

ORDINANCE NO. 1284

AN ORDINANCE AMENDING WILLMAR MUNICIPAL CODE CHAPTER 16 REGULATING SANITARY SEWER USAGE, FEES AND RELATED PROVISIONS.

The City of Willmar does ordain as follows:

Sec. 1. Amendment to Chapter 16 of the Municipal Code by adding Section 16-36 to read as follows:

ARTICLE II. WATER

DIVISION 1. GENERALLY

Secs. 16-26—16.35. Reserved.

DIVISION 2. WATER SHORTAGES

Sec. 2. Amendment to Chapter 16 of the Municipal Code by amending Section 16-56 to read as follows:

Sec. 16-56. **Violation of article.**

It is unlawful for any ~~person~~user to violate any provision of this article or fail to comply with the provisions of this article or fail to make connection as provided in this article.

Sec. 3. Amendment to Chapter 16 of the Municipal Code by amending Section 16-57 to read as follows:

Sec. 16-57. **Inspections.**

It shall be the duty of the ~~fire marshal, the city engineer and the police department~~Director of Public Works, wastewater treatment plant superintendent or their respective designee to make inspections of locations subject to the provisions of this article, and to take all necessary steps to enforce the provisions of this article.

Sec. 4. Amendment to Chapter 16 of the Municipal Code by amending Section 16-58 to read as follows:

Sec. 16-58. **Discharging storm water, roof water or ground water to sanitary sewer.**

No owner of any real property within the city, or his agents, employees or servants, shall run or discharge or cause to be run or discharged any storm water, ~~or~~ roof water or foundation drainage into any sanitary sewer, or have any property connected to a sanitary sewer by a pipe, connection or sewer which carries either storm water, ~~or~~ roof water or foundation drainage from such building or property into such sanitary sewer.

Sec. 5. Amendment to Chapter 16 of the Municipal Code by amending Section 16-59 to read as follows:

Sec 16.59. **Grease traps and interceptors for certain businesses.**

(a) Every user who handles food, including restaurants, hotels and meat markets, and every user who maintains a filling station or a place for washing cars, a place for dressing poultry, or a slaughtering establishment shall equip the establishment with and maintain a grease trap and grease interceptors ~~grated basin~~ so as to prevent all such wastes mentioned in this article from entering any sewer, either sanitary or storm. All such wastes shall be removed with such frequency that no such refuse ever enters any such sewer, and such refuse shall be removed from the premises and disposed of in a sanitary manner.

Sec. 6. Amendment to Chapter 16 of the Municipal Code by amending Section 16-71(a)(1) and (a)(2) and adding (a)(3) and adding (b)(7) to read as follows:

Sec. 16-71. **Permit.**

(a) *Required.*

(1) No ~~person~~user shall tap or connect, either directly or indirectly, with any sewer within the limits of the city, without first having obtained permission therefor from the ~~city engineer~~ Director of Public Works and had a permit issued therefor under the hand and seal of the city clerk-treasurer; nor shall any ~~person~~ user so tap or connect, either directly or indirectly, without first having paid to the city clerk-treasurer the fee or charge provided for in this section.

(2) No ~~person~~user having a connection with any sewer in the city from any lot or from any building of any kind shall connect or permit any other ~~person~~user to connect therewith from any other lot or building whatsoever owned or controlled by such other ~~person~~user, without first having obtained permission from the ~~city engineer~~ Director of Public Works and a permit from the city clerk-treasurer as provided in this section, or unless such other ~~person~~user has obtained permission from the ~~city engineer~~ Director of Public Works and a permit from the city clerk-treasurer as provided in this section.

(3) Connections to the city's sewer system, including extensions shall be designed such that all facilities conform to:

- Minnesota Plumbing Code
- City Engineers of Minnesota (CEAM) Current Sanitary Sewer Standard Specifications

(b) *Fee.*

(2) Such fee for tapping shall not be less than a specified minimum amount as kept on file at the office of the city clerk-treasurer. In any application for a sewer tapping permit, if the ~~city engineer~~ Director of Public Works certifies in writing to the city council that the cost of the sewer line running past the premises in question exceeds the minimum sum, then the council shall, by motion, determine the proper tapping fee to be paid by the applicant for the permit in that instance, so that the tapping fee reimburses the proper fund of the city for the actual cost of the sewer line making possible the furnishing of sewer service to the applicant's premises.

(7) Connection Fee pays for the cost of capacity for new interceptor sewers 21 inches in diameter and larger. The connection fee cost includes all the interceptors 21 inches in diameter. The connection fee is \$2,435 per connection and may be increased on a yearly basis to correct for inflation.

Sec. 7. Amendment to Chapter 16 of the Municipal Code by amending Section 16-72(a) to read as follows:

Sec. 16-72. Connection to storm sewer required for certain buildings.

(a) *Premises where required.* It is the duty of every owner of real property which abuts upon any public street or alley along which a storm sewer is constructed or maintained, upon which there is a building used for business purposes where foundation drainage, storm water or roof water collects, to make connection with the storm sewer in the street or alley adjacent thereto and to lead such storm water and roof water to the storm sewer by means of a pipe or conduit.

Sec. 8. Amendment to Chapter 16 of the Municipal Code by amending Section 16-73 to read as follows:

Sec. 16-73. Specifications for pipes.

~~No person shall tap into or make a connection with any sewer within the limits of the city unless the sewer pipes used in making such connection are standard salt-glazed, vitrified clay pipe of first quality, sound and well-burned throughout their thickness, impervious to moisture and free from cracks, flaws or other imperfections; nor shall such connection be made unless all joints in the pipe used are cemented thoroughly, so as to prevent leaks, with cement mortar composed of one (1) part by measure of the best quality of American Portland cement mixed with one (1) part of clean, sharp sand, properly mixed and tempered with sufficient water to form a stiff paste, which shall be applied before the mortar begins to set.~~

Comply with the CEAM Sanitary Sewer System Design Standards which may be obtained from the Director of Public Works.

Sec. 9. Amendment to Chapter 16 of the Municipal Code by amending Section 16-86 by modifying some existing definitions and adding additional definitions to read as follows:

~~*City engineer* means the city engineer of the City of Willmar.~~

~~*Debt service charge* means a charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct the facilities.~~

Director of Public Works means the Director of Public Works of the City of Willmar.

Industry means any nongovernmental, nonresidential user of publicly owned treatment works which is identified in the Standard Industrial Classification Manual, ~~1972~~current, Office of Management and Budget, as amended and supplemented, under the following divisions:

- (1) Division A, agriculture, forestry and fishing.
- (2) Division B, mining.
- (3) Division D, manufacturing.
- (4) Division E, transportation, communications, electric, gas and sanitary services.
- (5) Division I, services.

Normal domestic strength waste means wastewater that is primarily introduced by residential users, with a BOD concentration not greater than two hundred fifty (250) milligrams per liter, a total suspended solids (TSS) concentration not (TKN) concentrations not greater than forty (40) milligrams per liter, and total phosphorus (TP) concentrations not greater than five (5) milligrams per liter.

Significant industrial user means any industrial user of the wastewater treatment facility:

- (1) Whose discharge flow is in excess of twenty-five thousand (25,000) gallons per average workday;
- (2) Whose discharge flow or organic loading ~~has exceeded~~ exceeds five (5) percent of the total flow received at the treatment facility's capacity;
- (3) Whose waste contains a toxic pollutant in toxic amounts pursuant to section 307(a) of the act; or
- (4) Whose discharge has a significant effect, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or emissions generated by the treatment system.

Surcharge means an additional charge related to industrial wastes being discharged by any user having excessive BOD or suspended solids in excess of two hundred fifty (250) milligrams per liter or TKN in excess of 40 mg/l or TP in excess of 5 mg/l.

Total Kjeldahl Nitrogen or TKN means the sum of organic nitrogen, ammonia (NH₃) and ammonium (NH₄) in waste water.

Total Phosphorus or TP means the sum of organic and orthophosphate in wastewater.

Priority Pollutants are any of the following listed substances, compounds or elements identified by the United States Environmental Protection Agency pursuant to Section 307 (A)(1) of the Act, as amended:

<u>Acenaphthene;</u>	<u>Dimethyl phthalate;</u>
<u>Acrolein;</u>	<u>1,2-benzanthracene;</u>
<u>Acrylonitrile;</u>	<u>(benzo[a]anthracene);</u>
<u>Benzene;</u>	<u>Benzo(a)pyrene;</u>
<u>Benzidine;</u>	<u>(3,4-benzopyrene);</u>
<u>Carbon tetrachloride;</u>	<u>3,4-Benzofluoranthene;</u>
<u>(tetrachloromethane);</u>	<u>(benzo[b]fluoranthene);</u>
<u>Chlorobenzene;</u>	<u>11,12-benzofluoranthene;</u>
<u>1,2,4-trichlorobenzene;</u>	<u>(benzo[b]fluoranthene);</u>
<u>Hexachlorobenzene;</u>	<u>Chrysene;</u>
<u>1,2-dichloroethane;</u>	<u>Acenaphthylene;</u>
<u>1,1,1-trichloroethane;</u>	<u>Anthracene;</u>
<u>Hexachloroethane;</u>	<u>1,12-benzoperylene;</u>
<u>1,1-dichloroethane;</u>	<u>(benzo[ghi]perylene);</u>
<u>1,1,2-trichloroethane;</u>	<u>Fluorene;</u>
<u>1,1,2,2-tetrachloroethane;</u>	<u>Phenanthrene;</u>
<u>Chloroethane;</u>	<u>1,2,5,6-dibenanthracene;</u>
<u>Bis(chloroethyl) ether;</u>	<u>(dibenzo[a,h]anthracene);</u>
<u>2-chloroethyl vinyl ether (mixed);</u>	<u>Indeno(1,2,3-cd) pyrene;</u>
<u>2-chloronaphthalene;</u>	<u>(2,3-o-pheynylene pyrene);</u>
<u>2,4,6-trichlorophenol;</u>	<u>Pyrene;</u>
<u>Parachlorometa cresol;</u>	<u>Tetrachloroethylene;</u>
<u>Chloroform (trichloromethane);</u>	<u>Toluene;</u>
<u>2-chlorophenol;</u>	<u>Trichloroethylene;</u>
<u>1,2-dichlorobenzene;</u>	<u>Vinyl chloride;</u>
<u>1,3-dichlorobenzene;</u>	<u>(chloroethylene);</u>
<u>1,4-dichlorobenzene;</u>	<u>Aldrin;</u>
<u>3,3-dichlorobenzidine;</u>	<u>Dieldrin;</u>
<u>1,1-dichloroethylene;</u>	<u>Chlordane (technical;</u>
<u>1,2-trans-dichloroethylene;</u>	<u>mixture and metabolites);</u>
<u>2,4-dichlorophenol;</u>	<u>4,4-DDT;</u>

<u>1,2-dichloropropane;</u>	<u>4,4-DDE(p,p-DDX);</u>
<u>1,2-dichloropropylene (1,3-</u>	<u>4,4-DDD(p,p-TDE);</u>
<u>dichloropropene);</u>	<u>Alpha-endosulfan;</u>
<u>2,4-dimethylphenol;</u>	<u>Beta-endosulfan;</u>
<u>2,4-dinitrotoluene;</u>	<u>Endosulfan sulfate;</u>
<u>2,6-dinitrotoluene;</u>	<u>Endrin;</u>
<u>1,2-diphenylhydrazine;</u>	<u>Endrin aldehyde;</u>
<u>Ethylbenzene;</u>	<u>Heptachlor;</u>
<u>Fluoranthene;</u>	<u>Heptachlor epoxide (BHC-</u>
<u>4-chlorophenyl phenyl ether;</u>	<u>hexachlorocyclohexane);</u>
<u>4-bromophenyl phenyl ether;</u>	<u>Alpha-BHC;</u>
<u>Bis(2-chloroisopropyl) ether;</u>	<u>Beta-BHC;</u>
<u>Bis(2-chloroethoxy) methane;</u>	<u>Gamma-BHC (lindane);</u>
<u>Methylene chloride</u>	<u>Delta-BHC (PCB-poly-</u>
<u>(dichloromethane);</u>	<u>chlorinated biphenyls);</u>
<u>Methyl chloride (dichloromethane);</u>	<u>PCB-1242 (Arochlor 1242);</u>
<u>Methyl bromide (bromomethane);</u>	<u>PCB-1254 (Arochlor 1254);</u>
<u>Bromoform (tribromomethane);</u>	<u>PCB-1221 (Arochlor 1221);</u>
<u>Dichlorobromomethane;</u>	<u>PCB-1232 (Arochlor 1232);</u>
<u>Trichlorofluoromethane;</u>	<u>PCB-1248 (Arochlor 1248);</u>
<u>Chlorodibromomethane;</u>	<u>PCB-1260 (Arochlor 1260);</u>
<u>Hexachlorobutadiene;</u>	<u>PCB-1016 (Arochlor 1016);</u>
<u>Hexachloromyclopentadiene;</u>	<u>Toxaphene;</u>
<u>Isophorone;</u>	<u>Antimony;</u>
<u>Naphthalene;</u>	<u>Arsenic;</u>
<u>Nitrobenzene;</u>	<u>Asbestos;</u>
<u>2-nitrophenol;</u>	<u>Beryllium;</u>
<u>4-nitrophenol;</u>	<u>Cadmium;</u>
<u>2,4-dinitrophenol;</u>	<u>Chromium;</u>
<u>4,6-dinitro-o-cresol;</u>	<u>Copper;</u>
<u>N-nitrosodimethylamine;</u>	<u>Cyanide, Total;</u>
<u>N-nitrosodiphenylamine;</u>	<u>Lead;</u>
<u>N-nitrosodi-n-propylamine;</u>	<u>Mercury;</u>
<u>Pentachlorophenol;</u>	<u>Nickel;</u>
<u>Phenol;</u>	<u>Selenium;</u>
<u>Bis(2-ethylhexyl)phthalate;</u>	<u>Silver;</u>
<u>Butyl benzyl phthalate;</u>	<u>Thallium;</u>
<u>Di-N-Butyl phthalate;</u>	<u>Zinc;</u>
<u>Di-n-octyl phthalate;</u>	<u>2,3,7,8-tetra</u>
<u>Diethyl phthalate;</u>	<u>chlorodibenzo-p-dioxin.</u>

Total toxic organics is the summation of all quantifiable values greater than .01 milligrams per liter for the following toxic organics or elements identified by the United States Environmental Protection Agency pursuant to Section 307 (A)(1) of the Act, as amended:

<u>Acenaphthene;</u>	<u>1,2-trans-dichloroethylene;</u>
<u>Acrolein;</u>	<u>2,4-dichlorophenol;</u>
<u>Acrylonitrile;</u>	<u>1,2-dichloropropane(1,3-</u>
<u>Benzene;</u>	<u>dichloropropene);</u>
<u>Benzidine;</u>	<u>2,4-dimethylphenol;</u>
<u>Carbon tetrachloride</u>	<u>2,4-dinitrotoluene;</u>
<u>(tetrachloromethane);</u>	<u>2,6-dinitrotoluene;</u>
<u>Chlorobenzene;</u>	<u>1,2-diphenylhydrazine;</u>
<u>1,2,4-trichlorobenzene;</u>	<u>Ethylbenzene;</u>

Hexachlorobenzene;
1,2-dichloroethane;
1,1,1-trichloroethane;
Hexachloroethane;
1,1-dichloroethane;
1,1,2-trichloroethane;
1,1,2,2-tetrachloroethane;
Chloroethane;
Bis (2-chloroethyl) ether;
2-chloroethyl vinyl ether (mixed);
2-chloronaphthalene;
2,4,6-trichlorophenol;
Parachlorometal cresol;
Chloroform (trichloromethane);
2-chlorophenol;
1,2-dichlorobenzene;
1,3-dichlorobenzene;
1,4-dichlorobenzene;
N-nitrosodi-n-propylamine;
Pentachlorophenol;
Phenol;
Bis (2-ethylhexyl) phthalate;
Butyl benzyl phthalate;
Di-n-butyl phthalate;
Di-n-octyl phthalate;
Diethyl phthalate;
Dimethyl phthalate;
1,2-benzanthracene;
(benzo(a)anthracene);
Benzo(a)pyrene(3,4-benzopyrene);
3,4-
Benzofluoranthene(benzo(b)fluoran
thene);
11,12-benzofluoranthene
(benzo(k)fluoranthene);
Chrysene;
Acenaphthylene;
Anthracene;
1,12-benzoperylene
(benzo(ghi)perylene);
Fluorene;
Phenanthrene;
1,2,5,6-dibenzanthracene
(dibenzo(a,h)anthracene);
Indeno(1,2,3-cd) pyrene (2,3-o-
phenylene pyrene);
Pyrene;
Tetrachloroethylene;
Toluene;
Trichlorethylene;
Vinyl chloride (chloroethylene);
3,3-dichlorobenzidine;
1,1-dichloroethylene;

Fluoranthene;
4-chlorophenyl phenyl ether;
4-bromophenyl phenyl ether;
Bis (2-chloroisopropyl) ether;
Bis (2-chloroethoxy) methane;
Methylene chloride
(dichloromethane);
Methyl chloride (chloromethane);
Methyl bromide (bromomethane);
Bromoform (tribromomethane);
Dichlorobromomethane;
Chlorsdibromomethane;
Hexachlorobutadiene;
Hexachlorocyclopentadiene;
Isophorone;
Naphthalene;
Nitrobenzene;
2-nitrophenol;
4-nitrophenol;
2,4-dinitrophenol;
4,6-dinitro-o-cresol;
N-nitrosodimethylamine;
N-nitrosodimethylamine;
Aldrin;
Dieldrin;
Chlordane (technical mixture and
metabolites);
4,4-DDT;
4,4-DDE(p,p-DDX);
4,4-DDD(p,p-TDE);
Alpha-endosulfan;
Beta-endosulfan;
Endosulfan sulfate;
Endrin;
Endrin aldehyde;
Heptachlor;
Heptachlor epoxide
(BHC-hexachlorocyclohexane);
Alpha-BHC;
Beta-BHC;
Gamma-BHC;
Delta-BHC;
(PCB-polychlorinated biphenyls);
PCB-1242 (Arochlor 1242);
PCB-1254 (Arochlor 1254);
PCB-1221 (Arochlor 1221);
PCB-1232 (Arochlor 1232);
PCB-1248 (Arochlor 1248);
PCB-1260 (Arochlor 1260);
PCB-1016 (Arochlor 1016);
Toxaphene;
2,3,7,8-tetrachlorodibenzo-p-
dioxin (TCDD).

User means any person who discharges or permits or causes discharge of ~~discharging domestic wastewater or industrial wastes~~ into the City's wastewater collection and/or treatment system.

~~User~~ Usage charge means a charge levied on users of a wastewater works for the user's proportionate share of the cost based on volume of water used ~~of operation and maintenance, including replacement, of the wastewater treatment facilities and wastewater pumping stations.~~

Wastewater treatment facilities (WWTF) means any city-owned facilities, devices or structures used for receiving and treating wastewater from the city collection system.

Wastewater dumping station means a discharge point for truck and/or hauled pollutants.

Sec. 10. Amendment to Chapter 16 of the Municipal Code by amending Section 16-87(a) and adding Section 16-87(b)(3) to read as follows:

Sec. 16-87. **Violation of division; penalty.**

(a) *Notice of violation.* Any user ~~person~~ found in violation of this division or of any prohibition, limitation or requirement contained in this division, or of any contractual agreement or wastewater discharge permit referred to in this division, will be served by the ~~city engineer~~ Director of Public Works or WWTF Superintendent or their representative with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The ~~city engineer~~ Director of Public Works will endeavor to the full extent possible to eliminate or remedy such violation without resorting to further administrative proceedings.

(b) *Penalties; injunctive relief.*

(1) Any ~~person~~user who fails to comply with any of the provisions of this division or with an order of the approving authority issued pursuant to this division, or who tampers with metering or sampling, shall be liable to the city for any expense, loss or damage occasioned by such violation, including reasonable attorneys' fees and other expenses of litigation. A person convicted of any violation of this division shall be fined ~~not less than one hundred dollars (\$100.00) nor more than two thousand five hundred dollars (\$2,500.00)~~ per violation, plus damages. Each day a condition is allowed to exist which is contrary to all or any part of this division shall constitute a new violation. Change of ownership or occupancy of premises delinquent under the provisions of this division shall not be cause for reducing or eliminating charges due and penalties for violations.

(3) Violations that continue after reasonable notification may ultimately result in termination of service.

Sec. 11. Amendment to Chapter 16 of the Municipal Code by amending Section 16-90 to read as follows:

Sec. 16-90. **Wastewater discharge permit required for certain users.**

(a) ~~Persons~~ Users *required to have permit.* A wastewater discharge permit is required under this section if a user's ~~person's~~ discharge into the city wastewater works has any of the following characteristics:

(1) A BOD greater than two hundred fifty (250) milligrams per liter.

- (2) A suspended solids concentration greater than two hundred fifty (250) milligrams per liter.
- (3) A total Kjeldahl nitrogen concentration greater than forty (40) milligrams per liter.
- (4) A total phosphorus concentration greater than five (5) milligram per liter.
- (5) A volume of ~~fifty~~ twenty-five thousand (~~50~~25,000) gallons or greater per average workday.
- (6) Any of the characteristics listed as a prohibited discharge under section 16-91.
- (7) Fats, oils, greases over 200 mg/L

Any ~~person~~ users planning to discharge such waste or change the characteristics of their discharge, or whose discharge permit has expired, shall make application to the ~~city engineer~~ Director of Public Works within ~~sixty (60)~~ one hundred twenty (120) days prior to the discharge. ~~All persons currently discharging such waste shall make application to the city engineer within sixty (60) days after January 9, 1989 and must have an executed permit within sixty (60) days of application to discharge or discontinue discharging. No person user shall discharge waste or wastewater into the city wastewater works without a wastewater discharge permit, if required by this section.~~

(b) *Application.* Users seeking a wastewater discharge permit shall complete and file with the ~~city engineer~~ Director of Public Works an application on the form prescribed by the ~~city engineer~~ Director of Public Works. In support of this application, the user shall submit the following information:

- (3) Wastewater constituents and characteristics as determined by a method approved by the ~~city engineer~~ Director of Public Works.
- (10) Any other information as may be deemed reasonable by the ~~city engineer~~ Director of Public Works to be necessary to evaluate the permit application.

The permit applicant shall have the right to designate information provided to the City as "trade secret information" as provided in M. S. § 13.37. Such information shall then become private data or nonpublic data, as appropriate under Minnesota Government Data Practices Act. The burden shall be on the permit applicant to establish that the designated information is "trade secret information."

The ~~city engineer~~ Director of Public Works will evaluate the data furnished by the user and may require additional information consistent with the general provisions of this section. After evaluation and acceptance of the data furnished, the ~~city engineer~~ Director of Public Works may issue a wastewater discharge permit, subject to terms and conditions provided in this section.

(c) *Permit conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this article and all other regulations, user charges and fees established by the approving authority. The conditions of wastewater discharge permits shall be uniformly enforced by the ~~city engineer~~ Director of Public Works in accordance with this division and applicable state and federal regulations. Permit conditions will include the following:

- (5) Requirements for maintaining plant records relating to wastewater discharges, as specified by the ~~city engineer~~ Director of Public Works, and for affording the city access thereto.
- (7) Other conditions as deemed appropriate by the ~~city engineer~~ Director of Public Works to ensure compliance with this division.

(d) *Duration; modification.* A permit shall be issued for a specified period of time, not to exceed five (5) years. The terms and conditions of the permit shall be subject to modification and change by the ~~city engineer~~Director of Public Works during the life of the permit, if so required because of any ordinances, statutes, or rules and regulations of the approving authority or any applicable rules or regulations of a state or federal body. The ~~person~~user shall be informed of any proposed changes in his permit at least sixty (60) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Sec. 12. Amendment to Chapter 16 of the Municipal Code by amending Section 16-91 to read as follows:

Sec. 16-91. **Prohibited discharges to collection system.**

(a) No ~~person~~user shall discharge or cause to be discharged any storm water, groundwater, roof runoff, yard drainage, yard fountain, condensate, deionized water, noncontact cooling water, or pond overflow into the sanitary collection system, unless specifically authorized by the Superintendent. Unpolluted water or waste shall be discharged to only storm sewers or to a natural outlet. Unpolluted water or wastewater may be discharged to the sanitary collection system upon prior written approval of the ~~city engineer~~Director of Public Works.

(1) No roof, sump pump, ~~swimming pool discharge~~ or surface water drainage shall be connected to the sanitary sewer system, and no building shall hereafter be constructed nor shall any existing buildings be hereafter altered in such a manner that the roof drainage shall connect with the sanitary sewer system inside or outside the building.

(2) ~~Before March 1, 1994,~~ Any ~~person~~user, firm or corporation having a roof, sump pump, ~~swimming pool discharge~~ or surface drain ~~now~~ connected and/or discharging into the sanitary sewer system shall disconnect and/or remove same. Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective, workmanlike manner, as approved by the ~~city engineer~~Director of Public Works.

(3) Every ~~user~~person owning improved real estate that discharges into the city's sanitary sewer system shall allow the city employee(s) to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. Any ~~user~~person may furnish a certificate from a licensed plumber certifying that their property is in compliance with this subsection (a) in lieu of having the city inspect their property. Any ~~user~~person refusing to allow their property to be inspected or refusing to furnish a plumber's certificate within fourteen (14) days of the date city employee(s) are denied admittance to the property shall immediately become subject to the surcharge hereinafter provided for. Any property found to violate subsection (a) of this section shall make the necessary changes to comply with subsection (a) and furnish proof of the changes to the city by ~~March 1, 1994~~the date indicated in the notice of violation.

(4) An unpolluted water surcharge of one hundred dollars (\$100.00) per month is hereby imposed and added to every sewer billing mailed on and after April 1, ~~1994~~, to property owners who are not in compliance with this subsection (a). The surcharge shall be added every month through October ~~1994~~, until the property is in compliance. The surcharge shall continue to be levied monthly for the months of April through October (both inclusive) of every year on properties not complying with subsection (a) of this section.

(5) No change.

(6) Any property owner whose sump pump discharges ground water accumulations during the winter months may apply to the ~~city engineer~~Director of Public Works for a permit allowing the sump pump to discharge into the sanitary sewer system during the months of November, December, January, February and March of each year. Any property owner receiving a permit shall pay a user fee of ten dollars (\$10.00) per month for use of the sanitary sewer system. The monthly fee shall be added to and collected with the regular monthly sewer bill of the property owner. Any sump pump operated in violation of the permit or operated without a permit shall be subject to the fine established in subsection (a)(5).

(7) No change.

(b) No ~~user person~~ shall discharge or cause to be discharged to the collection system, either directly or indirectly, any of the following described wastes or wastewater:

(6) Any wastes or wastewater having a pH lower than 5.0 or higher than 9.5 or having any corrosive property capable of causing damage or hazards to the wastewater works or personnel. Short duration exceptions may be granted by the ~~city engineer~~Director of Public Works if it can be shown that no damage will occur to the collection system and that the waste treatment plant influent pH will not be lower than 6.0.

(10) Free or emulsified oil and grease exceeding on analysis an average of two hundred (200) milligrams per liter of either or both, or combinations of free or emulsified oil and grease, if, in the opinion of the ~~city engineer~~Director of Public Works it appears probable that such wastes or wastewater:

(13) Any waters or wastes containing the following substances to such a degree that any such material received in the composite wastewater at the wastewater treatment works is in excess of limitations set by the superintendent for such materials: ammonia, arsenic, cadmium, copper, cyanide, dye wastes, iron, lead, leachate, mercury, molybdenum, nickel, phosphorus, silver, sulfites, sulfur, tin, total chromium, zinc, or phenolic compounds which cannot be removed by the city's wastewater treatment system.

(14) Trucked or hauled pollutants, except at discharge points designated by the Director of Public Works or the Superintendent.

(15) Sludges, screenings, or other residues from the pretreatment of industrial waste.

(16) Medical Wastes, except as specifically authorized by the Director of Public Works or the Superintendent.

(17) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the WWTF.

(18) Wastewater containing Antifreeze originating from automotive service or repair facilities. Such material shall be recycled or disposed of in accordance with all federal, state and local regulations.

(c) No person shall allow the discharge of a slug of waste or wastes to the collection system which may be harmful to the operation of the wastewater works. Where, in the opinion of the ~~city engineer~~Director of Public Works, slugging does occur, each person producing such a discharge into the collection system shall construct and maintain, at his own

expense, a storage reservoir of sufficient capacity with flow control equipment to ensure an equalized discharge over a twenty-four-hour period.

(e) No person shall connect to and discharge to the collection system unless there is sufficient capacity available in all downstream components of the wastewater works, as determined by the ~~city engineer~~Director of Public Works.

Sec. 13. Amendment to Chapter 16 of the Municipal Code by amending Section 16-92 to read as follows:

Sec. 16-92. Accidental discharges.

Any ~~person~~user who accidentally discharges wastes or wastewater prohibited under Section 16-91 into the wastewater works or storm sewer shall immediately report such discharge to the ~~city engineer~~WWTF Superintendent.

Sec. 14. Amendment to Chapter 16 of the Municipal Code by amending Section 16-93 to read as follows:

Sec. 16-93. Determination of flow volume.

(a) The water consumption, as determined from the meter records of the municipal utilities department, shall be the basis for computing the wastewater flow, except as follows:

(1) If water is contained in a product, is evaporated, or is discharged as unpolluted water or waste to surface drainage, an application may be made for a reduction in the volume of wastewater discharged to the collection system, provided supporting data satisfactory to the ~~city engineer~~Director of Public Works is furnished. This data shall include a flow diagram showing the destination of water and wastewater, supported by submetering data installed on the process piping at the expense of the user.

(2) If water is condensed from a product, so that the quantity of wastewater is increased over the amount of water being metered, the increased flow shall be measured in a manner which is acceptable to the ~~city engineer~~Director of Public Works and added to the flow obtained from the water meter readings.

(5) When any lot, parcel of land, building or premises discharging domestic wastewater or industrial waste into the collection system is supplied in whole or in part with water not obtained from the city, the owner or occupant of such property shall cause to be installed necessary metering equipment, as approved by the ~~city engineer~~Director of Public Works, to measure the quantity of water pumped or discharged to the collection system. The user charge shall be based on the quantity of water so measured. Whenever the person fails to install such metering equipment, or where it is not practicable to measure the water consumed on any premises by a meter, the ~~city engineer~~Director of Public Works shall determine the estimated volume of water discharged into the wastewater works.

(b) The ~~city engineer~~Director of Public Works may require the installation of devices for metering the volume of waste discharged if those volumes cannot otherwise be determined from metered water consumption records or if the user discharges over ten thousand (10,000) gallons on any day. The metering devices shall be owned and maintained by the user and may not be removed without consent of the ~~city engineer~~Director of Public Works.

Sec. 15. Amendment to Chapter 16 of the Municipal Code by amending Section 16-94 to read as follows:

Sec. 16-94. Control manholes.

Every ~~person~~user discharging industrial wastes into the wastewater works shall construct and maintain control manholes in suitable and accessible positions on public property or easements, to facilitate the observation, measurement and sampling of all his wastes or wastewater. Control manholes shall be located and constructed in a manner approved by the ~~city engineer~~Director of Public Works. Plans shall be submitted to the ~~city engineer~~Director of Public Works prior to construction. The control manhole shall be locked at all times and will be accessible to City personnel only for the purposes of flow measurement and sampling. Owners may, upon reasonable request, be granted access to the control manhole when the City's staff is on site to obtain samples, calibrate the flow meter or perform other service work in the control manhole.

Sec. 16. Amendment to Chapter 16 of the Municipal Code by amending Section 16-95 to read as follows:

Sec. 16-95. Industrial waste analysis.

(a) The city will collect samples and perform laboratory tests at the owner's expense on industrial waste discharges as necessary to verify the quantity of flow and character and concentration of an industrial waste. The city's test results shall be used to determine the applicable surcharge. The provisions of this section do not preclude the owners from ordering testing and submitting results to the city for comparative and verification purposes in the determination of applicable surcharges. Owners may request that the City split the samples in order that Owners may order tests to be done at the owner's expense to compare with results obtained by the City.

(b) Waste or wastewater discharge may be sampled manually, or by the use of mechanical equipment, as necessary, to obtain a representative twenty-four-hour composite sample. Samples shall be taken at intervals established by the permit issued pursuant to section 16-90, or at such intervals as determined by the ~~city engineer~~Director of Public Works.

(c) When state law requires the submittal of information on the character and concentration of wastes, waste volume, and production to the city or to the Minnesota Pollution Control Agency (MPCA), the user shall have the waste character and concentration determined by an independent testing laboratory. A copy of the test results and MPCA reports shall be submitted to the ~~city engineer~~Director of Public Works.

(d) All measurements, tests and analyses of the characteristics of industrial wastes shall be determined in accordance with Standard Methods or 40 C.F.R. § 136. Alternate methods of analysis may be used with prior written approval of the ~~city engineer~~Director of Public Works.

Sec. 17. Amendment to Chapter 16 of the Municipal Code by amending Section 16-96 to read as follows:

Sec. 16-96. Pretreatment facilities.

(a) The approving authority may require pretreatment facilities of any user ~~person~~ discharging or planning to discharge industrial waste, if the waste or wastewater exceeds permitted limits and may:

- (1) Cause damage to the collection system including sewer plugging or significant capacity reduction or restriction;
- (2) Impair the treatment process;
- (3) Have any of the characteristics of the prohibited discharges described in section 16-91;
- (4) Cause the wastewater treatment facilities to exceed its total design loading for volume, BOD, suspended solids, Kjeldahl nitrogen, phosphorus, or any pollutant; or
- (5) Cause a particular industry to exceed its design allocation for volume, BOD, suspended solids, Kjeldahl nitrogen, phosphorus, or any other pollutant.

(c) Plans, specifications and any other pertinent information relating to proposed pretreatment facilities shall be submitted for review of the ~~city engineer~~ Director of Public Works prior to the start of construction.

Sec. 18. Amendment to Chapter 16 of the Municipal Code by adding the following additional new sections:

Sec. 16-97A. Definitions and abbreviations.

(a) Definitions. The definitions included here are specific to this division. Definitions of other terms used in this division are the same as those contained in Section 16.86 of this Chapter.

Food service facility or facility means any business or food service facility which prepares, processes, and/or packages food or beverages for sale or consumption, on or off-site, with the exception of private residences. Food service facilities shall include, but are not limited to: food courts, food manufacturers, food packagers, restaurants, grocery stores, bakeries, lounges, hospitals, hotels, nursing homes, churches, schools, and all other food service facilities not specifically listed above.

Food service facility owner or owner means in the case of individual food service facilities, the owner or proprietor of the food service operation. Where the food service facility is a franchise operation, the owner of the franchise is the responsible user or entity. Where the food service facility operation is owned by a corporation, the corporate representative is the responsible entity. Where two or more food service facilities share a common grease interceptor, the owner shall be the individual who owns or assumes control of the grease interceptor or the property on which the grease interceptor is located.

FOG means fats, oil and grease.

FMP official means a member of the staff of the City's FOG management program, appointed by the Director of Public Works to implement a FOG management program.

Gray water means all of the liquid contained in a grease interceptor that lies below the floating grease layer and above the food solids layer.

Grease means a material either liquid or solid, composed primarily of fat, oil and grease from animal or vegetable sources. The terms "fats, oils and grease (FOG)," "oil and grease" or "oil and grease substances" shall all be included within this definition.

Grease hauler means a person who collects the contents of a grease interceptor or trap

and transports it to an approved recycling or disposal facility. A grease hauler may also provide other services to a food service facility related to grease interceptor maintenance.

Grease interceptor means a device located underground and outside of a food service facility designed to collect, contain or remove food wastes and FOG from the waste stream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity. Interceptors shall be in conformance with the provisions of the Minnesota Plumbing Code.

Grease trap means a device located in a food service facility or under a sink designed to collect, contain or remove food wastes and FOG from the waste stream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity. Traps shall be in conformance with the provisions of the Minnesota Plumbing Code.

User means any entity that discharges its wastewater to the City of Willmar sanitary sewer system.

(b) Abbreviations. For the purposes of this division, the following abbreviations shall have the following designated meanings:

<u>GMP</u>	<u>Grease Management Program</u>
<u>mg/L</u>	<u>Milligrams per liter</u>
<u>MSDS</u>	<u>Material Safety Data Sheet</u>
<u>NOV</u>	<u>Notice of Violation</u>
<u>PDI</u>	<u>Plumbing and Drainage Institute</u>
<u>WWTF</u>	<u>Wastewater Treatment Facility</u>

Sec. 16-97B. Purpose and applicability.

(a) Purpose. This division establishes uniform permitting, maintenance and monitoring requirements for controlling the discharge of FOG from food service facilities discharging into the City's wastewater collection system and for regulation of commercial grease haulers operating within the City limits. The objectives of this ordinance are:

- (1) To prevent the introduction of excessive amounts of FOG into Willmar's wastewater collection system.
- (2) To prevent clogging or blocking of the City's sewer lines due to FOG build-up causing backup and flooding of streets, residences and commercial buildings, resulting in potential liability to the City.
- (3) To implement a procedure to recover the costs incurred in cleaning and maintaining sewer lines and disposing of FOG blockages.
- (4) To implement a procedure to recover costs for any liability incurred by the City for damage caused by FOG blockages resulting in the flooding of streets, residences or commercial buildings.
- (5) To establish administrative review procedures and reporting requirements.
- (6) To establish fees for the recovery of costs resulting from the program established herein.

(7) To establish enforcement procedures for violations of any part or requirement of this division.

(b) Applicability. The provisions of this division shall apply to all sewer system users located within the service area of the City of Willmar WWTF.

Sec. 16-97C. Grease traps and interceptors.

(a) Requirements. All food service facilities are required to have a grease trap or grease interceptor properly installed in accordance with any and all applicable requirements of the Minnesota Plumbing Code.

(1) New facilities. Food service facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to install a grease interceptor or grease trap(s) according to the requirements of the Minnesota Plumbing Code and to operate and maintain the grease trap(s) or interceptor according to the requirements contained in this division.

(2) Existing facilities. Food service facilities shall be allowed to operate and maintain existing grease interceptors or grease traps provided their grease interceptors or grease traps are in efficient operating condition.

The City may require an existing food service facility to install a new grease interceptor or trap that complies with the requirements of the Minnesota Plumbing Code or to modify or repair any noncompliant plumbing or existing interceptor or trap within 30 days of written notification by the City when any one or more of the following conditions exist.

- a. The facility is found to be contributing FOG in quantities sufficient to cause line stoppages or necessitate increased maintenance on the wastewater collection system.
- b. The facility does not have a grease interceptor or trap.
- c. The facility has an irreparable or defective grease interceptor or trap.
- d. Remodeling of the food preparation or kitchen waste plumbing system is performed which requires a plumbing permit to be issued by the City of Willmar.
- e. The facility is sold or undergoes a change of ownership.
- f. The facility does not have plumbing connections to a grease interceptor or trap in compliance with the requirements of this division.
- g. The facility has not operated as a food service facility for 12 consecutive months.

(b) Plumbing connections. Grease interceptors or traps shall be installed in accordance with the Minnesota Plumbing Code.

(c) Grease traps.

(1) Inspection. Grease traps shall be inspected by a FMP official as necessary to assure compliance with the GMP and to assure proper cleaning and maintenance schedules are being adhered to.

(2) Record keeping. The food service facility shall maintain records of the date and time of all cleaning and maintenance of each grease trap in a bound logbook and shall make this book available for inspection by the FMP official on demand. The food service facility shall also maintain the written protocol concerning grease trap cleaning and maintenance procedures and shall make this available to the FMP official on demand.

(d) Additives. Any chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or additives used for purposes of grease reduction shall be approved by the City prior to their addition to grease traps or grease interceptors by the food service facility or the grease hauler. MSDS sheets and any other applicable information concerning the composition, frequency of use and mode of action of the proposed additive shall be sent to the City together with a written statement outlining the proposed use of the additive(s). Based upon the information received and any other information solicited from the potential user or supplier, the City shall permit or deny the use of the additive in writing. Permission to use any specific additive may be withdrawn by the City at any time.

(e) Alternative FOG removal devices or technologies. Alternative devices and technologies such as automatic FOG removal systems shall be subject to written approval by the Director of Public Works prior to installation. Approval of the device shall be based on demonstrated (proven) removal efficiencies and reliability of operation. The City may approve these types of devices depending on manufacturer's specifications on a case by case basis. The food service facility may be required to furnish analytical data demonstrating that FOG discharge concentrations to the City's wastewater collection system will not exceed the limitation established in Chapter 16 of the Municipal Code.

(f) Grease haulers. A food service facility may authorize a grease hauler to act on its behalf regarding inspection, disposal, records maintenance, and reporting pursuant to paragraphs (c) of this section. A food service facility which has authorized a registered grease hauler to act on its behalf is not relieved of its responsibilities pursuant to this division.

(g) Entry and inspection. If there is evidence discovered by the City that a sewer system user has improperly managed its FOG, the City will arrange for an inspection of the User's premises. Sewer system users shall allow the duly authorized agents of the City bearing proper credentials and identifications access at all reasonable times to all parts of the premises for the purpose of inspection, observation, records examination, measurement, sampling and testing in accordance with the provisions of this division. The refusal of any user allow the City's authorized agents entry to or upon the facility's premises for purposes of inspection, sampling effluents or inspecting and copying records or performing such other duties as shall be required by this division shall constitute a violation of this division. The Director of Public Works may seek a warrant or use such other legal procedures as may be advisable and reasonably necessary to discharge his duties pursuant to this division.

Sec. 16-97D. Legal proceedings.

(a) Search warrant. The Director of Public Works, through the City Attorney, may seek to obtain a search warrant from the appropriate authority to gain access to a food service facility for the purposes of inspection and monitoring if such lawful entry under Section 16-97C9(g) of this division has previously been denied by a user.

(b) Citation to District Court. Notwithstanding any of the above, the Director of Public Works may cite any user to District Court for violation of any provision of this division.

(c) Injunctive and other relief. The City Administrator, through the City Attorney, may file a petition in the name of the City in the District Court of the County or such other courts as may have jurisdiction seeking the issuance of an injunction, damages, or other appropriate relief to enforce the provisions of this division or other applicable law or regulation. Suit may be brought to recover any and all damages suffered by the City as a result of any action or inaction of any user person who causes or suffers damage to occur to the City's wastewater collection system, or for any other expense, loss or damage of any kind or nature suffered by the City.

(d) Criminal mischief. No user person shall maliciously, willfully or deliberately break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the City sewer system. Any user violating this provision shall be subject to immediate arrest under charge of destruction of public property in accordance with M. S. § 609.595.

(e) Remedies nonexclusive. The remedies provided for in the ordinance are not mutually exclusive. The Director of Public Works may take any, all, or any combination of these actions against a noncompliant user.

Sec. 16-97E. Fine.

(a) Violations. Any user who is found to have violated any provision of this ordinance, except where state statute has been violated, shall be, upon conviction, subject to a fine in an amount not to exceed 1,000.00 or by imprisonment for not more than 90 days, or by both, for each offense as provided for in M. S. § 609.02, Subd. 3. Each separate violation shall constitute a separate offense, and upon conviction of a specified ordinance violation, each day of violation shall constitute a separate violation. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the user found to have violated this division or the orders, rules, regulations and permits issued hereunder.

(b) Falsifying information. Any user who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this division, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this division, shall, upon conviction, be subject to a fine in an amount not to exceed \$1,000.00 or by imprisonment for not more than 90 days, or by both. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

Sec. 16-97F. Administrative enforcement and abatement.

(a) Food service facility enforcement. Enforcement actions against food service facilities in violation of this division shall be as follows:

(1) Notice of violation. A notice of violation (NOV) shall be issued to a food service facility for any one or more of the following reasons:

- a. Failure to properly maintain the oil and grease interceptor or trap in accordance with the provisions of the oil/grease discharge certificate and this division.
- b. Failure to report significant changes in operations, or wastewater constituents and characteristics.
- c. Failure to maintain a file of records on-site at all times.
- d. Failure to maintain a record of pumping activities.

e. Failure to provide logs, files, records, or access for inspection or monitoring activities.

(2) Notice of violation response. Any food service facility issued a NOV shall respond to the City in writing within ten calendar days of receipt of the NOV describing how the non-compliance occurred and what steps will be taken to prevent the re-occurrence of the non-compliance. Escalating enforcement procedures, demand monitoring and other penalties will be applied when continuing non-compliance is detected, including, but not limited to, citation to District Court for violations of this division. If a food service facility violates or continues to violate the provisions set forth in this division or fails to initiate/complete corrective action in response to a NOV, then the City may pursue one or more of the following options:

- a. Contract with a permitted grease hauler to pump the grease interceptor and bill the appropriate charge to the food service facility concerned.
- b. Enter into an administrative order.
- c. Terminate service
- d. Citation to District Court.

(b) Recovery of costs. When a discharge of waste causes an obstruction, damage or any other impairment to the facilities, or any expense of whatever character or nature to the City, the Director of Public Works shall assess the expenses incurred by the City to clear the obstruction, repair damage to the facility, and any other expenses or damage of any kind or nature suffered by the City. The Director of Public Works shall file a claim with the user or any other user person or entity causing such damages seeking reimbursement for any and all expenses or damages suffered by the City. If the claim is ignored or denied, the Director of Public Works shall notify the City Attorney to take such measures as shall be appropriate to recover any expense or to correct other damages suffered by the City.

(c) Remedies nonexclusive. The remedies provided for in this division are not exclusive. The City may take any, all, or any combination of these actions against a user violating this division. Enforcement of violations will generally be in accordance with Section 16-97E of this ordinance; however, the City may take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any user in violation of this division.

Sec. 19. Amendment to Chapter 16 of the Municipal Code by amending Section 16-158 to read as follows:

Sec. 16-158. **Determination of charges.**

(a) The approving authority shall make sewer service charges to offset the cost of operation and maintenance, including replacement, and local capital costs, such as debt retirement, depreciation and previous years' operating debt, of its wastewater treatment facility, wastewater pumping stations and collection system. The sewer service charges shall consist of ~~a debt service charge, an administrative fee charge, replacement fee-~~ utility improvement charge, a meter or availability charge, a user usage charge, for operation and maintenance plus replacement, and a surcharge, non-compliance fine, a violation fine and a sump pump fee, if applicable. The costs shall be reviewed and the rates adjusted by the approving authority on an annual basis; except, if necessary, the rates may be adjusted more frequently. ~~Rate adjustments will be based upon the methodology presented in the sewer service charge system report.~~ The amounts of sewer service charges shall be kept on file at the office of the city clerk-treasurer.

Sec. 20. Amendment to Chapter 16 of the Municipal Code by amending Section 16-161(a) to read as follows:

Sec. 16-161. **Sewer rental charges—determination.**

(a) *Basis.* The sewer rental to be charged against property within the city supplied in whole or in part with water not obtained from the city shall be based upon the quantity of water used at each lot, parcel of land, building or premises, as the water is measured by the water meter there in use.

(c) *Measurement of discharge when noncity water source is used.* If any lot, parcel of land, building or premises discharging sanitary sewage, industrial wastes, water or other liquids into the sanitary sewer system of the city, either directly or indirectly, is supplied in whole or in part with water not obtained from the city, the owner or occupant of such property shall cause to be installed necessary metering equipment, as approved by the ~~city engineer~~Director of Public Works, to measure the quantity of water pumped or used, and the sewer rental charge shall be based on the quantity of water so measured. Whenever the owner, lessee or occupant fails to install such metering equipment, or where it is not practicable to measure the water consumed on any premises by a meter, the ~~city engineer~~Director of Public Works shall cause to be determined, in such manner and by such methods as may be practicable considering conditions and attendant circumstances in each case, the estimated volume of water from private sources which discharge into the sanitary sewer system of the city. Such estimate shall be used in lieu of the meter volume of water from private sources to determine the sewage rental charges therefor.

Sec. 21. Amendment to Chapter 16 of the Municipal Code by adding the following provisions and rate structure:

RATE SCHEDULE
SEWER SERVICE CHARGES

Sewer service charges will be billed for the following described items, as applicable to a given user, at rates set out on the Table of Sewer Rates set out as Exhibit A to this Rate Schedule.

1. Administration (Billing) Charge

A charge on each account for administration and billing costs.

2. Utility Improvement Charge

A fixed charge on each account for utility improvement.

3. Usage Charge (basic metered rate)

A user charge based on water usage, with one unit equal to 1,000 gallons or 100 cubic feet, which may alternatively be expressed as a rate.

4. Meter Charge

A fee charged per meter determined by the size of meter and units in service.

5. Surcharge

A fee charged users discharging waste in excess of normal domestic strength for that portion of waste above normal domestic strength.

6. Non-Metered Rates

A charge for those customers whose separate, individual flow is not metered or measured and must be estimated, and is determined by using a numerical representative average for the type of user or customer.

7. Non-Compliance Fine

A measure of calculated values that are outside the allowable values in the Industrial Wastewater Discharge Permit. This value is non-compliant and subject to procedures fines.

8. Violation Fine

An amount to recover the related cost per violation of the Sanitary Sewer Ordinances, or any contractual agreement or Wastewater Discharge Permit.

9. Sump Pump User Fee

Permitted sump pumps discharging ground water during winter months.

**EXHIBIT A TO RATE SCHEDULE – SEWER SERVICE CHARGES
TABLE OF SEWER RATES**

		2009	2010	2011	2012
1	Administration (Billing) Charge	\$2.26	\$2.35	\$2.44	\$2.54
2	Utility Improvement Charge	4.00	4.00	4.00	4.00
3	Usage Charge (basic metered rate)				
	1 Unit = 1,000 Gallons				
	Usage 0-1,200 units	1.37	1.85	2.32	2.90
	Usage > 1,200 units	2.11	2.84	3.56	4.45
	1 Unit = 100 Cubic Feet				
	Usage 0-1,605 units	1.02	1.38	1.74	2.17
	Usage > 1,605 units	1.58	2.12	2.66	3.33
4	Meter Charge				
	5/8 inch	9.25	12.00	14.81	18.00
	3/4 inch	13.88	18.00	22.22	27.00
	1 inch	23.13	30.00	37.03	45.00
	1.5 inch	46.25	60.00	74.05	90.00
	2.0 inch	74.00	96.00	118.48	144.00
	3.0 inch	148.00	192.00	236.96	288.00
	4.0 inch	231.25	300.00	370.25	450.00
	6.0 inch	462.50	600.00	740.50	900.00
5	Surcharge				
	BOD & TSS charge per pound over 250 mg/l				
	250mg/l – 299 mg/l	0.05	0.09	0.12	0.15
	300 mg/l – 399 mg/l	0.06	0.10	0.13	0.16
	400 mg/l – 499 mg/l	0.07	0.11	0.14	0.17
	500 mg/l – 599 mg/l	0.08	0.12	0.15	0.18
	600 mg/l – 699 mg/l	0.09	0.13	0.16	0.19
	Over 700 mg/l	0.10	0.14	0.17	0.20
	TKN per pound over 40 mg/l*	0.29	0.40	0.52	0.63
	TP per pound over 5 mg/l*	0.28	0.57	0.85	1.13
	Unpolluted water	\$100	\$100	\$100	\$100
6	Non-Metered Rates				
	Residential	\$28.14	\$35.00	\$41.87	\$50.00

	Commercial/Industrial **	46.21	57.49	68.76	82.12
	Eagle Lake	28.10	36.19	44.36	53.87
* Note charges only apply when TKN & TP removal are in place. ** Maximum charge; may be increased if City engineer Director of Public Works determines that flow and/or strength of sewage to be more than the average commercial/industrial user.					
7	Non-Compliance Fine				
	a. Maximum Day Loading		\$1,000 per day		
	b. Maximum Month Loading		\$5,000		
	c. Maximum 12-month rolling average		\$20,000		
	d. Instantaneous Maximum		\$1,000 per occurrence		
8	Violation Fine - \$100 to \$25,000				
9	Sump Pump Users Fee		\$10.00/month		

Sec. 22. **Effective Date.** This Ordinance shall be effective from and after its adoption and second publication.

This Ordinance introduced by Councilman: Christianson .
This Ordinance introduced on January 13, 2009 .
This Ordinance published on January 23, 2009 .
This Ordinance given a hearing on February 2, 2009 .
This Ordinance adopted on February 2, 2009 .
This Ordinance published on February 6, 2009 .