

ORDINANCE NO. 88

AN ORDINANCE PROVIDING FOR AND REGULATING DISCHARGE OF WATER AND WASTE, INTO THE PUBLIC SEWER SYSTEM. ESTABLISHMENT OF SEWER SERVICE CHARGES AND PROVIDING PENALTIES AND/OR SURCHARGES FOR THE VIOLATIONS THEREOF, FOR THE CITY OF NICOLLET, NICOLLET COUNTY, MINNESOTA. THIS ORDINANCE IS INTENDED TO DISCUSS AND REPLACE ORDINANCE #58 AND ORDINANCE #60 IN THEIR ENTIRETY.

THE CITY COUNCIL OF THE CITY OF NICOLLET, ORDAINS:

SECTION 1. Definition of Terms

- a. BOD (Biochemical Oxygen Demand) shall mean the quantity of oxygen required by microscopic organisms for stabilization, or using as food, organic materials in wastewater in a specified time and at a specified temperature (normally five days at 20 degrees Celsius). This is a standard test to evaluate wastewater strength.
- b. COMBINED SEWER shall mean a sewer receiving both surface runoff and wastewater.
- c. DOMESTIC WASTES shall mean the liquid waste from water closets, lavatories, sinks, bath tubs, showers, household laundries, floor drains. This waste shall not exceed 400 parts per million of BOD5. (parts per million (ppm) = milligrams per liter(mg/l)).
- d. COMMERCIAL WASTE shall mean the liquid waste from laundries, dry cleaning establishments, oil stations, car washing stations, other business and manufacturing plants producing sewage which is normally less than 400 mg/l in strength of BOD.
- e. INDUSTRIAL WASTE shall mean the liquid waste from industrial manufacturing processing, trade, and other places of business which produce sewage normally stronger than 400 mg/l in strength of BOD after pretreatment, or waste with characteristics not conducive to biological treatment.
- f. PERSON shall mean an individual, firm, company, association, society, corporation or group.
- g. PUBLIC SEWER shall mean a sewer which all owners of abutting properties shall have equal rights, and is controlled by public authority.
- h. SANITARY SEWER shall mean a sewer which carries and to which storm, surface, and ground waters are not intentionally admitted.
- i. SEWAGE shall mean a combination of the water-carried wastes from residences, business, building, institutions, and industrial establishments.
- j. SEWAGE TREATMENT FACILITY shall mean any arrangement of devices and structures used to treat sewage to acceptable levels.
- k. STORM SEWER shall mean a sewer which carries storm and/or surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- l. TSS (Total Suspended Solids) shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- m. pH the logarithm of the reciprocal of the hydrogen-ion concentration, expresses the intensity of acidity or alkalinity.

- n. COMPOSITE SAMPLE shall mean a combination of samples taken over a 24 hour period, at selected intervals, to minimize the effect of variability of an individual sample. In proportion to flow at the time of a sample.
- o. GRAB SAMPLE a single sample not necessarily taken at a set time or flow. An instantaneous sample.
- p. INDUSTRIAL USER any industry or business that discharges wastewater that exceeds 400 mg/l BOD and/or 300 mg/l TSS or violates a pH regulation as set by the City Council. The Industrial User shall be monitored on a regular basis and billed monthly.
- q. COMMERCIAL USER any industry or business that discharges wastewater that does not exceed 400 mg/l BOD and/or 300 mg/l TSS or violate a pH regulation as set by the City Council.

SECTION 2. Use of Public Sewers

- a. it is violation for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.
- b. no person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process water to the sanitary sewer.
- c. Storm water and all other unpolluted drainage shall be discharged to such sewers that are specifically designed as storm sewers, or to a natural outlet approved by the City Council. Industrial cooling water or unpolluted process waters may be discharged on approval of the City Council, to a storm sewer or natural outlet.
- d. No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer.
1. gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solids or gas.
 2. Any water or wastes that containing toxic or poisonous solids, liquids, or gases, either exclusively or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans, animals, or to cause a public nuisance. NO wastewater can have the ability to cause a hazard to the receiving waters of the sewage treatment facility. Including cynaides in excess of 0.025 mg/l.
 3. No solid or viscous substances in quantities or of size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage system.
- e. No person shall discharge or cause to be discharged any substances, material, water, or waste if it appears likely in the opinion of the City Council or its duly appointed representative that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, property, or constitute a nuisance or causes a violation of any applicable local, state or federal regulation.
- f. If any waters or wastes are discharged or are proposed to be

discharged to the public sewers which waters contain the substances or possess the characteristics enumerated in sections d. & e. above, and which in the judgement of the City Council and/or its representative is in need of pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to their view and approval of the City Council and/or its representative, and subject to the requirements of all applicable codes, ordinances, and laws. All associated cost for the pretreatment of wastewater shall be borne by the "Industrial User".

g. Fats, Oil, Grease (FOG) and sand interceptors shall be provided when, in the opinion of the City Council they are necessary for the proper handling of liquid wastes containing (FOG) or sand in excessive amounts, or any flammable wastes sand or other harmful ingredients.

h. When required by the City Council the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole when required, shall be accessibly and safely located. The manhole shall be installed by the owner at his expense, and shall be maintained by him (as directed by the City Council) so as to be safe and accessible to City personnel at all times.

i. No statement contained in this ordinance shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, by the industrial concern.

SECTION 3. Sewer Service Charge Established.

For the purpose of providing funds to meet the cost of operating and maintaining the sewer system of the City of Nicollet and to apply any additional sums collected to meet the cost of a sewage disposal plant and the facilities connected therewith and to the payment of capital charges represented by bonds, certificates of indebtedness, or otherwise, and to the payment of reasonable requirements for replacement and obsolescence thereof, there is hereby levied and assessed upon each lot, parcel of lands, building or premises having any connection with the public sewer system in the City of Nicollet, or otherwise discharging sewage, industrial waste, water or other liquids directly or indirectly into the sewer system of the City, a sewage service charge payable hereinafter provided in an amount determinable as follows:

a. For any lot or parcel of land, building or premises used for residential purposes having connection with the sewage system of the City, or otherwise discharging sanitary sewage either directly or indirectly into the sewage system the charge shall be as adopted by City Council Resolution.

b. For any lot or parcel of land, building or premises, used for commercial purpose and having the connection with the sewage system of the City or otherwise discharging sanitary sewage, either direct or indirectly into the sewage system the charge shall be as adopted by City Council Resolution.

In unusual circumstances the City Council shall have the power to classify particular uses of the sewage system for commercial purposes and fix just and reasonable rates and charges for its disposal according to such classification and the City Council shall have the power to increase or decrease all rates and charges in this ordinance provided for as the same may reasonably be required.

c. In the event any lot, parcel of land, building or premises discharging sanitary sewage, industrial waste, water or other liquids into the sewer system of the City either directly or indirectly is not supplied with water from the waterworks of said City and the water used thereon or therein is not measured by a City meter or by a meter approved by the City Council, then in each case the sewer service charge shall be as adopted by City Council Resolution and by such method as the City Council may find just, equitable, and practicable in the light of conditions and circumstances of the case.

d. For any lot or parcel of land, building or premises used for industrial purposes and exceeding a strength of 400 mg/l of five-day biochemical oxygen demand and/or a strength of 300 mg/l TSS, the City Council shall adopt a Resolution establishing a billing rate which will be set on a per pound basis, the rate provided for commercial use of the sewers as herein before prescribed shall be applied to industrial users who do not exceed the limits as listed above. The City of Nicollet reserves the right to sample, without notice, the wastewater of all industrial users.

In the event that any industrial account shall exceed the limits set by the City Council in its establishment of said distinct rate and limits for any 24 hour period, a penalty as described by resolution shall be imposed for the said 24 hour period. Should the condition continue, the additional penalty shall be added for each 24 hours period during which the condition described herein continues. Any violation is subject to a fine as set by the City Council. Such penalties shall be added to and become a part of the offender's monthly statement.

e. Mass Loading restrictions will be implemented, and compliance will be mandatory for all Industrial Users. Limitations will be adopted by City Council Resolution and set in a Wastewater Treatment Agreement.

f. The City Clerk under the direction of the City Council shall determine the amount due the City for sewer charges and deliver a statement monthly to the Industrial User for collection by the City Clerk from the owner or occupant of any premises served. Said statement may be directed to the owner or occupant of any premises served or to both in connection with the water statement to such owner or occupant, and said statement shall be directed to both the owner and occupant of any premise served where payment of any sewer charge is more than thirty days past due.

g. An annual audit of the sewer rates and the cost of operations as herein before prescribed shall be reviewed annually to insure that they meet the financial purposes as set out in this ordinance, and are equal to the charge of treatment.

SECTION 4. Payment of Charge

Each charge levied by and pursuant to this ordinance is hereby made a lien upon the corresponding lot, land or premises served by a connection to the sewer system of the City of Nicollet and all such charges which are on September 30th of each year more than 30 days past due, and having been properly billed to the occupant of the premises served, shall be certified by the City Clerk to the County Auditor between the 1st and 10th day of October of each year and the City Clerk is certifying such charges to the County Auditor shall specify the amount thereof, the description of the premises served, and the name of the owner thereof, and the amount certified shall be extended by the auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City Treasurer, along with other taxes.

SECTION 5. Obligation of Charge.

Any charges levied by and pursuant to this ordinance, and which has been properly billed to the occupant of any premises served, and not paid, may be recovered in a civil action by the City in any court of competent jurisdiction.

SECTION 6. Application of Proceeds.

The funds received from the collection of the charges or rentals authorized by this ordinance shall be deposited as collected in a fund to be known as the Sewer Rental Fund and shall be disbursed as follows;

- a. To meet the cost of operating and maintaining the sewer system of the City of Nicollet, and a sewage disposal plant and facilities.
- b. To meet the cost of sewage disposal plant and the facilities concerned therewith.
- c. To meet payments of capital charges represented by bonds, certificates of indebtedness or otherwise.
- d. To the payment of reasonable requirements for replacements and obsolescence.

SECTION 7. Powers and Authority of Inspectors.

The City Council and other duly authorized employees of the City, bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The City Council or its representatives shall have not authority to inquire into any processes beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities of waste treatment.

SECTION 8. Penalties.

a. Any person found to be violating any provision of this ordinance shall be served by the City with written notice stating the nature of the violation (Notice of Violation) and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within 30 days of such notification submit to the City Council a written explanation for the violation and a plan for correction and prevention of such occurrences, including specific actions required. 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 (NOV).

b. Any person who shall continue any violation beyond the time limit provided shall be guilty of an Ordinance violation and thereof subject to a fine imposed by the City of Nicollet in the amount not exceeding one thousand dollars (\$1,000) for each violation. Each day in which any such violation shall continue will be deemed a separate offence. Users desiring to dispute a fine must file a written request to the City Council within 10 days from the date of billing. If the City Council believes the request has merit, a hearing on the matter shall be convened within 10 days of the receipt of the request.

c. A duly appointed representative for/from the City of Nicollet shall inspect all properties for the discharge of ground and/or storm water to the sanitary sewer system. Upon written notice the home owner and/or property owner shall have 10 days in which to discontinue the illegal discharge and comply with City specification, at which time another inspection will be performed to confirm compliance. Any continuance of illegal discharge shall be considered a violation of this Ordinance and a surcharge on a monthly basis will be implemented. This surcharge shall be as adopted as per City Council Resolution.

d. In the event that an accidental discharge damages the sewage treatment plant and/or the receiving water downstream of the treatment plant, the discharger shall pay an amount equal to the damages incurred, in addition to the fine described in Section 8.b

e. 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 community by reason of such violation.

Section 9. Determination of User Charges.

a. For producers of normal domestic strength waste

$$Uomr = \frac{Comr}{Tbvw}$$

Where: Uomr = Unit cost of operation, maintenance and equipment replacement in \$/Kgal.
Comr = Total annual operation, maintenance and equipment replacement cost.
Tbvw = Total annual billable wastewater flow in Kgal.

b. Calculation of user charges.

$$Uc = Uomr \times bwv$$

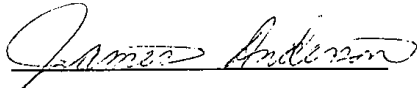
Where: Uc = User charge.

Uomr = Unit cost of operation, maintenance and
equipment replacement in \$/Kgal.

bwv = Billable wastewater volume in Kgal.

This ordinance shall take effect and be in force from and after its passage, approval and publication.

Passed and approved and ordered published this 26th day of March, 1992.



James Anderson, Mayor
City of Nicollet

Attest:



Claus Peukert, City Clerk
City of Nicollet