

**SECTION 505**  
**CITY OF WABASHA, MINNESOTA**  
**AN ORDINANCE ESTABLISHING USE AND RATE REGULATIONS FOR MUNICIPAL**  
**WASTEWATER TREATMENT FACILITIES**

(amended 11/3/04,5/15/07 09/04/12, 01/07/14, 8/5/14, 3/3/15)

An ordinance regulating the use of and establishing a charge system for public and private sewers, establishing methods for a sewer service charge system, and providing penalties for violations of the regulations herein defined.

Be it ordained and enacted by the Utilities Commission of the City of Wabasha, Minnesota as follows:

**505.01 Definitions**

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

- Subd. 1** "Act" – The Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, 33. U.S.C. 1251 et seq.
- Subd. 2** "BOD5" or "Biochemical Oxygen Demand" – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees Centigrade and as expressed in terms of milligrams per liter (mg/l).
- Subd. 3** "Building Drain" – That point of a building which conveys wastewater to the building sewer, beginning ten (10) ft. outside the building wall.
- Subd. 4** "City" – The area within the corporate boundaries of the City of Wabasha, the Utilities Commission or its authorized representative.
- Subd. 5** "Debt Service Charge" – A charge to users of the wastewater treatment facility for the purpose of repaying capital costs.
- Subd. 6** "Equivalent Residential Unit" (ERU) – A unit of wastewater volume measured in gallons per day at a strength not greater than NDSW.
- Subd. 7** "Industrial User"
- a. Any entity as defined in the Standard Industrial Classification Manual (latest edition) as categorized, that discharge wastewater to the public sewer.
    - i. Division A: Agriculture, Forestry, and Fishing
    - ii. Division B: Mining
    - iii. Division D: Manufacturing
    - iv. Division E: Transportation, Communications, Electric, Gas, and Sanitary Sewers.
    - v. Division I: Services
  - b. Any user whose discharges, singly or by interaction with other wastes:
    - i. Contaminate the sludge of the wastewater treatment system
    - ii. Injure, or interfere with the treatment process
    - iii. Create a public nuisance or hazard
    - iv. Have an adverse effect on the waters receiving wastewater treatment plant discharges
    - v. Exceed NDSW limitations
    - vi. Exceed normal residential unit volumes of wastewater
- Subd. 8** "Infiltration/Inflow (I/I)" – Water other than wastewater that enters the sewer system from the ground or from surface runoff, as defined in Minnesota Rules

- Subd. 9** “MPCA” – Minnesota Pollution Control Agency.
- Subd. 10** “National Categorical Pretreatment Standards” – Federal regulations establishing pretreatment standards for introduction of pollutants in publicly owned wastewater treatment facilities. Section 307 (b) of the Act.
- Subd. 11** “National Pollutant Discharge Elimination System (NPDES) Permit” – A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge pursuant to Sections 402 and 405 of the Act.
- Subd. 12** “Natural Outlet” – Any outlet, including storm sewers and combined sewers, which flows into a body of surface water or groundwater.
- Subd. 13** “Normal Domestic Strength Waste” (NDSW) – Wastewater that is primarily introduced by residential users with BOD5 concentrations not greater than 270 mg/l and total suspended solids (TSS) concentrations not greater than 320 mg/l.
- Subd. 14** “Non-Residential User” – A user of the treatment facility whose building is not used as a private residence, and discharges NDSW.
- Subd. 15** “Operation, Maintenance, and Replacement Costs” (OM&R) - Expenditures necessary to provide for the dependable, economical, and efficient functioning of the treatment facility throughout its design life, including operator training, and permit fees Replacement refers to equipment replacement costs, not the cost of future replacement of the entire facility.
- Subd. 16** “Residential User” – A user of the treatment facility whose building is used primarily as a private residence and discharges NDSW.
- Subd. 17** “Sewer” – A pipe or conduit that carries wastewater or drainage water.
- a. “Building Sewer” – The extension from the building drain to the public sewer or other place of disposal, also referred to as a service connection.
  - b. “Sanitary Sewer” – A sewer designed to carry only liquid and water-carried wastes from residential, non-residential, and industrial sources together with minor quantities of I/I.
  - c. “Storm Sewer” – A sewer intended to carry unpolluted surface and sub-surface water from any source.
- Subd. 18** “Sewer Service Charge” – The total of the User Charge and the Debt Service Charge.
- Subd. 19** “Slug” – A discharge of water or wastewater which in concentration or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24-hour concentration of flows during normal operation.
- Subd. 20** “State Disposal System (SDS) Permit” – A permit issued by the MPCA pursuant to Minn. Stat. 115.07 for a disposal system as defined by Minn. Stat. 115.01, subd. 8.
- Subd. 21** “Total Suspended Solids” (TSS) – The total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and is removable for laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” (latest edition).
- Subd. 22** “Unpolluted Water” – Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards.
- Subd. 23** “User Charge” – A charge of users of a treatment facility for the user’s proportionate share of the cost of operation and maintenance, including replacement.
- Subd. 24** “Wastewater” – Liquid and water-carried wastes from residential, non-residential, and industrial users, together with any ground water, surface water, and storm water that may be present.

**Subd. 25** “Wastewater Treatment Facilities” or “Treatment Facilities” – The land, devices, facilities, structures, equipment and processes owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal wastewater, and the disposal of residues resulting from such treatment.

**Subd. 26** “Industrial Wastes” shall mean the liquid water borne wastes from industrial or commercial processes excepting domestic sewage.

**Subd. 27** “Commission” shall mean the Utilities Commission of the City.

**Subd. 28** “Clerk” shall mean the duly appointed Clerk of said Commission.

**Subd. 29** “Superintendent” shall mean the duly appointed Superintendent or overseer of the water and sewer systems appointed by said Commission.

### **505.02 Control by the Authorized Representative**

The Utilities Commission of the City of Wabasha shall appoint an Authorized Representative who shall have control and general supervision of all public sewers and service connections in the community or sewer district, and shall be responsible for administering the provisions of this Ordinance to ensure that a proper and efficient public sewer is maintained. The authorized representative may delegate responsibilities to designated representatives.

### **505.03 Use of Public Sewers Required**

Within ninety (90) days of receiving official notification, the owners of all properties within three hundred (300) feet of a sanitary sewer collection system shall install a suitable service connection, at their own expense in accordance with the provisions of this Ordinance, with the exception of the Coffee Mill Sewer Extension Project #8283. All existing homes within the Coffee Mill Sewer Extension project #8283 may continue their current use of septic systems under the following conditions:

1. That within sixty (60) days from the date hereof, the property owner utilizing a septic system in Coffee Mill Sewer Extension Project #8283 shall have a city approved state certified inspector inspect the owner's individual septic system and will do appropriate soil borings in the proximity of the drain field to verify that the septic system is compliant with state regulations and state law. In the event that the inspection shows that it is in compliance with state law, the home owner may continue to use said septic system. Thereafter, a state certified inspection shall be done every three (3) years of each individual septic system utilized in said project. Non-compliant septic systems shall connect to the force-main sewer system within six (6) months from the date of the inspection showing non-compliance. All costs relating to the inspection shall be borne by each individual property owner and the City shall incur no cost thereof.
2. In the even an owner shall fail to connect to a public sewer in compliance with a notice given under this Ordinance, the City will have said connection made and shall assess the cost against the benefited property.
3. Except as provided thereafter it shall be unlawful to construct or maintain any private facility intended or used for the disposal of wastewater.

### **505.05 Private Wastewater Disposal**

**Subd. 1** Where a public sewer is not available under the provisions of Article II, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.

- Subd. 2** Before construction of a private wastewater disposal system, the owner(s) shall obtain a written permit signed by the authorized representative. The permit shall not become effective until the installation is completed to the representative's satisfaction. A designated representative shall be allowed to inspect any stage of construction. The applicant for the permit shall give notification when ready for the system's final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice.
- Subd. 3** License Required. No person, firm, or corporation shall design, install, maintain, alter, pump or inspect an Individual Sewage Treatment System within the City of Wabasha without first obtaining a license to do so from the Minnesota Pollution Control Agency. A copy of the said license shall be placed on file, in the Office of the City Clerk, for any person, firm, or corporation desiring to design, install, maintain, alter, pump or inspect Individual Sewage Treatment Systems within the City.
- Subd. 4** The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of Minnesota Rule Chapter 7080, and applicable local ordinances.
- Subd. 5** The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the community or sewer district.
- Subd. 6** When the 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 ninety (90) days in compliance with the Ordinance, and within one hundred twenty (120) days private wastewater disposal systems will be cleaned of all sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.
- Subd. 7** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the MPCA, the State Department of Health, or other responsible federal, state, and local agencies.
- Subd. 8** Penalties. It shall be a misdemeanor for any person to design, install, maintain, alter, pump or inspect any Individual Sewage Treatment System in the city, or cause the same to be done in contrary to or in violation of any provisions of the Individual Sewage Treatment Standards embodied in this Ordinance. Each day during which a violation of the Individual Sewage Treatment Standard is committed, continued or permitted, constitutes a separate offense.

#### **505.09 Building Sewers and Connections Design**

- Subd. 1** No person(s) shall make any alternations to the public sewer or any appurtenances thereof without first obtaining a written permit from the City. No private building drain shall extend beyond the limits of the building or property for which the permit has been given.

Any new connection 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 TSS as determined by the authorized representative.

- Subd. 2** Costs Borne By Owner. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owners or the person installing the building sewer for said owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by said installation

**Subd. 3** A separate and independent building sewer shall be provided for each building. Old building sewers may be used to service new buildings only when they are found to meet all requirements of this ordinance.

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, wastewater shall be lifted by an approved means and discharged to the building sewer.

**Subd. 4** The construction and connection of the building sewer to the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code, applicable rules and regulations of the City and the materials and procedural specifications set for the in the American Society of Testing Materials (ASTM) and the Water Environment Federation (WEF) Manual of Practice No. 9. All such connections shall be made gas and watertight, and verified by proper testing to prevent I/I.

**Subd. 5** The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer, shall be made with a saddle connection as directed by the Superintendent.

**Subd. 6** That part of any structure below the elevation 681.00 Mean Sea Level shall not be connected to a public sewer if the Superintendent determines it is possible for extraneous water to enter the structure below said elevation.

**Subd. 7** No unpolluted water sources shall be connected to the sanitary sewer.

**Subd. 8** The applicant for the building sewer permit shall notify the Utilities Commission when the building sewer is ready for connection to the public sewer. The connection shall be made under the supervision of a designated representative.

**Subd. 9** An appropriate construction license is required to install a service connection. Any person desiring a license shall apply in writing to the Superintendent of Utilities, providing satisfactory evidence of the applicant's qualifications. If approved by the Superintendent of Utilities, the license shall be issued by a designated representative upon the filing of a bond as hereinafter provided.

**Subd. 10** A license for sewer service connection installation shall not be issued until a \$2,000 bond to the community is filed and approved by the Utilities Commission. The licensee will indemnify the City from all suits, accidents, and damage that may arise by reason of any opening in any street, alley or public ground, made by the licensee or by those in the licensee's employment.

**Subd. 11** The cost of a license for making service connections is \$150. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked by the Utilities Commission for any reasonable cause.

**Subd. 12** The Utilities Commission may suspend or revoke any license issued under this article for any of the following causes:

- a. Giving false information in connection with the application for a license.
- b. Incompetence of the licensee.
- c. Willful violation of any provisions of this Article or any rule or regulation pertaining to the making of service connections.
- d. Failure to adequately protect and indemnify the City and the user.

**Subd. 13** It shall be the responsibility of the service line contractor to investigate the location of all existing public utility lines including telephone conduits, gas, water, and sewer mains, and power conduits which may be placed at the site of his/her operations. He/She shall serve written notice on all owners of such utilities three (3) days before work is begun at those locations. In case any of the aforementioned public utilities are broken or damaged in any way by the contractor's operations, the utility shall be notified immediately and the damage repaired without delay at no charge to the City.

**Subd. 14** All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. All excavations for building sewer installation shall be adequately guarded with barricades and lights as to protect the public from hazard.

**Subd. 15** The trench shall be opened along the lines laid out by the Superintendent. The width of trench shall be such as to permit proper placing and joining of the pipe. Construction operations shall be conducted in a manner consistent with all applicable State and Federal safety regulations.

**Subd. 16** The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said superintendent or his/her representative.

**Subd. 17** All trenches shall be backfilled as soon as practicable by the contractor, without risk of injury to the pipe and structures. Selected material free from rocks or lumps shall be placed by hand methods and tamped carefully around and over the pipe to a depth of 1' above the top of the pipe. The remainder of the backfill under the streets and alleys shall be placed in six (6) inch layers. Each layer of backfill shall be compacted to a density not less than 95% of maximum density as determined by the methods prescribed in the current edition of the Minnesota Department of Transportation's "Grading and Base Manual", which is hereby adopted by reference and made a part of this Section as if fully set forth herein.

**Subd. 18** At the time of compaction, the moisture content of the backfill material shall be suitable for obtaining the specified density.

#### **505.11 Resurfacing**

**Subd. 1** Gravel Streets and Alleys. On aggregate surfaced streets the top six (6) inches of the trench shall be filled and compacted with material meeting Minnesota Department of Transportation Specification 3138 for surfacing aggregate, which is hereby adopted by reference and made a part of the Section as if fully set forth herein. The surface shall be crowned to the general contour of the existing surface.

**Subd. 2** Bituminous Surfaced Streets.

- A. Bituminous surfaced streets shall be restored to their original condition and cross section by use of base materials and bituminous mixtures equal or superior to those in place. However, minimum thickness of the bituminous resurfacing shall be not less than 2", and the minimum compacted thickness of the granular base in the trenched area shall be not less than 6". Patching shall be done in accordance with the appropriate sections of the current Minnesota Department of Transportation Standard Specifications as they may be applicable, which specifications are hereby adopted by reference and made a part of this Section as if full set forth herein.
- B. The limits of the area of bituminous surface to be replaced shall be as delineated by the Superintendent. In the final preparation of the area designated for patching, the edges of the patches shall be carefully trimmed and trued by approved methods and equipment to the satisfaction of the Superintendent. Sawing along the final removal line will be required in all cases.

**Subd. 3** Concrete Paved Streets.

- A. The preparatory work required shall be performed generally in accordance with the requirements stated in the appropriate sections of the current Minnesota Department of Transportation Standard Specifications for Removal of Structures, Subgrade, Sub-base and Base Construction and as herein further specified, which specifications are hereby adopted by reference and made a part of this Section as if full set forth herein.
- B. Unless otherwise provided or directed by the Engineer, the concrete work shall be done in accordance with the appropriate sections of the current Minnesota Department of Transportation Standard Specifications for concrete work, especially the following: 2201 Concrete Base and 2301 Concrete Pavements, which specifications are hereby adopted by reference and made a part of this Section as if full set forth herein.
- C. The final removal line shall be delineated by the Superintendent with due consideration being taken to the existing joint arrangement in the area adjoining or in the vicinity of the street opening under

consideration. When any edge of an opening would be 4' or less from a joint, the opening shall be extended to the joint.

- D. Sawing along the final removal line will be required in all cases where the edge of the opening is not a joint line.

### **505.13 Sidewalks, Curbs and Other Street Structures**

All sidewalks, curbs, or other street structures displaced or damaged during construction shall be repaired, relayed or replaced in a manner satisfactory to said Commission. All rubbish, waste and surplus materials shall be removed from the construction area immediately following completion of the work.

### **505.15 Use of Public Wastewater Treatment Facilities**

**Subd. 1** No unpolluted water or storm water shall be discharged to the sanitary sewer. Such water shall be discharged only to storm sewers or to natural outlets approved by the City and other regulatory agencies.

**Subd. 2** No person(s) shall discharge any of the following substances to the public sewer.

- a. Liquids, solids, gases, or other substances that singly or by interaction with others may cause fire or explosion.
- b. Solid or viscous substances that may cause obstruction to the flow in a sewer.
- c. Wastewater having a pH of less than 5.5 or greater than 9.5 or having any other corrosive or caustic property capable of causing damage or hazard.
- d. Wastewater containing toxic pollutants, as defined in section 307(a) of the Water Pollution Control Act and Minn. Stat. 115.01 subd. 14.

**Subd. 3** Discharges of the following substances shall be limited to concentrations or quantities that will not harm the wastewater facility, streams, soils, vegetation, ground water and will not otherwise create a hazard or nuisance. The authorized representative may set limitations lower than the prohibition limits outlined below. Consideration will be given to such factors as the quantity of waste in relation to flows and velocities, material of construction, the community's NPDES and SDS permits, capacity of the treatment plant, degree of treatability of wastes and other pertinent factors.

- a. Wastewater having a temperature greater than 150 F (65.6 C), or causing, individually or in combination with other wastewater, the influent at the treatment facilities to have a temperature exceeding 104 F (40C), or having heat in amounts which will be detrimental to biological activity in the treatment facilities.
- b. Wastewater containing fats, wax, grease, or oils in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 F and 150 F (0 C and 65.6 C).
- c. A discharge of water or wastewater which in concentration or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24-hour concentration of flows during normal operation.
- d. Food wastes not properly shredded to such a degree that all particles would be carried freely under normal flow conditions with no particle greater than ½ inch in any dimension.
- e. Noxious or malodorous liquids, gases or solids
- f. Wastewater with objectionable color not removed in the treatment process.
- g. Wastewater containing inert suspended solids in such quantities that would cause disruption to the wastewater treatment facilities.
- h. Radioactive wastes or isotopes in concentrations that exceed limits established by applicable state and federal regulations.

- i. Wastewaters with BOD5 or suspended solids levels that require additional treatment, except as may be permitted by specific written agreement with the City subject to Article V. Sec. 11 of this Ordinance.
- j. Wastewater containing substances which cannot be treated to produce effluent quality required by the permit or causes a violation of any applicable local, state, or federal regulation.

**Subd. 4** In the event of discharges to the public sewers which contain substances or possess characteristics prohibited in Secs. 2 and 3 of this Article or which in the judgment of the Representative, may have a deleterious effects to the treatment facility, receiving waters, soils, vegetation, or which create a hazard or nuisance, the Representative may:

- k. Refuse to accept the waste.
- l. Require pretreatment to an acceptable condition for discharge to the public sewers pursuant to Section 307(b) of the Act and all addenda thereof.
- m. Require control over the quantities and rates of discharge.
- n. Require payment to cover all the added costs handling, treating, and disposing of wastes not covered by existing taxes or sewer charges.

If the Representative permits the pretreatment or equalization of waste flows, the design, installation, maintenance, and efficient operation of the facilities and equipment shall be at the owner's expense and shall be subject to review and approval by the City pursuant to the requirements of the MPCA.

**Subd. 5** No user shall increase the use of process water or in any manner attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this article, the National Categorical Pretreatment Standards, and any state or local requirement.

**Subd. 6** Grease, oil, and sand interceptors shall be provided at the owners expense when, in the opinion of the Representative, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, any flammable wastes, sand, other harmful ingredients. All interceptors shall be readily and easily accessible for cleaning and inspection. The owner shall be responsible for the maintenance of interceptors, including 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 Representative.

Any material removal and hauling must be performed by the owner's personnel or a currently licensed waste disposal firm and in compliance with all applicable laws and regulations.

**Subd. 7** Where required by the Representative, industrial users shall install and maintain at their own expense a suitable structure or control manhole with such necessary meters and other testing equipment needed to facilitate observation, sampling, and measurement of wastewater. The manhole will be safe and accessible at all times. The Utilities Commission may require submission of laboratory analyses to illustrate compliance with this Ordinance any special conditions for discharge established by the Utilities Commission or responsible regulatory agency. All measurements, tests, and analyses to which reference is made in this Ordinance shall be determined in accordance with the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association and kept for a period of two (2) years.

**Subd. 8** Where required by the Representative, users shall provide protection from an accidental discharge of substances regulated by this Ordinance. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans and operating procedures of said facilities shall be submitted to the Representative for review and approval prior to construction of the facility. Approval of such

plans and operating procedures shall not relieve use from the responsibility of modifying the facility as necessary to meet the requirements of this Ordinance.

Users shall notify the representative immediately if a slug or accidental discharge of wastewater occurs in violation of this Ordinance. Notification will allow measures to be taken to minimize damage to the treatment facilities. Notification will not relieve users of liability for any expense, loss, or damage to the treatment facilities, or for fines imposed on the City by any state or federal agency as a result of their actions.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of the emergency notification procedure in the event of a slug or accidental discharge.

**Subd. 9** No person shall permit any substance or matter that may form a deposit or obstruction of flow to be discharged into the public sewer. Whenever any service connection becomes clogged, obstructed, detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall make repairs as directed by the Representative.

Each day after seven (7) days that the owner neglects to make said repairs, shall constitute a separate violation of this Section. The Representative may then cause the work to be done and recover related expenses from the owner or agent by an action in the name of the City.

**Subd. 10** In addition to penalties that may be imposed for violation of any provision of this Article, the City may assess against the user/owner the cost of repairing or restoring sewers and associated facilities damaged as a result of the discharge of prohibited wastes and may collect the assessment as an additional charge for the use of the public sewer system.

**Subd. 11** No statement contained in this Article shall prevent any special agreement or arrangement between the community or sewer district of the City of Wabasha and any industrial user. As alternatives to an agreement, the City may issue discharge permits to individual industrial users, or issue a general discharge permit to all industrial users, or use any combination of the preceding two alternatives in order to regulate the discharges of industrial users. Industrial waste of unusual strength or character may be accepted by the facility for treatment, subject to adequate payment by the industrial user, provided that National Categorical Pretreatment Standards and the City's NPDES and SDS permit limitations are not violated.

#### **505.16**

No person(s) shall willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is part of the wastewater treatment facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

#### **505.18 ESTABLISHING A SEWER AVAILABILITY CHARGE (SAC):**

**Subd. 1 Sewer Availability Charge (SAC) Charge Established.** For the purpose of providing funds for the city's sewer treatment, collection systems, and the plant and facilities connected therewith, and the payment of capital charges represented by bonds, certificates of indebtedness or otherwise, which may be used to finance the costs of additions or expansions to the facilities, and the payment of reasonable requirements or reserves for replacement in obsolescence thereof, there is hereby imposed upon each lot, parcel of land, building or premises having any connection with the City's public water system a sewer availability charge (SAC) as hereinafter provided. Said charge shall be in addition to any other previous or future charge or assessment levied against the property.

**Subd. 2 Determination and Administration of Charge.** The availability charge as hereinabove authorized shall be imposed in addition to the user charges for sewer service and shall be determined and administered as follows:

A. Payment Required:

1. Payment Required Prior To Connection: Prior to the issuance of the applicable permit and before connecting to the City's sewer system, a City sewer availability charge as hereinafter provided shall be paid.
2. Additional Building Permit: If, after the initial availability charge is paid, an additional building permit is issued, the use of the property changes, or new sewer connection is made, the availability charge shall be recalculated and any additional charges shall be paid.
3. Change By Resolution: Any change in the City sewer availability charge as hereinafter set forth shall be by Council Resolution.

B. Determination of Charge. The amount of the availability charge shall be determined by the City Council and set forth in Section 815: Permit Procedures and Fees of the City Code.

**505.19 The Sewer Service Charge System**

**Subd. 1** The City of Wabasha Utilities Commission hereby establishes a Sewer Service Charge System. All revenue collected from users of the wastewater treatment facilities will be used for annual operation, maintenance, replacement, and capital costs. Each user shall pay a proportionate share of operation, maintenance, and replacement costs based on the users proportionate contribution to the total wastewater loading.

Charges to users of the wastewater treatment facility shall be determined and fixed in a Sewer Service Charge System (SSCS) developed according to the provisions of this Ordinance. The SSCS adopted by resolution upon enactment of this Ordinance shall be published in the local newspaper and shall be effective upon publication. Subsequent changes in the sewer service rates and charges shall be adopted by Utilities Commission resolution and published in the local paper.

Revenues collected through the SSCS shall be deposited in a separate fund known as the Sewer Service Fund (SSF).

**Subd. 2** The community or sewer district of the City of Wabasha hereby establishes a Sewer Service Fund as an income fund to receive all revenues generated by the SSCS and all other income dedicated to the wastewater treatment facility.

The SSF administered by a designated representative shall be separate and apart from all other accounts. Revenue received by the SSF shall be transferred to the following accounts established as income and expenditure accounts.

- a. Operation and Maintenance
- b. Equipment Replacement
- c. Debt Retirement for the treatment facility (if any)

**Subd. 3** Administration of the Sewer Service Fund

A designated representative shall maintain a proper system of accounts and records suitable for determining the operation, maintenance, replacement (OM &R) and debt retirement costs of the treatment facilities, and shall furnish the Utilities Commission with a report of such costs annually.

At that time, the Utilities Commission shall determine whether sufficient revenue is being generated for the effective management of the facilities and debt retirement. The Utilities Commission will also determine whether the user charges are distributed proportionately. If necessary, the SSCS shall be revised to insure proportionality of user charges and sufficient funds.

In accordance with state requirements, each user will be notified annually in conjunction with a regular billing of that portion of the Sewer Service Charge attributable to OM&R.

Sewer Service Charges shall be billed on a monthly basis. Any bill not paid in full fifteen (15) days after the due date will be considered delinquent. At that time, the user will be charged a 10% penalty for the delinquent bill. The penalty shall be computed as 10% of the original bill and shall be increased by the same percent for every month the bill is outstanding. A \$50 reconnection fee will be charged if service has been discontinued due to a delinquent bill.

**505.20 Powers and Authority of Inspectors**

Duly authorized employee(s) of the City, bearing proper credentials and identification, shall be permitted to enter all properties for inspection, observations, measurement, sampling, testing, repair, and maintenance in accordance with the provisions of this Ordinance.

Industrial users shall be required to provide information concerning industrial processes that have a direct bearing on the type and source of discharge to the collection system. An industry may withhold information considered confidential. However, the industry must establish that the information in questions might result in an advantage to competitors and that the industrial process does not have deleterious results on the treatment process.

**505.21 Penalties**

**Subd. 1** Upon determination that a user has violated or is violating applicable provisions of this ordinance or related permits, the authorized representative may issue a Notice of Violation. Within ten (10) days of such notification, the violator shall submit to the authorized representative an adequate explanation for the violation and a plan for the correction and prevention of such occurrences, including specific actions require. Submission of such a plan in no way relieves the violator of liability for any violations occurring before or after the issuance of the Notice of Violation.

**Subd. 2** Any violation is subject to a fine not exceeding \$2,000. Each day in which any such violation occurs shall be deemed as a separate offense. Such fines may be added to the user's next sewer service charge, and will hence be subject to the same collection regulations as specified in Article IX, Sec. 3, of this Ordinance. Users desiring to dispute a fine must file a request for the authorized representative to reconsider within ten (10) days of the issuance of the fine. If the authorized representative believes that the request has merit, a hearing on the matter shall convene within forty-five (45) days of the receipt of the request.

**Subd. 3** To collect delinquent sewer service charge accounts, the community or sewer district may file a civil action suit or levy a lien against the violator. Related attorney's fees fixed by court order shall also be collected. The violator shall be liable for interest on all balances at a rate of eighteen (18) percent annually.

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

**505.22 Validity**

**Subd. 1** This Ordinance shall be in full force and take effect from and after its passage and approval and publication as provided by law.

**Subd. 2** All other ordinances and parts of other ordinances in consistent or in conflict with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

**Subd. 3** Passed by the City Council of the City of Wabasha, Minnesota on the 5th day of August, 2003.

That this ordinance shall take effect and be in force on \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

BY: \_\_\_\_\_  
ATTEST: \_\_\_\_\_

## APPENDIX A

### Determination of Sewer Service Charges (Metered)

**Subd. 1** Users of the wastewater treatment facilities shall be permitted into one of the following classes:

- a. Residential
- b. Non-residential
- c. Industrial

Charges to users who discharge NDSW will be calculated on the basis of metered water use.

**Subd. 2** Each user shall pay operation, maintenance, and replacement costs in proportion to the user's contribution of wastewater flows and loadings to the treatment plant, with a minimum rate for loadings of BOD and TSS being the rate established for normal domestic strength waste (NDSW) concentrations.

The industrial users discharging only segregated NDSW can be classified as non-residential users for the purpose of rate determination.

**Subd. 3** Charges for residential and non-residential users will be determined proportionately according to billable wastewater flow.

RESIDENTIAL USERS: Billable wastewater volume for residential users shall be calculated on the basis of metered water usage. The quarterly billable water usage will be based on usage in the first quarter of the calendar year. The City may require residential users to install water meters for the purpose of determining billable wastewater volume.

Sewer Minimum Availability Charge: Each customer shall be billed the current minimum sewer charge in the event that the customer is not connected to city sewer but there is a city sewer connection available.

Rates as set forth in Appendix B.

Any premises not located within the corporate limits of the City of Wabasha which are connected or may hereinafter be connected to the sewer system shall be charged at a rate equal to twice the in-City rate.

The Utilities Commission reserves the right to set rates for any designated sanitary district.

NON-RESIDENTIAL USERS: Billable wastewater volume of non-residential users may be determined in the same manner as for residential users, except that if the City determines that there are significant seasonal variations in metered water usage resulting in a proportionate increase in wastewater volume, the billable wastewater will be:

- d. Calculated on the basis of quarterly water usage as recorded throughout the year; or
- e. Calculated on the basis of metered wastewater flow. The City may require non-residential users to install such additional water meters or wastewater flow meters as may be necessary to determine billable wastewater volume.

**Subd. 4** Determination of User Charges

- f. For producers of Normal Domestic Strength Wastes:  
 $U_{omr} = C_{omr}/T_{bw}$

Where:  $U_{omr}$  = Unit cost for Operation, Maintenance, and Equipment Replacement in \$/Kgal.

$C_{omr}$  = Total annual OM & R costs.

$T_{bw}$  = Total annual billable wastewater flow in Kgal.

**Subd. 5** Recovery of Local Construction Costs:

Local construction costs for the wastewater treatment facility will be recovered through a Debt Service Charge calculated in a manner consistent with the User Charge as follows:

- a. Calculation of Unit Cost for Debt Service:  
Uds = Cds/Tbwv  
Where: Uds = Cost for annual debt service (\$/Kgal).  
Cds = Cost of annual debt service  
Tbwv = Total annual billable wastewater volume (Kgal)

**Subd. 6** The Sewer Service Charges established in this Ordinance will not prevent the assessment of additional charges to users who discharge wastes in concentrations greater than NDSW or of unusual character (industrial users). Special contractual agreements can be made with such users, or a discharge permit issued to them, subject to the following conditions:

- a. The user pays OM&R costs in proportion to the user's contribution of wastewater flows and loadings to the treatment facility, and no user is charged at a rate inferior to the charge for normal domestic strength wastes.
- b. The sampling of wastewater shall be conducted in accordance with the techniques established in "Standard Methods for the Examination of Water and Wastewater", latest edition.  
A study of unit costs of collection and treatment processes attributable to flow, BOD, TSS, and other significant loadings shall be developed and used to determine the proportionate allocation of costs to flows and loadings for industrial users.

**Subd. 7** In the event that a user fails to pay his/her sewer rental fee within a reasonable time as determined by the Commission, said fee shall be certified by the Clerk and assessed against the property connected to the sewer system and forwarded to the County Auditor for collection.

Adopted 8-5-03

Proposed amendments to be effective with March 2014 billing cycle

## **APPENDIX B**

### **Section 505 Sewer Rates and Sewer Rents**

#### **Subd. 1.** Schedule of Sewer Rates

A minimum charge per month based on 2,000 gallons of water usage per month:	\$ 23.86
After minimum per 1,000 gallons water usage	\$ 11.93

