

## ORDINANCE 137

### AN ORDINANCE PROVIDING FOR THE REGULATION OF SEWERS IN THE VILLAGE OF BIRD ISLAND, ESTABLISHING RULES AND REGULATIONS FOR THE USE OF SEWERS OWNED BY THE VILLAGE OF BIRD ISLAND, PROVIDING PENALTIES FOR THE VIOLATIONS OF THE PROVISIONS OF THE ORDINANCE, AND PRESCRIBING EFFECTIVE DATES.

The Village Council of the Village of Bird Island, Minnesota, in the County of Renville and the State of Minnesota, do ordain:

SECTION I. DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Subdivision 1. BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20\* C. expressed in milligrams per liter.

Subdivision 2. Building Drain shall mean that 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, beginning five feet outside the inner face of the building wall.

Subdivision 3. Combined Sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

Subdivision 4. Combined Sewer shall mean a sewer receiving both surface runoff and sewage.

Subdivision 5. Garbage shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Subdivision 6. Sanitary Wastes shall mean the liquid wastes conducted away from residences, business buildings, and institutions.

Subdivision 7. Industrial Wastes shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Subdivision 8. Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

Subdivision 9. Person shall mean any individual, firm, company, association, society, corporation, or group.

Subdivision 10. pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Subdivision 11. Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

Subdivision 12. Public Sewer shall mean a sewer in which all owners of abutting and properties have equal rights, and is controlled by public authority.

Subdivision 13. Sanitary Sewer shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Subdivision 14. Sewage shall mean a combination of the watercarried wastes from residences, business buildings, institutions, and industrial establishments, together with ground surface, and stormwaters as may be present.

Subdivision 15. Sewage Treatment Plant shall mean any arrangement of devices and structures used for treating sewage.

Subdivision 16. Sewage Works shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Subdivision 17. Sewer shall mean a pipe of conduit for carrying sewage.

Subdivision 18. Shall is mandatory; May is permissive.

Subdivision 19. Slug shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent of in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hour concentration or flows during normal operation.

Subdivision 20. Storm Drain (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Subdivision 21. Village shall mean the Village of Bird Island or its officers, or employees authorized to perform the functions to which there is reference.

Subdivision 22. Suspended Solids shall mean solids that either float on the surface of, or are in suspension in sewage, or other liquids, and which are removable by laboratory filtering.

Subdivision 23. Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

## SECTION II. Use of Public Sewers; Prohibited Discharges; Interceptors; Standards of Tests.

Subdivision 1. Water Prohibited in System; Provision therefore. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as combined sewers or storm sewers, or to a natural outlet approved by the Village Council. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Village Council, to a storm sewer, combined sewer, or natural outlet.

Subdivision 2. Discharge Prohibited. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of 2 mg/l as CN in the wastes as discharged to the public sewer.
- C. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works 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, etc. either whole or ground by garbage grinders.

Subdivision 3. Discharges Subject to Discretion of Council; Material Prohibited.

No persons shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Village Council that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In formits opinion as to the acceptability of these wastes, the Village Council shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- A. Any liquid or vapor having a temperature higher than 150\* Fahrenheit, 65\* Centigrade.
- B. Any water or waste containing fats, wax, grease, or oil whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify of become viscous at temperatures between 32\* and 150\* Fahrenheit, 0\* and 65\* Centigrade.
- C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of ¾ horsepower or greater shall be subject to the review and approval of the Village Council.
- D. Any waters or wastes containing strong acid from pickling wastes, or concentrated plating solutions whether neutralized or not.
- E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Village Council 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 Village Council 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 Village in compliance with applicable State or Federal regulations.
- H. Any waters or wastes having a pH in excess of 9.5.
- I. Materials which exert or cause:
  - 1. BOD in excess of 250 ppm which is the normal limit of domestic sewage.
  - 2. Volume of flow or concentration of wastes constituting “slugs” as defined herein.
- J. Waters of wastes containing substances which are not amenable to treatment or reduction by sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Subdivision 4. Village Council Options. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subd. 3 of this Section, and which in the judgment of the Village Council, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village Council may:

- A. Reject the wastes.
- B. Require pretreatment to an acceptable conditions for discharge to the public sewers.
- 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 Subd. 9 of this section. If the Village Council permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Council, and subject to the requirements of all applicable codes, ordinances and laws.

Subdivision 5. Interceptors. Grease, oil, and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type as to be readily and easily accessible for cleaning and inspection.

Subdivision 6. Preliminary Treatment. Where preliminary treatment or flow-equalizing facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Subdivision 7. Manholes. When required by the Village Council, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manholes, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Village Council. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Subdivision 8. Standards. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works, and to determine the existence of hazards to life, limb and property.

Subdivision 9. Special Agreement With Industrial Concerns. No provision in this section shall be constructed to prevent any special agreement or arrangement between the Village Council and any industrial concern whereby an industrial waste of unusual strength of character may be accepted by the Village Council for treatment, subject to payment therefore, by the industrial concern.

### SECTION III. Right to Enter; Powers and Duties of Inspectors.

Subdivision 1. Right to Enter. The Village Council, by its authorized employees, agents, or designees, shall have the right to enter and be admitted by any lands and properties in the Village for the purposes of inspection of its system on any property on, in, or under which it may be located and the making of necessary repairs thereto and for maintenance thereof, for the proper and appropriate inspection and testing of private systems and facilities provided for in this Ordinance, and for inspection as to the proper removal or destruction of private sewer systems no longer permitted under the provisions of this Ordinance.

Subdivision 2. Inspection at Reasonable Hours. All inspections and entry for normal maintenance and repairs authorized hereunder shall be made only at reasonable hours and on proper and appropriate notice to the owner or owners of the properties subject to inspection. In the event of emergency, only such entry shall be made as shall be necessary to insure the adequate functioning of the system.

Subdivision 3. Prohibited Actions. Nothing in this Section shall be construed to permit breaking and entering nor the violations of any criminal sanctions imposed on the public generally. No more information than is necessary for the proper functioning of the system or for the enforcement of the provisions of this Ordinance shall be solicited or received.

SECTION IV. Severability. If any section or subdivision of this Ordinance shall be held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance, which shall continue in full force and effect.

SECTION V. Violations; Penalties.

Subdivision 1. Discretionary Matters. As to any provision herein which gives the Village Council discretion, the Council shall cause to be served on the person, firm, or corporation by mailed notice a copy of the action of the Council, giving the said person, firm or corporation a fixed number of days, not less than ten, in which to comply therewith. Unless the said person, firm or corporation requests a hearing within the said period, the said action or decision of the Council shall be deemed a mandatory regulation and a violation thereof shall thereupon be a misdemeanor.

Subdivision 2. Mandatory or Prohibited Acts. Any person, firm or corporation who or which fails to perform within the time permitted herein any act required by this Ordinance shall be guilty of a misdemeanor.

Subdivision 3. Penalties. Any person convicted of any misdemeanor hereunder shall upon conviction thereof be punished by a fine of not more than \$300.00 or by confinement in the County Jail or not to exceed 90 days, plus the costs of prosecution in either case. Any firm or corporation convicted of a misdemeanor hereunder shall be punished by a fine of not more than \$300.00

SECTION VI. Effective Date.

This Ordinance shall take effect and be in force from and after its passage and publication according to law. Adopted and approved this 21<sup>st</sup> day of November A.D. 1973.

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W.M. Bunker, Mayor

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Frank T. Saunders, Clerk

PUBLISHED: November 29, 1973 in Bird Island Union.