CHAPTER VII

PUBLIC UTILITIES

Section 700 - Franchises

700.01. Various utility franchises. Subdivision 1. Intent. The ordinances listed in subdivision 2 as they existed on the effective date of this code, are made a part of this code as if fully set forth herein. These ordinances, being franchises to various public and private utilities, were unaffected by the adoption of this code and are on file as originally adopted by the city in the office of the city clerk-treasurer as appendix IV to this code. Nothing in this section is to be construed as modifying, amending or abridging any term or condition of any franchise ordinance.

Subd. 2. Franchise ordinances.

(a) Ordinance No. 99 Minnegasco, Inc. (effective date: June 10, 1984; term: 20 years);

(b) Ordinance No. 101 Western Gas Utilities, Inc. (effective date: June 8, 1986; term: 10 years);

(c) Ordinance No. 107 - Wright-Hennepin Cooperative Electric Association (effective date: May 16, 1988; term: 20 years).

(d) Ordinance No. 03-0513-01 Centerpoint Energy (DBA Minnegasco) (effective date: June 14, 2003; term: 20 years

(e) Ordinance No. 2006-04 Xcel Energy (DBA Northern States Power) (effective date: May 6, 2006; term: 20 years)

(f) Ordinance No. 2006-07 Xcel Gas Franchise (effective date: March 17, 2007; Term: 20 years)

(g) Ordinance No. 2011-02 (Amended, Ordinance No. 2011-11) Wright-Hennepin Cooperative Electric Association (effective date: May 10, 2011; term: 20 years)

(h) Ordinance No. 2011-14 Northern States Power Company (DBA Xcel Energy) (effective date: December 13, 2011; term: 20 years)

Section 705 - On-site Sewage Treatment
(Repealed, Ord. No. 99-04)

Section 705 – Individual Sewage Treatment Systems
(Added, Ord. No. 99-04)

705.01. Purpose and intent. The purpose of this Section 705 shall be to provide minimum standards for and regulation of individual sewage treatment systems (ISTS) and septage disposal including the proper location, design, construction, operation, maintenance and repair to protect surface water and ground water from contamination by human sewage and waterborne household and commercial waste; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes, chapters 115 and 145A and Minnesota Rules, chapter 7080, as amended, that may pertain to sewage and wastewater treatment.

705.02. Definitions. Subdivision 1. The following definitions are provided for reference and ease of use of this code, however, all terms used within section 705 shall be defined as found in Minnesota Rules, chapter 7080, as amended. (Added, Ord. 2007-03, Sec. 1)

Subd. 2. Failing system. "Failing system" means a seepage pit, cesspool, drywell, leaching pit, other pit, a tank that obviously leaks below the designated operating depth, or any system with less than the required vertical separation as described in Minnesota Rules, part 7080.0060, subpart 3. (Added, Ord. 2007-03, Sec. 1)

Subd. 3. Imminent threat to public health or safety. "Imminent threat to public health or safety" means situations with the potential to immediately and adversely affect or threaten public health or safety. At a minimum, this includes ground surface or surface water discharges and sewage backup into a dwelling or other establishment. (Added, Ord. 2007-03, Sec. 1)

Subd. 4. Notice of noncompliance. "Notice of noncompliance" means a document written and signed by a qualified employee or licensee after a compliance inspection that gives notice an individual sewage treatment system is not in compliance as specified under Minnesota Rules, part 7080.0060. (Added, Ord. 2007-03, Sec. 1)

705.03. Standards for individual sewage treatment systems; adopted by reference. Subdivision 1. The provisions of Minnesota Rules, parts 7080.0010 to 7080.0400, 7080.0600 to 7080.0950 and 7080.0179, are adopted and incorporated by reference. To the extent that any standards established by this section are inconsistent with the provisions of Minnesota Rules, the more restrictive standard shall apply. (Amended, Ord. 2000-01, Sec. 1)

Subd. 2. Additional local standards. The following standards are adopted as more restrictive standards, pursuant to part 7080.0305. Each of the following standards provides an additional measure of public health or environmental protection and an additional measure of safety than is provided by the standards adopted by reference at subdivision 1 of this subsection:

(a) Part 7080.0130, subpart 3.A is modified by requiring at least two septic tanks with a minimum capacity of 1,000 gallons each for all dwellings with four or fewer bedrooms.

(b) Part 7080.0160, subpart 1.C. is modified to require either an alternating two-pump system or have a minimum total capacity of 1,000 gallons or 100% of the average design flow, whichever is greater.

(c) Systems designed or installed on any lot greater than 12% and trench systems constructed on greater than 18% slopes shall be classified as other systems as defined in Part 7080.0200, subpart 25.B. (Amended, Ord. No. 2000-01, Sec. 2; Ord. No. 2001-02, Sec. 1)

(d) All waste waters discharged into the septic system shall be metered on all non-single family uses.

Subd. 3. Alternative or other systems. Alternative new technology and performance or "other" systems installed in accordance with part 7080.0172, subpart 1.B, part 7080.0178, subpart 2, and part 7080.0179, subpart 2, may be utilized on existing developed lots either to replace existing septic systems or as newly-installed systems. Such alternative or "other" systems may only be utilized after approval through the permit approval process set forth in section 705.11, subdivision 8. (Added, Ord. No. 2001-02, Sec. 2)

705.05. License requirements. No person shall engage in the design, installation, alteration, repair, maintenance, pumping or inspection of an on-site ISTS without first obtaining a license to perform such tasks from the Minnesota Pollution Control Agency, except as provided under part 7080.0700, subpart 1. The requirement to obtain a license does not apply to qualified employees as defined in part 7080.0020.

705.07. Additional soil treatment area requirements. All lots that are not served by municipal sewer and do not have at least two designated areas for standard soil treatment systems may, with city council approval, use any approved system. All soil treatment areas shall be protected before, during and after construction on the lot. The method of protection of the additional soil treatment area shall be approved by the building official and may include, but is not limited to, such things as snow fencing, permanent fencing and silt fencing. No building permit shall be issued for construction on any lot that is not served by municipal sewer services until at least two soil treatment areas that can accommodate standard systems have been identified and protected as required by this subsection. (Amended, Ord. 2000-01, Sec. 3; Ord. 2000-07)

705.09. Minimum setbacks for individual sewage treatment systems. Subdivision 1. Individual sewage treatment systems must be set back as follows:

Feature	Sewage Tank or Holding Tank	Soil Treatment or Absorption Area or Privy
(a) Any water supply well	50	50
(b) Buried pipe distributing water under pressure	10	10
(c) Buildings	10	20
(d) Property lines	10	10
(e) Wetlands	50	50
(f) Natural Environment lake or stream	See §505	See §505
(g) Recreational Development lake or stream	See §505	See §505
(h) General Development lake or stream	See §505	See §505

(Amended, Ord. 2000-01, Sec. 4)

705.11. Permit program for individual sewage treatment systems. Subdivision 1. Permit required. No person shall install or replace an ISTS on property in the city without first obtaining a permit as provided in this subsection.

Subd. 2. Permit application. An application for an ISTS permit must be submitted to the city clerk-treasurer on forms provided by the city. The application must be accompanied by the permit fee, which the city council shall establish from time to time by resolution. The permit application shall include the following information:

(a) Property address and legal description of property on which ISTS is to be located;
(b) Names and addresses of owners, if different than property address;
(c) Name, address and license number of licensed installer;
(d) Site evaluation report conforming to part 7080.0110;
(e) Design summary and drawing of the ISTS to be installed, including calculations and summaries for all system component sizings;
(f) Applicable construction information;
(g) Log of all soil exploration including a description of the various strata encountered;
(h) Groundwater conditions including indications of seasonal groundwater fluctuations such as mottling;
(i) Results of at least four percolation tests: two on the proposed site of drainfield and two on an alternate site suitable for future expansion or replacement of the system;
(j) Results of at least one soil boring five feet below the bottom of the proposed system to determine soil types and evidence of water table. Borings shall be at low end of drainfield sites, around the periphery; and
(k) Any other information required by the application form.

Subd. 3. Permit review and approval process. The city clerk-treasurer will provide a completed application for an ISTS permit to the building official for review and approval. The building official must be licensed under part 7080. The building official will determine whether the proposed system meets the requirements of this section and either grant preliminary approval or deny the application. No construction may be initiated until preliminary approval is granted. Upon completion of construction, the applicant must provide the building official with a certificate of compliance and an as-built drawing of the ISTS. The building official will grant final approval of the ISTS application upon a determination that the ISTS meets the requirements of this section.

Subd. 4. Amended application. If there is a change in the application information that served as the basis for issuing the permit, the permittee must file an amended application for reapproval prior to initiating construction, detailing the changed conditions. The amended application will be processed according to subdivision 3 of this subsection.

Subd. 5. Certificate of compliance required. No building permit will be issued for the addition of a bedroom to a dwelling unit on property served by an ISTS unless the ISTS is in compliance with applicable requirements, as evidenced by a certificate of compliance. The building permit applicant must submit the certificate of compliance to the building official for review and approval before initiating construction of any bedroom addition.

Subd. 6. Records. The city clerk-treasurer will maintain ISTS records for all systems in the city, including without limitation, certificates of compliance, notices of noncompliance, permit applications and related exhibits, issued permits, as-builts, enforcement proceedings, variance requests, and other actions taken.

Subd. 7. Reporting. The city clerk-treasurer will submit such reports to the Minnesota Pollution Control Agency as may be required by part 7080.

Subd. 8. Alternative or other systems. All permit applications for alternative or other systems must comply with the requirements in subsection 705.11, subdivision 1-7. In addition, a permit application submitted for installation and construction of an alternative or other system must be approved and signed by both the building official and the city clerk-treasurer. An applicant for an alternative or other system under this section will not otherwise be required to obtain a formal variance to construct such a system. An applicant under this section must also submit the following to the city clerk-treasurer prior to the issuance of a permit and prior to initiation of any construction: 1) a monitoring plan as described in part 7080.0310, subpart 7.B.; 2) a mitigation plan as described in part 7080.0310, subpart 7.C.; and 3) a fully-executed individual sewage treatment system agreement. The form and content of such agreement will be provided by the city. (Added, Ord. No. 2001-02, Sec. 3)

705.13. Inspection program for individual sewage treatment systems. Subdivision 1. Inspection required. A compliance investigation, as defined in part 7080.0315, must be conducted: (Amended, Ord. No. 2007-03, Sec. 2)

(a) for all new construction or replacement, as provided in subsection 705.03 of this code; (Amended, Ord. No. 2007-03, Sec. 2)
(b) for an existing system, when there is an application to construct the addition of a bedroom on property served by the system, as provided in subsection 705.03 of this code; and
(c) for an existing system located on property that is subject to a purchase agreement. (Amended, Ord. No. 2007-03, Sec. 2)

Subd. 2. Certificate of compliance; notice of noncompliance. The licensee or building official making an inspection pursuant to subdivision 1 of this subsection or any other inspection must submit a certificate of compliance or a notice of noncompliance to the city clerk-treasurer and the property owner within 30 days after any compliance inspection. A certificate of compliance or notice of noncompliance must include a certified statement from the licensee who conducted the compliance inspection, identify the type of system inspected, and indicate whether the ISTS is in compliance with part 7080.0060. At a minimum, a notice of noncompliance must be issued for systems not in compliance as described under part 7080.0060. If a compliance inspection indicates that the system is failing or not in compliance, the notice must also contain a statement to this effect and inform the owner of the owner's obligation to upgrade, replace, or discontinue use of the system within the applicable time period specified in subdivision 3 of this subsection.

Subd. 3. Failing ISTS. An ISTS for which a notice of noncompliance has been issued shall be upgraded, replaced or repaired in accordance with Minnesota Rules, part 7080.0060, within three years of a notice of noncompliance. The city council may, at its discretion, grant an extension of up to two additional years. An ISTS determined by the building official to pose an imminent threat to public health or safety shall be upgraded, replaced or repaired within ten months of a notice of noncompliance, or such shorter time as the building official may determine is required to protect public health or safety. The building official may order the owner of an ISTS to cease use immediately and not allow use of the ISTS until it is upgraded, replaced or repaired. The owner of an ISTS may appeal at their expense, a notice of noncompliance to the city council by filing a written request for an appeal no later than 60 days from the receipt of such notice. The written request shall briefly describe the basis for appeal. (Amended, Ord. No. 2007-03, Sec. 3)

705.14. Connection to public sewer system required. (Added, Ord. 2010-02)

Within three years of receipt of written notice that public sewer facilities are completed and service is available, the owner of property served by ISTS shall, at the owner's expense, connect to the public sewer system. The city must pre-approve plans for the installation and construction of a connection using a lift pump unit or lift station to receive sanitary sewer service. The property owner must supply and install the pump unit or design and construct the lift station at the owner's expense. Thereafter, the owner will be solely responsible for the cost of operation and maintenance of such facilities. (Added, Ord. 2010-02)

After connecting to the public sanitary sewer, the use of ISTS shall be discontinued and any ISTS or septic system, outhouse, or cesspools shall be eliminated from the premises within a reasonable period of time, not to exceed 12 months. In the event of noncompliance, the city may provide for the connection to the public sewer system and, in accordance with applicable law including Minnesota Statutes, Sections 444.075, subdivision 2 and 412.221, subdivision 31, charge the costs against the property as a special assessment. (Added, Ord. 2010-02)

705.15. Enforcement. Subdivision 1. Criminal penalty. Any person who violates any of the provisions of this section or who makes any false statement on a certificate of compliance shall be guilty of a misdemeanor.

Subd. 2. Civil remedy. In the event of a violation of this section, in addition to other remedies, the city may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations.

Subd. 3. Permits. No building permit, certificate of occupancy, license or other permit shall be issued for construction upon, use of, or occupation of, any parcel of property within the city unless the requirements of this section are met with respect to said parcel.

Section 710 - Public and Private Sewers

710.01. Intent and purpose. The purpose of this section is as follows:

(a) to protect the health, safety, and welfare of the residents of the community, present and future in accordance with the community's SDS and where applicable, NPDES permit.

(b) to regulate the discharge of wastes into public and private sewers which would have an adverse affect on the operation and maintenance of the wastewater treatment facilities.

710.03. Interpretation. In the event of conflicting provisions in the text of this section, the more restrictive provision shall apply. The city shall determine which is more restrictive and appeals from such determination shall be made in the manner provided herein.

710.05. Definitions. Subdivision 1. For the purpose of this section, the terms defined in this subsection have the meanings given them.

Subd. 2. "BOD" means biochemical oxygen demand which is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five 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.

Subd. 3. "Building drain" means that part of the lower horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes or pumping chambers inside the walls of the building and conveys it to the building sewer which begins at least one foot outside the building line.

Subd. 4. "Building sewer" means that part of the drainage system which extends from the building drain to the point of connection to either a public sewer, a septic tank, pumping chamber or an individual sewage treatment system for the purpose of conveying wastewater.

Subd. 5. "Community sewage treatment system" means a sewage treatment and collection system which collects sewage from two or more residences or other establishments consisting of: collector lines, pumps, sewage tanks and soil treatment unit; also known as a cluster system.

Subd. 6. "Easement" means an acquired legal right for the specific use of land owned by others.

Subd. 7. "Floatable oil" means oil, fat or grease in a physical state such that it will separate by gravity from wastewater.

Subd. 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 or vegetable and condemned food.

Subd. 9. "Individual sewage treatment system" means a sewage treatment system connecting to a single dwelling or other establishment, consisting of soil treatment unit, septic tank and any associated pumping and piping systems.

Subd. 10. "Industrial wastes" means the solid, liquid or gaseous waste resulting from industrial or manufacturing processes, trade or business or from the development, recovery or processing of natural resources.

Subd. 11. "Industry" means any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the standard industrial classification manual, latest edition, categorized in divisions A, B, D, E, and I.

Subd. 12. "MPCA" means the Minnesota pollution control agency.

Subd. 13. "NPDES permit" means national pollutant discharge elimination system permit which is the system for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans by the environmental protection agency pursuant to the federal water pollution control act of 1972, sections 402 and 405.

Subd. 14. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Subd. 15. "Non-contact cooling water" means water discharged from uses such as air conditioning, cooling, or refrigeration, where the only pollutant added is heat.

Subd. 16. "Normal domestic strength wastes" means wastes which are characterized by a per capita discharge of 100 gallons per day at a loading not greater than 200 mg/1 BOD and 240 mg/1 total suspended solids.

Subd. 17. "On-site maintenance" means a maintenance program for individual sewage treatment systems whereby the property owner has complete responsibility for effecting operation, maintenance and replacement (OM&R) in a manner acceptable to the sewer authority.

Subd. 18. "Operation and maintenance" means activities required to provide for the dependable and economical functioning of the treatment system throughout the useful life of the treatment works and at the level of performance for which the treatment works were constructed including replacement.

Subd. 19. "Other wastes" means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil tar, chemical, offal and all other substance except sewage or industrial waste.

Subd. 20. "Off-site maintenance" means a maintenance program for community sewage treatment systems whereby the community in which the treatment system is situated and the owner are jointly responsible for conducting operation maintenance and replacement of facilities serving two or more connections in a manner acceptable to the sewer authority.

Subd. 21. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Subd. 22. "Public sewer" means any sewer owned or operated by a unit or agency of government.

Subd. 23. "Public wastewater treatment system" means any wastewater treatment and collection system owned or operated by a unit or agency of government.

Subd. 24. "Replacement" means the obtaining and installing of equipment, accessories or appurtenances which are necessary during the useful life of the wastewater treatment facilities to maintain the capacity and performance for which such facilities were designed and constructed.

Subd. 25. "Sanitary sewer" means a sewer which carries sewage and to which storm, surface and groundwater are not intentionally discharged.

Subd. 26. "Sanitary waste" means the liquid and water carried wastes discharged from sanitary plumbing facilities.

Subd. 27. "Septate" means the effluent from an approved, adequate septic tank given proper operation and maintenance and the liquid portion of sewage or wastewater after solids and scum have been removed in a septic tank and which is suitable for disposal in soil absorption systems.

Subd. 28. "Sewage" or "wastewater" means the water-carried waste products from residences, commercial buildings, public buildings, institutions, industrial establishments or other buildings including the excrement or other discharge from the bodies of human beings or animals together with such ground, surface and storm waters as may be present.

Subd. 29. "Sewer" means a pipe or conduit for carrying sewage, industrial wastes or other waste liquids.

Subd. 30. "Sewer authority" means the governmental entity and department thereof which has monitoring, inspection, permitting and enforcement authority over sanitary improvements including private and public septic tanks, drainfields, mound systems and associated collection systems.

Subd. 31. "Slug" means any discharge of water, wastewater or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flow during normal operation.

Subd. 32. "State disposal system (SDS) permit" means any permit including any terms, conditions and requirements thereof issued by the MPCA pursuant to Minnesota Statutes, section 115.07 for a disposal system as defined by Minnesota Statutes, section 115.01, subdivision 8.

Subd. 33. "Suspended solids (TSS)" 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.

Subd. 34. "Toxic pollutant" means the concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse affects as defined in standards issued pursuant to section 307(a) of the clean water act of 1977.

Subd. 35. "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.

Subd. 36. "Wastewater facility" means the structures, equipment or processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

710.07. Unlawful surface discharge. It shall be unlawful to discharge to any natural outlet within the city or any area under the jurisdiction of the city any sewage, septate or other pollutant waters except where suitable treatment has been provided in accordance with subsequent provisions of this section and the city's NPDES/SDS permit.

710.09. Unlawful connection to public sewers. It shall be unlawful for any person to connect a building sewer to any public sewer without first obtaining a permit from the city. The city shall permit new connections and flow increases only if there is additional available capacity in all components of the particular public sewage treatment system being considered.

710.11. Lawful connections to public sewers. Subdivision 1. Permit required. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

Subd. 2. Failing on-site system. Where an existing individual sewage treatment system is failing and where the property in question has frontage on the public sewer a new connection may be permitted if capacity is available in all components of the public sewer.

Subd. 3. New construction. New connections to the public sewers will be permitted for new construction if capacity is available in all components of the particular public sewage treatment system over what is needed to accommodate all the existing structures.

Subd. 4. Fee. The fee for new connections is established by the city from time to time by resolution.

710.13. Building sewers and connections. Subdivision 1. Permit required. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.

Subd. 2. Classes of permits. There shall be two classes of building sewer permits: (i) for residential and commercial service, and (ii) for service to establishments producing industrial wastes.

Subd. 3. Applications. Applications for all permits shall be made by the owner or authorized agent and the party employed to do the work and shall state the location, name of owner, street number of the building to be connected and how the premises served is or will be occupied. All applications shall be supplemented by any plans, specifications or any other information considered pertinent in the judgment of the city. As a condition of permit authorization the industry must provide information describing its wastewater constituents, characteristics and type of activity.

Subd. 4. Indemnification. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

Subd. 5. Separate sewers required. A separate and independent building sewer shall be provided for every building except where one 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 and the whole considered one building sewer. The city does not and will not assume any obligation or responsibility for damage caused by or resulting from any connection referenced in this subdivision.

Subd. 6. Old sewers. Old building sewers may be used in connection with new buildings only when they are found on examination and test by the city engineer or the engineer's representative to meet all requirements of this code.

Subd. 7. Code compliance. The size, slopes, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling of the trench shall all conform to the requirements of the state of Minnesota building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in the amplification thereof the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

Subd. 8. Sewer elevations. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. The property owner shall provide and maintain such lifting mechanism as required at no expense to the city.

Subd. 9. Septic tanks required. Every building sewer shall include a septic tank conforming to state of Minnesota rule 7080 (WPC40). Only septate shall be discharged from the building sewer into the public sewer.

710.15. Unlawful discharge to public sewers. Subdivision 1. Obstructive and harmful waste. No person shall discharge or cause to be discharged directly or indirectly any waste which by volume or strength or nature may harm the wastewater treatment facility or cause obstruction to the free flow in sewers or endanger life or cause a nuisance.

Subd. 2. Runoff and processing water. No person shall discharge or cause to be discharged directly or indirectly any storm water, groundwater, 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. Storm water and all other unpolluted water shall be discharged to a storm sewer if available or to the ground surface, or other natural outlet approved by the city and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval and the issuance of a discharge permit by the MPCA.

Subd. 3. Volatile substances. No person shall discharge or cause to be discharged directly or indirectly to any treatment system any liquids, solids, or gases which by reason or 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 wastewater disposal system or to the operation of the system. Prohibited materials include but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

Subd. 4. Solid or viscous substances. No person shall discharge or cause to be discharged directly or indirectly to any treatment system solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as but not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

Subd. 5. Corrosive substances. No person shall discharge or cause to be discharged directly or indirectly to any treatment system any wastewater having a pH of less than 5.0 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 disposal systems.

Subd. 6. Toxic pollutants. No person shall discharge or cause to be discharged directly or indirectly to any treatment system any wastewater containing toxic pollutants in sufficient quantity either single or by interaction with other pollutants to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the federal water pollution control act.

Subd. 7. Malodorous substances. No person shall discharge or cause to be discharged directly or indirectly to any treatment system 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.

Subd. 8. Untreatable substances. No person shall discharge or cause to be discharged directly or indirectly to any treatment system water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed including wastes which may affect and prohibit the permeability of soils such as dairy products and blood.

Subd. 9. Other substances. No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewers unless in the opinion of the city such discharge will not harm the wastewater facilities, cause obstruction to free flowing sewers 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 materials or construction of the sewers, nature of the sewage treatment process, capacity, of the sewage treatment facilities, the city's SDS/NPDES permit and other pertinent factors. City may make such determination either on a general basis or as discharges from individual users or specific discharges and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur. The substances prohibited are:

(a) Any liquid or vapor having a temperature in excess of 150 degrees F (65 degrees C).

(b) Any water or waste containing fats, wax, grease or 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 (zero and 65 degrees C).

(c) Any garbage that has not been ground or comminuted to such degree that all particles will be carried freely to suspension under flows normally prevailing in the public sewers with no particles greater than one-half inch in any dimension.

(d) Any water or wastes containing strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not.

(e) Any water or wastes containing phenols or other taste- or odor-producing substances which constitute a nuisance or hazard to the structures, equipment or personnel of the sewage works or which interfere with the treatment required to meet the requirements of the state or federal government or any other public agency with proper authority to regulate the discharge from the sewage treatment plant.

(f) Any radioactive wastes or isotopes of such half-life or concentration that they are not in compliance with regulations issued by the appropriate authority having control over their use or may cause damage or hazards to the treatment works or personnel operating it.

(g) Unusual concentrations of suspended solids (such as but not limited to fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride or sodium sulfate).

(h) Unusual volume of flow or concentration of waste constituting a slug.

(i) Any wastewater that has not passed through a septic tank for removal of solids and scum.

710.17. Pretreatment, control and refusal of extraordinary wastes. Subdivision 1. City action. If any water or wastes are discharged or are proposed to be discharged directly or indirectly to the public sewers and the water or wastes do not meet the standards set out in or promulgated under this subsection or which in the judgement of the city may have a deleterious effect upon the treatment facilities, processes, equipment and soil, vegetation and ground 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 discharge.

(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.

Subd. 2. Pretreatment standards. The design and installation of plant or 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.

(a) Grease, oil and mud interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in subsection 710.15, subdivision 9(b) or any flammable wastes, sand or other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the city and shall be located as to be readily and easily accessible for cleaning and inspection.

(b) 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 owner's expense and shall be available for inspection by the city at all reasonable times.

(c) When required by the city the owner of any property serviced by a building sewer carrying industrial waste 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.

(d) All measurements, tests and analyses of the characteristics of water and waste to which reference is made in this section 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, durations and frequencies are to be determined on an individual basis subject to approval by the city.

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

(f) New connections to the sanitary sewer system shall be prohibited unless sufficient flow capacity is available in all downstream facilities.

(g) No statement contained in this subsection shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste or unusual strength or character may be accepted by the city, for treatment subject to payment therefore by the industrial concern, providing that national categorical pretreatment standards and the city's NPDES and/or state disposal system permit limitations are not violated.

710.19. Use of individual sewage treatment system. Subdivision 1. Mandatory sewage treatment. Where a public sewage treatment system is not available under the provisions of subsection 710.11, the building sewer shall be connected to an individual sewage treatment system complying with the rules and regulations of 6MCAR 4.8040 (WPC-40), entitled, "Individual Sewage Treatment System Standards" or the requirements of the city or other regulatory agencies, whichever is more restrictive.

Subd. 2. New installation. No new private treatment systems or extensions shall be constructed within the city without first obtaining a permit for said system or expansion from the city.

Subd. 3. Unlawful discharge to individual treatment system. It shall be unlawful to discharge such wastes as are prohibited by subsection 710.15 to an individual sewage treatment system.

Subd. 4. Owner responsible. The owner of privately owned individual treatment systems shall be responsible for all operation and maintenance and the costs associated to such systems.

710.21. Mandatory maintenance. All sanitary improvements constructed, in whole or in part, with state and federal grant assistance shall be maintained according to the provisions of subsections 710.21 through 710.23.

710.23. On-site maintenance program. Subdivision 1. General. Each individual sewage treatment system which is constructed or improved in whole or in part with state and federal grant assistance shall be operated and maintained according to the provisions of this subsection.

Subd. 2. Responsible persons. Responsibility for proper operation, maintenance and replacement (OM&R) of individual sewage treatment systems shall be as follows:

(a) The owner of each dwelling unit or other establishment served by an on-site system shall be responsible for the operation, maintenance and replacement throughout the useful life of the system.

(b) The city shall be responsible to insure through a biennial return mail reporting system, routine periodic monitoring, investigation of complaints and other appropriate means that corrective action is taken to protect the health, safety and welfare of the community and assure compliance with the city's SDS/NPDES permit in the event that the responsible owner is negligent or fails to take action as required by this section.

(c) When it has been determined that maintenance and replacement is necessary on an individual sewage treatment system (apart from septic tank pumping addressed below) such maintenance and replacement shall be accomplished in a manner acceptable to the sewer authority. Replacement parts, equipment and appurtenances shall be of a design and quality acceptable to the sewer authority and shall be installed in a manner acceptable to the sewer authority and in conformance with requirements of state of Minnesota rule 7080 "Individual Sewage Treatment Systems Standard." In the absence of code provisions or in the amplification thereof, materials and procedures shall be as set forth in appropriate specifications of the ASTM and WPCF manual of practice no. 9. Replacement effected on individual systems shall be reported to the sewer authority.

Subd. 3. Maintenance inspections. Maintenance inspections shall be the responsibility of the city and shall be performed biennially by an individual properly certified and licensed. Such inspection shall include but is not limited to:

(a) Measurement of accumulated sludge and scum in the septic tank.

(b) Inspection of effluent levels in soil treatment systems which are provided with inspection wells.

(c) Inspection of pumps and pump stations when included as part of the system.

(d) Inspection of distribution devices, valve boxes and drop boxes.

Subd. 4. Accumulated septage. Whenever inspection of the septic tank discloses that the accumulated sludge in the bottom of the tank has reached a point 12 inches or less from the bottom of the outlet baffle device or that the bottom of the floating scum layer is less than three inches above the bottom of the outlet baffle device the owner shall have the tank promptly pumped to remove all accumulated septage. Whenever a septic tank is pumped such action shall be reported to the city.

Subd. 5. Exception. Where a conforming septic tank serving a dwelling is regularly pumped on a biennial basis the biennial inspection of sludge and scum accumulation is waived.

Subd. 6. Cleaning. Whenever inspection of pump stations, distribution devices, valve or drop boxes indicates the accumulation of solids such devices shall be promptly cleaned.

Subd. 7. Licensed contractors required. Pumping of sewage tanks and other components of sewage treatment systems shall be performed only by contractors licensed by the city to provide such services.

Subd. 8. Disposal of septage. Septage shall be disposed of only by approved means as follows:

(a) Into a municipal sewage treatment system capable of treating such wastes as authorized by such municipal authority.

(b) At a land disposal site approved by the MPCA.

(c) In no case shall septage be discharged to any body of water or to the ground surface at locations which have not been approved for surface application.

Subd. 9. Fees. Fees for inspections, maintenance, or other services rendered under this section shall be as set by resolution of the city council from time to time.

710.25. Off-site maintenance program. Subdivision 1. Applicability. All homeowners who are connected to a community sewage treatment system which serves two or more residences or to a public sewer and a public sewage treatment system and which was constructed in whole or in part with state and federal grant assistance shall be required to participate and comply with the provisions of this subsection.

Subd. 2. City responsible. Via a maintenance program, the city shall be responsible for maintaining all publicly owned components of the collector sewer system.

(a) Public ownership shall include all components of a collector system which are purchased and constructed in whole or in part with state and federal grant assistance. Unless otherwise prescribed public ownership shall begin at the property line and shall include all components to and including any soil treatment unit and the land it is constructed on.

(b) The city shall be responsible for complete maintenance including inspections, sewer line repair and cleaning, pump maintenance and operation and maintenance and monitoring of any soil treatment systems.

(c) All users shall be billed proportionately for the costs of operation and maintenance in accordance with section 715.

Subd. 3. Property owners responsible. Property owners shall be responsible for operation and maintenance of all plumbing lines and components that lie within the walls of their structure. It is also the property owners' responsibility to maintain the building sewer which extends from the building drain to the septic tank, the septic tank, the pumping chamber and pumps (if any) and the service line which extends from the septic tank or the pumping chamber to the property line.

Subd. 4. Maintenance inspections. Maintenance inspections of septic tanks shall be the responsibility of the city and shall be performed biennially by an individual properly certified and licensed. Such inspection shall include but is not limited to:

(a) Measurement of accumulated sludge and scum in the septic tank.

(b) Inspection of pumps and pump stations when included as part of the system.

Subd. 5. Accumulated septage. Whenever inspection of the septic tank discloses that the accumulated sludge in the bottom of the tank has reached a point 12 inches or less from the bottom of the outlet baffle device or that the bottom of the floating scum layer is less than three inches above the bottom of the outlet baffle device the owner shall have the tank promptly pumped to remove all accumulated septage. Whenever a septic tank is pumped such action shall be reported to the city.

Subd. 6. Exception. Where a conforming septic tank serving a dwelling is regularly pumped on a biennial basis the biennial inspection of sludge and scum accumulation is waived.

Subd. 7. Cleaning. Whenever inspection of a pumping chamber indicates the accumulation of solids such device shall be promptly cleaned.

Subd. 8. Licensed contractors required. Pumping of sewage tanks and other components of sewage treatment systems shall be performed only by contractors licensed by the city to provide such services.

Subd. 9. Disposal of septage. Septage shall be disposed of only by approved means as follows:

(a) Into a municipal sewage treatment system capable of treating such wastes as authorized by such municipal authority.

(b) At a land disposal site approved by the MPCA.

(c) In no case shall septage be discharged to any body of water or to the ground surface at locations which have not been approved for surface application.

Subd. 10. Fees. Fees for inspections, maintenance, or other services rendered under this section shall be as set by resolution of the city council from time to time.

710.27. Enforcement. Subdivision 1. City responsible. The city shall be responsible for administration and enforcement of this section.

Subd. 2. City appointee. The city shall appoint an individual who is qualified and certified by the MPCA as competent in the design, evaluation and inspection of individual on-site sewage treatment systems, and shall carry a current Class D operators certificate and an individual sewage treatment system certificate.

710.29. Adjustment and appeals. Subdivision 1. Appeals from city actions. The appropriate board or agency of the city shall hear and decide appeals and review any order, decision or determination made by the city regarding the enforcement of this section.

Subd. 2. Adjustments. The appropriate board or agency of the city shall hear and act upon all rate adjustment and variance requests where provisions of this section are specifically variable.

Subd. 3. Appeals from administrative decisions. Any appeal of an administrative decision or determination may be filed by any person, department, bureau, town, city, county or state.

710.31. Inspections. Subdivision 1. General. Inspections as required to determine compliance with this section shall be performed by the city's authorized agent under the following circumstances.

Subd. 2. Authorized activities. 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 section. Those employees shall have no authority to inquire into processes including metallurgical, chemical, oil refining, ceramic, paper or other industries except as is necessary to determine the kind and source of the discharge to the public sewer.

Subd. 3. Access. The owner or occupant of a property shall be responsible to provide access at reasonable times to the city for the purpose of performing inspections required under this section.

Subd. 4. Safety. While performing the necessary work on private property as referred to in subdivision 2 of this subsection, the authorized employees of the city shall observe all safety rules applicable to the premises.

710.33. Violations and penalties. Subdivision 1. Violations a misdemeanor. It is hereby declared unlawful for any person, firm or corporation to violate any term or provision of this section. Each day that a violation is allowed to continue shall constitute a separate offense.

Subd. 2. City actions. In the event of a violation or a threatened violation of this section the city in addition to other remedies, may request appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations and it shall be the duty of the city attorney to initiate such action.

Subd. 3. Notice. Any person found to be violating any provisions of this section shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the time period stated in such notice permanently cease all violation. Any person who shall continue any violation beyond the time limit provided for in said written notice shall be guilty of a misdemeanor.

Subd. 4. Liability. Any person violating any of the provisions of this section shall become liable to the city for any expense, loss or damage occasioned by city by reason of such violation.

Section 715 - Wastewater Treatment Rates and Charges

715.01. Sewer service charges. Subdivision 1. Applicability. The following sewer service charges shall apply to (i) community sewage treatment systems, (ii) individual sewage treatment systems and (iii) public wastewater collection systems as follows.

Subd. 2. Community sewage treatment systems and public wastewater collection systems.

(a) User charges to recover expenditures for operation, maintenance and replacement (OM&R) required to insure effective functions of community sewage treatment systems and public wastewater collection systems. Such charges shall be assessed to all users of facilities constructed with federal grant assistance in proportion to the cost of providing service to the user.

(b) Administration and biennial monitoring charges sufficient to recover costs of the city's monitoring program which assures that property owners properly operate and maintain septic tanks and individual pumping stations and other administrative costs.

(c) Debt service charges sufficient to recover local capital costs incurred in the construction of community sewage treatment systems and public wastewater collection systems.

Subd. 3. Individual sewage treatment systems.

(a) Administration and biennial monitoring charges sufficient to recover costs of the city's monitoring program which assures that property owners properly operate and maintain septic tanks and individual pumping stations and other administrative costs.

(b) Debt service charges sufficient to recover local capital costs incurred in the construction of individual sewage treatment systems.

Subd. 4. User's responsibility. Operation, maintenance and replacement (OM&R) of individual sewage treatment systems shall be the responsibility of the user of the system in accordance with section 710. The individual user shall contract with properly authorized persons to carry out OM&R and shall directly compensate such persons for services rendered.

715.03. Definitions. Subdivision 1. For purposes of this section the terms defined in this subsection shall have the meanings given them.

Subd. 2. "Administration charge" means those fixed costs attributable to administration of the wastewater treatment works such as billing and associated bookkeeping and accounting costs.

Subd. 3. "Biennial monitoring charge" means those costs attributable to monitoring of all wastewater treatment facilities covered by this section to assure that these facilities are being properly operated and maintained.

Subd. 4. "Biochemical oxygen demand or BOD_5" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20°C, expressed in milligrams per liter.

Subd. 5. "Collection system" means any system of pipes whereby wastewater, including septic tank effluent or septate is collected and conveyed from one or more private properties to an off-site treatment or disposal system.

Subd. 6. "Commercial user" means any place of business which discharges sanitary waste as distinct from industrial wastewater.

Subd. 7. "Commercial wastewater" means domestic wastewater emanating from a place of business as distinct from industrial wastewater.

Subd. 8. "Community sewage treatment system" means a sewage treatment system which collects sewage from two or more residences or other establishments consisting of: collector lines, pumps, septic tanks and drainfield or mound type soil treatment unit and also known as a cluster system or a cluster mound system.

Subd. 9. "Debt service charge" means a charge levied on users of wastewater treatment facilities for the cost of repaying money bonded or loans received to construct said facilities.

Subd. 10. "Individual sewage treatment system" means a sewage treatment system connected to a single dwelling or other establishment consisting of a septic tank or tanks, a soil treatment system and associated systems where final treatment and disposal occurs on the site of the establishment or holding tank.

Subd. 11. "Normal domestic strength wastewater" means wastewater that is primarily produced by residential users with BOD_5 concentrations not greater than 200 mg/1 and suspended solids concentrations not greater than 240 mg/1.

Subd. 12. "Equivalent residential unit (ERU)" means a unit representing combination of a septic tank effluent or septate flow of 274 gallons per day and the relative cost incurred by the city in providing the class of service provided to a user.

Subd. 13. "Extra strength waste" means wastewater having a BOD and/or TSS greater than domestic waste as defined in subdivision 9 above and not otherwise classified as an incompatible waste.

Subd. 14. "Governmental user" means users which are units, agencies or instrumentalities of federal, state or local government discharging normal domestic strength wastewater.

Subd. 15. "Incompatible waste" means waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works.

Subd. 16. "Industrial users" or "industries" means:

(a) Entities that discharge liquid wastes resulting from the processes employed in industrial or manufacturing processes or from the development of any natural resources into a publicly owned wastewater treatment works. These are identified in the standard industrial classification manual, 1972, office of management and budget, as amended and supplemental under one of the following divisions:

Division A.	Agriculture, Forestry and Fishing
Division B.	Mining
Division D.	Manufacturing
Division E.	Transportation, Communications, Electric, Gas, and Sanitary Sewers
Division I.	Services

For the purpose of this definition, domestic waste shall be considered to have the following characteristics:

BOD_5	less than 200 mg/1
Suspended Solids	less than 240 mg/l

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

Subd. 17. "Industrial wastewater" means gaseous, liquid and solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development, recovery or processing of natural resources including but not limited to all standard industrial classification manual divisions A,B, D, E and I manufacturers as distinct from domestic wastewater.

Subd. 18. "Institutional user" means users other than commercial, governmental, industrial or residential users which are involved in a social, charitable or religious function discharging primarily normal domestic strength wastewater (e.g. non-profit organizations).

Subd. 19. "MWCC" means the Metropolitan Waste Control Commission.

Subd. 20. "Operation and maintenance" means activities required to provide for the dependable and economical functioning of the treatment works throughout the design or useful life whichever is longer, of the treatment works and at the level of performance for which the treatment works were constructed. Operation and maintenance includes replacement.

Subd. 21. "Operation and maintenance costs" means expenditures for operation and maintenance including replacement.

Subd. 22. "Public wastewater collection system" means a system of sanitary sewers owned, maintained, operated and controlled by the city which provides transport of septate to the MWCC system.

Subd. 23. "Replacement" means obtaining and installing of equipment, accessories, or appurtenances which are necessary during the design life or useful life whichever is longer, of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

Subd. 24. "Replacement costs" means expenditures for replacement.

Subd. 25. "Residential user" means a user of the treatment facilities whose premises or building is used primarily as a residence for one or more persons including dwelling units such as detached and semi-detached housing, apartments and mobile homes and which discharges primarily normal domestic strength sanitary wastes.

Subd. 26. "Sanitary sewer" means a sewer intended to carry only liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters which are not admitted intentionally.

Subd. 27. "Septate" means wastewater that has been treated by a septic tank whereby solids and floatable scum have been largely removed and septic tank effluent.

Subd. 28. "Service class" means one of several distinguishable groups receiving wastewater treatment or disposal service in a similar way incurring similar city costs for providing this service.

Subd. 29. "Sewer service charge" means the aggregate of all charges including charges for administration, biennial monitoring, operation, maintenance, replacement, debt service and other sewer related charges that are billed periodically to users of the city's wastewater treatment facilities.

Subd. 30. "Sewer service fund" means a fund into which income from sewer service charges is deposited along with other income including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditure of the sewer service fund will be for administration, biennial monitoring, operation, maintenance and replacement costs and to retire debt incurred through capital expenditure for wastewater treatment.

Subd. 31. "Slug" means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceed for any period of duration longer than 19 minutes more than five times the average 24-hour concentration or flows during normal operation and shall adversely affect the collection system or performance of the wastewater treatment works or both.

Subd. 32. "Suspended solids (SS)" or "total suspended solids (TSS)" mean the total suspended matter that either floats on the surface or is in suspension in water, wastewater or other liquids and is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" latest edition, and referred to as non-filterable residue.

Subd. 33. "Toxic pollutant" means the concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to section 307(a) of the federal water pollution control act which upon exposure to or assimilation into any organism will cause adverse effects.

Subd. 34. "User charge" means a charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance.

Subd. 35. "Users" means those residential, commercial, governmental, institutional and industrial establishments which are connected to the public sewer collection system community sewage treatment systems or individual sewage treatment systems.

Subd. 36. "Wastewater" means the spent water of a community and which is also referred to as sewage. From the standpoint of source it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with any ground water, surface water and storm water that may be present.

Subd. 37. "Wastewater treatment works" or "treatment works" mean an arrangement of devices, facilities, structures, equipment or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or industrial wastewater or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

715.05. Establishment of a sewer service charge system. Subdivision 1. System established. The city hereby establishes a sewer service charge system whereby all revenue collected from users of the wastewater treatment facilities will be used to effect all expenditures incurred for annual operation, maintenance and replacement and for debt service by capital expenditure incurred in constructing the wastewater treatment works.

Subd. 2. Applicability. Each user of community sewage treatment systems, public wastewater collection systems and individual sewage treatment systems shall pay its proportionate share of user charges assessed for administration, biennial monitoring, operation, maintenance and replacement costs of the treatment works based on the user's proportionate contribution to the total wastewater flow from all users within the user's service class and the relative cost incurred by the city in providing the class of service provided to the user.

Subd. 3. Rates and charges. Sewer service rates and charges to users of the wastewater treatment facility shall be determined and fixed in a sewer service charge system developed according to the provisions of this section. The sewer service charge system developed with the assistance of the city engineer shall be adopted by resolution, shall be published in the local newspaper and shall be effective upon publication. Subsequent changes in sewer service rates and charges shall be adopted by council resolution and shall be published in the local newspaper.

Subd. 4. Use of revenues. Revenues collected for sewer service shall be deposited in a separate fund known as the sewer service fund. Income from revenues collected will be expended to offset the cost of operation, maintenance and equipment replacement for the facility and to retire the debt for capital expenditure.

Subd. 5. Administration. Sewer service charge and the sewer service fund will be administered in accordance with the provisions of subsection 715.13.

715.07. Determination of sewer service charges. Subdivision 1. User classes. Users of the wastewater treatment works shall be identified as belonging to one of the following user classes:

(a) Residential.

(b) Commercial.

The allocation of users to these categories for the purpose of assessing user charges shall be the responsibility of the city clerk-treasurer. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.

Subd. 2. Service classes. Classes of service shall be identified as one of the following classes of service:

(a) Public wastewater collection system - septate collection with disposal to the MWCC facilities.

(b) Community sewage treatment system - off-site city-owned mound system with individual pumping system only.

(c) Individual sewage treatment system.

Subd. 3. Rates. The rates assessed residential users and commercial users who discharge normal domestic strength wastewater shall be determined on the basis of their proportionate part of the total design capacity of the facilities used and class of service.

Subd. 4. Equivalent residential rates. For those users who discharge normal domestic strength wastewater as described in subdivision 3 above. Equivalent residential units (ERU) will be assigned based on the proportionate part of the total design capacity of the facilities used and the class of service according to subsection 715.19. Determination of the number of ERUs assigned to a particular connection, in accordance with subsection 715.19 shall be the responsibility of the city council or its authorized representative.

Subd. 5. Sewer service charge. The sewer service charge shall consist of an administration charge and a biennial monitoring charge for all systems users and a user charge for operation, maintenance and replacement which shall apply to users of the septate collection system and off-site mound systems. These charges will be determined as follows:

(a) Administration charge:

$$AC = \frac{AAC}{\#U}$$

Where: AC = Annual administration charge per connection
AAC = Annual administration budget
#U = Total number of connections constructed with federal grant assistance

(b) Biennial monitoring charge:

$$BMC = \frac{BMB}{\#U}$$

Where: BMC = Annual biennial monitoring charge per connection
BMB = Annual budget for biennial monitoring
#U = Total number of connections constructed with federal grant assistance

(c) User charge:

$$UC/ERU = \frac{COMR}{\text{Total ERUs}}$$

Where: UC/ERU = Annual user charge per equivalent residential unit
COMR = Total annual operation, maintenance and replacement costs for this particular system

Total ERUs = The total number of ERUs connected to this particular system

(d) Determination of sewer service charge to an establishment.

1. Individual sewage treatment system (ISTS) service class sewer service charge

ISTSUC = AC + BMC

Where: ISTSUC = Individual sewage treatment system user charge
AC = Administration charge
BMC = Biennial monitoring charge

2. Community sewage treatment system (CSTS) service class user charge

CSTSUC = AC + BMC + (#ERU X CC)

Where: CSTSUC = Community sewage treatment system service class user charge
AC = Administrative charge
BMC = Biennial monitoring charge
#ERU = Number of ERUs assigned that connection
CC = CSTS service class user charge

3. Public wastewater collection system (PWCS) service class user charge

PWCSUC = AC + BMC + (#ERU X PC)

Where: PWCSUC = PWCS service class user charge
AC = Administrative charge
BMC = Biennial monitoring charge
#ERU = Number of ERUs assigned that connection
PC = PWCS service class user charge

Subd. 6. Appeal. Users may appeal the number of ERUs assigned to a particular establishment by filing a written statement with the city clerk-treasurer detailing the reasons for concluding that the ERU assignment is irregular.

Subd. 7. Meters. The city may at its discretion require users to install water meters for the purpose of determining wastewater volume. When so required such meters shall be of a type approved by the city engineer.

Subd. 8. Additional charges. The sewer service charges established in this section shall not prevent the assessment of additional charges to users who discharge wastes with concentrations greater than normal domestic strength or wastes of unusual character, or contractual agreements with such users as long as the following conditions are met:

(a) The user pays operation, maintenance and replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the facility, and no user is charged at a rate less than that of normal domestic strength wastewater.

(b) The measurements of such wastes are conducted according to the latest edition of Standard Methods for the Examination of Water and Wastewater in a manner acceptable to the city as provided in section 710.

Subd. 9. Assessments. The city will collect revenues for debt retirement by assessment.

715.09. Sewer service fund. Subdivision 1. Fund established. The city hereby establishes a sewer service fund as an income fund to receive all revenues generated by the sewer service charge system and all other income dedicated to the operation, maintenance, replacement and construction of the wastewater treatment works, including taxes, special charges, fees and assessments intended to retire construction debt.

Subd. 2. Accounts established. The city also establishes the following accounts as income and expenditure accounts within the sewer service fund:

(a) Operation and maintenance account.

(b) Equipment replacement account.

(c) Debt retirement account.

Subd. 3. Fund management. All revenue generated by the sewer service charge system and all other income pertinent to the treatment system including taxes and special assessments dedicated to retire construction debt shall be held by the clerk-treasurer separate and apart from all other funds of the city. Funds received by the sewer service fund shall be transferred to the operation and maintenance account, the equipment replacement account and the debt retirement account in accordance with state and federal regulations and the provisions of this section.

Subd. 4. Equipment replacement account. Revenue generated by the sewer service charge system sufficient to insure adequate replacement throughout the design or useful life, whichever is longer, of the wastewater facility shall be held separate and apart in the equipment replacement account and dedicated to affecting replacement costs. Interest income generated by the equipment replacement account shall remain in the equipment replacement account.

Subd. 5. Operations and maintenance account. Revenue generated by the sewer service charge system sufficient for operation and maintenance shall be held separate and apart in the operation and maintenance account.

Subd. 6. Debt retirement account. Revenue generated by the sewer service charge system for retirement of construction debt shall be held separate and apart in the debt retirement account.

715.11. Administration. Subdivision 1. General. The sewer service charge system and sewer service fund shall be administered according to the following provisions.

Subd. 2. Annual report of clerk-treasurer. The city clerk-treasurer shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works, and shall furnish the city council with a report of such costs annually in January.

Subd. 3. Annual review by city council. The city council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance and management of the treatment works and whether sufficient revenue is being generated for debt retirement. The council will also determine whether the user charges are distributed proportionately to each user in accordance with subsection 715.05, subdivision 2 and section 204(b)92)(A) of the federal water pollution control act, as amended. The city shall thereafter, but not later than the end of the year, reassess, and as necessary revise the sewer service charge system then in use to insure the proportionality of the user charges and to insure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.

Subd. 4. Annual notice to users. In accordance with federal and state requirements each user will be notified annually in conjunction with a regular billing of that portion of the sewer service charge attributable to operation, maintenance and replacement.

Subd. 5. Maintenance of records. In accordance with federal, and state requirements the city clerk-treasurer shall be responsible for maintaining all records necessary to document compliance with the sewer service charge system adopted.

Subd. 6. Billing. Bills for sewer service charges shall be rendered on a quarterly basis succeeding the period for which the service was rendered and shall be due 30 days from the date of rendering. Any bill not paid in full 30 days after the due date will be considered delinquent. At that time the city shall notify the delinquent owner or occupant in writing regarding the delinquent bill and subsequent penalty. The penalty shall be computed as 10% of the original bill and shall be increased the same 10% for every quarter the bill is outstanding.

Subd. 7. Owner liable. The owner of the premises shall be liable to pay for the service to such premises and the service is furnished to the premises by the city only upon the condition that the owner of the premises is liable therefore to the city.

Subd. 8. Additional costs. Any additional costs caused by discharges to the treatment works of toxics or other incompatible wastes including the cost of restoring wastewater services, clean up and restoration of the receiving waters and environs and sludge disposal shall be borne by the discharger of said wastes at no expense to the city.

715.13. Penalties. Subdivision 1. Liens. Each and every sewer service charge levied by and pursuant to this section is hereby made a lien upon the lot or premises served and all such charges which are on January of each year past due and delinquent shall be certified to the county auditor as taxes or assessments on the real estate. Nothing in this section shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected any delinquent or part due sewer service charges.

Subd. 2. Civil action. As an alternative to levying a lien the city may at its discretion file suit in a civil action to collect such amounts as are delinquent and due against the occupant, owner or user of the real estate and shall collect as well all attorneys' fees incurred by the city in filing the civil action. Such attorneys' fees shall be fixed by order of the court.

Subd. 3. Interest. In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate of 12% per annum.

715.15. Conflicts. The sewer service charge system shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of section 204(b)(1)(A) of the federal water pollution control act and federal regulation 40 CFR 35.2140 of the environmental protection agency's grant regulations.

715.17. Table. The following table shall be used as a guide for determining the number of ERUs for various user classes and classes of service.

Equivalent Residential Units (ERUs for Various Establishments)

Class of Service	User Class	Equivalent Residential Unit
Public Wastewater Collection System - MWCC Disposal	Residential	1.0
	Commercial - Shady Beach Resort	3.0
Community Sewage Treatment System	Residential	1.0
	Commercial - Ox-Yoke Inn	3.0
Individual Sewage Treatment System	Residential	1.0
	Commercial - None	-

Section 720 – Pioneer-Sarah Creek Watershed Tax District Established
(Added, Ord. 2003-04)

720.01. Tax district. Subdivision 1. Purpose. A tax district is established for purposes of paying the costs of planning for water management as required by law, for paying capital costs of the water management facilities described in a capital improvement program, and for paying for normal and routine maintenance of such facilities.

Subd. 2. District territory. The tax district is established in that portion of the city of Independence located within the Pioneer-Sarah Creek watershed. The territory or area is more particularly described in a schedule on file with the city administrator.

Subd. 3. Levy. The tax shall be levied annually on all taxable property in the district at a rate equal to 0.02418 percent of the market value of such taxable property.

Subd. 4. Proceeds. The proceeds of the tax shall be paid into a fund reserved for the purposes described herein, or disbursed in support of activities of the Pioneer-Sarah Creek watershed management district consistent with the purposes described herein. Any proceeds remaining in the reserve fund at the time the tax is terminated or the district is dissolved shall be transferred and irrevocably pledged to the debt service fund of the local unit to be used solely to reduce tax levies for bonded indebtedness of taxable property in the district.

Section 725 - Stormwater Utilities
(Added, Ord. 2012-10)

725.01. Purpose and intent. The purpose of this Ordinance is to provide for the health, safety and general welfare of the residents and environment through regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This Ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Ordinance are:

A. To regulate the contribution of pollutants to the MS4 by stormwater discharges by any user.

B. To prohibit Illicit Connections and Discharges to the MS4.

C. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Ordinance.

D. To establish responsibility for failure and remediation, if necessary.

725.02. Definitions. Subdivision 1. For the purposes of this ordinance, the following terms shall mean:

Subd. 2. Best Management Practices (BMPs). "Best Management Practices" means schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Subd. 3. Clean Water Act. "Clean Water Act" means the federal Water Pollution Control Act (33 U.S.C. ' 1251 et seq.), and any subsequent amendments thereto.

Subd. 4. Construction Activity. "Construction Activity" means activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Subd. 5. Hazardous Materials**.** **"**Hazardous Materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Subd. 6. Illegal Discharge. "Illegal Discharge" means any direct or indirect non-storm water discharge to the storm drain system.

Subd. 7. Illicit Connection**.** **"**Illicit Connection" means any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks.

Subd. 8. Industrial Activity. "Industrial Activity" means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Subd. 9. National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. "National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit" means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC ' 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Subd. 10. Non-Storm Water Discharge**.** **"**Non-Storm Water Discharge" means any discharge to the storm drain system that is not composed entirely of storm water.

Subd. 11. Pollutant. "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, Sections, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Subd. 12. Premises. "Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Subd. 13. Storm Drainage System. "Storm Drainage System" means publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Subd. 14. Storm Water. "Storm Water" means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Subd. 15. Stormwater Pollution Prevention Plan (SWPPP). "Stormwater Pollution Prevention Plan (SWPPP)" means a document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Subd. 16. Wastewater. "Wastewater" means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

725.03. Applicability. This Ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted.

725.04 Administration. The City shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the City may be delegated by the City Council to persons or entities acting in the beneficial interest of or in the employ of the City.

725.05 Ultimate Responsibility. The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

725.06. Discharge Prohibitions.

Subd. 1. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

Subd. 2. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

a) The following discharges are permissible by this Ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.

b) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Subd. 3. Prohibit of Illicit Connections:

a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

c) A person is considered to be in violation of this Ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

725.07. Suspension of MS4 Access.

Subd. 1. Suspension due to Illicit Discharges in Emergency Situations:

a) The City may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States.

b) If the violator fails to comply with a suspension order issued in an emergency, the City may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Subd. 2. Suspension due to the Detection of Illicit Discharge:

a) Any person discharging to the MS4 in violation of this Ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City will notify a violator of the proposed termination of its MS4 access. The violator may petition the City for a reconsideration and hearing.

b) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Ordinance, without the prior approval of the City.

725.08. Industrial or Construction Activity Discharges. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City prior to the allowing of discharges to the MS4.

725.09. Best Management Practices.

Subd. 1. The City shall adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States.

Subd. 2. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs.

Subd. 3. Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system.

Subd. 4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this Ordinance. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

725.10. Watercourse Protection. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

725.11. Notification of Spills.

Subd. 1. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.

Subd. 2. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.

Subd. 3. In the event of a release of non-hazardous materials, said person shall notify the City in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City within three (3) business days of the phone notice.

Subd. 4. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

725.12. Enforcement.

Subd. 1. Notice. Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

a) The performance of monitoring, analyses, and reporting;

b) The elimination of illicit connections or discharges;

c) That violating discharges, practices, or operations shall cease and desist;

d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and

e) Payment of all expenses incurred by the City related to administrative and remediation costs and all emergency measures undertaken by the City to mitigate the adverse effects of said emergency; and

f) The implementation of source control or treatment BMPs.

Subd. 2. Action Required. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Subd. 3. Appeal. Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within ten (10) days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or their designee shall take place within fifteen (15) days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

Subd. 4. Post Appeal Enforcement. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within ten (10) days of the decision of the City upholding the decision of the authorized enforcement agency, then representatives of the City shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Subd. 5. Abatement Costs. Within thirty (30) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment according to State Statute. If the amount due is not paid within a timely manner as determined by the decision of the City or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Subd. 6. Injunctive Relief. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this Ordinance, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Subd. 7. Compensatory Actions. In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the City may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup or other actions approved by the City Council.

Subd. 8. Violations Deemed a Public Nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Subd. 9. Criminal Prosecution. Any person violating any provision of this Ordinance shall be punished pursuant to applicable State Statute regarding misdemeanor penalties, as amended, plus the costs of prosecution.

Subd. 10. Remedies Not Exclusive. The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies.

725.13. Severability. The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.