

ORDINANCE 149

AN ORDINANCE REGULATING THE USE OF PUBLIC SEWERS FOR THE CITY OF BIRD ISLAND, MINNESOTA

The City Council of the City of Bird Island, Minnesota hereby ordains:

SECTION 1.00. SEWER UES CODE

SECTION 1.05. Definitions

Subdivision 1. For the purpose of this Ordinance, the following words and terms shall have the meaning set out below, unless the context specifically indicates otherwise.

Subdivision 2. “BOD” (Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20* C. expressed in milligrams per liter. Laboratory procedures shall be in accordance with the latest edition of Standard Methods For The Examination Of Water and Wastewater.

Subdivision 3. “Building Drain” means that part of the lower 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 (5) feet outside the inner face of the building wall.

Subdivision 4. “Building Sewer” means the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Subdivision 5. “City” is the area within the corporate boundaries of the City of Bird Island, 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.

Subdivision 6. “COD” (chemical oxygen demand) means the quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedures as set out in the latest edition of Standard Methods For the Examination Of Water and Wastewater.

Subdivision 7. “Combined Sewer” means a sewer originally designed to receive both surface water and runoff and sewage.

Subdivision 8. “Garbage” means solid waste resulting from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage, or sale of meat, fish, fowl, fruit, vegetable, or condemned food.

Subdivision 9. “Industrial Wastes” means the solid, liquid, or gaseous wastes resulting from an industrial or manufacturing processes, trade or business, or from the development, recovery, or processing of natural resources.

Subdivision 10. “NPDES Permit” (National Pollutant Discharge Elimination System Permit) means the system for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone, and the oceans by the Environmental Protection Agency pursuant to the Federal Water Pollution Control Act of 1972, Section 402 and 405.

Subdivision 11. “Natural Outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

Subdivision 12. Normal domestic wastewater is wastewater characterized by wastes created in the preparation of foods, bathing, laundry facilities and sanitary facilities, i.e., resulting from normal living functions.

Subdivision 13. “Other Wastes” shall mean garbage, municipal refuse, decayed wood sawdust, shavings, bark, lime, sand, ashes, oil, tar, chemicals, offal, and other substances except sewage and other wastes.

Subdivision 14. “Person” means any individual, firm company, association, society, corporation, municipal corporation, governmental unit, or group.

Subdivision 15. “ph” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Subdivision 16. “Process Water” means any water used in the manufacturing, preparation or production of goods, materials, or food. Process water is an industrial waste.

Subdivision 17. “Public Sewer” means any sewer owned or operated by unit or agency of government.

Subdivision 18. “Sanitary Sewer” means a sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.

Subdivision 19. “Sanitary Waste” means the liquid and water carried waste discharge from sanitary plumbing facilities.

Subdivision 20. “Sewage” or “Wastewater” means the water carried waste products from residences, public buildings, institutions, industrial establishments or other building including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground, surface, and storm waters as may be present.

Subdivision 21. “Sewer” means a pipe or conduit for carrying sewage, industrial wastes or other waste liquids.

Subdivision 22. “Sewer System” means pipelines or conduits, pumping stations, forcemains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes or other wastes to a point of ultimate disposal.

Subdivision 23. “Shall” is mandatory. “May” is permissive.

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

Subdivision 25. “Storm Sewer” (sometimes termed Storm Drain) means a sewer which carries storm or surface water and drainage, but excludes sewage and industrial waste, other than unpolluted cooling or process water.

Subdivision 26. “Suspended Solids” means solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering in accordance with the latest edition of Standard Methods For The Examination Of Water and Wastewater.

Subdivision 27. “Unpolluted Water” means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean or noxious or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety, or welfare to domestic, commercial, industrial or recreational uses; or to livestock, wild animals, birds, fish, or other aquatic life.

Subdivision 28. “Wastewater Facilities” means the structures, equipment, or processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

Subdivision 29. “Wastewater Treatment Works” or “Treatment Works” means as arrangement of devises and structures for treatment of wastewater, industrial waste, and sludge. Sometimes used as synonymous for “wastewater treatment plant” or “waste treatment plant” or “water pollution control plant” or “sewage treatment plant.”

SECTION 1.10. USE OF PUBLIC SEWERS

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

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

Subdivision 3. The owner of any building or property which is located within the City and from which wastewater is discharged, shall be required to connect to a public sewer at his expense within 90 days of the date said public sewer is operational, provided that said public sewer is within 60 feet of the structure generating the wastewater and such public sewer is located in a public right-of-way or easement for sewer purposes adjacent to the property. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this subdivision, an official 90 day notice shall be served instructing the affected property owner to make said connection.

Subdivision 4. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Section 1.10, Subdivision 3 of this Ordinance, the City may undertake to have said connection made and shall assess the cost thereof against the benefited property. Such assessment shall be a lien against said property. Such assessment, when levied, shall bear interest at the legal rate for local improvements and shall be certified to the Auditor of the County or Renville, Minnesota, and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City shall be in addition to any remedial or enforcement provisions of this Ordinance.

Subdivision 5. No person shall discharge or cause to be discharged directly or indirectly any storm water, ground water, roof runoff, subsurface drainage, waste from on-site disposal systems, unpolluted cooling or processing water to any sanitary sewer except as permitted by the City or other local unit of government.

Subdivision 6. Storm water and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or processing water shall only be so discharged upon approval by the City or other unit of local government.

Subdivision 7. No person shall discharge or cause to be discharged directly or indirectly, any of the following described substances to any public sewer:

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

Subdivision 8. No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewer unless in the opinion of the City such discharge will not harm the wastewater facilities, nor cause obstruction to the flow in sewers, nor otherwise endanger life, limb, or public property, nor constitute a nuisance. In forming its opinion as to the acceptability of the wastes, the City may give consideration to such factors as the quantities of the subject wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, the City's NPDES permit, and other pertinent factors.

The City may make such determinations either on a general basis or as to discharge from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur.

The Substances prohibited are:

- a) Any liquid or vapor having a temperature in excess of one hundred fifty (150) degrees F. (65 degrees C.)
- b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F. (zero (0) and sixty-five (65) degrees C.)
- c) Any garbage that has not been ground or comminuted to such degree that all particles will be carried freely in suspension under flows normally prevailing in the public sewers, with no particles greater than one-half (1/2) inch in any dimension.
- d) Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- e) Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment, or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the State or Federal Government, or any other public agency with proper authority to regulate the discharge from the sewage treatment plant.
- f) Any radioactive wastes or isotopes of such half-life or concentration that they are not in compliance with regulations issued by the appropriate authority having control over their use or may cause damage or hazards to the treatment works or personnel operating it.
- g) Any water or wastes having pH in excess of 9.5.
- h) Materials which exert or cause:
 - (1) Unusual concentrations or suspended solids, (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting a slug.
 - (5) Water or water containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the NPDES Permit, or requirements of other governmental agencies having jurisdiction over discharge from the sewage treatment plant.

Subdivision 9. If any water or wastes are discharged, or are proposed to be discharged directly or indirectly to the public sewers, which water or wastes do not meet the standards set out in or promulgated under this Subsection, or which in the jurisdiction of the City may have a deleterious effect upon the treatment works, processes, equipment, or receiving water, or which otherwise create a hazard to life, or constitute a public nuisance, the City may take all or any of the following steps:

- a) Refuse to accept the discharges.
- b) Require control over the quantities and rates of discharge.
- c) Require pretreatment to an acceptable condition for the discharge to the public sewers.
- d) Require payment to cover the added cost of handling or treating the wastes.

The design and installation of the plant and equipment for pretreatment or equalization of flows shall be subject to the review and approval of the City, and subject to the requirements of 40 CFR 403, entitled "Pretreatment Standards", and the Minnesota Pollution Control Agency.

Subdivision 10. Grease, oil and mud interceptors shall be provided when they are necessary for the proper handling or liquid wastes containing floatable grease in excessive amounts, as specified in Subdivision 8 b) of this Ordinance, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling unit. All interceptors shall not be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection.

Subdivision 11. Where preliminary treatment flow equalization, or interceptors are required for any water or waste, they shall be effectively operated and maintained continuously in satisfactory and effective condition by the owner at his expense and shall be available for inspection by the City at all reasonable times.

Subdivision 12. When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure and equipment, when required, shall be constructed at the owner's expense in accordance with plans approved by the City and shall be maintained by the owner so as to be safe and accessible at all times.

Subdivision 13. All measurements, tests and analyses of the characteristics of water and waste to which reference is made in this Ordinance shall be determined in accordance with 40 CFR 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants"; the latest edition of Standard Methods For the Examination of Water and Wastewater and shall be determined at the control structure provided, or upon suitable samples taken at said control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effluent constituents and their effect upon the treatment works and to determine the existence of hazards to life, health and property. Sampling methods, location, times, duration, and frequencies are to be determined on an individual basis subject to approval by the City.

Subdivision 14. The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the City, be required to provide laboratory measurements, tests, and analyses of waters or wastes to illustrate compliance with this Ordinance and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the City at such times and in such manner as prescribed by the City. The owner shall bear the expense of all measurements, analyses and reporting required by the City. At such times deemed necessary the City reserves the right to take measurements and samples for analysis by an outside laboratory.

Subdivision 15. New connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including, but not limited to, capacity for flow, BOD, and suspended solids.

Subdivision 16. No statement contained in this Section shall be constructed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character

may be accepted by the City for treatment, subject to payment therefore by the industrial concern, in accordance with applicable ordinances and any supplemental agreements with the City.

SECTION 1.15 PRIVATE SEWAGE DISPOSAL

Subdivision 1. Where a public sanitary sewer is not available under the provisions of SECTION 1.10, the building sewer shall be connected to a private sewage disposal system complying with the rules and regulations of the City.

Subdivision 2. No new private sewer systems or sewer system extensions shall be constructed within the City without first obtaining written approval of the system plan and the materials to be used in the construction of said system.

SECTION 1.20 BUILDING SEWERS AND CONNECTIONS

Subdivision 1.

- a) It is unlawful for any person to engage in the work or business of installing private sewer service lines and appurtenances for others without a license therefore from the City.
- b) Any person desiring to engage in such work shall make application to the City on forms to be supplied by the City together with a fee in the amount of \$10.00. All licenses issued shall be for one (1) calendar year only and each renewal shall be made by application together with a \$10.00 annual fee. A plumber licensed by the State Board of Health shall pay no fee to the City, but shall show evidence of the State license before the City issues a license.
- c) Each applicant for license shall sign an agreement on such form as may be delivered by the City agreeing to pay the City the actual cost of repair for any damage caused to the City sewer system by the applicant, or by any of his employees or agents. This agreement shall accompany the license application.
- d) Each applicant shall accompany his application with a certificate of insurance in a company acceptable to the City showing public liability insurance in a company acceptable to the City showing public liability insurance coverage with limits of at least \$100,000 per person; \$250,000 per occurrence, and \$10,000 for property damage. Such certificate shall specifically state that such insurance covers underground construction operations and shall contain a provision that the coverage afforded under the policies will not be cancelled or materially changed until at least 15 days prior written notice has been given to the City.

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

- a) Application for a permit to perform work on a sewer service connection within the City shall be made on a form supplied by the City by the person or firm who will be performing such work to the City along with a fee of \$10.00 for the installation of a new connection. The City may waive the fee requirements for repair work. The person or firm performing such work shall be licensed to perform such work by the City.
- b) After approval of the permit application by the City, the applicant shall furnish to the City a performance bond in the amount of \$500.00. The performance bond shall be for the good and faithful performance of all work on public and private property relative to the work being performed. The bond shall be payable to the City and the owner of the property on which such work is being performed. The bond shall warrant the work for a period of one year from the date of completion.
- c) The City Clerk shall issue a permit for the work after the application is approved and the bond is received.

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

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

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

Subdivision 6. Unused septic tanks, cesspools, leaching pit, and similar devices and structures shall be backfilled or made safe and unusable in a manner acceptable to the City.

Subdivision 7. The size, slope, alignment, and materials of construction of a building sewer and the method used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building code and plumbing code; or other applicable rules and regulations. In the absence of code provisions, or in amplifications thereof, the materials and procedures set forth in appropriate specifications of the "Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9" and the American Society for Testing Materials (A.S.T.M.) Standards shall apply.

Subdivision 8. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer such building drain shall be provided with a lifting device by an approved means and discharged to the building sewer.

Subdivision 9. No person shall make connection of roof downspouts, roof drains, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

Subdivision 10. The construction of the building sewer and its connection into the public sewer shall conform to the requirements of the State of Minnesota Plumbing Code, the sewer specifications included herein, and other applicable rules and regulations and procedures adopted by the City. All such construction shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City prior to installation.

Subdivision 11. Employees of the City shall be allowed to inspect the work at any stage of construction and, in the event, the applicant for the permit shall notify the City when the work is ready for final inspection and no underground portions shall be covered before the final inspection is complete. The connection shall be made under the supervision of the City or its representative.

Subdivision 12. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed during the course of the work shall be restored in a manner satisfactory to the City.

SECTION 1.25 NAIM AND LATERAL SEWER CONSTRUCTION

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

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

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

SECTION 1.30 PROTECTION FROM DAMAGE

Subdivision 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities.

SECTION 1.35 AUTHORITY OF INSPECTORS

Subdivision 1. Duly authorized employees of the City shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. Those employees shall have no authority to inquire into processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries except as is necessary to determine the kind and source of the discharge to the public sewer.

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

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

SECTION 1.40 PENALTIES

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

Subdivision 2. Any Person who shall continue any violation beyond the time limit provided for in said written notice shall be guilty of a misdemeanor and or conviction thereof shall be fined in the amount not exceeding \$500.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

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

SECTION 1.45 VALIDITY

Subdivision 1. The validity of any section, subdivision, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

SECTION 1.50

This ordinance replaces and supersedes Ordinance No. _____ and such Ordinance No. _____ shall be cancelled upon adoption of this Ordinance.

SECTION 1.55 EFFECTIVE DATE

Subdivision 1. This Ordinance shall be in full force and in effect from and after its passage, approval, recording and publication as provided by law.

Subdivision 2. Passed and adopted by the City Council of the City of Bird Island on the _____ day of _____ 1981.

Mayor

City Clerk