

WABASHA PLANNING COMMISSION

May 14, 2024 6:00 PM

MEETING AGENDA

- 1) Call to Order
- 2) Approval of Minutes-
 - a) Planning Commission Minutes 4-9-24
- 3) Changes or Additions to Agenda
- 4) Public Comment
- 5) Public Hearings
- 6) Old Business
- 7) New Business
 - a) Miscellaneous Subdivision and Zoning Ordinance Updates
- 8) Board of Adjustment Business
- 9) Other Business
- 10) Next Regular Meeting Date - June 11, 2024
- 11) Adjourn

Planning Commission

2) a)

Meeting Date: 05/14/2024

SUBJECT: Planning Commission Minutes 4-9-24

DEPARTMENT: Administration

TITLE:

Planning Commission Minutes 4-9-24

PURPOSE:

Attachments

Minutes

DRAFT

WABASHA PLANNING COMMISSION

April 9, 2024 6:00 PM

MEETING MINUTES

Commission Members:

Tim Wallerich, Chair	Sara Carrels, Vice Chair
Scott Durand	Sharon Burke
Ozzie Goodman	Jeff Sulla
Richard Heffner	

Present: Scott Durand; Chair Tim Wallerich; Sharon Burke; Sara Carrels; Jeff Sulla; Richard Heffner; Ozzie Goodman

Also Present: Kristi Trisko, Contracted City Planner; Wendy Busch, City Clerk; Caroline Gregerson, City Administrator

1) Call to Order
The meeting was called to order by Chair Wallerich at 6:00 p.m.

2) Approval of Minutes

a) Minutes February 13, 2024

Motion made by Scott Durand, seconded by Jeff Sulla to approve the meeting minutes as drafted.

Vote: 7 - 0 Adopted - Unanimously

3) Changes or Additions to Agenda
There were no changes or additions to the agenda.

- 4) Public Comment
Chair Wallerich reviewed the public comment procedure. There was no public comment relating to items not listed on the agenda.

5) Public Hearings

a) Eagles Basin PUD

City Planner Trisko referenced past discussion of the preliminary PUD. She provided an overview of the final PUD and plat. She reviewed plans to develop 12 townhome units on Outlot B, an approximately 1.82 acre parcel. She stated that the developer has planned for 59.3% open space, which exceeds the 50% requirement, and 41% common space. She discussed parking and garages. She reviewed the concept plan for the townhomes and discussed porches, front yards, side yards, and rear yards. She stated that the developer will maintain an existing bike path. She stated that public utilities will be constructed per City standards. She discussed street access to the area. She stated that the Utilities Commission, the Street Commission, and the Park Board have reviewed the plans. Suggested no-parking signage and a park dedication fee were reviewed. City Planner Trisko stated that no public safety concerns have been expressed. She stated that staff recommends approval of the final PUD and plat. She reviewed the next steps in the process.

Commissioner Durand asked about additional landscape features that would help screen the development from a nearby solar garden. It was suggested to ask the developer about this.

Chair Wallerich reviewed the public hearing procedure and opened the public hearing for this item at 6:07 p.m.

Tony Bigelow introduced himself as a representative of the applicant, Bigelow Homes. He discussed landscaping plans and stated that the developer would be able to comply with any requests from the City in this regard.

No one else spoke during the public hearing. Chair Wallerich closed the public hearing at 6:10 p.m.

Motion made by Jeff Sulla, seconded by Richard Heffner to recommend approval of the Eagles Basin PUD and final plat as presented, with the condition for signage as recommended by the Wabasha Street Commission.

Vote: 7 - 0 Adopted - Unanimously

b) 2nd Street Development CUP

City Planner Trisko identified the applicant as the City of Wabasha and Keller-Baartman Properties as the developer. She described the location of the 0.52 acre property under discussion, known as the Transfer Building in the Downtown commercial area. She discussed existing utility infrastructure. She stated that City Engineer Brian Malm expressed no concerns about a future building on this site. She relayed comments from Area Hydrologist Lucas Youngsma, noting that the site is in the Shoreland Overlay Zone. She discussed plans for a mixed use project, noting that a CUP would be required as more than 20 units are proposed. She noted that the proposed height of the 5-story building would be 48 feet, which would also require a CUP.

City Planner Trisko discussed use of a community meeting space and reviewed plans for 50 apartment units. She summarized past discussions by the housing task force. She summarized a concept plan for the site. She discussed access to the site. She reviewed parking requirements per the City Code, referenced national parking standards, and detailed plans for underground parking

stalls along with parking stalls adjacent to the building. She discussed other parking stalls within a 2-block radius of the site.

City Planner Trisko referenced other development projects in the Downtown area. She discussed proposed public improvements, including alley paving, tree plantings, and utility infrastructure improvements. She reviewed site visibility considerations. She discussed exterior building treatments and stated that the developer would work with City staff and others on planning activities. She referenced a checklist that details the standards that would need to be met and staff comments. She reviewed the next steps in the process in terms of requested Planning Commission action, following the public hearing.

City Planner Trisko reviewed the public hearing notification process. Commissioner Burke stated that the notice indicated that 44 units are planned. It was noted that the number of units was adjusted from 44 to 50 after the notice was published and that this information was reviewed with the City Attorney.

Chair Wallerich reviewed the public hearing procedure and opened the public hearing for this item at 6:27 p.m.

Nick Loechler indicated that he and his wife, Collette, own Downtown businesses and rental units. He expressed concerns about parking and referenced plans to eliminate 29 existing parking stalls. He discussed parking needs for other residential units and businesses. He estimated that more than 30 parking stalls are needed for these uses, in addition to the parking stalls that are proposed to be eliminated that are currently in use. He commented that parking stalls under the bridge are already being utilized. He expressed concerns that there has been no discussion with impacted business owners until now. He asked about plans for green space. He discussed community center uses and suggested working with the Chamber. He stated that there are other locations that would be better suited for a housing development and provided suggestions. He referenced plans for an alley next to the planned development, noting that this property is currently privately owned.

Judy Knose, 305 Gambia Avenue, Wabasha, asked about City policies relating to short-term rental units. Chair Wallerich stated that short-term rental units are now licensed and recorded but continue to be allowed. Ms. Knose commented regarding the lack of long-term rental units. She suggested more research and opportunities for public comment prior to committing to the project. She commented that more housing is needed but spoke against the proposed location for the project.

Jack Burns, 340 Skyline Drive, Wabasha, asked where the food shelf would be relocated. He suggested considering the former site of the athletic fields for a potential high-density housing development. He referenced the City's Strategic Plan. He asked whether 50 units would be necessary to make the project financially feasible. He also asked about the height of the building. He asked about tax increment financing.

Joyce Fiedler, 1409 River Drive South, Wabasha, stated that she has been following along with the progress of the proposed development, stating that she is impressed with the amount of work and efficiency that have gone into the planning process. She spoke in support of the proposed Downtown location, stating that these types of projects bring vibrancy and energy to a small town. She relayed her experiences relating to parking. She commented that more long-term rental housing is needed in Wabasha.

Dave Wodele, 515 Lawrence Boulevard West, Wabasha, introduced himself as a life-long resident. He provided a history of the Downtown area. He spoke in support of the project and stated that the parking issues can be addressed.

Todd Horgen, 1017 Fourth Street West, Wabasha, discussed parking concerns, especially in the winter. He suggested ways to make the town better in terms of commercial development and

expressed concerns about Section 8 housing if the building is eventually sold.

Lindsay Burns, 340 Skyline Drive, Wabasha, expressed appreciation that no short-term rentals would be allowed in the proposed development and stated that additional housing is needed in Wabasha. She expressed agreement with comments about parking issues and asked when the parking study was done. She suggested considering parking needs during the peak tourist season. She also discussed how the trend toward remote work could impact the number of available parking stalls in the Downtown commercial area during the daytime. She asked about parking at the Library. She commented regarding the distance to a grocery store. She asked about the rental rates and asked how the market study was done.

Tag Horgen, Wabasha, echoed concerns about parking and access to grocery stores by renters.

Scott Lein, 624 Lawrence Boulevard, Wabasha, discussed the need for more housing in Wabasha. He stated that friends, family, and young employees would like to move to Wabasha but cannot find housing. He discussed parking issues and suggested ways to address these. He commented that seniors would like additional housing options. He commented that the City and the Port Authority have put a lot of work into the planning process.

Rob Venz, 617 14th Street, Wabasha, introduced himself as a member of the Wabasha-Kellogg School Board. He stated that more housing is needed for teachers and school staff. He commented that the school district is losing talent due to this issue.

Susie Pierce, 1023 Hiawatha Drive West, Wabasha, stated that she has lived in Wabasha for six years and loves the town. She asked whether local contractors and businesses would be utilized if the project moves forward. She commented that food shelf needs have been growing and asked about a new location. She asked how the project would impact the small town charm of the Downtown area. She suggested considering other options for the project.

Dave Wodele reported that the food shelf has recently secured a new location.

Mayor Emily Durand discussed the work of the housing task force and expressed appreciation for the thoughtful public comments. She stated that other sites are being considered for future housing projects and discussed the need for many types of housing options. She discussed the process of asking State legislators to support funding toward the Highway 60 realignment project. She commented that Wabasha is trying to learn from the experience of other communities. She encouraged members of the public to continue to engage in the process. She noted that the CUP hearing is required as part of the State grant funding application process and clarified that State funding would be required to accomplish the project. City Administrator Gregerson provided additional information.

No one else spoke during the public hearing. Chair Wallerich closed the public hearing at 7:05 p.m.

Robert Keller introduced himself as a representative of the developer. He discussed other housing projects that are owned and managed by Keller-Baartman Properties, adding that no properties have been sold. He discussed rental rates, metered utilities, and energy efficiency measures. He noted that no Section 8 units are being proposed. He further discussed parking plans and trends. He provided rationale for the increase from 44 to 50 units, noting that the building size was adjusted to increase the amount of underground parking, which in turn allowed more units to be planned.

Commissioner Burke asked what would happen if the units are not rented. Mr. Keller indicated that he is not concerned about leasing the units and provided examples from other communities. Commissioner Burke spoke in support of living in the Downtown area. She referenced online comments from dissatisfied Keller-Baartman tenants and the lack of response to her questions about a waiting list. Mr. Keller commented that the office would not be accepting applications unless the

project moves forward. City Administrator Gregerson discussed the RFQ process and reference checks. Commissioner Burke asked whether the planned parking stalls would accommodate an SUV, and Mr. Keller provided information in this regard.

Commissioner Durand asked about the housing study. Additional information was provided, and it was noted that more information is available on the City's website.

Mr. Keller referenced the grant application process through the State.

City Planner Trisko referenced the most recent parking study. She reviewed recent research relating to available parking stalls in the Downtown area and further discussed planned parking stalls for the proposed housing project. She reviewed parking criteria, per the City Code.

Chair Wallerich commented with regard to Downtown businesses and nonprofit organizations that utilize Downtown buildings.

Mr. Keller discussed grocery store and food delivery trends. In response to questions from commissioners, he commented regarding the total number of units, building ages, vacancy rates, tenant turnover, and maintenance needs for Keller-Baartman Properties.

City Administrator Gregerson further discussed plans to develop the former athletic fields. She referenced feedback that was received during developer tours of Wabasha and summarized ongoing discussion of Downtown housing. She summarized the RFQ process. She further discussed parking considerations. She stated that the City Council and the Port Authority determined that the proposed development would be the highest and best use of the site. She noted that a public hearing will be scheduled for discussion of tax increment financing toward the project. She referenced the RFQ criteria, including no public housing and no short-term rental units.

Parking options during snow emergencies and other parking issues were discussed.

Commissioners commented regarding the work of the housing task force.

Commissioner Burke suggested ways to address parking issues during community events. She asked whether condo units were considered for the site. She suggested inviting Commissioner Durand to join the committee.

Commissioner Carrels stated her opinion that Planning Commission action is being requested as more of a formality.

Chair Wallerich referenced the draft resolution language and the suggested conditions of approval of the CUP. The standards checklist was discussed. Use of the community meeting space was further clarified. Chair Wallerich referenced the staff comments and recommended adding #1, #2, #6, #12, and #17 to the resolution language as findings. City Planner Trisko also suggested adding #18 to the resolution language.

Motion made by Jeff Sulla, seconded by Ozzie Goodman to adopt a resolution to approve the CUP, with the findings as discussed and the two recommended conditions of approval.

Vote: 5 - 2 Adopted

NAY: Sara Carrels

Richard Heffner

- 6) Old Business
There was no old business.
- 7) New Business
There was no new business.
- 8) Board of Adjustment Business
There was no Board of Adjustment business.
- 9) Other Business
There was no other business.
- 10) Next Regular Meeting Date - May 14, 2024
- 11) Adjourn

Motion made by Scott Durand, seconded by Sara Carrels to adjourn the meeting. The meeting adjourned at 7:42 p.m.

Vote: 7 - 0 Adopted - Unanimously

Respectfully submitted by: _____
Wendy Busch, City Clerk

Adopted Date

Planning Commission

7) a)

Meeting Date: 05/14/2024

SUBJECT: Miscellaneous Subdivision and Zoning Ordinance Updates

DEPARTMENT: Administration

TITLE:

Miscellaneous Subdivision and Zoning Ordinance Updates

PURPOSE:

Please see the attached staff memo for review and discussion.

Attachments

Staff Memo



Real People. Real Solutions.

MEMORANDUM

Date: 5/6/24
To: Wabasha Planning Commission
From: Kristi Trisko
Subject: Uses / Use Chart / Accessory Structure Building

Accessory Building Discussion:

Detached garages and sheds are currently not allowed to be connected to water or sewer. (See the definition below) If they want to have a sink or restroom with the current rules, property owners must apply for a CUP for a “guest cottage” or an “accessory apartment”. It’s important to note that an attached garage, I.E. part of the principal home, can have these services. The primary concern for allowing a detached structure to have water and sewer connectivity is the building can now convert to a residence. This conversion can start without all the other considerations needed for a residential use like parking, driveway access, addressing, emergency access, minimum lot standards etc. the list goes on and on.

We have numerous questions per year from residents that want to add a sink or bathroom to a garage and are given the available option to them to apply for a CUP. Given that these types of requests happen very regularly, typically in the spring, I thought I bring this issue up with the Commission for your review and thoughts. As I analyze this question, I see three options, briefly outlined below:

- No change in code – continue to not allow water and sewer
- Allow accessory buildings to have water and sewer requiring the following:
 - New (additional) definition
 - Possible new process
 - Meet with Utility Commission
 - Meet with Staff
 - Approved private/public utility extensions
 - Pay SAC and WAC fees
 - Add address
- Just allow = delete last sentence

Pat Mueller Comments: Comment #1 - Future lot and/or utility splits from the main home.

Garages that have water and sewer might have the potential for the services to be split from the house either in terms of a lot split or a utility split. In the guest cottage and accessory apartment CUP's we can condition the use stating that the principal and accessory buildings must have the same owner giving the City the ability to stop the CUP if those conditions change. Lot splits would be easier to deal with as the City would not allow for a lot split unless both the home and accessory buildings meet the minimum standards for a lot in whatever zone they are in.

Comment #2 – Allowing a shared meter and extended private lines connected to the home or separate meter and extension from the public line directly.

The extension of private water and sewer from the home to the accessory building or a new designated extension from public water and sewer lines to the accessory building would need to be reviewed and approved. Each home and accessory building might have a different set of circumstances. If we proceed with a non-CUP process, I recommend that we request each applicant prepare a private utility plan to be presented to the Utility Commission and approved by the City Engineer.

Comment #3 – Garage Drainage.

As plans are submitted to the City, Pat would like to have the drain from garages be collected on-site rather than to allow the drainage of oils and other household items daylighted within the property or dumped directly in to the storm water collection system in the street. This comment can be managed in the building permit process.

I look forward to our discussion on Tuesday evening.

162.061 USE DEFINITIONS

ACCESSORY BUILDING. A building subordinate to, but not part of, the principle building and used for a purpose incidental to the principle building, structure or use.

Must not be connected to public or private sewer.

GUEST COTTAGE. An accessory structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

ACCESSORY APARTMENT. A dwelling unit with up to 50% of the principle structure, subordinate to and located in an owner-occupied single-family dwelling or principle structure of a commercial business.

Day Care Review:

A request for a professional daycare center with employees, parking, fenced outdoor areas etc. has been talked about for a parcel within the Highway Commercial zone. See the Group Day Care definition below. I believe that the Group Day Care use should be allowed in the HC zone as state licensing oversees all appropriate facilities,

fencing, and safety concerns and the zone should allow a large service use of this type that is convenient for families to drop off/pick up.

I have included all miscellaneous, office, retail, and institutional uses in *an abridged USE CHART* for this discussion so we can look at all other typical uses allowed in the HC zone to evaluate this use. I have also reviewed the family day care use i.e., less than 10 children, to determine if they should be allowed in the more rural zones where families live. I look forward to our discussion on this topic.

162.061 USE DEFINITIONS

STATE LICENSED RESIDENTIAL FACILITIES. A use which is required under M.S. § 462.357, as it may be amended from time to time.

FAMILY DAY CARE. A day program providing care for not more than ten children at one time, and which is licensed by the county as a family day care home.

GROUP DAY CARE. A day care program providing care for more than six children at one time. GROUP DAY CARE includes programs for children known as nursery schools, day nurseries, child care centers, play groups, day care centers for school age children, after school programs, infant day care centers, cooperative day care centers and Head Start programs.

GROUP FAMILY DAY CARE. A day care program providing care for no more than 14 children at any one time of which no more than ten are under school age.

SUPERVISED LIVING FACILITY. For persons with developmental disabilities or related conditions where supervision, counseling, housing and DHS-licensed habilitative or rehabilitative program services are provided to serve five or more developmentally disabled clients.

Commercial uses in the Industrial Zone Review:

Within the Industrial Zone, we have no allowed retail uses though we do allow professional office which is a similar scale and use to retail. I think this is an oversight and that larger retail uses I.E. greater than 1,500 square feet should be an allowed use in the Industrial Zone, but perhaps even commercial retail uses less than 1,500 square feet as well. See the attached RETAIL USE CHART for a graphic of this discussion.

Accessory Apartments and Guest Cottage Uses Review:

Finally, Accessory Apartments and Guest Cottage uses are not currently allowed in the TDC Zone though we have several examples of a primary use where the owners and/or renter also live on the same lot. This can either be categorized as a mixed use, currently managed as a PUD or we could add both accessory apartment and guest cottage uses to the TDC Zone as a conditional or permitted use. As both uses should

Name: Wabasha Planning Commission

Date: 5/6/24

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be part of commercial or other more intense use in the TDC zone, I would recommend that IF we add them, they would be conditional uses.

§ 162.060 USE CHART.

	Zones								
Use	RC	RRLA	RRGT	R-I	R-2	TDC	GC	HC	I
ACCESSORY USES									
Accessory building	P	P	P	P	P	P	P	P	P
RESIDENTIAL USES									
Accessory apartment	I	P	I	I	I	C			
Bed and breakfast	I	C	I	I	I	C	C		
Guest cottage	C	P	C	C	C	C			
MISCELLANEOUS USES									
Adult entertainment establishment									I
Commercial kenneling	I	I	I						
Nursery/greenhouses/landscape business	I	C	I						
Major traffic generator	C	C	C	C	C	C	C	C	C
Mixed use with permitted < 4 dwelling units					C	P	P		
Mixed use with any permitted > 5 dwelling units						C	C		
Parking garage						C	C		
Structures higher than maximum height (§§ 162.065 and 162.066 of this chapter)					C	C			
Small / Limited Mines	I	I	I					I	I
OFFICE USES									
Professional use up to 1,500 sq. ft.				C	C	P	P	P	P
Professional use > 1,501 sq. ft.					C	P	P	P	P
RETAIL USES									
Commercial retail up to 1,500 s.f.					C	P	P	P	P?
Commercial retail >than 1,500 s.f.						P	P	P	P
Contractor yard							P	P	P
Gas stations							P	P	P
Open sales, service, rentals lot						C	P	P	P
Restaurants						P	P	P	
Restaurant/bar outdoor seating						C	C	C	
Restaurant- drive-in/drive-thru							P	P	
INSTITUTIONAL USES									
Family day care	P	P	P	P	P				
Group family day care				P	P				
Group day care					P	C	P	P	
Supervised living facility				P	P				

NOTES TO TABLE:

- * C = conditional use
- * I = interim use
- * P = permitted use
- * Blank = not allowed

CHAPTER 52: WATERWORKS

Section

General Provisions

- 52.01 Water conservation; emergency
- 52.02 Declaration of critical water deficiency

Waterworks

- 52.15 Utilities Commission; power
- 52.16 Definitions
- 52.17 Connections
- 52.18 Meters
- 52.19 Contract
- 52.20 Application for services
- 52.21 Water services
- 52.22 Materials and installations
- 52.23 Excavation
- 52.24 Inspection
- 52.25 Waiver of damages
- 52.26 Charges
- 52.27 Tapping mains
- 52.28 Lines; responsibility
- 52.29 Disconnection for late payment
- 52.30 Water rates and water rents

- 52.99 Penalty

Appendix A: Water rates

GENERAL PROVISIONS

§ 52.01 WATER CONSERVATION; EMERGENCY.

(A) At such times that the City Clerk or Utility Superintendent determines that a shortage of water supply threatens the city, pursuant to the Water Emergency and Conservation Plan Part 2, § D, the city may limit the time and hours during which city water may be used for sprinkling, irrigation, car washing or other specified uses. In such emergency events, a directive shall be posted in the City Hall and published once in the official newspaper of the city declaring a water emergency. The emergency directive shall remain in effect until the City Council, by resolution, terminates the water usage limitations.

(B) A limitation shall be implemented as follows.

(1) Residents with an odd house number shall only water lawns or wash cars on odd-numbered calendar days, and those with even house numbers shall only water lawns or wash cars on even-numbered days. During the limitations, residents shall not water between the hours of 10:00 a.m. and 6:00 p.m.

(2) Notwithstanding the above limitations, those residents with recently established lawns may water daily for up to one month after installation, but only during the hours as set forth above.

(Prior Code, § 510) Penalty, see § 52.99

§ 52.02 DECLARATION OF CRITICAL WATER DEFICIENCY.

(A) *Purpose.* This section establishes procedures to implement emergency water conservation restrictions in response to a critical water deficiency declared by the governor, pursuant to M.S. § 103G.291.

(B) *Application.* This section applies to all water customers of the city who own or control water use on any premises.

(C) *Declaration of critical water deficiency.* Upon the declaration of a critical water deficiency by the governor, the city shall take action consistent with M.S. § 103G.291, subd. 1 to restrict nonessential water uses. Restrictions imposed during

an emergency shall continue in effect until the end of the emergency and/or removed by the city.

(D) *Emergency water use restrictions.* Emergency water use restrictions shall be implemented upon the declaration of a critical water emergency by the governor. Restrictions may include limiting or prohibiting irrigation or watering, vehicle washing, and any other nonessential uses as determined by the city.

(E) *Public notice.* The City Clerk or Utilities Superintendent shall post a directive at City Hall and shall take other action reasonably practicable to inform the general public of emergency water use restrictions and the penalties which could be imposed for violation of such restrictions.

(Ord. 01-2023, passed 1-3-2023)

WATERWORKS

§ 52.15 UTILITIES COMMISSION; POWER.

The Utilities Commission shall have full and exclusive control of and power over the water system of the city; and shall, from time to time, make such additional rules and regulations as may seem necessary. The proposed rules and regulations shall be published once in the legal publication of the city and shall be accompanied by a notice stating the date and time of a hearing on the same. If, after the hearing, the same are adopted by a majority vote of the Commission, they shall become part of all owners' contracts with the city.

(Prior Code, § 500.01) (Ord. passed 3-3-2015; Ord. passed 5-2-2017)

§ 52.16 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMISSION. The Utilities Commission of the city.

OWNER. The owner of any real estate in the city applying for or now receiving any of the services of the Commission.

SERVICE LINE. The portion of the pipe connected to the water or sewer main and ending at the property line.

SNOWMAKING. The conversion of water to human-made snow on a ski trail or ski area for the purpose of supplementing or augmenting natural precipitation. **SNOWMAKING** shall include the ancillary use of water for the irrigation of permitted ski areas for ski slopes maintenance and protection. Water utilized for **SNOWMAKING** shall not be used for residential, commercial or industrial or other municipal purposes besides **SNOWMAKING**.

SUPERINTENDENT. The Superintendent or authorized agent for the Utilities Commission duly appointed by the Commission.

SUPPLY LINE. The portion of the pipe on owners premises connecting with the service line.

(Prior Code, § 500.02) (Ord. passed 3-3-2015; Ord. passed 5-2-2017)

§ 52.17 CONNECTIONS.

Each resident, commercial or industrial unit shall have a separate water and sewer connection and no owner shall allow a supply line in connection with the service line leading to his or her premises if the supply line shall conduct water to premises other than the premises for which the original connection was granted; except that, upon application to the Commission, two adjoining owners may install and maintain joint service lines. Separate meters, however, shall be installed for each unit.

(Prior Code, § 500.03) (Ord. passed 3-3-2015; Ord. passed 5-2-2017)

§ 52.18 METERS.

(A) All water furnished by the city shall be measured by meters and paid for accordingly. The meters and curb stops and the like are purchased from the city and maintained by the owner at his, her or their expense.

(B) All meters must be set and be at all times under the supervision and direction of the Utilities Commission or its agent. The meters must be so set that they will be easily examined and read and be provided with suitable protection, making them safe from frost or other damage.

(C) In case of refusal or neglect to set or protect a meter as herein required, the Utilities Commission or their agent shall refuse to turn water on or, if water has been turned on, it shall be turned off and remain turned off until the consumer shall have complied with the requirements. The use of no meter of a size smaller than the service pipe will be permitted. All expense of attaching meters and of protecting them from frost or other damage shall be paid by the consumer, and any meter found at any time frozen, damaged or registering incorrectly must be repaired or replaced upon the order of the Utilities Commission or its agent, and at the expense of the consumer; and no meter shall be repaired or removed, except upon permission granted by the Utilities Commission or its agent.

(D) In such case where a consumer requests that his or her meter be tested, the city shall test the meter. If the test shows an accurate measurement of water, the consumer shall be charged \$50 for the cost of the test. If the test shows that the meter is inaccurate, the meter shall be replaced at no cost to the consumer.

(Prior Code, § 500.04) (Ord. passed 3-3-2015; Ord. passed 5-2-2017)

§ 52.19 CONTRACT.

(A) The rules, regulations and water rates named in this subchapter shall be considered a part of the contract with every person, company or corporation who is supplied with water through the water system of the city; and every person, company or corporation by taking water shall be considered as expressing his or her or their assent to be bound thereby.

(Prior Code, § 500.05)

(B) (1) Whenever any of the rules and regulations or such orders as the city may hereafter adopt, are violated, the water shall be shut off from the building or place of the violation, (even though two or more parties are using water through the same pipe), and shall not be let on again, except by order of the Utilities Commission or its authorized agent and, upon payment of all arrears of rent, the expense of shutting it off and putting it on (for which the charge of \$50 will be made), and such other terms as the Utilities Commission may determine, and a satisfactory understanding with the party that no further cause for non-compliance shall arise. The right is reserved by the Utilities Commission to change the rules, regulations, from time to time, as they may deem advisable, and to the Utilities Commission to make special rates and contracts in all proper cases.

(2) It shall be the duty of the Superintendent or authorized agent of the city to report to the Utilities Commission all cases of leakage, waste or unnecessary profusion in the use of water, and each and every violation of any ordinance of the city relative to the waterworks thereof, which may come to his or her knowledge or notice; and the Superintendent or authorized agent of the city shall each enforce the observance of this division (B) so far as they or any of them have authority under the ordinances of the city.

(Prior Code, § 500.06)

(Ord. passed 3-3-2015; Ord. passed 5-2-2017)

§ 52.20 APPLICATION FOR SERVICES.

Owners shall apply for the services desired upon an application, to be furnished by the Commission, stating the legal description of the property to be served, and the use to which the same is to be put (domestic, commercial or industrial). The application must be accompanied by a permit fee as stated in § 32.49 of this code of ordinances, and shall be filed with the Clerk. The Clerk shall forthwith forward a duplicate copy thereof to the Superintendent who shall forthwith make an inspection of the owner's premises and the proposed service connections. If the use be other than domestic, the Superintendent may require the owner to submit reasonable and suitable plans, showing all uses to which the water is to be put, and all sewers, drains, traps and other connections. If the same complies with the rules and regulations of the Commission, the Superintendent shall endorse his or her approval on the application and return same to the Clerk, who shall then issue a permit to the owner.

(Prior Code, § 500.07) (Ord. passed 3-3-2015; Ord. passed 5-2-2017)

§ 52.21 WATER SERVICES.

Water will not be provided for any building, or private service pipe, except on the order, in writing of the Utilities Commission or its duly authorized agent, nor until the applicant shall have paid for the connection from the street main to the street line. Plumbers are strictly prohibited from turning water on to any service pipe, except upon the order or permission of the Utilities Commission or its agent. This rule shall not be construed to prevent any plumber admitting water to test pipes for that purpose only. When the water has been turned on by the order of the Utilities Commission or its authorized agent, no customer shall turn it off, nor permit it to be turned on, without the written consent of the Utilities Commission or its agent.

(Prior Code, § 500.08) (Ord. passed 3-3-2015; Ord. passed 5-2-2017)

§ 52.22 MATERIALS AND INSTALLATIONS.

(A) *Construction of water service lines.* All water service lines shall include a shut-off and drain cock located at the owner's curb line.

(B) *Installation of meters.*

(1) The meter shall be installed in the supply line at the nearest practical point after the line enters into the principal building on the owner's premises.

(2) Stop and waste cocks shall be installed on each side of the meter and all supply pipes shall be attached to the line on the house side of the meter only.

(C) *Check valves.* Check valves shall be installed in all water connections to steam boilers and in such other cases as deemed necessary by the Superintendent. Safety and relief valves shall be installed on all boilers or other steam apparatus connected with the water system where steam pressure may be raise in excess of 50 pounds per square inch.

(D) *Backflow device.* A backflow device must be installed on all new and replacement water lines at the meter.

(Prior Code, § 500.09) (Ord. passed 3-3-2015; Ord. passed 5-2-2017)

§ 52.23 EXCAVATION.

(A) In making excavations in streets or highways for laying of service pipe or making repairs, the planks, paving stones and earth removed must be deposited in a manner that will occasion the least inconvenience to the public and provide for passage of water along the gutters.

(B) No person shall leave any excavations made in any street or highway open at any time without barricades, and during the night warning lights must be maintained at the excavations.

(C) In refilling the opening after the service pipes are laid, the earth must be laid in layers of not more than 12 inches in depth, and each layer thoroughly rammed or puddled to prevent settling and this work, together with the replacing of sidewalks, ballast and paving, must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the Utilities Commission or its agent.

(D) (1) No person shall make any excavation in any street or highway, within ten feet of any laid water pipe, while the ground is frozen, or dig up or uncover so as to expose to the frost any water pipe or sewers of the city, except by special permission by the Utilities Commission or its agent.

(2) No person shall make any excavation in any street or highway for the purpose of laying water pipe, or to tap any water or service pipe laid down, without written permission from the Utilities Commission or its agent.

(Prior Code, § 500.010) (Ord. passed 3-3-2015; Ord. passed 5-2-2017) Penalty, see § 52.99

§ 52.24 INSPECTION.

(A) Every person taking water shall permit the members of the Utilities Commission, or its authorized agents, at all hours to enter his or her premises or buildings to examine the same, the pipes and fixtures; they must at all times, frankly and without concealment, answer all questions put to them relative to its consumption.

(B) All water and sewer installations on owner's premises, either above or below the ground, shall be inspected by the Superintendent as to both labor and materials before the same are covered.

(Prior Code, § 500.011) (Ord. passed 3-3-2015; Ord. passed 5-2-2017)

§ 52.25 WAIVER OF DAMAGES.

It is expressly stipulated by the city that no claims shall be made against it, by reason of the breaking or freezing of any service pipe or service cock; nor, if from any cause, the supply of water should fail; nor from damages arising from shutting off water to repair mains, making connections or extensions; nor for any other purpose that may be deemed necessary; and the right is hereby reserved to shut off the supply of water at any time, for the purpose of repairs or any other necessary purpose, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the water supply within any district of the city, the Utilities Commission or its agent shall, if practical, give notice to each and every consumer within the district of the time when the supply will be shut off.

(Prior Code, § 500.012) (Ord. passed 3-3-2015; Ord. passed 5-2-2017)

§ 52.26 CHARGES.

(A) Applicants for water will be charged from the connection to the service line for all trenching and service pipe, and the Utilities Commission or its authorized agent shall have the power to make the arrangements with plumbers or others as they may deem expedient to carry this division (A) into effect.

(Prior Code, § 500.013)

(B) (1) *Charge established.* For the purpose of providing funds for the city's wells, water treatment, water storage and water distribution 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 water availability charge (WAC), as hereinafter provided. The charge shall be in addition to any other previous or future charge or assessment levied against the property.

(2) *Determination and administration of charge.* The availability charge as hereinabove authorized shall be imposed in addition to the user charges for water 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 water system, a city water 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 water 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 water 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 § 32.49 of this code of ordinances.

(Prior Code, § 500.014)

(Ord. passed 3-3-2015; Ord. passed 5-2-2017)

§ 52.27 TAPPING MAINS.

No person, excepting those having special permission, a master plumbers license and completing the required permit application from the Utilities Commission or its authorized agent will be permitted, under any circumstances, to tap the mains or distributing pipes or valves therein. The kind and size of the connection with the mains shall be specified in the permit or order of the Commission.

(Prior Code, § 500.015) (Ord. passed 3-3-2015; Ord. passed 5-2-2017) Penalty, see § 52.99

§ 52.28 LINES; RESPONSIBILITY.

All expenses incurred in the installation, maintenance and replacement of service lines shall be borne by the owner of the property to which service connections are made. If the water supply line between one's home/business and the main service line connection begins to leak or breaks due to aging or the natural effects of seasonal changes, the responsibility for the repairs to the supply lines lies with the home or business owner. If the leak or break occurs after the supply line connection to the main service line, the responsibility for the repairs to the service line lies with the city.

(Prior Code, § 500.016) (Ord. passed 3-3-2015; Ord. passed 5-2-2017)

§ 52.29 DISCONNECTION FOR LATE PAYMENT.

(A) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill; and

(2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in the sum of \$20.

(Prior Code, § 500.017) (Ord. passed 3-3-2015; Ord. passed 5-2-2017)

§ 52.30 WATER RATES AND WATER RENTS.

(A) All rates and rents will be billed monthly and must be paid promptly when due at the office of the City Clerk.

(B) If the rents are not paid by the stated due date, a 10% late fee will be assessed on all unpaid charges and the city or its agent may, in such case, order the water shut off forthwith.

(C) No water shall be furnished to consumers unless supplied through a meter approved by the Utilities Commission, at the rates established and set forth by the City Council in Appendix A.

(D) The property owner is responsible for the water/sewer billing, however at the request of the owner and upon completion of the rental unit request for water/sewer services, billing will be sent to the renter of the premises. Direct billing to the renter does not relieve the owner of responsibility, in the event the renter fails to pay the bill, the property owner will be responsible for the unpaid amount.

(E) Any charges which are delinquent by 60 days or more may be certified by the City Clerk to the County Auditor for collection from the property owner. The amounts so certified shall be extended by the County Auditor on the tax rolls against the premises.

(Prior Code, § 500.018)

(Ord. passed 3-3-2015; Ord. passed 5-2-2017)

§ 52.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) After posting and publication, any person who violates §§ 52.01 and 52.02 of this chapter shall be guilty of a petty misdemeanor, subject to a fine not to exceed \$500. The first violation shall be subject to a written warning only. The second violation shall be subject to a fine of \$50 and a similar amount on each additional day of violation. After the third violation, the water utility will be disconnected at the street until the resident agrees to comply with the restrictions. A separate \$50 fee shall be assessed for all reconnections through the water service.

(Prior Code, § 510) (Ord. 01-2023, passed 1-3-2023)

APPENDIX A: WATER RATES

(A) *Schedule of water rates.*

(1) Residential minimum: 1,000 gallons (all rates per month):

Base rate	\$7
0 - 6,000 gallons	\$2.79 per 1,000 gallons
6,001 - 12,000 gallons	\$3.52 per 1,000 gallons
12,001 - 24,000 gallons	\$4.38 per 1,000 gallons
24,001 - 40,000 gallons	\$5.51 per 1,000 gallons
40,001 gallons and above	\$6.59 per 1,000 gallons

(2) Business/industrial/commercial minimum: 1,000 gallons (all rates per month):

Base rate	\$7
0 - 30,000 gallons	\$3.51 per 1,000 gallons
30,001 - 60,000 gallons	\$4.38 per 1,000 gallons
60,001 gallons and above	\$5.51 per 1,000 gallons

(3) Multiple-family dwellings (all rates per month):

(a) Total water use in a multiple-family dwelling, which has only one water meter for the entire dwelling, may exceed that of a single-family dwelling. The required conservation rate at which the multiple-family dwelling's water use is billed must consider the number of residential units within that multiple-family dwelling; and

(b) Multi-family dwellings use charge shall be derived by dividing the total consumption of water by the total number of units in the dwelling and applying the gallonage rates as set forth in the current city residential water rate schedule. One unit base fee shall be charged for each unit in a multiple-family dwelling.

(B) *Supply of municipal water for snowmaking purposes.* Water service rates for the supply of municipal water for snowmaking purposes: the rate per 1,000 gallons of municipal water supplied for snowmaking shall be billed at the end of the snowmaking season and computed at a rate of \$2.25 per 1,000 gallons.

(Prior Code, Ch. 500, App. A) (Ord. passed 3-3-2015; Ord. passed 5-2-2017; Ord. passed 3-6-2018; Ord. passed 5-7-2019)

CHAPTER 53: WASTEWATER TREATMENT

Section

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Appendix A: Determination of sewer service charges (metered)

Appendix B: Sewer rates and rents

§ 53.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, 33 U.S.C. §§ 1251 et seq.

BOD₅ or BIOCHEMICAL OXYGEN DEMAND. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20°C and as expressed in terms of milligrams per liter (mg/l).

BUILDING DRAIN. The point of a building which conveys wastewater to the building sewer, beginning ten feet outside the building wall.

CITY. The area within the corporate boundaries of the City of Wabasha, the Utilities Commission or its authorized representative.

CLERK. The duly appointed Clerk of the Commission.

COMMISSION. The Utilities Commission of the city.

DEBT SERVICE CHARGE. A charge to users of the wastewater treatment facility for the purpose of repaying capital costs.

EQUIVALENT RESIDENTIAL UNIT (ERU). A unit of wastewater volume measured in gallons per day at a strength not greater than NDSW.

INDUSTRIAL USER.

(1) Any entity, as defined in the *Standard Industrial Classification Manual* (latest edition) as categorized, that discharges wastewater to the public sewer:

- (a) Division A: Agriculture, Forestry and Fishing;
- (b) Division B: Mining;
- (c) Division D: Manufacturing;
- (d) Division E: Transportation, Communications, Electric, Gas and Sanitary Sewers; and
- (e) Division I: Services.

(2) Any user whose discharges, singly or by interaction with other wastes:

- (a) Contaminate the sludge of the wastewater treatment system;
- (b) Injure or interfere with the treatment process;
- (c) Create a public nuisance or hazard;
- (d) Have an adverse effect on the waters receiving wastewater treatment plant discharges;
- (e) Exceed NDSW limitations; and
- (f) Exceed normal residential unit volumes of wastewater.

INDUSTRIAL WASTES. The liquid water borne wastes from industrial or commercial processes, excepting domestic sewage.

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.

MPCA. Minnesota Pollution Control Agency.

NATIONAL CATEGORICAL PRETREATMENT STANDARDS. Federal regulations establishing pretreatment standards for introduction of pollutants in publicly owned wastewater treatment facilities. § 307(b) of the Act, being U.S.C. § 1317(b).

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 §§ 402 and 405 of the Act, being U.S.C. §§ 1342 and 1345.

NATURAL OUTLET. Any outlet, including storm sewers and combined sewers, which flows into a body of surface water or ground water.

NON-RESIDENTIAL USER. A user of the treatment facility whose building is not used as a private residence and discharges NDSW.

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.

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.

RESIDENTIAL USER. A user of the treatment facility whose building is used primarily as a private residence and discharges NDSW.

SEWER. A pipe or conduit that carries wastewater or drainage water.

(1) **BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal. Also referred to as a **SERVICE CONNECTION**.

(2) **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.

(3) **STORM SEWER.** A sewer intended to carry unpolluted surface and subsurface water from any source.

SEWER SERVICE CHARGE. The total of the user charge and the debt service charge.

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 five times the average 24-hour concentration of flows during normal operation.

STATE DISPOSAL SYSTEM (SDS) PERMIT. A permit issued by the MPCA pursuant to M.S. § 115.07, as it may be amended from time to time, for a disposal system, as defined by M.S. § 115.01, subd. 5, as it may be amended from time to time.

SUPERINTENDENT. The duly appointed Superintendent or overseer of the water and sewer systems appointed by the Commission.

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).

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.

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.

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.

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 the treatment.

(Prior Code, § 505.01) (Ord. passed 11-3-2004; Ord. passed 5-15-2007; Ord. passed 9-4-2012; Ord. passed 1-7-2014; Ord. passed 8-5-2014; Ord. passed 3-3-2015)

§ 53.02 CONTROL BY AUTHORIZED REPRESENTATIVE.

The Utilities Commission of the city 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 chapter to ensure that a proper and efficient public sewer is maintained. The authorized representative may delegate responsibilities to designated representatives.

(Prior Code, § 505.02) (Ord. passed 11-3-2004; Ord. passed 5-15-2007; Ord. passed 9-4-2012; Ord. passed 1-7-2014; Ord. passed 8-5-2014; Ord. passed 3-3-2015)

§ 53.03 USE OF PUBLIC SEWERS REQUIRED.

(A) Within 90 days of receiving official notification, the owners of all properties within 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 chapter, with the exception of the Coffee Mill Sewer Extension Project #8283.

(B) All existing homes within the Coffee Mill Sewer Extension Project #8283 may continue their current use of septic systems under the following conditions.

(1) Within 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 the septic system. Thereafter, a state certified inspection shall be done every three years of each individual septic system utilized in the project. Non-compliant septic systems shall connect to the force main sewer system within six 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 event an owner shall fail to connect to a public sewer in compliance with a notice given under this chapter, the city will have the connection made and shall assess the cost against the benefitted 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.

(Prior Code, § 505.03) (Ord. passed 11-3-2004; Ord. passed 5-15-2007; Ord. passed 9-4-2012; Ord. passed 1-7-2014; Ord. passed 8-5-2014; Ord. passed 3-3-2015) Penalty, see § 53.99

§ 53.04 PRIVATE WASTEWATER DISPOSAL.

(A) Where a public sewer is not available under the provisions of §53.03 of this chapter, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(B) 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 24 hours of the receipt of notice.

(C) No person, firm or corporation shall design, install, maintain, alter, pump or inspect an individual sewage treatment system within the city without first obtaining a license to do so from the state's Pollution Control Agency. A copy of the 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.

(D) The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of Minn. Rules Ch. 7080 and applicable local ordinances.

(E) 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.

(F) 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 90 days in compliance with this chapter and within 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.

(G) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the MPCA, the state's Department of Health or other responsible federal, state and local agencies,

(Prior Code, § 505.05) (Ord. passed 11-3-2004; Ord. passed 5-15-2007; Ord. passed 9-4-2012; Ord. passed 1-7-2014; Ord. passed 8-5-2014; Ord. passed 3-3-2015) Penalty, see § 53.99

§ 53.05 BUILDING SEWERS AND CONNECTIONS; DESIGN.

(A) (1) No person(s) shall make any alterations 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.

(2) 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.

(B) 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 the owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation.

(C) (1) 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 chapter.

(2) 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.

(D) The construction and connection of the building sewer to the public sewer shall conform to the requirements of the state's 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 water-tight and verified by proper testing to prevent I/I.

(E) The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if the 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.

(F) The 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 the elevation.

(G) No unpolluted water sources shall be connected to the sanitary sewer.

(H) 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.

(I) 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.

(J) 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.

(K) 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.

(L) The Utilities Commission may suspend or revoke any license issued under this section for any of the following causes:

- (1) Giving false information in connection with the application for a license;
- (2) Incompetence of the licensee;
- (3) Willful violation of any provisions of this section or any rule or regulation pertaining to the making of service connections; and/or
- (4) Failure to adequately protect and indemnify the city and the user.

(M) 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 or her operations. He or she shall serve written notice on all owners of the utilities three 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.

(N) 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.

(O) The trench shall be opened along the lines laid out by the Superintendent. The width of the 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.

(P) 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 Superintendent or his or her representative.

(Q) 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 one foot above the top of the pipe. The remainder of the backfill under the streets and alleys shall be placed in six-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 state's 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.

(R) At the time of compaction, the moisture content of the backfill material shall be suitable for obtaining the specified density.

(Prior Code, § 505.09) (Ord. passed 11-3-2004; Ord. passed 5-15-2007; Ord. passed 9-4-2012; Ord. passed 1-7-2014; Ord. passed 8-5-2014; Ord. passed 3-3-2015) Penalty, see § 53.99

§ 53.06 RESURFACING.

(A) *Gravel streets and alleys.*

(1) On aggregate surfaced streets, the top six inches of the trench shall be filled and compacted with material meeting the state's Department of Transportation Specification 3138 for surfacing aggregate, which is hereby adopted by reference and made a part of this section as if fully set forth herein.

(2) The surface shall be crowned to the general contour of the existing surface.

(B) *Bituminous surfaced streets.*

(1) 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 two inches, and the minimum compacted thickness of the granular base in the trenched area shall be not less than six inches. Patching shall be done in accordance with the appropriate sections of the current state's Department of Transportation standard specifications as it may be applicable, which specifications are hereby adopted by reference and made a part of this section as if full set forth herein.

(2) (a) The limits of the area of bituminous surface to be replaced shall be as delineated by the Superintendent.

(b) 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.

(c) Sawing along the final removal line will be required in all cases.

(C) *Concrete paved streets.*

(1) The preparatory work required shall be performed generally in accordance with the requirements stated in the appropriate sections of the current State 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 in full set forth herein.

(2) Unless otherwise provided or directed by the Engineer, the concrete work shall be done in accordance with the appropriate sections of the current State Department of Transportation's 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.

(3) 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 four feet or less from a joint, the opening shall be extended to the joint.

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

(Prior Code, § 505.11) (Ord. passed 11-3-2004; Ord. passed 5-15-2007; Ord. passed 9-4-2012; Ord. passed 1-7-2014; Ord. passed 8-5-2014; Ord. passed 3-3-2015)

§ 53.07 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 the Commission. All rubbish, waste and surplus materials shall be removed from the construction area immediately following completion of the work.

(Prior Code, § 505.13) (Ord. passed 11-3-2004; Ord. passed 5-15-2007; Ord. passed 9-4-2012; Ord. passed 1-7-2014; Ord. passed 8-5-2014; Ord. passed 3-3-2015) Penalty, see § 53.99

§ 53.08 PUBLIC WASTEWATER TREATMENT FACILITIES.

(A) No unpolluted water or storm water shall be discharged to the sanitary sewer. The water shall be discharged only to storm sewers or to natural outlets approved by the city and other regulatory agencies.

(B) No person(s) shall discharge any of the following substances to the public sewer:

(1) Liquids, solids, gases or other substances that singly or by interaction with others may cause fire or explosion;

(2) Solid or viscous substances that may cause obstruction to the flow in a sewer;

(3) 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; and/or

(4) Wastewater containing toxic pollutants, as defined in § 307(a) of the Water Pollution Control Act, being 33 U.S.C. § 1317(a) and M.S. § 115.01, subd. 20, as it may be amended from time to time.

(C) 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:

(1) 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 (40°C), or having heat in amounts which will be detrimental to biological activity in the treatment facilities;

(2) 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);

(3) 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 five times the average 24-hour concentration of flows during normal operation;

(4) 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 one-half inch in any dimension;

(5) Noxious or malodorous liquids, gases or solids;

(6) Wastewater with objectionable color not removed in the treatment process;

(7) Wastewater containing inert suspended solids in quantities that would cause disruption to the wastewater treatment facilities;

(8) Radioactive wastes or isotopes in concentrations that exceed limits established by applicable state and federal regulations;

(9) 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 § 53.05 of this chapter;

(10) 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;

(11) In the event of discharges to the public sewers which contain substances or possess characteristics prohibited in division (B) above and this division (C) 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:

(a) Refuse to accept the waste;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers pursuant to § 307(b) of the Act, being 33 U.S.C. § 1317(b) and all addenda thereof; and

(c) Require control over the quantities and rates of discharge.

(12) Require payment to cover all the added costs handling, treating and disposing of wastes not covered by existing taxes or sewer charges; and

(13) 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.

(D) 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 section, the national categorical pretreatment standards and any state or local requirement.

(E) (1) 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.

(2) 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.

(F) 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 chapter 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 chapter 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 years.

(G) (1) Where required by the representative, users shall provide protection from an accidental discharge of substances

regulated by this chapter. 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 the facilities shall be submitted to the representative for review and approval prior to construction of the facility. Approval of the plans and operating procedures shall not relieve use from the responsibility of modifying the facility as necessary to meet the requirements of this chapter.

(2) Users shall notify the representative immediately if a slug or accidental discharge of wastewater occurs in violation of this chapter. 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.

(3) 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.

(H) (1) 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.

(2) Each day after seven days that the owner neglects to make the 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.

(I) In addition to penalties that may be imposed for violation of any provision of this section, 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.

(J) No statement contained in this section shall prevent any special agreement or arrangement between the community or sewer district of the city 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.

(Prior Code, § 505.15) (Ord. passed 11-3-2004; Ord. passed 5-15-2007; Ord. passed 9-4-2012; Ord. passed 1-7-2014; Ord. passed 8-5-2014; Ord. passed 3-3-2015) Penalty, see § 53.99

§ 53.09 BREAKING OR DAMAGING.

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.

(Prior Code, § 505.16) (Ord. passed 11-3-2004; Ord. passed 5-15-2007; Ord. passed 9-4-2012; Ord. passed 1-7-2014; Ord. passed 8-5-2014; Ord. passed 3-3-2015) Penalty, see § 53.99

§ 53.10 SEWER AVAILABILITY CHARGE.

(A) *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. The charge shall be in addition to any other previous or future charge or assessment levied against the property.

(B) *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.

(1) *Payment required.*

(a) *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.

(b) *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.

(c) *Change by resolution.* Any change in the city sewer availability charge as hereinafter set forth shall be by Council resolution.

(2) *Determination of charge.* The amount of the availability charge shall be determined by the City Council and set forth in § 32.49 of this code of ordinances.

(Prior Code, § 505.18) (Ord. passed 11-3-2004; Ord. passed 5-15-2007; Ord. passed 9-4-2012; Ord. passed 1-7-2014; Ord. passed 8-5-2014; Ord. passed 3-3-2015)

§ 53.11 SEWER CHARGE SYSTEM.

(A) (1) The city's 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.

(2) 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 chapter. The SSCS adopted by resolution upon enactment of this chapter 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.

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

(B) (1) The community or sewer district of the city 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.

(2) 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; and
- (c) Debt Retirement for the treatment facility (if any).

(C) (1) 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 the costs annually.

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

(3) 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.

(D) Sewer service charges shall be billed on a monthly basis. Any bill not paid in full 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.

(Prior Code, § 505.19)

(Ord. passed 11-3-2004; Ord. passed 5-15-2007; Ord. passed 9-4-2012; Ord. passed 1-7-2014; Ord. passed 8-5-2014; Ord. passed 3-3-2015)

§ 53.12 POWERS AND AUTHORITY OF INSPECTORS.

(A) 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 chapter.

(B) 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.

(Prior Code, § 505.20) (Ord. passed 11-3-2004; Ord. passed 5-15-2007; Ord. passed 9-4-2012; Ord. passed 1-7-2014; Ord. passed 8-5-2014; Ord. passed 3-3-2015)

§ 53.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) 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 chapter. Each day during which a violation of § 53.04 of this chapter is committed, continued or permitted, constitutes a separate offense.

(Prior Code, § 505.05)

(C) (1) Upon determination that a user has violated or is violating applicable provisions of this chapter or related permits,

the authorized representative may issue a notice of violation. Within ten days of the notification, the violator shall submit to the authorized representative an adequate explanation for the violation and a plan for the correction and prevention of the occurrences, including specific actions required. Submission of a plan in no way relieves the violator of liability for any violations occurring before or after the issuance of the notice of violation.

(2) Any violation is subject to a fine not exceeding \$2,000. Each day in which any violation occurs shall be deemed as a separate offense. The 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 § 53.05 of this chapter. Users desiring to dispute a fine must file a request for the authorized representative to reconsider within ten 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 45 days of the receipt of the request.

(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 18% annually.

(4) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city of reason of the violation.

(Prior Code, § 505.21)

(Ord. passed 11-3-2004; Ord. passed 5-15-2007; Ord. passed 9-4-2012; Ord. passed 1-7-2014; Ord. passed 8-5-2014; Ord. passed 3-3-2015)

APPENDIX A: DETERMINATION OF SEWER SERVICE CHARGES (METERED)

(A) (1) Users of the wastewater treatment facilities shall be permitted into one of the following classes:

- (a) Residential;
- (b) Non-residential; and
- (b) Industrial.

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

(B) (1) 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.

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

(C) Charges for residential and non-residential users will be determined proportionately according to billable wastewater flow.

(1) *Residential users.* Billable wastewater volume for residential users shall be calculated on the basis of metered water usage. The monthly 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.

(2) *Sewer minimum availability charge.*

(a) 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.

(b) Rates are as set forth in Appendix B.

(c) Any premises not located within the corporate limits of the city, 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.

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

(3) *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:

- (a) Calculated on the basis of quarterly water usage as recorded throughout the year; or
- (b) Calculated on the basis of metered wastewater flow. The city may require non-residential users to install additional water meters or wastewater flow meters as may be necessary to determine billable wastewater volume.

(D) For producers of normal domestic strength wastes:

$$U_{omr} = C_{omr}/T_{bwv}$$

Where:

U_{omr} = Unit cost for operation, maintenance and equipment replacement in \$/Kgal

Comr = Total annual OM&R costs

Tbwv = Total annual billable wastewater flow in Kgal

(E) 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: 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)

(F) (1) The sewer service charges established in this chapter 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 the 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; and

(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.

(2) 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.

(G) In the event that a user fails to pay his or her sewer rental fee within a reasonable time as determined by the Commission, the 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.

(Prior Code, Ch. 505, App. A) (Ord. passed 11-3-2004; Ord. passed 5-15-2007; Ord. passed 9-4-2012; Ord. passed 1-7-2014; Ord. passed 8-5-2014; Ord. passed 3-3-2015)

APPENDIX B: SEWER RATES AND RENTS

(A) A minimum charge per month based on 2,000 gallons of water usage per month: \$23.86; and

(B) After minimum per 1,000 gallons water usage: \$11.93.

(Prior Code, Ch. 505, App. B) (Ord. passed 11-3-2004; Ord. passed 5-15-2007; Ord. passed 9-4-2012; Ord. passed 1-7-2014; Ord. passed 8-5-2014; Ord. passed 3-3-2015)