

## CHAPTER IV: WATER AND SEWER SYSTEMS

### PART I. GENERAL PROVISIONS ON WATER AND SEWER SYSTEMS

401.01. WATER AND SEWER DEPARTMENTS: There are hereby established a water and sanitary sewer department, which shall be operated under the direction of the Public Work Director. The department shall be responsible for the management, maintenance, care, and operation of the water works and sanitary sewer /wastewater treatment systems of the city.

401.02. RULES AND REGULATIONS: The rules, regulations, and rates hereinafter named 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 such person, company, or corporation by taking water shall be considered as expressing his or their assent to be bound thereby.

Whenever any said rules and regulations or such others as the council may hereafter adopt, are violated, the water shall be shut off from the building or property even though two or more persons receive water through the same pipe, and shall not be turned on again except by order of the proper City Official, and the expenses of shutting off, turning on, digging, and other expenses that may be incurred on account of shutting off and turning on of water are paid. For matters not specifically covered in the ordinance, the City Council shall have the duty and authority to prepare and promulgate additional rules to subject to the approval of the city council by majority vote.

401.03. USE OF WATER OR SEWER SYSTEM RESTRICTED: No person shall make or use any water or sewer installation connected to the city water or sewer system except pursuant to application and permit as provided in this chapter. No person shall make or use any such installation contrary to the regulatory provisions of this chapter.

401.04. APPLICATION FOR SERVICES: Subdivision 1. PROCEDURE: Application for water or sewer service installation and connection shall be made to the city clerk on forms prescribed by the council and furnished by the city. Through this application, the applicant agrees to conform to this chapter and to rules and regulations that may be established by the city as conditions for the use of water.

The application shall be filed by the owner of the premises to be served or by his agent, and shall specify the name of the street and the house number of the premises to be served, and lot and block number, and shall state that the applicant will agree to observe all ordinances, rules, regulations and laws governing the use of city water. If a water main is available, said application will be approved and a service connection installed; the water shall be turned on to serve the described premises, provided a suitable water meter has been installed.

Subd. 2. FEES ON DEPOSIT: Applicant for a service installation shall be made by the owner of the property to be served or by his agent. The applicant shall at the time of making application pay to the city the amount of the fees or deposit required for the installation of the service connection as provided in this chapter. When a water service connection has been installed, application for water service may be made either by the owner or his agent or by the tenant or occupant of the premises.

401.05. CHARGES FOR SERVICE CONNECTIONS: Subdivision 1: PERMIT AND FEE: No connection shall be made to the city water or sanitary sewer system without a permit received from the city clerk. The fee for each permit shall be \$2500.00 for a water main connection permit (\$600 for Westridge and Maple Ridge Developments) and \$2500.00 (\$600 for Westridge and Maple Ridge Development) for a sewer connection permit. These fees shall be in addition to any fees required under Subd. 2 below. Fees are subject to change notice pursuant to City Council regulations.

Subd. 2. CONNECTION FEES: When a connection requires installation of a service line from the main to the property line, the applicant for a permit shall pay to the city a minimum of the cost of making the necessary connections, taps, and installation of pipe and appurtenances to provide service to the property and the necessary street repairs.

All connections to the city water systems shall be made by the city and paid for by applicant as provided herein. All service lines from the main to the curb cock box shall be installed and maintained by the city. All service lines from the curb cock box to the premises shall be installed and maintained by the user at the expense of the user.

Water user shall pay all expenses for installing his/her service line from the curb cock box into premises including any and all street repair and replacement where appropriate.

All of the above fees must be paid prior to connection to the city water distribution system.

Subd. 3. CONNECTIONS PRIOR TO PAVING OR REPAVING: The contractor in submitting his bid for paving a street in the City of Henderson shall include in his bid the cost of raising shutoffs and man holes. It shall be the responsibility of the city to determine which service connections are in need of replacement and to replace such service connections prior to the paving operations if it seems appropriate. Costs and charges will be reviewed on an individual case basis. If there is vacant property abutting any street to be paved or repaved, service connections shall be constructed to such vacant property and a curb stop shall be installed. The charge for such new service connection shall be as specified above, less the current cost of a water meter and shall be payable by the property owner where appropriate and if not paid shall be added to the paving assessment, or otherwise assessed to the property as provided by law and certified to the County Auditor to be collected with other taxes.

401.06. PROTECTION OF PUBLIC AND CITY: Subdivision 1. PERMIT AND BOND: A permit for construction of a connection of the extension between a building drain and the sewer main or stub, herein called the building sewer, or between the building water service pipes and a water main or stub shall be issued only upon application by a qualified plumber. The applicant shall comply with the provisions of this chapter and to secure performance by him of all work undertaken within the city a performed bond or other security may be required. This bond shall either be furnished to the city clerk or Secretary of State under Minnesota Statutes 326.40.

Subd. 2. LIABILITY INSURANCE: Before undertaking the construction work authorized by the permit, the plumber shall secure and maintain a policy of insurance against damages to property or injury or death to persons. The policy shall indemnify and save harmless the city and its personnel against any claim, damages, or cause of action arising out of work and from any expenses of defending the same. The property damage insurance coverage shall be determined by the city council on an individual basis. Proof of such insurance shall be filed with the city prior to construction work and such policy shall provide the city to be notified immediately of any termination or modification of such insurance. If the insurance coverage is an adequate in amount, the qualified plumber shall indemnify and save harmless the city and its personnel in like manner.

Subd. 3. APPOINTMENT OF COSTS: The owner shall bear the costs and expenses incident to the installation and connection of the building sewer or extension of water service to private property. He/She shall indemnify the city for any loss or damage directly or indirectly caused by its installation and connection. To the extent he/she deems necessary, the water/sewer superintendent and city administrator shall establish rules and regulations for the proper implementation of these requirements which, when approved by the council by resolution, shall govern the installation, and connection of building sewers and extension of water service to private property.

PART II. DEFINITIONS, ACCOUNTS, BILLING, UTILITY RATE SCHEDULE, DELINQUENT ACCOUNTS, AND OTHER REMEDIES:

402.01 DEFINITIONS. For the purposes of this Ordinance, the following capitalized terms listed in alphabetical order shall have the following meanings:

Account. A record of utility services used by each property and the periodic costs for those utility services.

City. The City of Henderson, County of Sibley, State of Minnesota.

City Utility System. Facilities used for providing public utility service owned or operated by City or agency thereof, including sewer, storm sewer (environmental services) and water service.

Utility rate schedule. A schedule of all utility rates and charges set by resolution of the City.

Waterworks system. Water and sewer transmission pipes, lines, fixtures, meters and all necessary equipment and appurtenances owned or operated by the City utility system for the purpose of providing water and sewer services for public or private use.

402.02 ACCOUNTS. All accounts shall be carried in the name of the owner who personally, or by his or her authorized agent, applied for such service. The owner shall be liable for water and sewer services supplied to the property, whether he or she is occupying the property or not, and any unpaid charges shall be a lien upon the property.

402.03 BILLING. Water, sewer, and environmental utility service, and charges shall be billed on one bill as applicable to each account. All charges for water, sewer and environmental service and charges shall be *due upon receipt* and considered delinquent after the twentieth day of the following month. All bills shall contain the title, address and telephone number of the official in charge of billing; the title, address and phone number shall be clearly visible and easily readable. Bills shall be mailed to the customers on or before the fourth day of each month off each year and specify the water consumed and charges in accordance with the current fee schedule set by resolution of the City Council.

402.04 UTILITY RATE SCHEDULE. Subdivision 1. The utility rate schedule shall be adopted annually by resolution of the City Council.

Subdivision 2 The City Council resolution setting out the utility rate schedule shall also establish the number of certification cycles per year. At least one certification cycle will be timed each year to coincide with Sibley County's requirements for certification to the following year's taxes. Additional certification cycles may be set in the annual rate schedule resolution. Each year, the council shall establish one or more certification cut-off dates. All city utility accounts, unless exempt for other legal reason, which have been billed a delinquent bill and remain unpaid as of the certification cut-off date shall have the balance on the account included in a preliminary certification list.

402.05 DELINQUENT ACCOUNTS. Subdivision 1. Penalties. A late payment penalty of one percent shall be assessed on all accounts with a past due balance.

Subdivision 2. Shut-off for nonpayment. Water shall not be shut-off until notice and an opportunity for a hearing before the city council or an employee designated by the city council have been provided to the occupant and owner of the premises involved.

Subdivision 3. If any bill is not paid by the due date listed on the bill, a second bill will be mailed by first class mail and shall state that if payment is not made within ten days of the mailing of the second bill, water service to the premises will be shut off for nonpayment.

Subdivision 4. The second bill and shut-off notice shall contain the title, address and telephone number of the official in charge of billing; the title, address and phone number shall be clearly visible and easily readable.

Subdivision 5. The notice shall also state that the any occupant or owner has the right to a hearing before the water service is shut off. The owner or occupant may be represented in person and by counsel or any other person of his or her choosing. The owner or occupant may present orally or in writing his or her complaint to the city official in charge of utility billing. This official shall be authorized to order continuation of the customer's service and shall have the authority to adjust the customer's bill or enter into a mutually agreeable payment plan.

Subdivision 6. If an occupant or owner requests a hearing, the water shall not be shut off until the hearing process is complete.

Subdivision 7. If a customer fails to pay and fails to request a hearing under this part, service will be shut off at the time specified in the notice but not until the charges have been due and unpaid for at least 30 days.

Subdivision 8. If a customer has their service discontinued it shall not reinstated until all the rents, charges, and penalties have been paid, together with the sum of \$100.00 to cover the expense of turning the water off and on. Depositing in the post office of Henderson, Minnesota a card or letter properly stamped and addressed to such consumer or property owner at his last known address, stating the amount of water consumed and the amount of rent and charges due therefore, and the date on which the same shall become due and payable shall be sufficient notice of the charges due, and if said charges are not paid as herein required, the penalties for delinquency may be enforced without further notice.

Subdivision 9. Certification for collection with taxes. Unpaid charges on sewer and water accounts shall not be certified to the county auditor until notice and an opportunity for a hearing have been provided to the owner of the premises involved. The notice shall be sent by first class mail and shall state that if payment is not made before the date for certification, the entire amount unpaid plus penalties will be certified to the county auditor for collection as other taxes are collected. The notice shall also state that the occupant may, before such certification date, attend or schedule a hearing on the matter to object to certification of unpaid utility charges.

In addition to any penalties provided for in this ordinance if any person, firm or corporation fails to comply with any provision of this ordinance, the Council or any city official designated by it, may institute appropriate proceedings at law or at equity to procure payment.

Subdivision 10. The owner of the property shall have the option of paying the balance due on the account until the date of the certification hearing. After the date the notice of certification hearing is mailed to the county auditor payments will still be accepted but will include unpaid penalties and interest.

Subdivision 11. A hearing shall be held on the matter by the City Council. Property owners with unpaid utility charges shall have the opportunity to object to the certification of unpaid charges to be collected as taxes are collected. If, after the hearing the City Council finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this ordinance the City may certify the unpaid charges to the county auditor for collection as other taxes are collected.

Subdivision 12. For each certification sustained, the property owner shall have the following options after the hearing,

Subdivision 13. To pay the delinquent amount listed on the preliminary roll but without additional interest after the hearing within ten days of the hearing date.

Subdivision 14. To pay the certified delinquent amount after the hearing date but before the county certification deadline with interest at the rate set in the adopted rate schedule accrued beginning on eleventh day following the hearing date through the date of payment.

Subdivision 15. To pay the certified charges as billed to them by Sibley County on their property tax statement with a collection term of one year.

Subdivision 16. No more than fifteen days after the hearing the certified roll, minus any payments, shall be delivered to Sibley County.

402.06. OTHER REMEDIES. In addition to any procedures or penalties provided for in this ordinance if any person, firm or corporation fails to comply with any provision of this ordinance, the Council or any city official designated by it may institute appropriate proceedings at law or at equity to procure payment and or enforce the provisions of this ordinance.

### PART III. WATER SYSTEM

403.01. GENERAL WATER REGULATIONS: Subdivision 1. DISCONTINUANCE OF SERVICE: The city may discontinue service to any water consumer without notice for necessary repairs or, upon notice as provided in Section 401.06, Subdivision 3, for nonpayment of charges, or for violation of rules and regulations affecting utility service.

Sub. 2. SUPPLY FROM ONE SERVICE: No more than one house or building shall be supplied from a service connection. Whenever two or more parties are supplied from one pipe connecting with a service main, each building or part of building separately supplied shall have a separate stop curb box/stand pipe and a separate meter.

Subd. 3. TURNING ON WATER, TAPPING MAINS: No person except an authorized city employee or other personnel authorized by the city council shall turn on any water supply at the stop box or tap any distributing main or pipe of the water supply system or insert a stop cock.

Subd. 4. REPAIR OF LEAKS: The consumer or owner shall be responsible for maintaining the service pipe from the curb box into the building served. If he/she fails to repair any leak in such service pipe within 24 hours after notice by the city, the city may turn the water off. The water shall not then be turned on again until the sum of \$100 has been paid to the city. When the waste of water is great or damage is likely to result from the leak, the city shall turn the water off immediately upon the giving of notice if repair is not commenced immediately. Water shall not be turned on until repairs have been made and proof provided to the City Clerk.

Subd. 5. USE OF FIRE HYDRANTS: No person other than an authorized city employee shall operate a fire hydrant or interfere in any way with the city water system without first obtaining authority to do so from the water superintendent or city administrator.

A. All water hydrants erected in and by said City of Henderson are hereby declared to be public hydrants, and no person or persons shall open any of said hydrants, or attempt to draw water from the same, or in any manner interfere or tamper with said hydrants; provided, that the provision of this Section shall not apply to members of the Fire Department when in the discharge of their duties as firemen, or to persons who are especially authorized by the water superintendent or city administrator.

B. No person or persons shall open or close any water gates, nor open or remove the cover of any man-hole or gate box, or in any way interfere or tamper with them, except members of the Fire Department or employees of the city when in the discharge of their duties as such or such employees and other persons especially authorized by the city administrator. It shall be unlawful for any person or persons to throw, put, or place into a reservoir, well, tank, or other source for which water is taken to supply the city, any animal, dead carcass, manure, putrid matter of any kind, or any other substance which might pollute or tend to pollute or render impure the waters thereof, or to throw or cause to be thrown or placed in such water supply, any

matter of any kind or nature; or to deposit or place any such substance or matter in or near said water source where the same may wash or flow or fall into, nor shall any person or persons bathe or swim in, or in any manner meddle with, or pollute said waters of said water supply.

Subd. 6. PRIVATE WATER SUPPLY: No water pipe of the city water supply system shall be connected with any pump, well, or tank that is connected with any other source of water supply. When any such connection is found, the water department shall notify the owner to sever connection and if this is not done immediately, the city shall turn off the water supply forthwith. Before any new connection to the city system is permitted, the department shall ascertain that no cross connection will exist when the connection is made.

Subd. 7. RESTRICTED HOURS: Whenever the council determines that a shortage of water supply threatens the city, it may, by resolution, limit the times and hours during which city water may be used for sprinkling, irrigation, car washing, air conditioning, or other specific uses. After publication of the resolution or two days after mailing of the resolution to each customer, no person shall use or permit water to be used in violation of the resolution and any customer who does so shall be charged \$50.00 for each day of violation. If the emergency requires immediate compliance with terms of the resolution, the council may provide for the delivery of a copy of the resolution to the premises of each customer, and any customer who has received such notice and thereafter uses or permits water to be used in violation of the resolution shall be subject to the charge provided above. Continued violation shall be cause for discontinuance of water service and or legal prosecution.

Subd. 8. INJURY TO WATER DEPARTMENT PROPERTY: No person shall willfully or carelessly break, injure, deface, interfere with, or disturb any building, reservoir, machinery, apparatus, fixture, or attachment of the water works or pumping system of said city, nor hydrants or water tank or curb stop box, meter, water supply, or service, or service stand pipe, or any part thereof, nor shall any person willfully or carelessly deposit anything in any stand pipe, or any part thereof, nor shall any person willfully or carelessly deposit anything in any stand pipe, nor commit any act attempting to obstruct or impair the use or intended use of any of the above mentioned property. No person shall injure or tamper with any pumps, pump hose, or city wells. No person shall use water for sprinkling during the time of a fire which requires city water for extinguishing the same. It shall be a criminal offense to violate this section.

Subd. 9. LOCATION OF SERVICE CURB STOP BOXES: Service curb stop(s) /stand pipe(s) shall be placed wherever practical between the curb and sidewalk. In addition to the service curb stop, there must be at least one additional corporation cock for waste in each service pipe entering the premises and before the pipe enters the water meter. One such stop cock for water shall be placed inside the premises to be used by the owner for shutting off the water when necessary to keep the same from freezing in the pipes or fixtures, or for any other purpose; the other stop cock shall be placed in the service connection near the curb the line.

Subd. 10. EASEMENTS TO CROSS PRIVATE GROUND: No water service pipe shall be laid on or across any private ground, unless the owner of the private ground to be crossed by said service pipe shall grant a perpetual easement in writing for such crossing. Said easement to describe the premises to be crossed and the approximate line and direction of crossing, showing the approximate location of said service pipe. Such easement must be signed by the owner of the premises as required by law and must be approved by the city. It must also be recorded in the office of the Register of Deeds and a certified copy thereof must be filed in the office of the city clerk.

Subd. 11. UNLAWFUL TO CARRY A KEY: It shall be unlawful for any person excepting a person expressly authorized by city officials to have in his/her possession or under his/her control a key for turning the corporation curb stop/cock. Said authorized person having such a key shall not permit anyone to use the same except in the regular line of duty or employment. Any unauthorized use of said key shall be considered a violation of said ordinance and subject to the penalties therein prescribed.

Subd. 12. OWNER MAINTAINS SERVICE PIPE: Property owners having service pipes connected with the city water mains shall, at their own expense, keep the service pipes from the curb cock to the meter in a good state of repair and properly protected from the frost. In case of failure of any part, the consumer, or property owner is to repair any leak occurring in his or her service pipe between the curb cock meter within a reasonable time not exceeding twenty-four hours after verbal or written notice has been served upon his/her premises. The water will be shut off from the same and will not be turned on until the sum of \$50.00 has been paid and the leak repaired.

Subd. 13. REPAIRS ON PUBLIC PROPERTY: No one shall make any repairs on service pipes which requires the digging of trenches on public property, unless permit is first obtained from the city to do so. In case of emergency or repairs required during the night time or when the city offices are closed, the necessary digging may be done by an authorized plumber or under the direction of one, but a permit shall be obtained immediately after the opening of the office issuing such permit. If excavation is made on public property when the ground is frozen, or when the ground freezes before refilling has been completed, the old material may be used for refilling but the plumber in charge of repairs and excavation will be held responsible for the prompt refilling of any settled portion as soon as such settling appears. When an application for service connection is approved, it is understood that such approval carries with it permission to excavate on public property, by or under the immediate direction of an authorized plumber to the extent necessary to make such service connections.

402.02. METERS: Subdivision 1. METERS REQUIRED: Except for extinguishing fires, no person other than an authorized city employee shall use water from the city water supply system or permit water to be drawn therefrom unless the water passes through a meter supplied or approved by the city. No person not authorized by the water department shall connect, disconnect, take apart, or in any manner change or interfere with any such meter or its use.

Subd. 1A. every water meter shall be owned, installed, and maintained by the city. Also, every consumer shall supply a suitable place where the meter can be installed.

Subd. 2. MAINTENANCE: The city shall maintain and repair at its expense any meter that has become unserviceable through ordinary wear and tear and shall replace it if necessary. Where repair or replacement is made necessary by act or neglect of the owner or occupant of the premises it serves, any city expense caused thereby shall be a charged against and collected from the water consumer, and water service may be discontinued until the cause is corrected and the amount charged is paid.

Subd. 3. COMPLAINTS - METER TESTING: When a customer complains that the bill for any past service period is excessive, the city shall have the meter reread on request. If the consumer remains dissatisfied, he may, on written request and the deposit of \$50.00 have the meter tested. If the test shows an error in the city's favor exceeding five percent of the water consumed, the deposit shall be refunded, an accurate meter shall be installed, and the bill shall be adjusted accordingly. Such adjustments shall not extend back more than one service period from the date of the written request.

Subd. 4. METER READING AND INSPECTIONS: The water superintendent, or anyone authorized by him, shall be permitted at all reasonable times to read meters or inspect service connections or meters, and shall have the right to enter private property at all reasonable times for that purpose. Any refusal to permit inspection or interference with any such inspector in the performance of his duty will be deemed a violation of this ordinance.

Subd. 5. MULTIPLE DWELLING AND METER CARE: All water shall be sold at meter rates except as otherwise provided herein. Each family using city water shall have a meter installed for the use provided however, that when two or more families occupy the same house and use one common entrance to the house, one meter may be used for two or more such families. Tenements, flats, and multiple dwelling may be supplied through one meter, provided that no water pipes shall be placed through any fire wall or other wall which has no door regularly used for passing from one side to the other. Each store, place of

business, shop, and factory shall have a meter for each user, and in no case shall a water pipe be placed through a party wall, fire wall, or any other solid wall having no door regularly used for passing from one side to the other.

No person or persons, including an authorized plumber, shall break a seal on a meter, or open, take apart, or change the reading of any water meter in use or intended use for measuring water in the City of Henderson.

Parties whose water meters are broken or out of order or in need of repair shall immediately report the same to the office of the city clerk. When a water meter is disconnected, the city clerk's office shall make a record of the reading and the date of disconnection of the same.

Meters shall be set so as to measure all water passed through the service pipe or used by the consumer for any purpose, and shall be placed in such a way as to be easily accessible in order to facilitate the reading and inspection of the same. It shall be a violation of this ordinance to interfere with the reading or inspection of any meter.

The owner shall pay for all damage caused to meters by his negligence or by the negligence of his agents and occupants of the premises.

Subd. 6. DISCONTINUING SERVICE/RECONNECTION: Consumers wishing to discontinue the use of water shall notify the city clerk to that effect. The water shall then be turned off at the curb shut-off box, and the charges for water shall cease; provided, all water rents, penalties or other charges under this ordinance are paid. Water service shall be resumed upon notification to the city clerk and payment of a \$100.00 reconnection fee.

Subd. 7. NO CLAIMS AGAINST THE CITY: No claim shall be made against the city for the breaking or freezing of any service cock nor for failure to supply water, nor from damage arising from shutting off the water for any purpose deemed necessary, such as repairing mains, making connections or extensions, or for any other reason. The City of Henderson hereby reserves the right to shut off the water supply at any time, regardless of permits granted or arrangements made. It shall not be necessary for the city to give any notice before shutting off the water supply, but whenever practical, such notice will be given before shutting off the water.

Subd. 8. WATER DURING CONSTRUCTION: A tap may be granted and meter installed upon deposit; to supply a building during construction or before the time it is completed and ready for occupancy by special permission from the water superintendent. All water supplied through said tap shall be charged for at the regular meter rates, or the minimum monthly charges. When the building had been completed and the water no longer needed, the water shall be turned off and the meter removed. The meter used may be returned to the city, if examined and found in good repair, the consumer shall be entitled to a refund for the meter equal to the sum deposited with the city clerk's office less \$5.00 for each month for the time said meter was used.

3. WATER RATES: Subdivision 1. RATE SCHEDULE: (A) The following monthly rates shall be charged and collected by the City for water supplied to consumers by the city water works. The meter rates and users charges (capital outlay) for a one-month period or fraction thereof are:

#### SEE CURRENT RATE SCHEDULE

Users have the option of having new meters installed for a fee of \$500.00.

All extra plumbing cost shall be borne by user.

Water sold from a city crane or hydrant shall be charged as follows:

- 1) \$.45 per 100 gallons of water taken from city well (\$4.50/1000)
- 2) \$50.00 per load for water hauled by tanker.

Subd. 2. REVIEW OF RATES: The City Council reserves the right to review and change all water rates and charges set forth in this ordinance on a yearly basis to make adjustments in said rates, user charges (capital outlay) and charges to cover increased costs of operation resulting from inflation and capital costs. Such changes may be made by two-thirds (2/3) vote of the council and adopted at any regular meeting of said council. These rates as adopted per the method described are included in this ordinance by reference.

Subd. 3. PENALTIES: Any person found guilty of violating any provision of this ordinance shall be deemed guilty of a misdemeanor and in addition to other penalties provided herein, shall, upon conviction, be fined not more than \$700 and/or imprisonment for a period not to exceed 90 days. Each act of violation shall constitute a misdemeanor and each act of violation and each day a violation occurs or continues constitutes a separate offense.

#### PART IV. SANITARY SEWER SYSTEM

404.01. REQUIREMENTS FOR BUILDING SEWER INSPECTION: Building sewer construction shall meet the requirements of the Minnesota Plumbing Code. The applicant for a building sewer permit shall notify the wastewater superintendent or other authorized official when the building sewer and connection are ready for inspection. The connection shall be made under the supervision of the wastewater superintendent or representative. No back fill shall be placed until the work has been inspected and approved.

404.02. SEWER SYSTEM GENERAL REGULATIONS: Subdivision 1. DISCHARGE OF SURFACE WATER, ETC: No person shall discharge or cause to be discharged any storm water, surface water, ground water, cooling water, or unpolluted industrial process waters into any sanitary sewer. No rainspout or other form of surface drainage and no foundation drainage shall be connected with any sanitary sewer.

Subd. 2. NONACCEPTABLE WASTES: No person shall discharge or permit to be discharged into any public sewer any of the following wastes:

1. Any liquid or vapor having temperature in excess of 150 degrees Fahrenheit;
2. Any water or waste having a five-day biological oxygen demand exceeding 1,000 parts per million by weight as averaged during any 12-month period;
3. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
4. Any garbage that has not been properly shredded;
5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar plastics, wood, manure, grit, brick, cement, onyx, carbide, or other matter that may interfere with the proper operation of the sewers or sewage treatment plant;
6. Any water or waste having a pH lower than 5 1/2 or higher than 9 or having any other property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works;
7. Any water or waste containing a toxic or poisonous substance in sufficient quantities to constitute a hazard to humans or animals, injure or interfere with sewage treatment, or create any hazard to humans or animals, receiving waters of the sewage treatment plant;
8. Any noxious or malodorous gas or substance capable of creating a public nuisance.

Subd. 3. INTERCEPTORS: Grease, oil, and sand interceptors shall be provided by the user and at the users' expense when they are necessary for the proper handling of any liquid waste containing grease in excessive amounts or any flammable waste, sand or other harmful ingredients; but such interceptors shall not be required for private living quarters or dwelling units. Interceptors shall be located so as to be easily accessible for cleaning and inspection.

Subd. 4. CONTROL MANHOLE REQUIRED: The owner of any property served by a building sewer carrying industrial waste shall install a suitable control manhole in the building sewer to facilitate

observation and sampling of the waste. The manhole shall be constructed by the owner in accordance with plans approved by the city engineer. The owner shall maintain the manhole so as to be safe and accessible at all times.

Subd. 5. SEPARATE SEWERS: A separate and independent sewer shall be provided for every building connected to the sewer system except that the council may waive this requirement where it finds that a separate sewer for a building is impractical.

Subd. 6. REPAIR OF LEAKS: The consumer or owner shall be responsible for maintaining the sewer service pipe from the main into the building served. If he/she fails to repair any leak in such sewer service pipe within 24 hours after notice by the City, the City may make the necessary repairs and shall assess the consumer or owner for all costs.

404.03. SEWER CONNECTION REQUIRED: Subdivision 1. GENERAL REQUIREMENT: When property abuts upon any public street or alley along which water and sewer mains have been constructed, the owner of any dwelling or commercial establishment on the property shall install suitable toilet facilities therein and connect them with the sanitary sewer in accordance with the provisions of this ordinance within 90 days after the date of mailing or delivering official notice to do so. The notice shall be given to the owner or occupant in writing by the city clerk on order of the council.

Subd. 2. CONNECTION BY CITY: Whenever any owner or occupant fails to comply with such written notice, the council shall by resolution direct that a toilet be installed and connection made with the water and sewer system and that the cost of the installation be paid in the first instance out of the general fund and then assessed against the property benefited.

Subd. 3. ASSESSMENT: After the installation and connection have been completed following council resolution, the clerk shall serve a written notice of the assessment to the treasurer within ten days after the service of the notice. If the assessment is not paid within ten days, the clerk shall certify the amount to the ounce auditor for collection in the same manner as other special assessments. The council may by resolution spread the assessment over a five-year period.

403.04. SEWER RATES: Subdivision 1. CHARGES: For the purpose of providing funds to meet the cost of operation of the sewer and sewage treatment plant of the City of Henderson there is hereby levied and assessed against each lot, parcel of land, building or other premises having any connection with the public sewer system of the city, a sewage service payable as hereinafter provided.

- A. In the event that any commercial, industrial, government, church or school user does not have metering equipment or where it is not practical to measure the amount of water used on the premises, the City Clerk shall estimate the volume of water discharged into the sewage system, and such estimates shall be used in lieu of the metered volume of water determine the sewer rental charges thereon and therefor.
- B. All new dwellings and existing dwelling hereafter connected to the sanitary sewer system shall be assessed a connection charge of \$1500.00, which shall be credited to the sanitary trunk sewer fund (\$600 by Development Agreement in Maple Ridge and Westridge Additions). Any additional capital outlay charges may be added from time to time to meet current expenses (SEE CURRENT SCHEDULE). For any new or existing dwelling or premises located on land hereafter annexed to by the City or situated in such a manner so as to not have ready access to the present sanitary sewer system, the property owners and the City shall enter into a development agreement that provides for the costs of extending the sewer system.
- C. The City Council reserves the right to review and change all sewer rates and charges set forth in this ordinance on a yearly basis to make adjustments in said rates and collection procedures and charges to cover increased costs of operation resulting from inflation and increased costs. Such

changes may be made by a two-thirds (2/3) vote of the city council adopted at any regular meeting of said council.

Subd. 2. GENERAL RATES FOR SEWER SERVICE: Each residential and commercial user of sanitary sewer service to property also served by the city water system shall pay for each service at the rate below are included in this ordinance by reference. The sewer bill shall be based on the water consumption during the month and any specific costs attributed to a specific project (SEE CURRENT RATE SCHEDULE). If a structure is occupied during part of a month, charges shall be prorated at the discretion of city staff.

Subd. 3. SPECIAL CASES: In the case of an industrial user contributing wastes to the sewage disposal system in disproportionate amounts or concentrations, the sewer and water departments shall make an individual study of the particular use and fix an individual charge that is commensurate with the burden placed by the wastes upon the sewage treatment plant. If a building served by sewer is not served by city water and the council determines that the flat rate sewer service charge inaccurately measures use of the sewer system, it may order the installation of a water meter to measure accurately the amount of water used on the premises. In the case of an industry using substantial amounts of water that is not discharged into the sewer system, the council may order installation of a meter accurately measuring the amount of water that is used or consumed, and fix the sewer service charge on the basis of such amount. Insofar as practicable, installation and maintenance of such meters shall conform to the regulations contained in this code.

Subd. 4. REQUIRED INFORMATION: The owner, occupant, or person in charge of any premises shall supply the city with such information it may reasonably require relating to use of water, use of sewer, or sewer rates. Willful failure to provide such information or willful failure to comply with any requirement or order to issued pursuant to this section constitutes a violation of this section.

Subd. 5. DISPOSITION OF REVENUES: All revenues derived from charges imposed under this section shall be credited to the sanitary sewer utility fund.

## PART V. INDIVIDUAL SEWAGE TREATMENT SYSTEMS

405.01. SEWAGE DISPOSAL: Public or municipal collection and treatment facilities must be used where available and feasible.

Subd. 1. Public sanitary sewers shall be installed as required by standards and specifications as established by the City of Henderson and the Minnesota State Board of Health

Subd. 2. Where municipal public sanitary sewer is not available, the City Council may by special permit authorize installation and use of an individual sewage treatment system. Said system must be designed and operated in accordance with the regulations of the Minnesota State Board of Health Sections 7080.0010 to 7080.0240.