

**CHAPTER 3  
UTILITIES**

**SECTION 1**

**301.000. SEWERS OF THE CITY OF WINSTED.**

**301.001. RATES FOR USERS NOT CONNECTED TO WATER SYSTEM.** Except as otherwise provided in this section, any user of sewer service to property not served by the city water system shall, prior to being allowed to hook up to the city's sewer system, install a water meter on said user's source of water. The readings on said water meter shall then be used by the city as one (if not all) of the means of determining said user's sewer rate which shall be determined by resolution pursuant to Section 1 of this ordinance.

(Ord. 81-06, Sec. 2, 5/13/81)

**301.002. SPECIAL CASES.** In the case of an industrial user contributing wastes to the sewage disposal system in disproportionate amounts or concentrations, the City Council shall make an individual study of the particular use and fix an individual charge that is commensurate with the burden placed by the wastes upon the municipal sewer system. If a building served by sewer is not served by city water and the council determines that the flat rate sewer service charge inaccurately measures use of the sewer system, it may order the installation of a water meter to measure accurately the amount of water used on the premises. In the case of an industry using substantial amounts of water that is not discharged into the sewer system, the council may order installation of a meter accurately measuring the amount of water that enters the municipal sewer system, and fix the sewer service charge on the basis of such amount.

(Ord. 81-06, Sec. 3, 5/13/81)

**301.003. REQUIRED INFORMATION.** The owner, occupant, or person in charge of any premises shall supply the city with such information as it may reasonably require relating to the use of water, use of sewer, or sewer rates. Willful failure to provide such information, willful falsification of such information, or willful failure to comply with any requirement or order issued pursuant to this section constitutes a violation of this section which will result in the city's right to terminate water and/or sewer service until such time as the requirements of this section are met.

(Ord. 81-06, Sec. 4, 5/13/81)

**301.004. MANDATORY HOOK UP.** The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated with the city and adjacent to any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the city, shall be required at the owner(s)

expense to install a suitable service connection to the public sewer in accordance with provisions of this Code, within thirty (30) days of the date said public sewer is operational, provided said public sewer is within 1000 feet of the structure generating the wastewater. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this section, an official thirty (30) day notice shall be served instructing the affected property owner to make said connection.

In the event an owner shall fail to connect to a public sewer in compliance with notice as provided for above, the city must undertake to have said connection made and shall assess the cost thereof against the benefited property. Such assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the Auditor of the County of McLeod, Minnesota, and shall be collected and remitted to the city in the same manner as assessments for local improvements. The rights of the city shall be in addition to any remedial or enforcement provisions of this ordinance.

(Ord. 81-06, Sec. 5, 5/13/81 amended by Ord. 85-01, Sec. 16, 8/19/85)

**301.005. NONPAYMENT OF FEES.** The City Clerk shall prepare quarterly (or at such other intervals as the City Council shall determine by Resolution) duplicate statements of sewage charges for every user except those "special cases" where the user is billed pursuant to Resolution adopted by the City Council being on a monthly basis, and mail or deliver one copy to such user. Such statements shall be filed prior to and shall be due and payable in full, at the clerk's office, within thirty (30) days after the clerk sends such bill to the user. The city may, after the procedural requirements in the following paragraph have been complied with, discontinue water service to the user who has not paid his bill within the time limitations previously mentioned above, by shutting off the water to said user's premises.

Water shall not be shut off under the terms of this ordinance until Notice and an opportunity for a hearing have first been given the occupant or owner of the premises involved. The Notice shall be served personally or by registered mail and shall state that if payment is not made before a date stated in the Notice, but not less than ten (10) days after the date on which the Notice is given, the water supply to the premises shall be shut off. The Notice shall also state that the occupant or owner may, before such date, demand a hearing on the matter, in which case the supply of water will not be shut off until after the hearing is held. If the occupant requests a hearing before the date specified, a hearing shall be held on the matter by the City Council at least one week after the date on which the request was made. If, as a result of the hearing, the City Council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this ordinance, the city may shut off the supply of water. When water service to any premises has been discontinued, service shall not be restored except upon payment of all sewage bills due, together with interest thereon at the

rate of 10% per annum, plus a fee of \$15.00 for re-establishing service, plus a deposit of \$50.00 to secure payment of bills for future service.

All sewer charges billed on a monthly basis shall become delinquent after the 15th day of the following month and, if not paid prior to the 30th day thereof, water service to the premises shall be discontinued as per the procedure outlined above and not be resumed except upon payment of all sewage bills due, together with interest thereon at the rate of 10% per annum, plus a fee of \$15.00 for re-establishing service, plus a deposit equal to three months' service to secure the payment of bills for future service. In the event any user that does not use the City Water System fails to pay its sewage bills, the city shall terminate sewer service provided that said sewer service shall be discontinued upon Notice of Hearing in the same manner as Notice of Hearing for water shut off as provided above.

In the event the owner, lessee, occupant or user of each premise connected to the Municipal Sewage System fails to make payment as required hereinabove, the city may commence civil litigation against any such owner, lessee, occupant or user in a court of competent jurisdiction or, if directed by the City Council, may be certified to the County Auditor with the taxes against such property served and shall be collected as other taxes are collected.

The owner of the premises served by water shall be the person or entity to whom the City Clerk shall mail its bill for sewage services.

(Ord. 81-06, Sec. 6, 5/13/81, amended in total by Ord. 84-01, Sec. 1, 3/5/84)

**301.006. HOOK UP FEE.** The Council shall, by resolution from time to time, determine the hook up fee on all lots not previously assessed, for the tapping or connecting, either directly or indirectly, from each and every house, dwelling, residence or building of whatsoever name or nature used for any purpose, with any sewer within the limits of the City of Winsted. Said fee or charge shall be paid in advance to the City Clerk before the issuance of a permit for such tapping or connection.

(Ord. 81-06, Sec. 7, 5/13/81)

**301.007. HISTORY OF REPEALS.** Ordinance 81-06 repeals ordinance 69-04. Ordinance 85-03 repeals Section 1 of ordinance 81-06.

**301.008. SEWAGE TREATMENT.** Any premises intended for human occupancy shall be provided with an adequate method of sewage treatment to be maintained in accordance with acceptable practices.

1. Public or municipal collection and treatment facilities shall be used.
2. Compliance. Individual sewage treatment systems are not allowed within the Winsted City limits. All areas within the City limits are served by a central

sewer collection system and there are no existing individual systems in the City.

3. Review. Upon any annexation proceedings, the City Administrator or designee and Building Inspector will conduct a review of the existence of any individual on-site sewage treatment systems. Upon the identification of such systems, the Building Inspector shall inform the property owner(s) they have two (2) years from the date of annexation to connect to the City's sewage treatment system and have the septic system removed.
4. Any non-conforming sanitary facility found to be a public nuisance shall be discontinued within thirty (30) days after receiving written notice from the City Administrator or designee.

(Ord. O-18-04; 8/21/18)

**SECTION 2**

**302.000. REGULATING THE DISCHARGE OF WASTEWATER INTO THE CITY SYSTEM (PRETREATMENT).**

**302.001. TABLE OF CONTENTS.**

<u>TITLE</u>	<u>SECTION NUMBER</u>
General Provisions	302.002
Regulations	302.003
Limitations on Wastewater Strength	302.004
Accidental Discharge	302.005
New Connections	302.006
Building Sewer Design and Connections	302.007
Private Wastewater Disposal	302.008
Control of Certain Prohibited Substances	302.009
Fees	302.010
Administration	302.011
Enforcement	302.012
Penalties	302.013
Severability	302.014
Conflict	302.015

(Ord. 84-07, Sec. 1, 10/15/84 amended by Ordinance Codification).

**302.002. GENERAL PROVISIONS.**

A. PURPOSE AND POLICY. This Ordinance sets forth uniform requirements for discharges into the city's wastewater disposal system and enables the city to comply with all State and Federal laws.

The objectives of this Ordinance are:

1. to prevent the introduction of pollutants into the wastewater disposal system which will interfere with the operation of the system or the use of disposal of the sludge;
2. to prevent the introduction of pollutants into the wastewater disposal system which will pass through the system inadequately treated into receiving waters or the atmosphere or otherwise be compatible with the system; and
3. to improve the opportunity to recycle and reclaim waste- water and sludge from the system; and
4. to insure compliance with the city's NPDES Permit.

This Ordinance provides for the regulation of discharges into the city's wastewater disposal system through the issuance of permits to certain users and through enforcement of the general requirements for the other users, authorizes monitoring and enforcement activities and requires user reporting.

This Ordinance shall apply to the City of Winsted, Minnesota and to persons outside the city who are, by contract or agreement with the city, users of the City wastewater disposal system. This Ordinance is a supplement to Ordinance No. 81-06, as amended. Except as otherwise provided herein, the City of Winsted or its authorized representative, shall administer, implement and enforce the provisions of this Ordinance.

B. DEFINITIONS. Unless the context specifically indicates otherwise, the following terms, as used in this Ordinance, shall have the meanings hereinafter designated:

1. "ACT" - The Federal Water Pollution Control Act also known as the Clean Water Act, as amended, 33. U.S.C. 1251, et seq.
2. "Biochemical Oxygen Demand (BOD<sub>5</sub>)" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degree Centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
3. "City" - The City of Winsted, Minnesota or the City Council of Winsted, Minnesota.
4. "Combined Sewer" - A sewer intended to serve as a sanitary sewer and a storm sewer.
5. "Director"/"Superintendent" - Said person shall be that person which the City Council designates to administer, implement and enforce the provisions of this Ordinance.
6. "Industrial User" - A person who discharges to the City's wastewater disposal system, liquid, gaseous, or solid wastes resulting from the processes employed in industrial, manufacturing trade, or business establishments, or from the development of any natural resource.
7. "Interference" - The inhibition or disruption of the (City's) wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the (City's) NPDES or State Disposal System Permit. The term includes prevention of sewage sludge use or disposal by the city in accordance with published regulations providing guidelines under

Section 405 of the Act (33 U.S.C. 1251 et seq) or any regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria applicable to the method of disposal or use employed by the city.

8. "National Pollutant Discharge Elimination System (NPDES) Permit" - Any permit or requirements issued by the Minnesota Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq); for the purpose of regulating the discharge of sewage, industrial wastes, or other wastes under the authority of Section 402 of the Act.

9. "Non Contact Cooling Water" -The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added to the water is heart.

10. "Normal Domestic Strength Wastewater" - Wastewater that is primarily introduced by residential users with a BOD5 concentration not greater than 242 mg/l and a suspended solid concentration not greater than 269 mg/l.

11. "Person" - The State or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission or any interstate body, and including any officer or governing or managing body of any municipality, governmental subdivision or public or private corporation, or other entity.

12. "pH" - The logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

13. "Pretreatment" - The process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the (city's) wastewater disposal system. The reduction, elimination, or alteration may be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by Section 2.02.4 of this Ordinance.

14. "Sanitary Sewer" - 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.

15. "Shall" - is mandatory; "May"- is permissive.
16. "Significant Industrial User" - Any industrial user of the (city's) wastewater disposal system which (i) has a discharge flow of 25,000 gallons or more per average work day, or (ii) has a flow greater than 5 percent of the flow in the (city's) wastewater disposal system, or (iii) has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or Minnesota Statutes and rules, or (iv) has a significant impact, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
17. "State" - State of Minnesota.
18. "State Disposal System Permit" - Any permit (including any terms, conditions and requirements thereof), issued by the MPCA pursuant to Minnesota Statutes 115.07 for a disposal system as defined by Minnesota Statutes 115.01 Subdivision 8.
19. "Storm Sewer or Storm Drain" - A drain or sewer intended to carry storm waters, surface runoff, ground water, sub-surface water, street wash water, drainage, and unpolluted water from any source.
20. "Storm Water" - Any flow occurring during or following any form of natural precipitation and resulting therefrom.
21. "Suspended Solids" - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by a standard glass fiber filter.
22. "User" - Any person who discharges, causes or permits the discharge of wastewater into the city's wastewater disposal system.
23. "Wastewater" - The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the city's wastewater disposal system.
24. "Wastewater Disposal System" or "System" - Any devices,



facilities, structures, equipment or works owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of industrial and domestic wastewater or necessary to recycle or reuse water, including intercepting sewers, outfall sewers, sewage collection system, 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 that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

25. "Waters of the State" - All streams, lakes, ponds, marshes, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

26. Terms not otherwise defined herein shall be as given in Minnesota Statutes, Chapters 115 and 116, as amended.

(Ord. 84-07, Sec. 1.02, 10/15/84 amended by Ord. 85-01, Sec. 2 and Sec. 3, 8/19/85)

### **302.003. REGULATIONS.**

A. GENERAL DISCHARGE PROHIBITIONS. No user shall discharge or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or to any public sewer:

1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any way to the wastewater disposal system or to the operation of the system. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. 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.

2. Solid or viscous substances which will or may 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 (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, 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, gas tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

3. Any wastewater having a pH less than 5 or more than 10 or having any other corrosive property capable of causing damage or hazard to structures, equipment, personnel of the wastewater disposal system.

4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interactions 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 Act.

5. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

6. Any wastewater with objectionable color not removed in the treatment process, such as but not limited to, dye wastes and vegetable tanning solutions.

7. Any wastewater which creates conditions at or near the wastewater disposal system which violate any statute or any rule, regulation or ordinance of any public agency or state or federal regulatory body.

8. Any wastewater having a temperature greater than 150° F (65.6°C), or causing individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104° F (40° C).

9. Any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge of such volume or strength as to cause inhibition or disruption in the wastewater disposal system. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average

twenty-four (24) hour concentrations, quantities, or flow of the user during normal operation.

10. Non-contact cooling water or unpolluted storm or groundwater.

11. Any wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of (150 mg/l) or containing substances which may solidify or become viscous at temperatures between 32o F and 150o F (0og C and 65.6o C); and any wastewater containing oil and grease concentrations of mineral origin of greater than (100 mg/l), whether emulsified or not.

12. Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that they would cause disruption with the wastewater disposal system.

13. Any waters or wastes containing BOD5 or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of section 302.003.B. In forming this opinion as to the acceptability of wastes, the Superintendent will give consideration to the quantity of the wastes, the capacity of the treatment plant, and the City's NPDES permit.

14. Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

15. Any waters or wastes containing the following substances to such a degree that any such material received in the composite wastewater at the wastewater treatment works is detrimental to the treatment process, adversely effects receiving waters, or is in violation of standards pursuant to Section 307(b) of the Act:

arsenic  
cadmium  
copper  
cyanide  
lead  
mercury

nickel  
silver  
chromium  
zinc  
phenolic compounds

(Ord. 84-07, Sec. 2.01, 10/15/84 amended by Ord. 85-01, Sec. 5 and Sec. 6, 8/19/85)

B. CITY'S REMEDIES UPON A PROHIBITED DISCHARGE. If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in 302.003.A. and/or which in the judgment of the Superintendent, may have a deleterious effect upon the wastewater treatment facilities, processes, or

equipment; receiving waters and/or soil, vegetation, and ground water; or which otherwise create a hazard to life or constitute a public nuisance, the City may:

1. Reject the wastes,
2. Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 3.07(b) of the Act and section 302.004. below,
3. Require control over the quantities and rates of discharge, and/or,
4. Require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer service charges.

If the City permits the pretreatment or equalization of waste flows, the design, installation, and maintenance of the facilities and equipment shall be made at the owner's expense, and shall be in accordance with section 302.004. hereinbelow.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City of Winsted and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern, providing that National Categorical Pretreatment Standards and the City's NPDES and/or State Disposal System Permit limitations are not violated and such industry pays its proportionate share of operations, maintenance and replacement costs based on the user's proportionate contribution to the total wastewater loading from all users in accordance with 40 CFR Section 35.2140.

The provisions of this Section are in addition and in no way limit any other provisions contained in this Ordinance.

(Ord. 84-07, Sec. 2.01.1, 10/15/84 amended by Ord. 85-01, Sec. 7, 8/19/85)

C. ADDITIONAL PROHIBITIONS. In addition to these prohibitions, no user shall discharge to any public sewer any discharge with causes interference, as defined, with the wastewater disposal system. Pollutants in the effluent from an industrial user shall not be considered to cause interference where the industrial user is in compliance with specific prohibitions or standards developed by federal, state, or local governments. Where the industrial user is in compliance with such specific prohibitions or standards, and pollutants in the effluent from the industrial user's facility nevertheless are determined to have caused or significantly contributed to a violation of any requirement of the (City's) NPDES or State Disposal System Permit, and are likely to cause such a violation in the future, the (City) must take appropriate action to develop and enforce specific effluent limits for that industrial user to ensure renewed and continued compliance with the (City's) NPDES or State Disposal System Permit.

(Ord. 84-07, Sec. 2.01.2, 10/15/84)

#### **302.004. LIMITATIONS ON WASTEWATER STRENGTH**

A. NATIONAL CATEGORICAL PRETREATMENT STANDARDS. National categorical pretreatment standards promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users which are subject to such standards in any instance where they are more stringent than the limitations in this Ordinance unless the Director has applied for and obtained from the MPCA approval to modify the specific limits in the national categorical pretreatment standards. When requested, an application for modification of the national categorical pretreatment standards will be considered for submittal by the Director when the (City's) wastewater treatment system achieves consistent removal of the pollutants. "Consistent removal" shall be defined as in 40 CFR 403.7 (a) (1) of the "General Pretreatment Regulations for Existing and New Sources of Pollution". Conditional revisions of national categorical pretreatment standards may be made by the (City) in accordance with 403.7 (b) (2) (i-iv) of the "General Pretreatment Regulations for Existing and New Sources of Pollution" if requested by the industry (ies) in accordance with requirements of 403.7 (b) (1) (i).

B. STATE REQUIREMENTS. State requirements and limitations on discharges shall be met by all users which are subject to such standards in any instance in which they are more stringent than

federal requirements and limitations or those in this or any other applicable ordinance.

C. CITY'S RIGHT OF REVISION. The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in section 302.002.A. of this Ordinance.

D. DILUTION. No user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained herein, contained in the national categorical pretreatment standards, or contained in any state requirements.

(Ord. 84-07, Sec. 2.02, 10/15/84)

**302.005. ACCIDENTAL DISCHARGE.** Each user shall provide protection from accidental discharges of prohibited materials or other substances regulated by this Ordinance. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review, and shall be approved by the Director before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of the ordinance. Users shall notify the Director immediately upon having a slug or accidental discharge of substances or wastewater in violation of this Ordinance in order to enable countermeasures to be taken by the Director to minimize damage to the wastewater disposal system and the receiving waters. Such notifications will not relieve users of liability for any expense, loss or damage to the wastewater disposal system or treatment process, or for any fines imposed on the City on account thereof under any state or federal law. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a slug or accidental discharge. Employers shall insure that all employees who may cause or discover such a discharge are advised of the emergency notification procedure.

(Ord. 84-07, Sec. 2.03, 10/15/84)

**302.006. NEW CONNECTIONS.** Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, BOD5, and Suspended Solids, as determined by the Superintendent.

(Ord. 84-07, Sec. 2.04, 10/15/84 amended by Ord. 85-01, Sec. 8, 8/19/85)

**302.007. BUILDING SEWER DESIGN AND CONNECTIONS.**

A. No unauthorized person(s) 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.

B. Applications for 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 occupied. 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.

C. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the City. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

D. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

E. 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 such connection aforementioned.

F. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent or his representative, to meet all requirements of this Ordinance.

G. 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.

H. 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.

I. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or indirectly to the wastewater disposal system.

J. The connection of the building sewer into the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gas tight and watertight, and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the City prior to installation.

K. The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the Superintendent or authorized representative thereof.

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

(Ord. 84-07, Sec. 2.05, 10/15/84 amended by Ord. 85-01, Sec. 9, 8/19/85)

**302.008. PRIVATE WASTEWATER DISPOSAL.**

A. Where a public sewer is not available under the provisions of section 302.010.B. of this Ordinance, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Section.

B. Prior to commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the City. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary to the City.

C. A permit for private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of



the City or its authorized representative. The City or its representative shall be allowed to inspect the work at any stage of construction, and, in any event, the application for the permit shall notify the City when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice except no inspections will be made on Saturdays or Sundays or legal holidays.

D. The type, capacities, location and layout of a private waste-water disposal system shall comply with all requirements of 6 MCAR 4.8040, entitled "Individual Sewage Treatment System Standards." No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within thirty (30) days in compliance with this Ordinance, and within thirty (30) days any septic tanks, cesspools, and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.

F. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the City.

G. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the State of Minnesota.

(Ord. 84-07, Sec. 2.06, 10/15/84 amended by Ord. 85-01, Sec. 10, 8/19/85)

**302.009. CONTROL OF CERTAIN PROHIBITED SUBSTANCES.** Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 302.003.K., any flammable wastes as specified in Section 302.003.A., 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 the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collecting materials not performed by the owner's personnel, must be performed by a currently licensed waste disposal firm.

(Ord. 84-07, Sec. 2.07, 10/15/84 amended by Ord. 85-01, Sec. 11, 8/19/85)

**302.010. FEES.**

A. PURPOSE. It is the purpose of this chapter to provide for the recovery of costs from users of the City's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the City's Schedule of Charges and Fees, to be prepared, from time to time, by the Director and approved by the City Council.

B. CHARGES AND FEES. The City Council shall adopt charges and fees which may include:

1. Fees for monitoring, inspections and surveillance procedures;
2. Fees for permit applications;
3. Appeal fees; and
4. Other fees as the Director may deem necessary to carry out the requirements contained herein.

(Ord. 84-07, Sec. 3.01 and 3.02, 10/15/84)

### **302.011. ADMINISTRATION.**

A. GENERAL USER REPORTS. The Director may require that any persons discharging or proposing to discharge wastewater to the wastewater disposal system file a periodic discharge report. The discharge report may include, but not be limited to, nature of process, rates of flow, mass discharge rate, raw material and production quantities, hours of operation, number and classification of employees, compliance status with any state or federal pretreatment standards, or other information which relates to the generation of waste, including wastewater constituents and concentrations in the wastewater discharge. Such reports may also include sludge disposal practices and the chemical constituents and quantity of liquid or gaseous materials stored on site, even though they may not normally be discharged. At a minimum, a summary of such data indicating each industrial user's compliance with this Ordinance shall be prepared quarterly and submitted to the Director. In addition to discharge reports, the Director may require information in the form of Wastewater Discharge Permit applications, self-monitoring reports, and compliance schedules.

B. WASTEWATER DISCHARGE PERMITS - MANDATORY PERMITS. All industries proposing to connect or commence a new discharge to the wastewater disposal system shall obtain a Wastewater Discharge Permit before connecting to or discharging into the wastewater disposal system if the discharge would result in the industry being

classified as a significant industrial user. All existing significant industrial users or industrial users subject to national categorical pretreatment standards under Section 307(b) and (c) of the Act connected to or discharging into the wastewater disposal system shall obtain a Wastewater Discharge Permit within 180 days after the effective date of this Ordinance. In the event an industrial user agreement is entered into by and between a user and the City of Winsted, the information contained therein may be used by the City of Winsted in lieu of the information requested in paragraph 302.011.B.1. Permit Application herein, notwithstanding the City of Winsted's continued right to require any and all information indicated in paragraph 302.011.B.1. Permit Application, as it deems necessary.

1. PERMIT APPLICATION. Users required to obtain a Wastewater Discharge Permit shall complete and file with the City Clerk, an application in the form prescribed by the City Clerk, and accompanied by a fee of \$100.00. Existing users shall apply for a Wastewater Discharge Permit within 30 (optional) days after the effective date of this Ordinance, and proposed new users shall apply at least 180 days prior to connecting or discharging to the wastewater disposal system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location (if different from the address);
- (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (c) Wastewater constituents and characteristics including but not limited to those governed by Chapter 2 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;
- (d) Time and duration of discharge;
  - (e) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
  - (f) Plans showing the location of sewer connections and appurtenances by size, location and elevation;
  - (g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged, including sludges, floats, skimmings, etc.;

(h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or national categorical pretreatment standards, and (for an existing discharge) a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards. If additional operation and maintenance and/or pretreatment will be required, a proposed schedule by which the changes will be completed shall be submitted. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standard. No increment shall exceed 9 months in length, and progress reports concerning each increment shall be submitted within 14 days following each increment date;

(i) Each product produced by type, amount, and rate of production;

(j) Type and amount of raw materials processed (average and maximum per day);

(k) Number of full and part time employees, and hours of work; and,

(l) Any other information as may be deemed by the Director to be necessary to evaluate the permit application.

The Director will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Director may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

2. PERMIT CONDITIONS. Wastewater Discharge Permits shall be expressly subject to all provisions of the Ordinance and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:

(a) The unit or schedule of user charges and fees for the wastewater to be discharged to the wastewater disposal system;

(b) Limits on average and maximum wastewater constituents and characteristics;

- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Requirements for installation, operation, and maintenance of pretreatment facilities;
- (f) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;
- (g) Compliance schedules;
- (h) Requirements for submission of technical reports or discharge reports;
- (i) Requirements for maintaining and retaining plan records relating to wastewater discharge as specified by the Director, but in no case less than three years, and affording Director access thereto;
- (j) Requirements for notification to and acceptance by the Director of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (k) Requirements for notification of slug or accidental discharges as provided in Section 302.005 of this Ordinance, and reporting of permit violations;
- (l) Requirements for disposal of sludges, floats, skimmings, etc.; and,
- (m) Other conditions as deemed appropriate by the City to ensure compliance with this Ordinance.

3. PERMIT DURATION. Permits shall be issued for a specified time period, not to exceed five (5) years. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Director during the term of the permit as limitations or requirements as identified in Chapter 2 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

4. PERMIT MODIFICATIONS. Within 9 months of the promulgation of a national categorical pretreatment standard, the Wastewater Discharge Permit of users subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user,

subject to a national categorical pretreatment standard, has not previously submitted an application for a Wastewater Discharge Permit as required by Section 302.011.B. of this Ordinance, the user shall apply for a Wastewater Discharge Permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing Wastewater Discharge Permit shall submit to the Director within 180 days after the promulgation of an applicable national categorical pretreatment standard the information required by Section 302.011.B. of this Ordinance. If the information previously submitted in an application is still current and adequate, only a letter from the user certifying such is required.

5. PERMIT TRANSFER. Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Director. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

C. MONITORING FACILITIES. Monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems shall be provided and operated by all industrial users. The monitoring facility should normally be situated on the user's premises, but the Director may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole of facility to allow accurate sampling and compositing of samples for analysis. The facility and sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Director's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Director, unless a time extension is otherwise granted by the Director.

D. INSPECTION AND SAMPLING. The Director shall inspect the facilities of any user to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Director ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records

examination or in the performance of any of their duties. The Director, MPCA and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with any security guards so that upon presentation of suitable identification, the Director, MPCA and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

E. PRETREATMENT. Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Director under the provisions of the Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Director prior to the user's initiation of the changes. All records relating to compliance with pretreatment standards shall be made available by the Director to officials of the EPA or MPCA upon request.

Any user subject to a national categorical pretreatment standard, after the compliance data of such pretreatment standard, or, in the case of the commencement of a new discharge to the wastewater disposal system, shall submit to the Director during the months of June and December, unless required more frequently in the pretreatment standard or by the Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Section 302.011. or 302.011.B of the chapter. The Director may agree to alter the months during which the above reports are to be submitted.

F. FINAL COMPLIANCE DATE REPORTING REQUIREMENTS. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of the commencement of a new discharge to the wastewater disposal system, any user subject to pretreatment standards and requirements shall submit to the Director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment

standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the facility into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by the user, and certified to by a qualified professional.

- G. CONFIDENTIAL INFORMATION. Information and data on a user obtained from applications, permits, monitoring programs and inspections shall be available to the public or other government agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Director that the release of such information would divulge information, processes or methods or production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, and until such time as the information is determined not to be confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the NPDES Permit, State Disposal System permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Director as confidential, shall not be transmitted to any governmental agency or to the general public by the Director until and unless a ten (10) day notification is given to the user.

H. SLUDGES GENERATED. Sludges, floats, skimmings, etc., generated by an industrial or commercial pretreatment system shall not be placed into the (City's) wastewater disposal system. Such sludges shall be contained, transported, and disposed of in accordance with all federal, state, and local regulations.

(Ord. 84-07, Sections 4.01 through 4.08, 10/15/84, amended by Ord. 85-01, Sec. 1, Sec. 12 and Sec. 13, 8/19/85)

### **302.012. ENFORCEMENT.**

A. SLUG OR ACCIDENTAL DISCHARGES. The Director may suspend the wastewater treatment service of a user and/or a Wastewater Discharge Permit (after informal notice to the discharger) when such suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which presents or may present an imminent



or substantial endangerment to the health or welfare of persons, to the environment, or to the wastewater disposal system, or would cause the City to violate any condition of its NPDES or State Disposal System Permit. Any user notified of a suspension of the wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater disposal system or endangerment to any individuals. The Director shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the slug or accidental discharge and the measures taken to prevent any future occurrence shall be submitted to the Director within 15 days of the date of occurrence.

B. REVOCATION OF PERMIT. In accordance with the procedures of section 302.012. of this Ordinance, the Director may revoke the permit of any user which fails to factually report the wastewater constituents and characteristics of his discharge; which fails to report significant changes in wastewater constituents or characteristics; which refuses reasonable access to the user's premises for the purpose of inspection or monitoring or for violation of conditions of its permit, this Ordinance, or applicable state and federal regulations.

C. NOTIFICATION OF VIOLATION. Whenever the Director finds that any person has violated or is violating this Ordinance, Wastewater Discharge Permit, or any prohibition, limitation or requirement contained herein, the Director may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, unless a shorter time frame is necessary due to the nature of the violation, a plan for the satisfactory correction thereof shall be submitted to the City by the user.

D. SHOW CAUSE HEARING.

1. NOTICE OF HEARING. If the violation is not corrected by timely compliance, the Director may order any user which causes or allows an unauthorized discharge to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City Council regarding the violation, the reason why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt

requested) at least 10 (ten) days before the hearing. Service may be made on any agent or office of a corporation.

2. HEARING OFFICIALS. The City Council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the (assigned department) to:

- (a) Issue in the name of the City Council notices of hearings requesting the attendance and testimony of witnesses and the protection of evidence relevant to any matter involved in such hearings;
- (b) Take the evidence; and
- (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.

3. TRANSCRIPTS. At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.

4. ISSUANCE OF ORDERS. After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

5. LEGAL ACTION. If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this Ordinance, federal or state pretreatment requirements or any order of the City, the City Attorney may, following the authorization of such action by the City Council, commence an action for appropriate legal and/or equitable relief.

6. APPEAL TO THE CITY COUNCIL. Any interested party shall have the right to request in writing an interpretation or ruling on any matter covered by this Ordinance and shall be entitled to a written reply from the City.

Any decision of the Director in the enforcement of this Ordinance may be appealed to the City Council by filing a written petition with the City Clerk within

thirty (30) days of the Director's ruling. Said petition shall specify in detail the matter or matters involved and every ground or basis on which objections are made. Said petition shall show the names, addresses and telephone numbers of all objectors and their attorney at law or spokesman. The filing of a petition in accordance with the requirements herein shall stay all proceedings unless the Director shall file within seventy-two (72) hours after the filing of a petition a certificate stating that a stay would cause peril to life or property or specifying other good reason.

The City Council shall fix a reasonable time for hearing of the petition or appeal and give due notice of the time and place of said hearing to parties named in the petition as attorney or spokesman. The hearing shall be open to the public. Petitioners shall be given full opportunity to present evidence in support of their petition after which the Director may present evidence in support of his decision. The City Council shall decide the appeal within a reasonable time and notify the attorney or spokesman. The minutes of the Council shall constitute the official record of the petition, hearing, and decision. Any party desiring a transcript of the proceedings shall furnish a qualified court reporter at their own expense.

(Ord. 84-07, Sections 5.01 through 5.07, 10/15/84 amended by Ord. 85-01, Sec. 8/19/85)

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### **302.013. PENALTIES.**

A. CIVIL PENALTIES. Any user who is found to have violated an Order of the City Council or who has failed to comply with any provisions of this Ordinance, and the orders, rules, regulations and permits issued hereunder, shall be fined not more than Five Thousand and no/100ths (\$5,000.00) Dollars for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorney fees, Court costs, Court Reporters fees and other expenses of litigation by an appropriate action against the person found to have violated this Ordinance or the order, rules, regulations, and permits issued hereunder.

B. FALSIFYING INFORMATION. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than six (6) months, or by to both.

(Ord. 84-07, Sections 6.01 through 6.03, 10/15/84 amended by Ord. 85-01, Sec. 15, 8/19/85)

**302.014. SEVERABILITY.** If any provision, paragraph, word, section or chapter of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

(Ord. 84-07, Sec. 7.01, 10/15/84)

**302.015. CONFLICT.** All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

(Ord. 84-07, Sec. 8.01, 10/15/84)

### SECTION 3

**303.000. AN ORDINANCE ESTABLISHING A SEWER SERVICE CHARGE SYSTEM FOR THE CITY OF WINSTED, MINNESOTA.** An Ordinance providing for Sewer Service Charges to recover costs associated with:

- A. Operation, maintenance, and replacement to ensure effective functioning of the City's Wastewater Treatment System.
- B. Local capital costs incurred in the construction of the City's Wastewater Treatment System.

(Ord. 85-03, Intro, 8/19/85)

**303.001. DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of the terms used in this ordinance shall be as hereafter designated:

- A. "Administration" - Those fixed costs attributable to administration of the wastewater treatment works (i.e., billing and associated bookkeeping and accounting costs).
- B. "Biochemical Oxygen Demand or BOD5" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20o C, expressed in milligrams per liter.
- C. "City" - The area within the corporate boundaries of the City of Winsted, as presently established or as amended by Ordinance or other legal actions at a future time. When used herein the term City may also refer to the City Council or its authorized representative.
- D. "Commercial User" - Any place of business which discharges sanitary waste as distinct from industrial wastewater.
- E. "Commercial Wastewaters" - Domestic wastewater emanating from a place of business as distinct from industrial wastewater.
- F. "Debt Service Charge" - A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct said facilities.
- G. "Normal Domestic Strength Wastewater" - Wastewater that is primarily produced by residential users, with BOD5 concentrations not greater than 242 mg/1 and suspended solids concentrations not greater than 269 mg/1.

H. "Extra Strength Waste" - Wastewater having BOD and/or TSS greater than domestic waste was defined in 303.001.G. above and not otherwise classified as an incompatible waste.

I. "Governmental User" - Users which are units, agencies or instrumentalities of federal, state, or local government discharging Normal Domestic Strength Wastewater.

J. "Incompatible Waste" - 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.

K. "Industrial Users or "Industries" are:

1. Entities that discharge into a publicly owned wastewater treatment works, liquid wastes resulting from the processes employed in industrial or manufacturing processes, or from the development of any natural resources. These are identified in the Standard Industrial

Classification Manual, 1972, Office of Management and Budget, as amended and supplemented 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 <sub>5</sub>	Less than 242 mg/l
Suspended Solids	Less than 269 mg/l

2. 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.

L. "Industrial Wastewater" - The liquid processing wastes from an industrial manufacturing process, trade, or business including but not limited to all Standard Industrial Classification Manual Divisions A, B, D, E and I manufacturers as distinct from domestic wastewater.

M. "Institutional User" - Users other than commercial, governmental, industrial or residential users, discharging primarily Normal Domestic Strength wastewater (e.g. Non-profit organizations).

N. "Operation and Maintenance" - 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.

O. "Operation and Maintenance Costs" - Expenditures for operation and maintenance, including replacement.

P. "Public Wastewater Collection System" - A system of sanitary sewers owned, maintained, operated and controlled by the City.

Q. "Replacement" - 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.

R. "Replacement Costs" - 0 Expenditures for replacement.

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

T. "Sanitary Sewer" - 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.

U. "Sewer Service Charge" - The aggregate of all charges, including charges for operations, maintenance, replacement, debt service, and other related charges that are billed periodically to users of the City's wastewater treatment facilities.

V. "Sewer Service Fund" - 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 operation, maintenance and replacement costs; and to retire debt incurred through capital expenditure for wastewater treatment.

W. "Shall" is mandatory; "May" is permissive.

X. "Slug" - Any discharge of water or wastewater which is 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 flows during normal operation and shall adversely effect the collection system and/or performance of the wastewater treatment works.

Y. "Standard Industrial Classification Manual" - Office of Management and Budget, 1972.

Z. "Suspended Solids (SS) or Total Suspended Solids (TSS)" - 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.

AA. "Toxic Pollutant" - The concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to Section 307(a) of the Act, which upon exposure to or assimilation into any organism will cause adverse effects.

BB. "User Charge" - A charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement.

CC. "Users" - Those residential, commercial, governmental, institutional and industrial establishments which are connected to the public sewer collection system.

DD. "Wastewater" - The spent water of a community, 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 waste and storm water that may be present.

EE. "Wastewater Treatment Works or Treatment Works" - An arrangement of any 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.

(Ord. 85-03, Sections 1.01 to 1.31, 8/19/85)

**303.002. ESTABLISHMENT OF A SEWER SERVICE CHARGE SYSTEM**

A. The City of Winsted hereby establishes a Sewer Service Charge System whereby all revenue collected from users of the wastewater treatment facilities will be used to affect all expenditures incurred for annual operation, maintenance, and replacement and for debt service on capital expenditure incurred in construction the wastewater treatment works.

B. Each user shall pay its proportionate share of operation maintenance and replacement costs of the treatment works, based on the users proportionate contribution to the total wastewater loading from all users.

C. Each user shall pay debt service charges to retire local capital costs as determined by the City Council.

D. 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 Ordinance. The Sewer Service Charge System developed with the assistance of the City Council of the City of Winsted shall be adopted by Resolution upon enactment of this Ordinance, 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.

E. 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.

F. Sewer Service Charges and the Sewer Service Fund will be administered in accordance with the provisions of 303.005. of this Ordinance.

(Ord. 85-03, Sections 2.01 to 2.06, 8/19/85)

**303.003. DETERMINATION OF SEWER SERVICE CHARGES.**

A. Users of the City of Winsted wastewater treatment works shall be identified as belonging to one of the following User Classes:

1. Residential
2. Commercial
3. Industrial
4. Institutional
5. Governmental

The allocation of users of these categories for the purpose of assessing User Charges and Debt Service Charges shall be the responsibility of the City Clerk. Allocation of users to User Classes shall be based on the substantive intent of the definitions of these Classes contained herein.

B. The user shall pay Operation, Maintenance and Replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, with the minimum rate for loadings of BOD and of TSS being the rate established for concentrations of 242 mg/l BOD and 269 TSS (i.e. Normal Domestic Strength Wastewater).

C. UNIT COSTS FOR TREATMENT OF FLOW, BOD, AND TSS. Unit costs for treatment of Flow, BOD, and TSS shall be determined and fixed annually in the Sewer Service Charge System according to the following procedure:

1. Determine the Annual OM&R Budget.
2. Allocate total Annual OM&R costs to Flow, BOD and TSS proportionately; according to the costs of collection, and of the specific treatment processes required to affect or reduce Flow, BOD and TSS.
3. Divide the OM&R costs attributable to Flow, BOD and TSS respectively, by the total annual volume and loading of Flow, BOD and TSS, to arrive at unit costs.

For purposes of determining user charges, the following definitions of unit costs shall apply:

$U_F$  = Unit cost for treatment of Flow in \$/Kgal.

$U_{BOD}$  = Unit cost for treatment of BOD in \$/lb.

$U_{TSS}$  = Unit cost for treatment of TSS in \$/lb.

Unit costs for 1986 are provided in Table 7 of the Sewer Service Charge System developed with the assistance of Consulting Firm or City Council of the City of Winsted. Subsequent calculations of unit costs shall be according to the substantive intent of this SSCS.

D. USER CHARGES FOR NORMAL DOMESTIC STRENGTH USERS.

1. CALCULATING BILLABLE FLOWS AND LOADINGS. The billable amount of Flow will be calculated from the volume of metered water usage. For Residential Users, the per quarter billable flow shall be equal to quarterly metered water usage as averaged between first and last quarters of the calendar year. For non-residential users discharging normal domestic strength wastewater, billable flow shall be equal to quarterly water usage measured throughout the year.

The billable amounts of BOD and TSS will be calculated from the volume of metered water usage, where the billable quantities will be those attributable to a wastewater concentration of 242 mg/l BOD and 269 mg/l TSS (i.e. "Normal Domestic Strength Wastewater).

2. CALCULATING USER CHARGES.

$$U_{C(NDS)} = (U_F \times F) + (U_{BOD} \times K_{BOD} \times F) + (U_{TSS} \times K_{TSS} \times F)$$

Where:  $U_{C(NDS)}$  = User charge for treatment of Normal Domestic Strength Wastewater

$U_F$  = Unit cost for treatment of BOD in \$/lb.

$F$  = Billable Flow in Kgal.

$U_{BOD}$  = Unit cost for treatment of BOD in \$/lb.

$K_{BOD}$  = Constant used to calculate the quantity of BOD in lbs./Kgal of NDS waste (242 mg/l BOD as follows:

$$K_{BOD} = .00834 \times 242 \text{ mg/l (BOD concentration of NDS Waste).}$$

$U_{TSS}$  = Unit cost for treatment of TSS in \$/lb.

$K_{TSS}$  = Constant used to calculate the quantity of TSS in lbs./Kgal of NDS Waste (269 mg/l TSS) as follows:

$$K_{TSS} = .00834 \times 269 \text{ mg/l (TSS concentration of NDS Waste).}$$

E. USER CHARGES FOR USERS CONTRIBUTING WASTES GREATER THAN NORMAL DOMESTIC STRENGTH.

1. CALCULATING BILLABLE FLOWS AND LOADINGS. The billable amount of Flow will be calculated from the volume of metered water usage, or at the discretion of the City, from the measurement of effluent Flow at User's point of

discharge. Measurements shall be according to a regular program prescribed by the City.

The billable amount of BOD and TSS will be calculated by the measurement of these wastes according to a program prescribed by the City in keeping with the latest edition of Standard Methods for the Examination of Water and Wastewater accordance with Ordinance No. 84-07 (i.e. Chapter 3 herein) or any Ordinances amending 84-07 (ie. Chapter 3 herein).

## 2. CALCULATING USER CHARGES.

$$U_{C(GNDS)} = (U_F \times F) + (U_{BOD} \times Q_{BOD}) + (U_{TSS} \times Q_{TSS})$$

Where:  $U_{C(GNDS)}$  = User charge for treatment of wastewater that is greater than Normal Domestic Strength.

$U_F$  = Unit cost for treatment of flow in \$/Kgal.

$F$  = Billable flow in Kgal.

$U_{BOD}$  = Unit cost for treatment of BOD in \$/lb.

$Q_{BOD}$  = Quantity of BOD in lbs.

$U_{TSS}$  = Unit cost for treatment of TSS in \$/lb.

$Q_{TSS}$  = Quantity of TSS in lbs.

- F. The City may, at its discretion, require non-residential users to install wastewater flow meters or such additional water meters as may be necessary to determine wastewater volume. The City may require residential connections 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 equipped with remote registering recorders, and located at an accessible site on the owner's property.

## G. SEWER SERVICE CHARGE FOR RECOVERY OF LOCAL CONSTRUCTION COSTS.

Local construction costs for the Wastewater Treatment Facility will be recovered from users in proportion to their contributions of wastewater flow and loadings into the Treatment Facility as follows:

Unit costs for debt service of capital expenditures attributable to Flow, BOD and TSS shall be calculated according to the Sewer Service Charge System as provided in Table 6. For purposes of determining debt service charges, the following definitions shall apply:

$D_F$  = Unit cost for debt service of capital expenditures attributable to Flow.

$D_{BOD}$  = Unit cost for debt service of capital expenditures attributable to BOD.

$D_{TSS}$  = Unit cost for debt service of capital expenditures attributable to TSS.

1. CALCULATING FLOWS AND LOADINGS. The calculation of Flows and Loadings for debt service charge shall be the same as described in 303.003.D. and 303.003.E.

2. CALCULATING DEBT SERVICE CHARGES.

(a) For Normal Domestic Strength Users

$$D_{C(NDS)} = (D_F \times F) = (D_{BOD} \times K_{BOD} \times F) + (D_{TSS} \times K_{TSS} \times F)$$

(b) For users contributing wastes greater than Normal Domestic Strength.

$$D_{C(GNDS)} = (D_F \times F) = (D_{BOD} \times Q_{BOD}) + (D_{TSS} \times Q_{TSS})$$

Where:  $D_{C(NDS)}$  = Debt Service Charge to Normal Domestic Strength Users.

$D_{C(GNDS)}$  = Debt Service Charge to users contributing wastewater that is greater than Normal Domestic Strength.

$D_F$  = Unit cost for debt service of capital expenditures attributable to Flow in \$/Kgal.

F = Billable Flow in Kgal.

$D_{BOD}$  = Unit cost for debt service of capital expenditures attributable to BOD in \$/lb.

$K_{BOD}$  = Constant used to calculate the quantity of BOD in lbs./Kgal of NDSW (242 mg/l BOD) as follows:

$$K_{BOD} = .00834 \times 242 \text{ mg/l (BOD concentration of NDS waste).}$$

$D_{TSS}$  = Unit cost for debt service of capital expenditures attributable to TSS in \$/lb.

$K_{TSS}$  = Constant used to calculate the quantity of TSS in lbs./Kgal of NDSW (269 mg/l TSS) as follows:

$$K_{TSS} = .00834 \times 269 \text{ mg/l (TSS concentration of NDS waste).}$$

$Q_{BOD}$  = Quantity of BOD in lbs.

$Q_{TSS}$  = Quantity of TSS in lbs.

$$SSC = Uc + Dc$$

Where SSC = Annual Sewer Service Charge.

Uc = Annual User Charge.

Dc = Annual Debt Service Charge.

(Ord. 85-03, Sections 3.01 to 3.07, 8/19/85)

**303.004. SEWER SERVICE FUND.**

A. The City of Winsted 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.

The City also establishes the following accounts as income and expenditures accounts within the Sewer Service Fund:

1. Operation and Maintenance Account
2. Equipment Replacement Account
3. Debt Retirement Account

B. 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 separate and apart from all 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 Ordinance.

C. Revenue generated by the Sewer Service Charge System sufficient to insure adequate replacement throughout the design of 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".

D. 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".

(Ord. 85-03, Sections 4.01 to 4.04, 8/19/85)

**303.005. ADMINISTRATION.** The Sewer Service Charge System and Sewer Service Fund shall be administrated according to the following provisions:

A. The City Clerk 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.

The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement 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 303.002.B. of this Ordinance and Section 204(b)(2)(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.

B. 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.

C. In accordance with Federal and State requirements, the City Clerk shall be responsible for maintaining all records necessary to document compliance with the Sewer Service Charge System adopted.

D. The owner of the premises shall be liable to pay for the service to such premises, and the service to furnished to the premises by the City only upon the condition that the owner of the premises is liable therefore to the City.

E. Any additional costs caused by discharges to the treatment works of toxics or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs, and sludge disposal, shall be borne by the discharge(s) of said wastes, at no expense to the City.

(Ord. 85-03, Sections 5.01 to 5.03 and 5.05 to 5.06, 8/19/85)

**303.006. SEVERABILITY AND VALIDITY.**

A. If any Section or Subdivision of this Ordinance shall be held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance, which shall continue in full force and effect.

B. 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 Act and Federal Regulation 40 CFR (Code of Federal Regulations) 35.2140 of the Environmental Protection Agency's grant regulations.

C. This Ordinance will take effect prior to the time those additions to the City's Treatment Works constructed with the assistance of Federal and State Grants become operational. The specific date upon which this Ordinance will take effect will be established by Council Resolution once the Council has been advised by the City Engineer as to the date additions to the treatment facility will be operational.

(Ord. 85-03, Sections 6.01 to 6.03, 8/19/85)

**303.007. CONFLICT AND REPEAL.** To the extent that this Ordinance conflicts with any other Ordinance or portion of said other Ordinance, the provisions of this Ordinance shall control. Section 1 and Section 8 of Ordinance No. 81-06 are hereby repealed.

(Ord. 85-03, Article VII, 8/19/85)



**SECTION 4**

**304.000. AN ORDINANCE RELATING TO THE CITY WATER SYSTEM AND THE SALE OF WATER REQUIRING THAT METERS BE READ AND WATER BILLS BE PAID WITHIN CERTAIN TIMES AND IMPOSING A PENALTY FOR NON-COMPLIANCE.**

**304.001. WATER METER CARDS.** The City Clerk shall mail to each user, at least twice each year, a card to be used by each consumer in recording the water meter clock dial positions or the then total number of gallons used as indicated from a reading of said water meter.

(Ord. 84-02, Sec. 1, 3/5/84)

**304.002. METER CARDS TO BE RETURNED.** Each consumer or user, upon receipt of said water meter card, shall read their water meter and return the card by mail to the office of the City Clerk within such time as is specified by Resolution of the City Council from time to time. The City Council shall, from time to time, determine an appropriate penalty for those persons who do not return their water meter cards timely. Any person, by reason of age or condition of health, that is unable to read their own meter, may avoid such penalty by contacting the City Clerk prior to the date by which the same must be returned to the City Clerk and advising the City Clerk of such circumstances.

(Ord. 84-02, Sec. 2, 3/5/84, Ord. 94-05, Sec. 1, 5/3/94)

**304.003. METER READERS.** The City, at its option, may have meter readers read and inspect meters. Such meter readers shall have free access at reasonable hours of the day to all parts of every building and premises connected with the City water supply system in order to read meters and make inspections.

(Ord. 84-02, Sec. 3, 3/5/84)

**304.004. BILLS TO BE PAID PROMPTLY.** The City Clerk, at least quarterly (or at such other intervals as determined by Resolution of the City Council) shall prepare statements of water charges for every user. The water user fee shall be determined by Resolution of the City Council. All water bills shall be paid within thirty (30) days, in full, after the Clerk sends such bill to the user. The City may, after the procedural requirements of 304.005 hereinbelow have been complied with, discontinue service to the user who has not paid his bill within the time limitations previously mentioned above, by shutting off the water. When water service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent bills and a fee of \$15.00. Delinquent accounts shall be certified to the City Clerk who shall prepare an assessment roll each year providing for the assessment of the delinquent amounts against the respective properties served. The assessment roll shall be delivered to the Council for adoption on or before October 1 of each year for certification to the County

Auditor for collection along with the taxes. Such action is optional and may be subsequent to taking legal action to collect the delinquent accounts.

(Ord. 84-02, Sec. 4, 3/5/84)

**304.005. PROCEDURE FOR SHUT OFF OF SERVICE.** Water shall not be shut off under 304.004 or for a violation of rules and regulations affecting utility service until notice and an opportunity for a hearing have first been given the occupant or owner of the premises involved. The notice shall be served personally or by registered mail and shall state that if payment is not made before a date stated in the notice but not less than ten (10) days after the date on which the notice is given, the water supply to the premises will be shut off. The notice shall also state that the occupant or owner, may before such date, demand a hearing on the matter, in which case, the supply will not be shut off until after the hearing is held. If the occupant or owner requests a hearing before the date specified, a hearing shall be held on the matter by the City Council at least one week after the date on which the request was made. If, as a result of the hearing, the City Council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this Ordinance, the City may shut off the supply.

(Ord. 84-02, Sec. 5, 3/5/84)

**304.006. SALE OF WATER AND STATE SALES TAX.** Sale of water by the City of Winsted shall be subject to State Sales Tax, or other state mandated fees and all water bills sent to users shall indicate the taxes or fees as a separate and additional charge for water sold by the City and used by the user during the period for which the bill is sent. This section shall not apply to such users as are specifically exempt by State Law.

(Ord. 84-02, Sec. 6, 3/5/84, Ord. 94-05, Sec. 2, 5/3/94)

**304.007. PENALTY.** It shall be a misdemeanor for any person to intentionally remove the seal from a water meter. Any such person found guilty of such action shall be subject to a fine of \$1,000.00 or 90 days in jail, or both.

(Ord. 84-02, Sec. 7, 3/5/84; Ord. O-18-04; 8/21/18)

**304.008. HISTORY OF REPEALS.** Ordinance 84-02, Section 8, Repeals Ordinance 79-01.

**304.009. WATER SUPPLY.** Public or private supplies of water for domestic purposes shall conform to Minnesota Department of Health and the Minnesota Pollution Control Agency water quality.

1. Public or municipal water supplies shall be used where available and where feasible.

2. Permit. No person, firm or corporation shall install, alter, repair or extend any private well without first obtaining a permit therefore from the City Administrator or designee for the City.
  - a. Applications for permits shall be made in writing upon printed blanks or forms furnished by the City Administrator or designee and shall be signed by the applicant.
  - b. Each application for a permit shall include: a correct legal description of the property on which the proposed installation, alteration, repair or extension is to take place, a plan of the site of reasonable scale and accuracy showing the location of any proposed or existing buildings, sewage treatment facilities property lines; a complete plan of the water supply system showing the location, size and design of all parts of the system to be installed, altered, repaired or extended; the name of the person, firm or corporation who is to install the system, any further information as required by the City Administrator or designee.
  - c. Private wells shall be located in a manner to be free from flooding and the top shall be so constructed and located as to be above all possible sources of pollution. Wells already existing in the areas subject to flooding shall be flood proofed.
  - d. No private well shall be located closer than three (3) feet to the outside basement wall of a dwelling. The outside basement footing shall be continuous across the opening of the wall alcove. No well shall be located closer than fifteen (15) feet to a property line.
  - e. Private wells shall be located in accordance with the standards of the Minnesota Health Department Standards MHD 217 "Location of Wells, (c) (1)."

(Ord. O-18-04; 8/21/18)

## SECTION 5

### **305.000. SOLID WASTE REMOVAL IN THE CITY OF WINSTED**

**305.001. DEFINITIONS.** Whenever the following words are used in this Section they shall mean:

- A. "Commercial Establishment" shall mean any premises where a commercial or industrial enterprise of any kind is carried on, and shall include restaurants, clubs, churches, schools, hospitals, public buildings, and any other non-residential premises where garbage accumulates. Commercial establishment shall also include dwelling units accessory to a commercial establishment, provided that the units are able to use the garbage containers of the commercial establishment.
- B. "Solid Waste" shall mean wastes, garbage and rubbish of all kinds that accumulate in the ordinary operation of a residential dwelling. It shall not include unacceptable waste such as hazardous waste, batteries, used motor oil, tires, and any other material listed as unacceptable by the State of Minnesota
- C. "Garbage" shall mean all putrescible wastes, including animal offal and carcasses of dead animals, but excluding human excreta, sewage and water-carried wastes.
- D. "Hauler" shall mean any person who collects or transports solid waste but does not include a self-hauler.
- E. "Industrial Waste" shall mean all organic and inorganic wastes except garbage, resulting from any manufacturing, building repairing, demolition, construction, processing, grain cleaning, the operation of garages and service stations, and other similar activities.
- F. "Multiple Residential Dwelling" shall mean any building used for residential purposes consisting of more than four dwelling units with individual kitchen facilities for each. "Multiple Family Dwelling" includes the "R-M" Manufactured Home Residential District.
- G. "Other Refuse" shall mean ashes, nonrecyclable glass, crockery, cans, paper, boxes, rags and similar non-putrescible wastes, including sand, earth, brick, stone and concrete except when on-site construction is occurring; and trees, tree branches and wood except when stored as firewood.
- H. "Recyclable" shall mean materials which may be recycled or reused through recycling processes.

- I. “Residential Dwelling” shall mean any single building containing one through four residential dwelling units with individual kitchen facilities for each. "Residential Dwelling" includes townhouses.
- J. “Self-Hauler” shall mean a person who transports their own solid waste for solid waste management purposes.

**305.002. GARBAGE COLLECTION.** It shall be unlawful for any owner of an occupied residential dwelling, multiple residential dwelling, or commercial establishment not to have periodic collection or disposal of garbage or other refuse as required in this section. It shall be unlawful to dump or bury garbage and other refuse in the City.

**305.003. STORAGE.**

A. Containers used in the City for garbage or other refuse must be:

- 1. Made of metal or other suitable material that is not easily corrodible or combustible;
- 2. Watertight, insect and rodent-proof;
- 3. Kept tightly covered when containing garbage or other refuse;
- 4. Placed in such a manner as to prevent them from being overturned;
- 5. Not placed upon any street or roadway without prior approval from the City; and
- 6. Maintained in a sanitary and safe condition, free of substance on the exterior that attracts or breeds flies, other insects, or rodents, and free of ragged or sharp edges or other defects that may impede or injure the person collecting the contents.

B. In addition, garbage or other refuse containers for residential dwellings must be:

- 1. Equipped with suitable handles and tight fitting covers;
- 2. A size and weight that can be handled by one person;
- 3. Only those containers supplied by the City contractor in such volumes and weight specified in the City contract;
- 4. Provided in sufficient number to hold all garbage and refuse accumulating between collections;
- 5. Washed and treated with a disinfectant as often as necessary to prevent

- a nuisance;
  - 6. Be vendor approved containers; and
  - 7. All special containers must meet the approval of the hauler based on sanitation safety, weight limitations and ease of handling.
- C. In addition, garbage or other refuse containers for multiple residential dwellings and commercial establishments must be:
- 1. Provided in sufficient size to hold all garbage or other refuse accumulating between collections;
  - 2. Conveniently located with respect to the residential units or establishment; and
  - 3. Placed in an enclosure complying with the requirements of paragraph D below;
  - 4. In compliance with applicable provisions of the City Zoning Ordinance.
- D. Enclosures not complying with the requirements of this Section must be promptly repaired or replaced with ones that do comply. Whenever an enclosure is in poor condition, the hauler may tag the enclosure with a notice of the defects and the requirement to repair or replace the enclosure. A copy of the notice must be given to the City, and if on the next collection date the enclosure has not been repaired or replaced, the hauler may notify the City and discontinue collections from the premises.
- E. The property owner or occupant shall have the garbage or other refuse removed at regular intervals, being at least once per week, or as often as deemed necessary by the City.

**305.004. GENERAL OPERATING AND EQUIPMENT STANDARDS.**

- A. All garbage, other refuse, or industrial waste which is collected must be secured in covered, leak-proof vehicles or containers such that loads will not blow free or discharge liquids from the hauler vehicle. Where spillage does occur, the material must be picked up immediately by the hauler or solid waste transporter. Spillage that cannot be immediately and completely cleaned up must be reported to the City.
- B. All vehicles or containers which are used to collect garbage, other refuse, or industrial waste on a regular basis must be kept clean and free of residues of the waste material so as to minimize problems associated with odors, animals, and insects.

- C. No one shall collect or transport garbage, other refuse, or industrial waste that is smoking, smoldering, or burning, except in a container designed and approved by the fire marshal and the City for that purpose.
- D. Not including non-putrescible source-separated recyclable materials, garbage, other refuse, or industrial waste may not be stored in any type of collection or transportation vehicle for a period of more than 48 hours. This period may be extended up to 72 hours if the garbage, other refuse, or industrial waste cannot be disposed of or processed due to a legal holiday being celebrated on a Friday or Monday. Non-putrescible source-separated recyclable materials may be stored in collection and/or transportation vehicles for no longer than seven calendar days.
- E. No solid waste collection or transportation vehicle which is not thoroughly cleaned and free of waste residues may be parked outdoors within 500 feet of a commercial or residential structure not owned by the owner or the operator of the vehicle for more than two hours unless the City has been notified and has approved a longer duration.
- F. All relevant Minnesota Department of Transportation (MnDOT) and Minnesota Department of Health (MDH) requirements regarding equipment, operations, and inspections and all applicable local, state and federal regulations must be met.

**305.005. LICENSING OF HAULERS**

- A. No person shall collect garbage, other refuse, or industrial waste from any person, property, or business located within the City of Winsted, unless a license thereof shall first have been obtained from the City.
- B. The Council shall consider any application for a solid waste hauler license. If the Council finds that the applicant is licensed to collect in McLeod County, is responsible, has a good record of operations, is in compliance with applicable legal requirements, and has the proper equipment, facilities, resources and personnel to provide good quality collection service, and that it would be in the public interest to do so, it may direct the City Clerk to issue the license to the applicant.
- C. The applicant shall submit to the City Clerk a certification of insurance containing such terms and in such an amount as shall be determined by the City Council.

**305.006. CITY CONTRACT**

- A. The City Council may contract for collection of garbage or other refuse from residential dwellings in the City on such terms and for such periods as the Council may determine. The City Council may solicit proposals and award a contract based on the amount of the proposal submitted as well as

considerations of overall cost, general safety, as well as the number and level of services offered.

- B. Haulers shall have a registered office and notify the City Clerk of any change in the office.
- C. Haulers shall furnish the equipment and personnel necessary for the collection of garbage or other refuse.
- D. If the City has entered into a contract under this Subdivision, only haulers under contract with the City may collect the garbage or other refuse from residential dwellings within the City, and no other person shall make a business or collect a fee for the collection of garbage or other refuse from residential dwellings within the City.
- E. The garbage or other refuse collected by the haulers shall be transported and disposed of in the manner provided by law.
- F. Haulers shall furnish a performance bond or certificate of deposit in an amount determined by the City, conditioned upon the satisfactory performance of the contract, which designates the City as beneficiary and deposit the same with the City Clerk.
- G. Haulers shall maintain such insurance in such amounts as is determined by the City Council, and shall name the City and its elected and appointed officials and employees as additional insureds under such insurance.
- H. Haulers shall at all times maintain Worker's Compensation Insurance.
- I. Haulers shall protect, defend, hold harmless and release the City, its elected and appointed officials and employees from any and all claims, demands, judgments, fines, penalties, assessments, settlements, costs and expenses, including attorney fees and costs, arising out of, or relating to the contract and the performance of the contract and collection activities.
- J. Haulers shall comply with all applicable county ordinances and regulations and state laws and regulations not inconsistent with this chapter unless such laws supersede the provisions of this chapter.

**305.007. SERVICE CHARGE**

- A. The contract between the City and the hauler shall specify whether the City or the hauler will send bills to the premises served. The City, or the City's hauler, shall charge each dwelling served on the basis of service rendered, as determined by the Council. The bill for such charges shall be sent to the persons served.
- B. If the City has selected to send bills to the premises served, following 30



days notice to the property owner and/or occupant, any charge for collection service not remitted in a timely manner may be collected by the City Council as an assessment against the property pursuant to civil litigation.

**305.008. HOURS OF OPERATION**

- A. Haulers servicing commercial establishments must operate between the hours of 6:00 a.m. and 8:00 p.m.
- B. Haulers servicing residential dwellings or multiple residential dwellings must operate between the hours of 7:00 a.m. and 5:00 p.m.
- C. No collection of garbage, other refuse, or industrial waste shall be allowed on Sundays.

(Ord. 82-01, Sec. 4, 5/17/82; O-12-07, 8/7/12)

**SECTION 6**

**306.000. WATER SPRINKLER SERVICE LINE.**

**306.001. EXTERNAL WATER USE.** A water user may apply to a water line metered for exterior use only (hereinafter referred to as a "water sprinkling service line") in addition to water service metered within a building. Such application shall be on a form promulgated by the City of Winsted from time to time and shall include:

- A. A plan for plumbing approved by the Building Inspector;
- B. Name and address of applicant; and
- C. Address of location for which permit is sought.

(Ord. 93-03, Sec. 1, 6/1/93)

**306.002. APPROVAL OF APPLICATION.** Approval of the application shall be granted where an inspection demonstrates that:

- A. For purposes of recording total water consumption for the user and water used exclusively for exterior use, two water meters have been installed on the water service line for the building.
- B. The water meters are sized to be equal to the water sprinkler line entering the building.
- C. The line used for water sprinkling must serve only lines which lead outside a building.
- D. No connection between water lines outside the building and inside the building may exist.
- E. No tapping, tying in, or connection may be made to the water sprinkling service line which is inside the building.
- F. The building must have no footing drains, peripheral lines and/or roof leaders that discharge directly or indirectly into the sanitary sewer.
- G. **SUMP PUMP DISCHARGE. DISCHARGE PIPE/HOSE.** Any discharge pipe/hose from a sump pump system shall discharge water on to the resident's own property or City street. In no event shall said outlet pipe/hose from a sump pump system discharge water on another person's real estate or in a manner as to cause it to go upon another person's property. Said outlet pipe/hose from a sump pump shall not be cut into the curb or gutter on any street or alley without first obtaining permission from City of Winsted. Any such alteration of a curb or gutter without

permission will result in the City repairing said curb or gutter to its original condition and assessing the cost of same, together with reasonable attorney fees, against the subject premises. Any person, property owner or other legal entity violating any term or condition of this section is guilty of a Misdemeanor punishable by such amount of jail time or fine, or both, as prescribed for Misdemeanors in Minnesota Statutes.

(Ord. 00-04, 11/21/00)

**306.003. WATER METERS.** All water meters installed for the water sprinkler service line shall be secured from the City of Winsted, at full cost of meter to the applicant.

(Ord. 93-03, Sec. 3, 6/1/93)

**306.004. COSTS.** In addition to bearing all the costs of plumbing and meter installation, the owner shall pay a one time inspection fee of \$125.00 to the City of Winsted. Said \$125.00 inspection fee, from time to time, may be amended by the City Council by Resolution. Owner shall bear liability for costs of repair and replacement of the meter except if a meter is defective within one year of obtaining said permit, the City shall replace same.

(Ord. 00-05, 11/21/00)

**306.005. INTERIOR USE PROHIBITED.** It shall be unlawful for any person to use or permit the use of a water sprinkling service line to place water within a building.

(Ord. 93-03, Sec. 5, 6/1/93)

**306.006. USE LIMITED TO BOUNDARIES OF PROPERTY.** It shall be unlawful for any person to use or allow to be distributed, any water derived from the water sprinkler system beyond the boundaries of the premises served.

(Ord. 93-03, Sec. 6, 6/1/93)

**306.007. ENFORCEMENT.** No charge for sewer usage will be made based upon water flow through a meter monitoring of a water sprinkling service line, except that if a water sprinkling service line is found to have been used to place or supply water within a building, or otherwise in violation of this Ordinance; three (3) times the normal sewage charge for all water supplied through the water sprinkling service line for the twelve (12) months preceding discovery of the illegal use of the water sprinkling service line shall be made. Additionally, use of the water sprinkling service line to place or supply water within a building shall result in revocation of the permit to be exempt from sewage charges for a water sprinkling service line for a period of not less than five (5) years.

(Ord. 93-03, Sec. 7, 6/1/93)

**306.008. WATER RATES.** Rates for water used for sprinkling service lines shall be at the same rate set by Resolution for water in the interior of the building.

(Ord. 93-03, Sec. 8, 6/1/93)

## SECTION 7

**307.000. PROHIBITION OF CLEAR WATER DISCHARGES INTO THE SANITARY SEWER, INSPECTION AUTHORITY, AND PENALTIES FOR THE VIOLATIONS THEREOF.**

**307.001. PURPOSE.** In adopting this Ordinance, the City Council finds that the discharge of surface water, storm water, groundwater sump pumps, footing tile, swimming pools, cistern overflows, cooling water, or other natural precipitation into the City sanitary sewer system will, and has on several occasions in the past, flooded and overloaded the sewer system. This system overloading has caused significant damage to private property and discharged raw sewage into Winsted Lake. Backup of sewage into residential living quarters creates a health hazard. The City Council, therefore, find its essential that the provisions of this Ordinance be strictly enforced to avoid future emergencies.

**307.002. DEFINITION AND METHOD.** No person shall discharge any surface water, storm water, groundwater sump pump, footing tile, swimming pool, cistern overflow, cooling water, or other natural precipitation into the sanitary sewer system. Dwellings and other buildings and structures, which require, because infiltration of water into basements, crawl spaces and the like, a sump pump discharge system, shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer system, except as provided herein. Permanent installation shall be one which provides for year-round discharge to the outside of the building, is connected to the City storm sewer, or discharges through the curb to the street. It shall consist of a rigid discharge pipe, without valving or quick connections for altering the path of discharge.

The City Council shall have the power and duty of hearing and deciding requests for waivers from the applicability of the provisions of this Ordinance where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration or cause a safety problem. Application for a waiver shall be in writing addressed to the City of Winsted. The applications shall identify the property for which the waiver is being applied, the name of the property owner, and described in detail what characteristics of the subject property create an undue hardship or safety concerns. Upon approval of an application for a waiver, the property owner shall be allowed to temporarily pump directly into the sanitary sewer system between the dates of November 1st and April 1st via a City controlled locked valve. The owner of a property with a waiver shall allow a City employee access prior to April 1st to lock out the value allowing winter discharge to the sanitary sewer. Costs for processing sump pump water through the sanitary sewer system will be billed to the property owner for annual charge to be set by resolution of the Council. The City shall have the right to inspect all property in the spring each year to assure their water discharge connection has been removed from the sanitary sewer. Failure to remove said discharge will result in a monthly surcharge which will be set (from time to time) by Resolution of the City Council.

**307.003. DISCONNECTION.** Before October 1, 1998, any person, firm, or corporation having a roof surface, groundwater sump pump, footing tile, cistern overflow, or swimming pool now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove same. Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective, workmanlike manner, as approved by the City of Winsted or designated agent.

**307.004. INSPECTION.** Every person owning improved real estate that discharges into the City's sanitary sewer system shall allow an employee of the City of Winsted or their designated representative, bearing proper credentials and identifications, to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. In lieu of having the City inspect their property, any person may furnish a certificate from a licensed plumber certifying that their property is in compliance with this Ordinance.

Any person refusing to allow their property to be inspected or refusing to furnish a licensed plumber's certificate within fourteen (14) days of the date City employees or their designated representatives are denied admittance to the property, shall immediately become subject to the surcharge hereinafter provided for. Any property found to violate the Ordinance shall make the necessary changes to comply with the Ordinance and furnish proof of the changes to the City by October 1, 1998.

Property owners not in compliance with this Section will be charged a monthly surcharge in accordance with Section 6.

**307.005. NEW HOME INSPECTIONS.** During any new construction, renovation or demolition the connection(s) to the sanitary sewer shall be protected through the use of a cover plug in order to eliminate the potential for inflow to enter the sanitary sewer system. Any such water collected shall not be allowed to enter the sanitary sewer system at any time. All new buildings with groundwater sump systems are required, prior to final inspection by City personnel, to have the sump pump installed.

All new homes will be required to have their sump pump system inspected within thirty (30) days of occupancy and a certificate of compliance completed.

**307.006. PENALTY.** A surcharge of \$100.00 per month is hereby imposed and added to every sewer billing mailed on or after October 1, 1998 to property owners who are not in compliance with this Ordinance. The surcharge shall be levied monthly on properties not complying with the Ordinance. All properties found during yearly re-inspection to have violated this Ordinance will be subject to the said monthly surcharge for all months between the two most recent inspections. This charge shall cease when the property has been inspected by the City or its representatives and deemed to be in compliance with this Ordinance.

## SECTION 8

### 308.000. UTILITY CONNECTION.

All of the following utility connection provisions shall apply to all districts within the City:

1. Water Connections. Where more than one property is served from the same service line, a shut-off valve must be located in such a way that each unit's service may be shut off by the City, in addition to the normal supplied shut-off at the street. Any and all meters or metering devices shall be attached to the main structure located on the premises.
2. Sewer Connections. Where one or more units are served by a sanitary sewer line which extends 300 feet in length or greater, provision must be made for a manhole to allow adequate cleaning and maintenance of the line. All lines once in place shall be dedicated to the City, and thereafter, shall be the responsibility of the City for cleaning and maintenance. Any and all meters or metering devices shall be attached to the main structure located on the premises.
3. Electrical Power Systems. All electrical power lines shall be located underground. All maintenance and service shall be the responsibility of electric power supplier or its designated agent. Any and all meters or metering devices shall be attached to the main structure located on the premises.
4. Telephone and other Wire Communication Systems. Telephone and other wire communication systems shall be located underground. Exception to this would include only a central plant consisting of switching gear located at a central office. All maintenance and services shall be the responsibility of the supplier of services or his designated agent. The continuity of service of these systems is an especially important consideration in that they are relied upon in emergencies and disaster situations. As such, the design and operation of such systems shall be accomplished in such a way as to best serve the citizens of Winsted. Local customer loop circuits, wherever possible, will be designed in such a way as to fit the pattern of the street system or easements along property lines. All extensions of services proposed into new subdivisions following the adoption of this ordinance shall be submitted to the Planning Commission for its review and recommendation, then forwarded to the City Council for approval or denial. The review by the Planning Commission and City Council shall be limited to matters pertaining to the location of circuits connecting each customer to a local central office. Should easements be required, the Planning Commission will recommend suitable locations and forward these recommendations to the City Council for approval. Meters or metering devices shall be attached to the main structure located on the premises served.

5. Gas Systems. Gas systems include those installations and functions required to convey gas from source to customer. The primary elements of the gas system include gathering systems facilities, including processing and compression stations, transmission lines installed for the purpose of transmitting to one or more distribution centers to the customer meters. All primary and secondary distribution systems shall be located underground. All maintenance and service shall be the responsibility of the gas system supplier or his designated agent. Where feasible, all distribution systems shall be designed in a loop pattern so as to provide service for more than one direction in case of failure in one part of the system. All gas mains shall be laid by direct burial under streets, sidewalks, or parking strips with service connections provided by taps and valve branches. Meters or metering devices shall be attached to the main structure located on the premises.

(Ord. O-18-04; 8/21/18)