaged as a result of the discharge of prohibited wastes .

Section 7.6 Repairs Within the Rights of Way: The City may effect any repairs to the Service Connection and Building Sewer coming from the structure generating the sewage to the sewer main when such repairs fall within the City's or County's right of way and require excavation of such sewer line within the right of way. The property owner shall make all required repairs outside of the right of way. All such repairs within the right of way shall be made at the expense of the owner of the property to which such sewer service connects. Upon making such repairs, the City shall bill the property owner for the costs incurred by the City, including restoration of the right of way. In the event the property owner fails to pay such costs within 30 days of the date of invoice, the City may certify such costs to the County Auditor for collection with the property taxes pursuant to Minn. Stat. § 366.012 and Minn. Stat. § 415.01.

ARTICLE VIII
POWERS AND AUTHORITY OF INSPECTORS

- Section 8.1 Rights of Entry: The City's Authorized Representative and other duly authorized employees or agents of the City bearing proper identification must be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, testing, repair and maintenance in accordance with the provisions of this Ordinance. Notwithstanding the foregoing, the City's Authorized Representative has no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industrial processes that do not have a direct bearing on the kind and source of discharge to the Public Sewers or Wastewater Treatment Facilities. While performing work on private property as authorized by this Ordinance, the City's Authorized Representative must observe all safety rules applicable to the premises
- Section 8.2 Easements: The City's Authorized Representative, upon presenting proper identification, must be permitted to enter all properties upon which the City holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, testing, repair and maintenance of any portion of the wastewater system lying within said easement.

ARTICLE IX
SEWER SERVICE CHARGE SYSTEM: SEWER TRUNK FEE:
CONNECTION FEE

Section 9.1 Sewer Service Charge System Established:

- a. The City hereby establishes a Sewer Service Charge System. All Sewer Service Charge Accounts for Users shall be in the name of the property owner. The property owner shall be liable for all services provided to the property, whether or not the property owner is occupying the property. Any unpaid charges for services to the property shall be a lien upon the property and collected pursuant to Section 10.4.
- b. All revenue collected from Users of the Wastewater Disposal System located within the City will be used for annual operation, maintenance, replacement and capital costs.
- c. Unless otherwise provided in a written agreement with the City, each User must pay a share of operation, maintenance and replacement costs. The City may establish a flat rate applicable to each User Class.
- d. Each User may also be required to pay a Debt Service Charge to retire local capital costs as determined by the City.
- e. Each User may also be required to pay an Infiltration/Inflow Charge to provide funding for infiltration and inflow removal as determined by the City.
- f. Unless otherwise provided by the City, the capital costs of an On-Site Wastewater Disposal System must be borne by the owner thereof.

Section 9.2 Sewer Service Charge System:

- a. Unless otherwise provided in a written agreement with the City, charges to Users of the Wastewater Disposal System will be established in a Sewer Service Charge System (SSCS) developed by the City according to the provision of this Ordinance.
- b. The Sewer Service Charges established in this Ordinance will not prevent the assessment of additional charges to Users who discharge wastes with concentrations greater than NDSW or discharge wastes of unusual character. The following conditions apply to such discharges:
 - i. No User with such wastes will be charged at a rate less than that of NDSW.

- ii. The measurements of such wastes will be conducted according to the latest edition of Standard Methods in a manner acceptable to the Council as provided for in this Ordinance.
- iii. The discharge of such wastes shall not violate WLSSD's NPDES Permit and Sewer use regulations.
- iv. A Study of unit costs of treatment processes attributable to Flow, BOD, TSS and other significant loadings will be developed by the User and submitted to the City and WLSSD for determining the proportionate allocations of costs to Users discharging wastes of greater than NDSW or wastes of unusual character.
- v. Any additional costs caused by discharges to the Wastewater Disposal System of Toxic Pollutants or other Incompatible Wastes, including the cost of restoring the Wastewater Disposal System and/or related services, clean up and restoration of the receiving waters and environment, fines or penalties levied by regulatory agencies and sludge disposal, must be borne by the discharger(s) of said wastes, at no expense to the City.

Section 9.3 User Classes:

- a. Users of the Wastewater Disposal System will be identified as belonging to one of the following User classes:
 - i. Commercial,
 - ii. Industrial,
 - iii. Residential, or
 - iv. Other.
- b. The allocation of these Users to these categories for the purpose of assessing User Charges and Debt Service Charges will be the responsibility of the City's Authorized Representative.
- c. Allocation of Users to User classes will be based on the substantive intent of the definitions of these classes contained herein.
- d. Industrial Users who discharge NDSW only can be classified as Commercial Users for the purpose of rate determination.
- e. The charge to each User may consist of a separate component for Flow, Infiltration/Inflow, OM&R and a Debt Service Charge.

- Section 9.4 Capacity Allocation Fees: The City will collect Capacity Allocation Fees in the amounts specified by WLSSD.
- Section 9.5 Inspection Fees: The Sewer Connection Fee shall be in an amount to collect adequate funds for the City's Authorized Representative to inspect a Building Sewer and/or a Service Connection on two occasions. Any additional inspections will be billed by the City directly to the User.
- Section 9.6 Payment: New Users will not be allowed to connect to the Public Sewer until the Trunk Fees, Sewer Connection Fee and Capacity Allocation Fee are paid in full. New Users will not be allowed to use the Public Sewer until all Inspection Fees are paid.
- Section 9.7 Sewer Service Fund Established: The City hereby establishes a Sewer Service Fund (SSF) as an income fund to receive all revenues generated by the SSCS and all other income dedicated to the Collection System.
- Section 9.8 Administration of the Sewer Service Fund:
- a. The SSF will be held and administered by the City and must be separate and apart from other accounts of the City. Revenue received in the SSF may be transferred to the following accounts established as income and expenditure accounts.
 - i. Operation and Maintenance
 - ii. Equipment Replacement
 - iii. Debt Retirement for the Collection System.
 - b. The City will maintain a proper system of accounts and records suitable for determining the operation, maintenance, replacement (OM&R) and debt retirement costs of the Collection System.
 - c. The Council upon the recommendation of the Utilities Commission will determine annually whether sufficient revenue is being generated for the effective management and retirement of debt for the Collection System. If necessary, the City will revise the SSCS to ensure sufficient funds for operation and maintenance of the Collection System by the City and to retire any debt service associated with the Collection System.
 - d. Sewer Service Charges will be billed to the property owner by the City on a monthly basis. Any bill not paid in full 15 days after the due date will be considered delinquent and the City may send a written notice to the User. The delinquent bill may be collected by the City in any manner allowed by law, including via certification to the County Auditor for collection with

the property taxes pursuant to Minn. Stat. § 444.075, or Minn. Stat. §§ 366.012 and 415.01.

- e. Any charges authorized to be collected from any users which are not timely paid, including but not limited to unpaid charges for sewer service, connection charges, sewer access charges, sewer connection fees, capacity allocation fees, sewer service line repairs and sewer line inspection fees, may be certified to the County Auditor for collection with the property taxes pursuant to Minn. Stat. § 444.075, or Minn. Stat. §§ 366.012 and 415.01.

Section 9.9 Multi-Family Unit and Mobile Home Metering.

- a. The City of Rice Lake mandates on any multi-family building and all properties upon which multiple mobile home units are located, and which is connected to the municipal water or sewer system, the landowner shall install, at landowner's expense, a master water meter which shall monitor all water consumed on the property.
- b. The City of Rice Lake will invoice the landowner for the sewer consumed based on the actual usage of the master water meter. All charges for sewer service authorized by City ordinance shall be imposed against the owner of the land upon which the sewer service has been used and shall be a joint and several liability of the owner and occupant(s) if the premises is not owner occupied. The owner shall be responsible for monitoring and shall be liable for the cost of sewer service supplied to the owner's property, whether the owner is occupying the property or not, and all charges shall be a lien upon the property until paid. All charges shall be due and payable as provided by City ordinance or as provided by separate resolution of the City Council or by administrative billing statement, if not provided in this section.
- c. Any unpaid charges shall constitute a lien against the premises from and after the date they were due and unpaid and shall be certified to the county auditor for collection with taxes. If the utility account is not paid in full in a timely fashion, the City of Rice Lake will notify the land owner and certify any unpaid balance to the landowner's property taxes periodically as allowed per Minnesota State Statute 444.075.

ARTICLE X
PENALTIES FOR ORDINANCE VIOLATION

Section 10.1 Violation Unlawful:

It is unlawful for any Person to violate any provision or to fail to comply with any of the requirements of this Ordinance.

Section 10.2 Notice:

Any Person violating or found to have violated any provision of this Ordinance will be sent by U.S. Mail a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof. The Person must permanently cease all violations within the period of time stated in such notice.

Section 10.3 Fines and Penalties:

- a. Any Person who continues any violation beyond the time limit provided for in section 10.2 shall be fined an amount not to exceed \$1000.00 or such greater amounts as may be permitted by State or federal law, for each violation. In addition, any Person who violates any provision of this ordinance shall, upon conviction, be guilty of a misdemeanor. The penalty shall be a sentence of not more than ninety (90) days or a fine of not more than one thousand dollars (\$1,000), or both. In either case, the costs of prosecution shall also be imposed upon the violator.
- b. Each act or violation and every day on which any such violation continues beyond the time limit provided for in section 10.2 is a separate offense.
- c. In addition to any penalties provided for in this section, if any Person fails to comply with any provision of this Ordinance, the City or any City official designated by it, may institute appropriate proceedings at law or at equity to restrain, correct or abate the violation.

Section 10.4 Delinquent Accounts:

- a. The City may file a civil action suit or may levy a lien against the violator's property to collect delinquent Sewer Service Charges. Related attorney's fees may also be collected or levied.
- b. In the event the City charges property owner for the cost of any work permitted under this Ordinance, and such amounts are not paid by the property owner within thirty (30) days, the City may certify unpaid penalties and charges and related expenses including attorney fees, to the

County Auditor against the property on which the work was performed, for collection as other property taxes are collected.

- c. *Penalties.* A late payment penalty of ten percent (10%) shall be assessed on the full balance of all accounts with a past due balance. In addition, the City can assess its attorney fees and costs incurred in collecting a past due balance.
- d. *Certification for collection with taxes.* Unpaid charges on utility accounts shall not be certified to the County Auditor until notice and an opportunity for a hearing have been provided to the owner of the premises involved. The notice shall be sent by first class mail and shall state that if payment is not made before the date for certification, the entire amount unpaid plus penalties will be certified to the County Auditor for collection as other taxes are collected. The notice shall also state that the occupant may, before such certification date, attend or schedule a hearing on the matter to object to certification of unpaid utility charges.
- e. A hearing shall be held on the matter by the City Council. Property owners with unpaid utility charges shall have the opportunity to object to the certification of unpaid charges to be collected as taxes are collected. If, after the hearing, the Council finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this subchapter, the city may certify the unpaid charges to the county auditor for collection as other taxes are collected.
- f. For each certification sustained, the property owner shall have the following options after the hearing:
 - (1) To pay the certified delinquent amount after the hearing date, but before the certification deadline.
 - (2) To pay the certified charges as billed to them by the county on their property tax statement with a collection term of one (1) year.
- g. Fifteen (15) days after the hearing, the certified roll, minus any payments, shall be delivered to the County Auditor.

Section 10.5 City's Costs Incurred Due to Failure to Connect: In the event the City incurs costs under the provisions of this Ordinance on a property, but the User or property owner failures to connect, the City shall assess the cost thereof against the benefited property. Such assessment, when levied, will bear interest to the rate determined by the City and will be certified to the Auditor of the County and collected and remitted to the City in the same manner as assessments for local

improvements. The right of the City to collect these costs is in addition to any other penalties or enforcement provisions of this Ordinance.

Section 10.6 Liability: Any Person violating any of the provisions of this Ordinance will become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.

Section 10.7 Enforcement Alternatives: Notwithstanding any provision in this Ordinance to the contrary, the City may use any remedy or alternative available in law or statute in the enforcement of this Ordinance, including exercise of the City's power of eminent domain, criminal or civil actions and the enforcement of the Hazardous and Substandard Buildings Act, Minnesota Statutes, Section 463.15 through 463.

Section 10.8 Remedies Cumulative: Any remedies or penalties provided in this Ordinance are cumulative and in addition to any other remedies, either in law or equity, that may be available to the City.

ARTICLE XI
NOTIFICATION TO BUYERS AND MORTGAGEES

- Section 11.1 **Application:** This Section applies to the transfer or encumbrance of interests in property, which is required to be served by the Public Sewer, as set out in Article V, except notification is not required if new construction of the Building Sewer or a prior inspection as provided in Section 5.3 has occurred within five (5) years;
- Section 11.2 **Time of Notice.** Within 30 days before, or at the time of, a transfer of title, or a transfer of an interest in, or the entering into of a contract for deed for, or contract for sale of, or a real estate transaction closing set by provisions of a previous purchase agreement of a property described in Section 11.1 above a written notice must be given;
- Section 11.3 **Distribution.** The notice referred to in Section 11.2 above must be given by the owner or seller and it must be given to each buyer, each mortgagee, each recipient of an interest in the property, and the City;
- Section 11.4 **Form of Notice.** The notice referred to in Section 11.2 and 11.3 above shall be written, in a form acceptable for recording by the St. Louis County recorder of deeds and in the form of a sworn affidavit. It shall contain the following information:
- a. Identify the property;
 - b. The fact that inspection and repair of the Building Sewer is required by this Ordinance upon transfer of an interest in the property, as referred to in Section 5.3;
 - c. That under this Ordinance the City has the authority to require inspection of the Building Sewer and remediation actions by the property owner, which can include disconnection of all sources of I & I and repair of the Building Sewer, so that the property comes into compliance;
 - d. That, in addition to costs of remediation, the maximum penalty for noncompliance as provided in Section 10.3 is currently \$1,000 each day of noncompliance.

ARTICLE XII
EFFECTIVE DATE

Section 12. REPEALER

This ordinance hereby repeals and replaces Ordinance #25, approved May 22, 2017, establishing sewer regulations for the city of rice lake, and any amendments thereto prior to the date of passage of this ordinance.

Ordinance #25 was adopted this 24th day of August 2020 and shall become effective upon its passage and publication according to law.

John Werner, Mayor

ATTEST:

Toni Blomdahl, City Clerk-Treasurer