

TITLE V: PUBLIC WORKS

Chapter

50. SEWERS

51. REFUSE AND SOLID WASTE

52. WATER

CHAPTER 50: SEWERS

Section

Sewer Use

- 50.01 Purpose and policy
- 50.02 Definitions
- 50.03 Private wastewater disposal systems
- 50.04 Building sewers and connections
- 50.05 Main and lateral sewers
- 50.06 Protection from damage
- 50.07 Use of public sewers
- 50.08 Industrial discharge permit
- 50.09 Prohibitive discharge
- 50.10 Limitations on wastewater strength
- 50.11 Accidental and slug discharges
- 50.12 Monitoring
- 50.13 Pretreatment
- 50.14 Confidential information
- 50.15 Enforcement
- 50.16 Violations
- 50.17 Publication of significant violations

Sewer Service Charge System

- 50.30 Definitions
- 50.31 Establishment of a Sewer Service Charge System
- 50.32 Determination of sewer services charges
- 50.33 Sewer Service Fund
- 50.34 Administration
- 50.35 Violations
- 50.36 Conflicts and effective date

Sanitary Sewer Discharges

- 50.50 Purpose
- 50.51 Definitions and method
- 50.52 Disconnection
- 50.53 Inspection
- 50.54 Future inspections
- 50.55 Waivers
- 50.56 Violations
- 50.57 Effective date

SEWER USE

§ 50.01 PURPOSE AND POLICY.

(A) This subchapter repeals Ordinance No. 73 and sets forth uniform requirements for discharges into the city's Publicly Owned Treatment Works (POTW) and enables the city to comply with all state (Minnesota Pollution Control Agency) and federal (U.S. Environmental Protection Agency) laws. The objectives of this subchapter are:

(1) To prevent the introduction of pollutants into the POTW which shall interfere with the operation of the facilities or the use or disposal of the sludge;

(2) To prevent the introduction of pollutants into the POTW which shall pass through the system inadequately treated into receiving waters of the state or the atmosphere or otherwise be incompatible with the system; and

(3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system.

(B) This subchapter provides for the regulation of discharges into the city's wastewater disposal system through the issuance of permits to certain users and through enforcement of the general requirements for all users, authorizes monitoring and enforcement activities, provides for penalty relief, requires user reporting, and provides for the setting of fees necessary to carry out the program established herein.

(C) This subchapter shall apply to the city and to all persons outside the city who are, by contract or agreement with the city, users of the city wastewater disposal system.

(D) The city's ownership of water/sewer services ends at the corporation cock. The property owner is responsible for everything from corporation cock at the trunk line into the home.
(Ord. 149, passed 9-2-2003)

§ 50.02 DEFINITIONS.

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

ACT. The Federal Water Pollution Control Act, being 33 U.S.C. 1251 *et seq.* (Pub. L. No. 92-500), as it may be amended from time to time, and the Clean Water Act, being 33 U.S.C. 1251 *et seq.* (Pub. L. No. 95-217), as it may be amended from time to time.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter, in the presence of a nitrification inhibitor, under standard laboratory procedures in 5 days at 20EC expressed in terms of weight and concentration (milligrams per liter-mg/l).

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal.

CITY. The City of Avon or the City Council of Avon.

CHEMICAL OXYGEN DEMAND. The quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedure as set out in the latest edition of Standard Methods of the Examination of Water and Wastewater.

COMBINED SEWER. A sewer originally designed and currently designated to receive both surface water runoff and wastewater.

COOLING WATER. The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added to the water is heat.

DIRECTOR. The Superintendent of Public Works.

DOMESTIC WASTE. Wastes from residential users and from the sanitary conveniences of multiple dwellings, commercial buildings, institutions, and industrial facilities.

EPA. The U.S. Environmental Protection Agency.

FLOW. The quantity of wastewater expressed in gallons or cubic feet per 24 hours.

GARBAGE. Solid wastes resulting from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage of the meat, fish, fowl, fruit, vegetables, and condemned food.

GENERAL PRETREATMENT REGULATIONS. The general pretreatment regulations for existing and new sources of pollution promulgated by EPA under § 307(b) and (c) of the Act being, 33 U.S.C. § 1317(b) and (c) and found at 40 C.F.R. pt. 403, as they may be amended from time to time.

GROUNDWATER. Water beneath the surface that can be collected with wells, tunnels, or drainage galleries, or that flows naturally to the earth's surface via seeps or springs.

INDIRECT DISCHARGE. The introduction of pollutants or wastes into the POTW from any nondomestic source regulated under § 301(b), (c), or (d) of the Act, being, 33 U.S.C. § 1311(b), (c) or (d), as it may be amended from time to time.

INDUSTRIAL DISCHARGE PERMIT or PERMIT. A permit issued by the City of Avon to an industrial user to use the city's disposal system as established herein.

INDUSTRIAL WASTE. Solid, liquid, or gaseous wastes, including cooling water (except where exempted by a NPDES permit), resulting from any industrial, manufacturing, or business process, or from the development, recovery, or processing of a natural resource.

INDUSTRIAL USER. A source of indirect discharge.

INTERFERENCE. A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal and, therefore, is a cause of a violation of any requirement of the Avon POTW's NPDES permit or of the prevention of sewage sludge use or disposal with statutory provisions and regulations or permits.

MPCA. The Minnesota Pollution Control Agency.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. Any permit or requirements issued by the Minnesota Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*, as it may be amended from time to time; for the purpose of regulating the discharge of wastewater, industrial wastes, or other wastes under the authority of § 402 being, 33 U.S.C. § 1342 of the Act.

ORDINANCE. The set of rules contained herein governing the discharge of wastewater to the POTW.

OTHER WASTES. Other substances except wastewater and industrial wastes.

PERMITTEE. An industrial user authorized to discharge industrial waste into the city's POTW pursuant to an industrial discharge permit.

PERSON. The state or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission or any interstate body, and including any officer or governing or managing body of any municipality, governmental subdivision or public or private corporation, or other entity.

pH. The logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

PRETREATMENT. The process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing the pollutants into the city's wastewater disposal system. The reduction, elimination, or alteration may be obtained by physical, chemical, or biological processes, process changes or other means, except as prohibited by this subchapter.

PRETREATMENT STANDARDS. Standards for industrial groups (categories) promulgated by EPA pursuant to the Acts which regulate the quality of effluent discharge to publicly owned treatment works and must be met by all users subject to the standards.

PRIVATE DISPOSAL PERMIT. Permit required of a person other than single-family dwelling to construct a private wastewater disposal system.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 2 inch (1.27 cm) in any dimension.

PUBLIC UTILITY. The unit of municipal government and its people responsible for the operation of the POTW and this subchapter.

PUBLICLY OWNED TREATMENT WORKS (POTW). The treatment works as defined by § 212 being, 33 U.S.C. § 1291 of the Act, which is owned by the municipality (as defined by § 502(4) being, 33 U.S.C. § 1362 of the Act). This includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in § 502(4) being, 33 U.S.C. § 1362 of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

RULES. The waste discharge rules for the Avon disposal system contained herein.

SANITARY SEWER. A sewer intended to carry only liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.

SEWAGE SLUDGE. Solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant.

SEWER. A pipe or conduit for carrying wastewater, industrial waste, or other waste liquids.

SEWER CONTROL BOARD. The Mayor and the Superintendent of Public Works.

SEWER SYSTEM. Pipelines or conduits, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting wastewater.

SHALL. Is mandatory; **MAY** is permissive.

SIC. The Standard Industrial Classification Code (1972) issued by the Executive Office of the President, Office of Management and Budget, for use in the classification of establishments by types of business and the primary and economic activity engaged.

SIGNIFICANT INDUSTRIAL USER. All industrial users subject to categorical pretreatment standards under 40 C.F.R. pt. 403.6 and 40 C.F.R. Chapter I, Subchapter N, as they may be amended from time to time, and any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow down wastewater), contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or is designated as such by the control authority as defined in 40 C.F.R. pt. 403.12(a), as it may be amended from time to time, on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement in accordance with 40 C.F.R. pt. 403.8(f)(6), as it may be amended from time to time. If, upon finding that an industrial user meeting the criteria of this subdivision has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority, as defined in 40 C.F.R. pt. 403.12(a), as it may be amended from time to time, may, at any time, on its own initiative or in response to a petition received from an industrial user or POTW and in accordance with 40 C.F.R. pt. 403.8(f)(6), as it may be amended from time to time, determine that the industrial user is not a **SIGNIFICANT INDUSTRIAL USER**.

SLUG. Any waste discharge which, in concentration of any given constituent or in quantity of flow, exceeds 4 times the average 24-hour concentration or flow during normal operation which may by itself or in combination with other wastes cause an interference within the POTW.

STATE. The State of Minnesota or its designated agency, the Minnesota Pollution Control Agency (MPCA).

STORM SEWER. Sometimes termed **STORM DRAIN**, means a sewer which carries storm and surface water and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling or process water.

STORM WATER. Any flow occurring during or following any form of natural precipitation and resulting

there from.

SUMP PUMP. A pump for disposing of storm drainage.

SUSPENDED SOLIDS (SS) or TOTAL SUSPENDED SOLIDS (TSS). The total suspended matter that either floats on the surface or is in suspension in water, wastewater, or other liquids, and is removable by laboratory filtering as prescribed in *Standard Methods for the Examination of Water and Wastewater*, latest edition, and referred to as non-filterable residue.

TOTAL TOXIC ORGANICS. The summation of all values greater than 0.01 mg/l of toxic organics listed in § 307(A) being, 33 U.S.C. § 1317(a) of the Act, as it may be amended from time to time.

UNPOLLUTED WATER. Clean water uncontaminated by industrial wastes, other wastes, or any substance which renders the water unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety, or welfare, to domestic, commercial, industrial, or recreational use, or to livestock, wild animals, bird, fish, or other aquatic life.

USERS. Those residential, commercial, governmental, and institutional and industrial establishments which are connected to the public sewer collection system as defined in the Sewer Use Ordinance.

WASTE TRANSPORT HAULER. An industrial user who transports industrial or domestic waste for the purpose of discharge into the city POTW.

WASTEWATER. The spent water of a community, also referred to as **SEWAGE**. From the standpoint of source it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water, and storm water that may be present.
(Ord. 149, passed 9-2-2003)

§ 50.03 PRIVATE WASTEWATER DISPOSAL SYSTEMS.

(A) *Public sanitary sewer system not available.* Where a public sanitary or combined sewer is not available under the provision of § 50.07, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(B) *Private disposal permit.* Before commencement of construction of a private wastewater disposal system, other than for a single-family residence, the owner shall first obtain a written private disposal permit signed by the Sewer Control Board or its authorized agent. The application for the permit shall be made on a form furnished by the Sewer Control Board, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Sewer Control Board. A permit and inspection fee, as established by the City Council, shall be paid at the time the application is filed.

(C) *Effective date and inspection.* A permit for a private wastewater disposal system, other than for a single-family residence, shall not become effective until the installation is completed to the satisfaction of the Sewer Control Board. Employees of the city may inspect the work at any stage of construction, and the applicant for the permit shall notify the Sewer Control Board when the work is ready for final inspection, and no underground portions shall be covered before the final inspection is completed.

(D) *Compliance.* The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of the city and the State of Minnesota. No private wastewater disposal system employing subsurface soil absorption facilities shall be constructed where the area of the lot is less than 40,000 square feet, unless the owner presents evidence to the Sewer Control Board demonstrating that special conditions exist which assures the system shall meet the minimum standards of the Minnesota Individual Sewage Disposal System Code. No septic tank shall be permitted to discharge to any natural outlet.

(E) *Removal of private septic tanks.* At the time a connection is made to the public sewer, any septic tanks or other private wastewater disposal facilities shall be removed or have sediment removed and backfilled with suitable material approved by the Sewer Control Board.

(F) *Maintenance of private disposal facilities.* The owner shall effectively operate and continuously maintain the private wastewater disposal facilities in a sanitary, satisfactory, and effective manner at all times, at the owner's own expense.

(G) *Inspection and right of entry.* The employees of the city may enter upon any property having a private wastewater disposal system for the purpose of inspecting the system and making the other investigations and tests as are deemed necessary. Entry shall be made during the daylight hours unless abnormal or emergency circumstances require otherwise.

(H) *Laws and regulations.* The provisions of this section shall be in addition to any requirements established by applicable federal, state, or local laws and regulations and shall not be construed to relieve any liability or obligation imposed by the laws and regulations.

(I) *Permission for POTW.* Any person operating a private wastewater disposal system who wishes to discharge waste products to the Avon POTW resulting from the treatment of domestic wastewater only shall obtain permission from the Director prior to the discharge occurring.
(Ord. 149, passed 9-2-2003) Penalty, see § 10.99

§ 50.04 BUILDING SEWERS AND CONNECTIONS.

(A) No person, unless authorized, shall uncover, make any connections with, or disturb any public sewer or appurtenance thereof, except in accordance with the applicable provisions of the City Code as amended.

(B) (1) Pursuant to M.S. § 412.221, Subdivision 31, as it may be amended from time to time, the city may require the owner of any property abutting or adjacent to any street in which sewer or water mains have been laid to install a toilet in any dwelling or commercial establishment upon the property and may require the owner to connect the toilet to the sewer and/or water mains and to bear the cost of installation and connection (hook-up). If a property abutting or adjacent to any street in which sewer or water mains have been laid already has a toilet or toilets in the dwelling or commercial establishment upon the property, the city may require the owner to connect the toilet or toilets to the sewer and/or water mains, and to bear the cost of installation and connection (hook-up). Nothing in this division (B) prevents the city from requiring the installation and connection (hook-up) where a dwelling derives its water source from a well. If the property owner defaults, the city may provide for the installation of the toilet and/or connection to sewer and/or water mains and charge the cost against the property as a special assessment.

(2) The property owner shall bear all costs and expenses incident to the installation and connection of the building sewer. The owner shall indemnify and hold harmless the city from any loss or damage to the public sewer that may directly or indirectly be occasioned by the installation of the building sewer.
(Am. Ord. 151, passed 11-12-2003)

(C) A separate and independent building sewer shall be provided for every building, except where 1 building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, provided that the city shall require a written agreement between the property owners as to the share of the costs of construction and maintenance which each shall contribute.

(D) An owner may use old building sewers in connections with new buildings only when they are found, on examination and test by the city, to meet all requirements of this subchapter. The property owner shall bear all costs and expenses incident to examination and testing of the old building sewer by the city.

(E) The size, slope, alignment, materials of construction of a building sewer, and the method to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of Water Pollution Control Federation Manual of Practice No. 9, the Recommended Standards for Wastewater Facilities, otherwise known as the Ten-States Standards and applicable American Society of Testing and Materials (ASTM) standards shall apply.

(F) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, the building drain shall be provided with a lifting device approved by the Plumbing Inspector and discharged to the building sewer.

(G) No persons shall make connection of sump pumps, roof downspouts, exterior or interior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(H) The construction of the building sewer and its connection into the public sewer shall conform to the requirements of the building and plumbing code, the sewer specifications included herein, or other applicable rules and regulations and the procedures set forth in appropriate specifications of the Water Pollution Control Federation Manual of Practice No. 9, the Recommended Standards for Wastewater Facilities, otherwise known as the Ten-States Standards and the American Society for Testing and Materials (ASTM). All the construction shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Plumbing Inspector before installation.

(I) Employees of the city may inspect the work at any stage of construction and, in any event, the applicant for the connection shall notify the Plumbing Inspector and City Engineer when the work is ready for final inspection and no underground portions shall be covered before the final inspection is completed. The connection shall be made under the supervision of the Plumbing Inspector or his or her representative.

(J) Any new connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to, capacity for flow, BOD and suspended solids, as determined by the Sewer Control Board.
(Ord. 149, passed 9-2-2003) Penalty, see § 10.99

§ 50.05 MAIN AND LATERAL SEWERS.

(A) No person, unless authorized, shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance without first obtaining a written permit from the Sewer Control Board.

(B) No sanitary or storm sewers shall be constructed in the city (except house or building service sewers) except by the city or others authorized by the city. Any construction of sanitary or storm sewers shall be subject to inspection during construction by engineers and employees of the city. No sewers shall be considered to be a part of the public sewer system unless accepted by the city.

(C) The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling, and other work connected with the construction of sewers shall conform to the requirements of the city.

(Ord. 149, passed 9-2-2003) Penalty, see §10.99

§ 50.06 PROTECTION FROM DAMAGE.

No person shall maliciously, fully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the POTW.

(Ord. 149, passed 9-2-2003) Penalty, see §10.99

§ 50.07 USE OF PUBLIC SEWERS.

(A) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any wastewater or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.

(B) Except as set forth in §50.03, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

(C) The owner of any building or property which is located within the city, or in any area under the jurisdiction of the city, and from which wastewater is discharged, shall be required to connect to a public sewer at his or her expense within 90 days after service of official notice to do so, provided that the public sewer is reasonably available for connection. Additionally, if the building or property is used for human occupancy, employment, or recreation, the owner shall be required to install at the same time toilet facilities in accordance with the State Building Code and other ordinances of the city. The Sewer Control Board, or its designated agent, shall give the official notice, and shall be served upon the owner personally or by certified mail.

(D) In the event an owner shall fail to connect to a public sewer in compliance with a notice given under division (C) above, the city may undertake to have the connection made and shall assess the cost of the connection against the benefited property and the assessment shall be a lien against the property. The assessment, when levied, shall bear interest at the rate of 8% per annum and shall be certified to the auditor of the County in which the land is situated and shall be collected and remitted to the city in the same manner as assessments for local improvements. The rights of the city under this subdivision shall be in addition to any

other remedial or enforcement provisions of this subchapter.

(E) No person shall discharge or cause to be discharged directly or indirectly any storm water, surface water, groundwater, roof runoff, sub-surface drainage, sump pumps, unpolluted cooling or process water to any sanitary sewer unless there is no prudent and feasible alternative and unless as approved by the Sewer Control Board.

(F) Storm water and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or process water shall only be so discharged upon approval by the Sewer Control Board and the user may be required to obtain a NPDES permit by the MPCA.
(Ord. 149, passed 9-2-2003) Penalty, see § 10.99

§ 50.08 INDUSTRIAL DISCHARGE PERMIT.

(A) *Scope.* Industrial users, or other persons, discharging into the POTW shall obtain an industrial discharge permit pursuant to these rules if notified by the city. The criteria to be utilized by the Sewer Control Board or POTW to determine if an industrial discharge permit shall be required to include:

- (1) An average flow loading greater than 25,000 gallons per operating day;
- (2) A pollutant concentration of greater than 50% for 1 or more regulated pollutants (see § 50.10(F)) at the point of discharge;
- (3) Has properties in the discharge for it to be constituted a prohibited discharge;
- (4) Has been pretreated or passed through an equalization tank before discharge;
- (5) A hydraulic or organic loading greater than 5% of the average dry weather capacity of the POTW treatment plant;
- (6) An industrial process regulated by EPA categorical standards; or
- (7) Others as so designated by the POTW as defined in 40 C.F.R. pt. 403.12(a), as it may be amended from time to time.

(B) *Permit application.*

(1) *Existing significant industrial user.* An existing significant industrial user or other person who is required to obtain an industrial discharge permit shall complete and file with the POTW within 3 months of notification a permit application in a form obtained from the Director. The appropriate permit fee as listed in Appendix B to Ordinance 149 shall accompany the permit application form at the time of application. A user shall have 1 year from the date of notification by the city to have obtained an industrial discharge permit.

(2) *New significant industrial users.* All new significant industrial users proposing to connect or to commence a new discharge to the wastewater disposal system shall apply for an industrial discharge permit before connection to or discharging into the wastewater disposal system (POTW). The permit application may be obtained from the Director. No discharge into the POTW can commence until an industrial discharge permit is received unless the Director has ruled that:

- (a) An industrial discharge permit is not required; or
- (b) A discharge waiver is granted to commence discharge pending final action by the Sewer Control Board.

(C) *Incomplete or deficient application.* If the permit application is incomplete or otherwise deficient, the Director shall advise the applicant of the incompleteness or deficiency. An industrial discharge permit shall not be issued until an application is complete.

(D) *Issuance of industrial discharge permit.* Within 60 days after receipt of a completed application form from the industrial user, the Director shall, upon a determination that the applicant is capable of compliance with the industrial discharge permit conditions and these rules, issue an industrial discharge permit subject to the terms and conditions provided herein.

(E) *Permit conditions.* Industrial discharge permits shall be expressly subject to all provisions of this subchapter and all other applicable regulations, user charges, and fees established by the City Council. Permits shall contain the following:

- (1) A summary of the penalties and surcharges applicable for violations of the terms of permit as provided in § 50.16;
- (2) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW;
- (3) Limits on the average and maximum wastewater constituents and characteristics, either in terms of concentrations, mass limitations, or other appropriate limits;
- (4) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (5) Requirements for installation and maintenance on inspection and sampling facilities;
- (6) Requirements for access to the permittee's premises and records;
- (7) Requirements for installation, operation, and maintenance of pretreatment facilities (see § 50.13 on pretreatment);
- (8) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and self reporting schedule;
- (9) Compliance schedules;
- (10) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Director, and affording the Director access thereto;
- (11) Requirements for notification to the Director of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (12) Requirements for notification of slug discharges as provided in § 50.11;

(13) Requirements for the specific location, time, and volume of discharge to the POTW for waste transport haulers;

(14) The requirement for industrial discharge permit transfer as stated herein; and

(15) Other conditions as deemed appropriate by the city to ensure compliance with this subchapter.

(F) *Permit modification, suspension, and revocation.* An industrial discharge permit may be modified, suspended or revoked, in whole or in part, by the Sewer Control Board or city during its term for cause, including:

(1) Violation of these rules;

(2) Violation of any terms or conditions of the industrial discharge permit;

(3) Obtaining an Industrial discharge permit by misrepresentation or failure to disclose fully all relevant facts;

(4) Amendment of these rules;

(5) A change in the wastewater treatment process which results in the permittee's discharge having a significantly different and negative impact on the process;

(6) A change in the permittee's industrial waste volume or characteristics which the permittee knows or has reason to know shall or is likely to have, either singly or by interaction with other wastes, a negative impact on the treatment process; and

(7) A determination by the Director that the permittee's discharge reasonably appears to present an imminent endangerment to the health or welfare of persons, present an endangerment to the environment, or threaten interference with the operation of the POTW.

(G) *Time schedule for compliance.* Any modifications in the industrial discharge permit shall specify a reasonable time schedule for compliance.

(H) *Refund of permit fee on surrender or revocation.* A permittee may surrender an industrial discharge permit to the city prior to the permit's scheduled termination. In the event that a permit is surrendered or revoked, the permittee shall be refunded a pro rata portion of the permit fee paid.

(I) *Permit duration.* Permits shall be issued for a specified time period, not to exceed 5 years. The user shall apply for permit reissuance a minimum of 180 days prior to the permit's expiration date by filing with the POTW a permit reissuance application. The terms and conditions of the permit may be subject to modification by the Director during the term of the permit as limitations or requirements as identified in § 50.10 are modified or other just cause exists. The user shall be informed prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(J) *Permit transfer.* Industrial discharge permits are issued to a specific user at a specific location, for a specific operation, except in the case of waste transport haulers. An industrial discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Director. Any succeeding owner or user shall also comply with the terms and

conditions of the existing permit. In the event of a change in the entity owning the industrial discharge facilities for which there is an industrial discharge permit, the prior owner, if feasible, shall notify the POTW and the succeeding owner of the change in ownership and of the provisions of the industrial discharge permit and these rules. The new owner shall submit a new permit application or shall submit to the POTW an executed statement agreeing to be bound by the terms and conditions of the existing industrial discharge permit for the facility, in which case, upon consent of the POTW, the permit shall continue in effect until its expiration date.

(K) *Permit fees.* The industrial discharge permit fee for total waste (million gallons per year) for both initial and reissuance shall be in accordance with the City of Avon Fee Schedule. (Ord. 149, passed 9-2-2003)

§ 50.09 PROHIBITIVE DISCHARGE.

No person shall discharge or cause to be discharged, directly or indirectly, into the POTW any of the following:

(A) Any combustible, flammable or explosive solids, liquids, or gases which by their nature or quantity shall or are likely to cause either alone or by interaction with other substances a fire or explosion or be injurious to the POTW operations. At no time shall 2 successive readings on an explosimeter, at the point of discharge into the sewer system, be more than 5% nor shall there be any single reading over 10% of the Lower Explosive Limit (LEL), nor shall pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 C.F.R. pt. 261.21, as it may be amended from time to time. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, fuel oil, lubricating oil, benzene, toluene, xylene, ethers, alcohols, and ketones;

(B) Any solids or viscous substances which shall or are likely to cause obstruction to the flow in a sewer or interference with the operation of the wastewater treatment plant. These include grease, animal guts or tissues, bones, hair, hides or fleshings, entrails, feathers, ashes, sand, spent lime, stone or marble dust, metal, glass, grass clippings, rags, spent grains, waste paper, wood, plastic gar tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, glass grinding and polishing wastes;

(C) Any garbage not properly shredded, as defined in § 50.02. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food on the premises or when served by caterers;

(D) Any wastewater having a pH less than 5.0 or greater than 12.0 or having any corrosive property that shall or is likely to cause damage or hazard to structures, equipment, or employee of the public utility;

(E) Any alkaline wastewater which alone or with others shall or is likely to cause an elevated pH in the treatment plant influent so as to result in an inhibiting effect on the biological process or encrustation to the sewer;

(F) Any wastewater containing toxic or poisonous pollutants in sufficient quantity, either singly or by interaction with other pollutants, that shall or is likely to cause interference or constitute a hazard to humans. (A toxic pollutant shall include but not be limited to any pollutant identified pursuant to § 307(a) being, 33 U.S.C. § 1317(a) of the Act.);

(G) Any noxious or malodorous solids, liquids, or gases, which either singly or by interaction with other wastes, shall or are likely to create a public nuisance or hazard to life or prevent the entry of utility employees

into a sewer for its monitoring, maintenance, and repair;

(H) Any wastewater which shall or is likely to cause excessive discoloration in treatment plant effluent;

(I) Wastes, other than domestic wastes, that are infectious before discharging into the sewer;

(J) Any sludge from an industrial pretreatment facility except as provided in § 50.13;

(K) Heat in amounts which shall or is likely to inhibit biological activity in the treatment plant resulting in interference or causing damage to the treatment plant, but in no case heat in the quantities that the industrial user's waste temperature is greater than 65°C (150°F) at its point of discharge to the sewer system, or heat causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 40°C (104°F);

(L) Any wastewater containing fat, wax, grease or oil in excess of 100 mg/l that shall or is likely to solidify or become viscous at temperatures between 0°C and 65°C and which shall or is likely to cause obstruction to the flow in sewers or other interference to the POTW, including petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin;

(M) Any slug discharged in the volume or strength which a person knows or has reason to know shall or is likely to cause interference in the POTW;

(N) Any substance which shall cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards;

(O) Any substance which may cause the POTW's effluent or any other product of the wastewater treatment process such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the wastewater disposal system cause the system to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state standards applicable to the sludge management method being used;

(P) Any wastewater containing inert suspended solids (including lime slurries and lime residues) or dissolved solids (including sodium chloride) in the quantities that shall or is likely to cause interference with the POTW;

(Q) Radioactive wastes or isotopes of such a half-life or concentration that they are in noncompliance with standards issued by the appropriate authority having control over their use and which shall or are likely to cause damage or hazards to the POTW or employees operating it;

(R) Any hazardous waste, unless prior approval has been obtained from the Director;

(S) Any waste generated outside the area served by the POTW without prior approval of the Director;

(T) Any unpolluted water, including cooling water, rain water, storm water or groundwater, unless there is no other prudent or feasible alternative; and/or

(U) Any trucked or hauled wastes or pollutants, except at discharge points designated by the POTW. (Ord. 149, passed 9-2-2003) Penalty, see § 10.99

§ 50.10 LIMITATIONS ON WASTEWATER STRENGTH.

(A) *Federal pretreatment standards.* Federal pretreatment standards and general regulations promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users which are subject to the standards in any instance where they are more stringent than the limitations in this subchapter unless the Director has applied for, and obtained from the MPCA, approval to modify the specific limits in the federal pretreatment standards. In all other respects, industrial users subject to pretreatment standards shall comply with all provisions of these rules and any permit issued thereunder, notwithstanding less stringent provisions of the general pretreatment regulations or any applicable pretreatment standard.

(B) *State requirements.* State requirements and limitations on discharges shall be met by all users which are subject to the standards in any instance in which they are more stringent than federal requirements and limitations or those in this subchapter.

(C) *City's right of revision.* The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this subchapter.

(D) *Dilution.* No user shall increase the use of process water, or in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in any local or state requirements or federal pretreatment standards.

(E) *Removal credits and variances.*

(1) If the POTW achieves consistent removal of pollutants limited by federal pretreatment standards, the city may apply to MPCA for modification of specific limits of the EPA pretreatment standards. The city shall modify pollutant discharge limits applicable to an industrial user in the pretreatment standards if the requirements contained in 40 C.F.R. pt. 403.7 of the General Pretreatment Regulations, as it may be amended from time to time, relating to credits for the removal of pollutants are fulfilled and approval from MPCA is obtained. However, nothing herein shall be construed to require the city to apply to MPCA for removal credits nor shall it be construed to in any way limit the applicability of the limitations provided in division (F) below, in the event that such a removal credit is granted, except as provided in division (A) above.

(2) The city shall recognize and enforce the conditions allowed for by variances from pretreatment standards for fundamentally different factors as granted by EPA to individual industrial users in accordance with 40 C.F.R. pt. 403.13 of the General Pretreatment Regulations, as it may be amended from time to time.

(3) The Director shall notify all affected industrial users of the applicable pretreatment standards, their amendments, and reporting requirements in accordance with 40 C.F.R. pt. 403.12 of the General Pretreatment Regulations, as it may be amended from time to time. A compliance schedule a part of the industrial discharge permit shall be developed between the Sewer Control Board and the industrial user to ensure that the industrial user complies with local, state, and federal limitations in a timely manner as provided by the same section of the General Pretreatment Regulations.

(F) *Supplementary limitations.* No person, except as authorized pursuant to a compliance schedule in a permit, shall discharge or cause or allow to be discharged, directly or indirectly, into the POTW any of the following waste pollutants containing concentrations in excess of the following maximum limitations for any operating day:

<i>Pollutant</i>	<i>Maximum Allowable Concentration* (mg/l)</i>
Arsenic	0.13
Cadmium	0.091
Chromium, Total	2.28
Copper	2.76
Cyanide, Total	3.11
Lead	0.79
Mercury	0.016
Molybdenum	0.11
Nickel	0.75
Selenium	0.19
Silver	0.56
Zinc	4.23
<p>NOTES TO TABLE: * Based on a 24-hour flow proportional composite sample of a total facility discharge to the Avon POTW.</p>	

(G) *Special agreements.* No statement contained in this section, except as promulgated by the EPA as stated in division (A) above, shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern, in accordance with applicable ordinances and any supplemental agreement with the city.

(H) *Pretreatment standards notification.* The Director shall notify all affected industrial users of the applicable pretreatment standards, their amendments, and reporting requirements in accordance with 40 C.F.R. pt. 403.12 of the General Pretreatment Regulations, as it may be amended from time to time. A compliance schedule shall be developed between the POTW and the industrial user to ensure that the industrial user complies with local, state, and federal limitations in a timely manner as provided by the same section of the General Pretreatment Regulations.

(I) *Reports.* Reports specified in 40 C.F.R. pt. 403.12 of the General Pretreatment Regulations, as it may be amended from time to time, shall be submitted to the POTW by affected users.
(Ord. 149, passed 9-2-2003) Penalty, see § 10.99

§ 50.11 ACCIDENTAL AND SLUG DISCHARGES.

(A) *Prevention of accidental and slug discharges.* All industrial users shall provide adequate protective procedures to prevent the accidental discharge of any waste prohibited in §50.09 any waste in excess of the limitations provided in § 50.10(F), or any waste in violation of an applicable pretreatment standard.

(B) *Accidental discharge.*

(1) Accidental discharges of prohibited waste into the POTW, directly or through another disposal system, or to any place from which the waste may enter the POTW, shall be reported to the office of the Director of Public Utility by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of the discharge. The notification shall not relieve users of liability for any expense, loss or damage to the wastewater disposal system or treatment process, or for any fines imposed on the city on account thereof under any state or federal law. The responsible person shall take immediate action as is reasonably possible to minimize or abate the prohibited discharge.

(2) The responsible person shall send a letter describing the prohibited discharge to the Director within 7 days after obtaining knowledge of the discharge. The letter shall include the following information:

- (a) The time and location of the spill;
- (b) Description of the accidentally discharged waste, including estimate of pollutant concentrations;
- (c) Time period and volume of wastewater discharged;
- (d) Actions taken to correct or control the spill; and
- (e) A schedule of corrective measures to prevent further spill occurrences.

(C) *Slug discharge.* In the event that an industrial user discharges a slug in the volume or strength that the industrial user knows or has reason to know it shall cause interference in the POTW, the industrial user shall immediately report the same to the Director. Within 7 days thereafter, the industrial user shall send a letter to the Director describing the slug as specified under accidental discharge. After such a discharge, a plan is required to prevent additional slug or accidental discharges. This plan shall contain the following at a minimum:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedure for promptly notifying the POTW of slug discharges as defined under 40 C.F.R. pt. 403.5(b), as it may be amended from time to time, and § 50.09 of this subchapter, with procedures for follow-up written notification within 5 days;
- (4) Procedures necessary to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, and worker training;
- (5) Any necessary measures for building containment structures or equipment;

- (6) Any necessary measures for controlling toxic organic pollutants (including solvents);
- (7) Any necessary procedures and equipment for emergency response; and
- (8) Any necessary follow-up practices to limit the damage suffered by the POTW or the environment. (Ord. 149, passed 9-2-2003) Penalty, see § 10.99

§ 50.12 MONITORING.

(A) *Monitoring facilities.* When required by the city's permit, the permittee of any property services by a building sewer carrying industrial wastes shall install a suitable control structure, together with the necessary meters and other appurtenances in the building sewer to facilitate observation sampling, flow measurement, and measurement of the wastes. The structure and equipment when required shall be constructed at the owner's expense in accordance with plans approved by the city and shall be maintained by the owner so as to be safe and accessible at all times. The monitoring facility should normally be situated on the user's premises, but the Director may when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed elsewhere.

(B) *Flow measurement.*

(1) A permittee, when required by permit, shall install and maintain a flow measurement device for instantaneous rate and/or cumulative flow volume determinations. Metered water supply may be used in lieu of flow measurement devices if it can be documented that the water usage and waste discharge are the same, or where a measurable adjustment to the metered supply can be made to determine the waste volume.

(2) Meters and flow records shall be maintained at the permittee's expense in good operating condition at all times. The permittee shall notify the Director in writing within 5 days in the event that the permittee becomes aware that the meter or flow recorder has failed to accurately register the flow. The permittee shall also notify the Director of the permittee's intention to alter the installation of a meter or flow recorder so as to affect the accurate recording of industrial waste entering the POTW.

(C) *Self-monitoring analyses.*

(1) All measurements, tests, and analyses of the characteristics of water and wastes as outlined in the permit shall be determined in accordance with guidelines established in 40 C.F.R. pt. 136 and 40 C.F.R. pt. 403.12(g) of the General Pretreatment Regulations, as they may be amended from time to time.

(2) Representative samples of a permittee's industrial waste shall be collected on a normal operating day and in accordance with guidelines listed in industrial user's permit. Industrial users subject to pretreatment standards shall sample in accordance with the pretreatment standards. Self-monitoring point(s) for industrial users who are not subject to pretreatment standards shall be at a location and at a frequency as specified in the permit.

(D) *Self-monitoring reports.*

(1) A condition of the industrial user's permit shall include the completion and submittal of accurate routine self-monitoring reports to the Director in a form subscribed to by the Director. The nature and frequency of routine reporting shall be based upon the requirements specified by the user's permit application form. Except in the case of waste transport haulers, reports shall be required as follows:

- (a) Less than 1 million gallons total waste discharged per year, semi-annually;
- (b) Between 1 and 10 million gallons, quarterly; and
- (c) Greater than 10 million gallons, bi-monthly.

(2) The Director may modify the above reporting schedule for a particular permittee based on the permittee's industrial waste characteristics. Permittees subject to pretreatment standards shall submit reports to the POTW in accordance with the applicable pretreatment standards.

(E) *Inspection and sampling.*

(1) The city may conduct the tests as are necessary to enforce this subchapter, and employees of the city may enter upon any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to the enforcement. Entry shall be made during operating hours unless circumstances require otherwise. In all cases where tests are conducted by the city for the purpose of determining whether the user is in compliance with regulations, the cost of the tests shall be charged to the user and added to the user's sewer charge. In those cases where the city determines that the nature or volume of a particular user's wastewater requires more frequent than normal testing, the city may charge the user for the tests, after giving the user 10 days written notice of its intention to do so, and the cost thereof shall be added to the user's sewer charge.

(2) Duly authorized employees of the city, MPCA, and EPA bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this subchapter. Those employees shall have no authority to inquire into any processes except as is necessary to determine the kind and source of the discharge to the POTW. While performing the necessary work on private properties referred to in this division (E), the authorized employees of the city shall observe all safety rules applicable to the premises established by the company.

(3) Duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW lying within the easement. All entry and subsequent work, if any, on the easement shall be done in all accordance with the terms of the easement pertaining to the private property involved.

(F) *Testing procedures.* Testing procedures for the analysis of pollutants for permit applications and routine self-monitoring shall conform to the guidelines established in 40 C.F.R. pt. 136 and 40 C.F.R. pt. 403.12(g) of the Federal Pretreatment Regulations, as they may be amended from time to time.

(G) *Report and monitoring discrepancies.* A permittee shall be notified in writing by the Director of a significant discrepancy between the permittee's routine, self-monitoring records and the POTW's monitoring results within 30 days after the receipt of the reports and monitoring results. The permittee shall then have 10 working days to reply in writing to the notification. If mutual resolution of the discrepancy is not achieved, additional sampling shall be performed by the city employees. Samples may be split between the permittee's laboratory or agent and the POTW's laboratory for analysis.

(H) *Wastewater discharge records.* Wastewater discharge records of a permittee shall be kept by the permittee for a period of not less than 3 years. The permittee shall provide the Director reasonable access to

these records during normal business hours. A permittee, subject to an applicable pretreatment standard, shall maintain all records required by 40 C.F.R. pt. 403.12(n) of the General Pretreatment Regulations, as it may be amended from time to time.

(Ord. 149, passed 9-2-2003)

§ 50.13 PRETREATMENT.

(A) Compliance with standards.

(1) Where pretreatment, flow equalizing facilities, or interceptors are provided for any water or wastes, they shall be effectively operated and maintained continuously in satisfactory and effective condition by the owner at his or her expense, and shall be available for inspection by the city employees at all reasonable times.

(2) Industrial users shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Industrial users as required by their industrial discharge permit shall submit to the Director for review detailed plans showing the pretreatment facilities at least 60 days prior to initiation of construction. The Director shall approve the industrial user's pretreatment plans if it appears that the proposed pretreatment facility is capable of meeting all applicable limitations.

(3) The Sewer Control Board's review and approval shall in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of these rules. Any subsequent modifications in the pretreatment facilities which shall result in a substantial change in discharge shall be reported to be approved by the Director upon a determination that the modified facility is capable of meeting all applicable limitations, prior to the modification of the existing facility.

(4) Residual solids from a pretreatment facility shall not be disposed, directly or indirectly, into the POTW without prior written approval from the Director. The disposal method shall be in accordance with local, state and federal requirements. The Director shall be notified in writing within 10 days of any substantial changes in the residual solids disposal procedures and/or characteristics.

(B) Trap installations. Grease, oil, and sand traps shall be provided for the proper discharge of waste containing excessive amounts of grease, oil, or sand. All trap installations shall be regularly cleaned and maintained for adequate performance.

(Ord. 149, passed 9-2-2003) Penalty, see § 10.99

§ 50.14 CONFIDENTIAL INFORMATION.

(A) Information and data on a user obtained from reports, questionnaires, permit applications, permits, monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Director that the release of the information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

(B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this subchapter, the NPDES Permit, State

Disposal System Permit, and/or the Pretreatment Programs; provided, however, that the portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information.

(C) Information accepted by the Director as confidential, shall not be transmitted to any governmental agency or to the general public by the Director until and unless a 10-day notification is given to the user. (Ord. 149, passed 9-2-2003)

§ 50.15 ENFORCEMENT.

(A) *Remedies available.*

(1) The Director may suspend the sewer system service and/or an industrial discharge permit when the suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or to the POTW, or would cause the city to violate any condition of its NPDES or state disposal system permit. Any user notified of a suspension of the sewer system service and/or the industrial discharge permit shall immediately stop the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the Director shall take the steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW or endangerment to any individuals. The Director shall reinstate the industrial discharge permit and/or the sewer system service upon proof of the elimination of the noncomplying discharge.

(2) A detailed written statement submitted by the user describing the causes of the slug or accidental discharge and the measures taken to prevent any future occurrence shall be submitted to the Director within 5 working days of the date of occurrence.

(B) *Revocation of permit.* In accordance with the procedures of this section, the Director may revoke the permit of any user which fails to factually report the wastewater constituents and characteristics of its discharge; which fails to report significant changes in wastewater constituents or characteristics; which refuses reasonable access to the user's premises for the purpose of inspection or monitoring; or for violation of conditions of its permit, this subchapter, or applicable state and federal regulations.

(C) *Notification of violation.* Whenever the Director finds that any person has violated or is violating this subchapter, industrial discharge permit, or any prohibition, limitation, or requirement contained herein, the Director may serve upon the person a written notice stating the nature of the violation. Within 10 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.

(D) *Show cause hearing.*

(1) *Notice of hearing.* If the violation is not corrected by timely compliance, the Director may order any user which causes or allows an unauthorized discharge to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 14 days before the hearing. Service may be made on any agent or officer of a corporation.

(2) *Hearing officials.* The City Council may itself conduct the hearing and take the evidence, or may designate any of its members, administrative law judge, or any officer or employee of the (assigned Department) to:

(a) Issue in the name of the city notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearings;

(b) Take the evidence; and

(c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.

(3) *Transcripts.* At any hearing held pursuant to this subchapter, testimony taken must be under oath and recorded. The transcript, so recorded, shall be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

(4) *Issuance of orders.* After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(E) *Legal action.* If any person discharges wastewater, industrial wastes, or other wastes into the city's wastewater disposal system contrary to the provisions of this subchapter, federal or state pretreatment requirements or any order of the city, the City Attorney may commence an action for appropriate legal and/or equitable relief.

(Ord. 149, passed 9-2-2003)

§ 50.16 VIOLATIONS.

(A) *Administrative fines.*

(1) Notwithstanding any other section of this subchapter, any user who is found to have violated any provision of this subchapter, or permits and orders issued hereunder, shall be fined in an amount not to exceed \$1,000 per violation.

(2) Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

(3) The assessments may be added to the user's next scheduled sewer service charge and the City Finance Director shall have the other collection remedies as he or she has to collect other service charges.

(4) Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property.

(5) Industrial users desiring to dispute the fines must file a request for the City Finance Director to reconsider the fine within 10 days of being notified of the fine.

(6) Where the City Finance Director believes a request has merit, the City Finance Director shall

convene a hearing on the matter within 30 days of receiving the request from the industrial user.

(B) *Criminal penalties.* Any person violating this subchapter shall be guilty of a misdemeanor.

(C) *Costs.* In addition to the penalties provided herein, the city may recover court costs, court reporter's fees and other expenses of litigation by an appropriate action against the person found to have violated this subchapter or the orders, rules, regulations, and permits issued hereunder.

(D) *Costs of damage.* Any person violating any of the provisions of this subchapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of the violation. The Director may add to the user's charges and fees the costs assessed for any cleaning, repair, or replacement work caused by the violation or discharge. Any refusal to pay the assessed costs shall constitute a violation of this subchapter.

(E) *Falsifying information.* Any person who knowingly makes false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this subchapter, or industrial discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this subchapter, shall upon conviction, be punished by a fine or by imprisonment, or by both.

(Ord. 149, passed 9-2-2003) Penalty, see § 10.99

§ 50.17 PUBLICATION OF SIGNIFICANT VIOLATIONS.

(A) Public notification shall occur at least annually in the official daily newspaper published in the municipality in which the POTW is located all industrial users which, at any time during the previous 12 months, were in significant violation of applicable pretreatment standards or pretreatment requirements.

(B) For the purpose of this provision, an industrial user is in significant violation if its violations meet 1 or more of the following:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken during a 6-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of all the measurements taken during a 6-month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC (TRC = 1.4 for BOD, SS, fats, oil and grease and TRC = 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Director believe has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW employees or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment and has resulted in the POTW's exercise of its emergency authority under 40 C.F.R. pt. 403.8 (F)(1)(vii)(b), as it may be amended from time to time, to halt or prevent such a discharge;

(5) Violation, by 90 days or more after the schedule date, of a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide required reports such as baseline monitoring reports, periodic self-monitoring reports, and reports on compliance with compliance schedules, within 30 days of the due date;

(7) Failure to accurately report noncompliance; and/or

(8) Any other violation or group of violations which the Director considers to be significant.
(Ord. 149, passed 9-2-2003)

SEWER SERVICE CHARGE SYSTEM

§ 50.30 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of the following terms, as used in this subchapter, shall have the meanings hereafter designated (other definitions that may apply can be found in § 50.02).

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter, in the presence of a nitrification inhibitor, under standard laboratory procedures in 5 days at 20EC expressed in terms of weight and concentration (milligrams per liter-mg/l).

CAPITAL IMPROVEMENTS. Improvements not properly categorized as operation and maintenance, or replacement. ***CAPITAL IMPROVEMENTS*** include that portion of the plant constructed for reserve capacity; that portion of repairs to the existing collection system attributable to oversizing for future growth; and extensions of the existing collection system to serve future growth areas. ***CAPITAL IMPROVEMENTS*** also include reconstruction of the existing plant or portions thereof after it has reached its useful service life, and reconstruction of portions of the collection system that have reached their useful lives.

CITY. The area within the corporate boundaries of the City of Avon, as presently established or as amended by ordinance or other legal actions at a future time. When used herein, the term ***CITY*** may also refer to the City Council or its authorized representative.

COLLECTION SYSTEM or ***PUBLIC WASTEWATER COLLECTION SYSTEM.*** The system of sanitary sewers, manholes, pumping stations, force mains, and appurtenances used to convey wastewater to the plant.

CONTRACT USERS. Those users who because of their wastewater volume, wastewater strength, or need to obtain a wastewater discharge permit, are required to execute a separate agreement with the city for the collection and treatment of wastewater.

CURRENT CAPACITY. The portion of the plant which is necessary to serve the users currently connected to the system. ***CURRENT CAPACITY*** is further defined as 0.422 MGD average flow.

DEBT SERVICE. The principal and interest necessary to repay bonded indebtedness, or other indebtedness, for construction of the current capacity portion of the plant, which is necessary to serve the users currently connected to the system.

DESIGN CAPACITY. The total capacity of the plant, including both current capacity and reserve capacity.

Design capacity is further defined as 0.6 MGD average flow, or 1.5 MGD peak flow.

EXTRA STRENGTH WASTE. Wastewater having a BOD and/or TSS concentration greater than 250 mg/, and not otherwise classified as an incompatible waste.

GENERAL USERS. Those users who are not required to execute a separate agreement with the city for collection and treatment of wastewater.

INCOMPATIBLE WASTE. Waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in the receiving waters of the Wastewater Disposal System.

MGD. A flow rate measured in terms of millions of gallons per day.

NORMAL DOMESTIC STRENGTH WASTEWATER (NDSW). Wastewater that is primarily produced by residential users, with BOD concentrations not greater than 250 mg/l and suspended solids concentrations not greater than 250 mg/l.

OPERATION AND MAINTENANCE. Activities required to provide for the dependable and economical functioning of the Wastewater Disposal System throughout its design or useful life, whichever is longer, and at the level of performance for which the system was constructed. **OPERATION AND MAINTENANCE** includes administrative tasks such as billing, bookkeeping, accounting, contract administration, and enforcement activities; and also includes coordination with MPCA, sampling and laboratory testing, and engineering assistance.

PLANT or TREATMENT PLANT. The Main Pumping Station located at 208 Second Street Northeast, including the junction manhole, gravity sewer lines from the junction manhole to the pumping station, metering structure, diversion manhole, bar screen pit, pumping station and control building, abandoned units associated with the original Sewage Treatment Plant, grounds, entrance road, storage areas, appurtenances, and including the entire forcemain from the Main Pumping Station to its discharge point.

REPLACEMENT or EQUIPMENT REPLACEMENT. Obtaining and installing of equipment, accessories, or appurtenances which are necessary during the design life or useful life, whichever is longer, of the Wastewater Disposal System to maintain the capacity and performance for which the works were designed and constructed.

RESERVE CAPACITY. The portion of the plant which has been provided for future growth. **RESERVE CAPACITY** is intended to serve future growth. **RESERVE CAPACITY** is intended to serve future users both within and outside the current city limits, and is further defined as 0.3 MGD average flow, or 0.75 MDG peak flow.

SANITARY SEWER. A sewer intended to carry only liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.

SEWER HOOKUP CHARGE. A connection charge to be paid by a future user at the time of connection to the collection system, as authorized by M.S. §444.075, Subdivision 5, as it may be amended from time to time.

SEWER SERVICE CHARGE. The aggregate of user charges, charge for debt service and capital improvement, and other sewer related charges that are billed periodically to users of the city's Wastewater

Disposal Facilities.

SEWER SERVICE CHARGE SYSTEM. A system of rates or charges whereby all revenue collected from users of the Wastewater Disposal Facilities will be used to offset costs incurred for operation and maintenance, replacement, debt service, and capital improvements.

SEWER SERVICE FUND. A fund established to receive all revenues generated under the Sewer Service Charge System, and all other income dedicated to the operation and maintenance, replacement, debt service, and capital improvements associated with the Wastewater Disposal System.

SHALL. Is mandatory; **MAY** is permissive.

SUSPENDED SOLIDS (SS) or TOTAL SUSPENDED SOLIDS (TSS). The total suspended matter that either floats on the surface or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater, latest edition, and referred to as non-filterable residue.

USER CHARGE. A charge levied on users of the Wastewater Disposal System for the user's proportionate share of the costs of operation and maintenance, and replacement.

USERS. Those residential, commercial, governmental, and institutional and industrial establishments which are connected to the public sewer collection system as defined in the Sewer Use Ordinance.

WASTEWATER. The spent water of a community, also referred to as sewage. From the standpoint of source it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water, and storm water that may be present.

WASTEWATER DISCHARGE PERMIT. A permit required of users who meet the criteria outlined in § 4.20.8 of the Sewer Use Code, as it may be amended from time to time.

WASTEWATER DISPOSAL SYSTEM or WASTEWATER DISPOSAL FACILITIES. Individually or collectively all parts and facilities of the collection system, the plant, and all appurtenances; the entire Sanitary Sewer System owned and operated by the City of Avon.
(Ord. 149A, passed 9-2-2003)

§ 50.31 ESTABLISHMENT OF A SEWER SERVICE CHARGE SYSTEM.

(A) The City of Avon shall establish a Sewer Service Charge System as defined herein which contains a rate structure whereby users shall contribute to the cost of constructing and operating the Wastewater Disposal System on an equitable basis.

(B) Users contributing normal domestic strength wastewater to the system shall pay for operation and maintenance, and replacement costs in proportionate contribution to the amount of flow contributed.

(C) Users contributing extra strength waste to the system shall pay, in addition to the charges for normal domestic strength wastewater as outlined in division (B) above, a surcharge in proportion to the amount of extra strength waste contributed.

(D) Users shall pay for debt service as defined herein on the basis of an assessment to be levied against the property connected to the system or, in the case of a contract user, as outlined in the agreement executed between the user and the city.

(E) Users who do not connect to the system until after the assessments for debt service have been levied, shall pay a sewer hook-up charge as established by the City Council.

(F) The Sewer Service Charge System developed in accordance with the provisions of this subchapter, shall be adopted by ordinance of the City Council, shall be published in the official newspaper, and shall become effective upon publication. Subsequent changes in the rate structure outlined in the Sewer Service Charge System shall be adopted by ordinance of the City Council and shall be published in the official newspaper.

(G) Revenues collected in accordance with the Sewer Service Charge System shall be deposited in a separate fund known as the Sewer Service Fund.
(Ord. 149A, passed 9-2-2003) Penalty, see § 10.99

§ 50.32 DETERMINATION OF SEWER SERVICES CHARGES.

(A) (1) Users of the Avon Wastewater Disposal Facilities shall be identified as belonging to 1 of the following user classes:

- (a) General user; or
- (b) Contract user.

(2) Users shall be considered general users unless the City Council has determined that a particular user should be subject to a separate agreement with the city in accordance with the following criteria:

- (a) Users who discharge a flow volume greater than 75,000 gallons per day on an annual basis;
- (b) Users who discharge extra strength waste; and
- (c) Users who are otherwise required to obtain an industrial discharge permit in accordance with § 50.08.

(B) Determination of unit costs for plant operation and maintenance, and replacement costs attributable to the normal domestic strength wastewater shall be as set forth below:

- (1) Determine annual budget for plant operation and maintenance, equipment, replacement;
- (2) Deduct those budget costs associated with extra strength waste which are to be billed separately as a surcharge; and
- (3) Divide the remaining budget costs by the estimated total plant flow to obtain a unit cost in \$/gallon of treated wastewater.

(C) Determination of unit costs for extra strength waste where the city has determined the waste is being contributed shall be as set forth below:

(1) Determine the proposed budget costs for plant operation, maintenance, and equipment replacement; apply 1/3 to flow, 1/3 to BOD, and 1/3 to suspended solids; and determine the unit costs for all three variables; and

(2) Apply the unit cost for BOD and/or suspended solids to that portion of the user's discharge exceeding 250 mg/l as a surcharge to be billed in addition to the charge for normal domestic strength wastewater.

(D) Determination of unit costs for collection system operation and maintenance shall be as set forth below.

(1) Unit costs for general users for collection system operation and maintenance shall be determined as follows:

(a) Determine annual budget for collection system operation and maintenance;

(b) Deduct those budget costs applicable to contract users as determined below; and

(c) Divide the remaining budget costs by the total plant flow minus that flow attributable to contract users to obtain the unit cost for collection system operation and maintenance.

(2) Unit costs for contract user's for collection system operation and maintenance shall be determined as follows:

(a) Determine those budget costs applicable to each contract user annually by multiplying the percentage of the collection system used by the ratio of contract user's flow to total plant flow, and multiply this product by the total collection system operation and maintenance budget; and

(b) Divide the applicable budget costs by the contract user's flow to obtain the unit cost for collection system operation and maintenance.

(E) Billable flows shall be measured as follows.

(1) Billable flows for general users shall be obtained by measuring the metered potable water usage during October, November, and December of each calendar year. Readings for these 3 months shall be used to determine the quarterly flow for the following calendar year.

(2) Billable flows for contract users shall be obtained by measuring the metered potable water usage during October, November, and December of each calendar year unless the agreement between the contract user and the city provides for monthly potable water measurement or for direct wastewater measurement. If fourth quarter water meter readings are used as outlined above, the readings for these three months shall be used to determine the quarterly flow for the following calendar year. If monthly potable water readings are used or if wastewater flows are measured directly, the billable flow shall be determined on the basis of these measurements as set forth in the agreement.

(F) Where it is determined that extra strength waste is being discharged, BOD and suspended solids shall be measured according to a program established by the city in accordance with latest edition of Standard Methods for the Examination of Water and Wastewater, and in accordance with the Sewer Use Ordinance.

(G) The city may, at its discretion, require non-residential users to install wastewater flow meters or the

additional potable water meters as may be necessary to determine wastewater volume. Where a residential user is not connected to city water, city may require the user to install a water meter for the purpose of determining wastewater flow. When so required, the meter shall be of a type approved by the city and shall be equipped with a remote registering recorder located at an accessible site on the owner's property.

(H) Assessments levied to cover debt service shall be based on an equitable distribution of costs as approved by the City Council.

(I) (1) The sewer hookup charge shall be based on an equitable formula including the replacement cost of the then existing Wastewater Disposal Facilities and the amount of past individual assessments levied to finance construction of the facilities.

(2) The sewer hook-up charge may be adjusted from time to time by ordinance of the City Council, and separate charges may be established for various types of users as deemed appropriate by the city.

(3) Sewer hook-up charges shall be paid to the City Clerk/Administrator in full prior to connection to the system.

(4) Upon receipt, the charges shall be deposited in the capital improvement account.
(Ord. 149A, passed 9-2-2003)

§ 50.33 SEWER SERVICE FUND.

(A) (1) The City of Avon hereby establishes a Sewer Service Fund as an income fund to receive all revenues generated by the Sewer Service Charge System, and all other income dedicated to the operation, maintenance, replacement, and construction of the Wastewater Disposal System, including taxes, special charges, fees, hook-up charges, and assessments intended to retire construction debt.

(2) The city also establishes the following accounts as income and expenditure accounts within the Sewer Service Fund.

(a) *Plant Operation and Maintenance Account.* This shall be the account used for all costs associated with the annual operation and maintenance of the plant facilities.

(b) *Equipment Replacement Account.* This shall be the account used for all costs associated with replacement of fixed and portable equipment associated with plant operation.

(c) *Collection System Operation and Maintenance Account.* This shall be the account used for all costs associated with the annual operation and maintenance of the collection system.

(d) *Debt Service Account.* This shall be the account used for the annual principal and interest costs necessary to retire indebtedness on the plant construction.

(e) *Capital Improvement Account.* This shall be the account used for the annual principal and interest costs necessary to retire indebtedness for future improvements of a general benefit to the city or to a specific service area. This account shall also serve as a sinking fund for planned improvements.

(B) All revenue generated by the Sewer Service Charge System, and all other income pertinent to the Wastewater Disposal System, including taxes and special assessments dedicated to retire construction debt, shall

be held by the Clerk/Administrator separate and apart from all other funds of the city. Funds received by the Sewer Service Fund shall be transferred to the appropriate accounts in accordance with state and federal regulations and the provisions of this subchapter.

(C) Revenue generated by the Sewer Service Charge System sufficient to insure adequate replacement throughout the design or useful life, whichever is longer, of the plant shall be held separate and apart in the Equipment Replacement Account and dedicated to affecting replacement costs. Interest income generated by the Equipment Replacement Account shall remain in the Equipment Replacement Account.

(D) Revenue generated by the Sewer Service Charge System sufficient for operation and maintenance shall be held separate and apart in the appropriate Operation and Maintenance Account.
(Ord. 149A, passed 9-2-2003)

§ 50.34 ADMINISTRATION.

(A) *Generally.* The Sewer Service Charge System and Sewer Service Fund shall be administrated according to the following provisions.

(B) *Specifically.*

(1) (a) The City Clerk/Administrator shall maintain a proper system of accounts suitable for determining the costs set forth in § 50.33(A), and shall furnish the City Council with a report of the costs annually in July.

(b) The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement, and management of the Wastewater Disposal System, and whether sufficient revenue is being generated for debt retirement. The Council will also determine whether the user charges are distributed proportionately to each user in accordance with § 50.31(B) and § 204(b)(2)(A) of the Federal Water Pollution Control Act, as it may be amended from time to time.

(c) The city shall thereafter, but not later than the end of the year, reassess, and as necessary revise the Sewer Service Charge System then in use to insure the proportionality of the user charges and to insure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.

(2) In accordance with federal and state requirements, each user will be notified annually in conjunction with a regular billing of that portion of the Sewer Service Charge attributable to operation, maintenance, and replacement.

(3) In accordance with federal and state requirements, the City Clerk/Administrator shall be responsible for maintaining all records necessary to document compliance with the Sewer Service Charge System adopted.

(4) Bills for Sewer Service Charges shall be rendered monthly succeeding the period for which the service was rendered and shall be due 20 days from the date of rendering. Any bill not paid in full 20 days after the due date will be considered delinquent. At that time the city shall notify the delinquent owner/occupant in writing regarding the delinquent bill and subsequent penalty. The penalty shall be computed as 1% of the original bill and shall be increased the same 1% for every month the bill is outstanding.

(5) The owner of the premises, shall be liable to pay for the service to the premises, and the service is furnished to the premises by the city only upon the condition that the owner of the premises is liable therefore to the city.

(6) Any additional costs caused by discharges to the Wastewater Disposal System of toxics or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs, and sludge disposal, shall be borne by the discharger(s) of the wastes, at no expense to the city.

(Ord. 149A, passed 9-2-2003)

§ 50.35 VIOLATIONS.

(A) Any person violating any of the provisions of this subchapter shall be guilty of a criminal offense, punishable as a misdemeanor as defined by city ordinance and state law.

(B) Each and every sewer service charge levied by and pursuant to this subchapter is hereby made a lien upon the lot or premises served, and all the charges which are on October of each year past due and delinquent, shall be certified to the County Auditor as taxes or assessments on the real estate. Nothing in this subchapter shall be held or construed as in any way stopping or interfering with the right of the city to levy taxes or assessments against any premises affected any delinquent or past due sewer service charges.

(C) As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect the amounts as are delinquent and due against the occupant, owner, or user of the real estate, and shall collect as well all attorney's fees incurred by the city in filing the civil action. The attorney's fees shall be fixed by order of the court.

(D) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing of civil action, the owner or user of the real estate being serviced by the Wastewater Disposal System shall be liable for interest upon all unpaid balances at the rate of 12% per annum.

(Ord. 149A, passed 9-2-2003) Penalty, see § 10.99

§ 50.36 CONFLICTS AND EFFECTIVE DATE.

(A) The Sewer Service Charge System shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of § 204(b)(1)(A) of the Act and 40 C.F.R. pt. 35.2140 of the Environmental Protection Agency's grant regulations, as they may be amended from time to time.

(B) This subchapter shall be in full force and take effect from and after its passage and approval and publication as provided by law.

(Ord. 149A, passed 9-2-2003)

SANITARY SEWER DISCHARGES

§ 50.50 PURPOSE.

In adopting this subchapter, the City Council finds that the discharging of water from any roof, surface ground, sump pump, footing tile, or swimming pool, other natural precipitation into the city sewerage system will and has on numerous occasions in the past, flooded and overloaded the sewerage system to such an extent as to cause significant and grave damage to the property of large numbers of city residents.
(Ord. 120, passed 10-3-1994)

§ 50.51 DEFINITIONS AND METHOD.

(A) No water from any roof, surface, ground, sump pump, footing tile, swimming pool, or other natural precipitation shall be discharged into the sanitary sewerage system.

(B) Dwellings and other buildings and structures which require, because of the infiltration of water into basements, crawl spaces, and the like, a sump pump system to discharge excess water, shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewerage system, except as provided herein.

(C) A permanent installation shall be one which provides for year round discharge capability to either the outside of the dwelling, building, or structure, or is connected to the city storm sewer or discharges through the curb and gutter to the street.

(D) It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge, and if connected to the city storm sewer line include a check valve.
(Ord. 120, passed 10-3-1994) Penalty, see § 10.99

§ 50.52 DISCONNECTION.

(A) Before 4-1-1995, any person, firm, or corporation having a roof, surface, ground, sump pump, footing tile, or swimming pool now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove same.

(B) Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective, workable manner, as approved by the Public Works Supervisor.
(Ord. 120, passed 10-3-1994) Penalty, see § 10.99

§ 50.53 INSPECTION.

(A) Every person owning improved real estate that discharges into the city's sanitary sewer system shall allow an employee of the City of Avon or their designated representative to inspect the buildings to confirm that there is no sump pump or other prohibited discharging into the sanitary sewer system. In lieu of having the city inspect their property, any person may furnish a certificate from a licensed plumber certifying that their property is in compliance with this subchapter.

(B) Any person refusing to allow their property to be inspected or refusing to furnish a plumber's certificate within 14 days of the date city employee(s) or their designated representatives are denied admittance to the property, shall immediately become subject to the surcharge hereinafter provided for. Any property found to violate this subchapter shall make the necessary changes to comply with this subchapter and furnish proof of the changes to the city by 4-1-1995.
(Ord. 120, passed 10-3-1994)

§ 50.54 FUTURE INSPECTIONS.

At any future time, if the city has reason to suspect that an illegal connection may exist in a premises, the owner, by written notice shall comply with the provisions of § 50.53.
(Ord. 120, passed 10-3-1994)

§ 50.55 WAIVERS.

(A) The City Public Works Supervisor shall have the power and duty of hearing and deciding requests for waivers from the applicability of the provisions of this subchapter where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration or cause a safety problem.

(B) Application for waivers pursuant to this subchapter shall be addressed in writing to the City of Avon Public Works Supervisor. The application shall at a minimum identify the property for which the waiver is being applied for, the name of the property owner/applicant, and describe in detail what characteristics of the subject property create an undue hardship. Within a reasonable time, the City Public Works Supervisor shall make its order deciding on the matter and serve a copy of the order upon the applicant by mail. Upon approval of an application for a waiver, a property owner shall be allowed to temporarily pump directly into the sanitary sewer system between the dates October 15 and April 1.
(Ord. 120, passed 10-3-1994)

§ 50.56 VIOLATIONS.

(A) A surcharge of \$100 per month is hereby imposed and added to every sewer billing mailed on and after 4-1-1995, to property owners who are not in compliance with this subchapter.

(B) The surcharge shall be added every month through October 1995, until the property is in compliance.

(C) 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 this subchapter.
(Ord. 120, passed 10-3-1994) Penalty, see § 10.99

§ 50.57 EFFECTIVE DATE.

This subchapter shall be effective from and after its adoption and publication.
(Ord. 120, passed 10-3-1994)

CHAPTER 51: REFUSE AND SOLID WASTE

Section

- 51.01 Policy
- 51.02 Purpose and intent
- 51.03 Definitions
- 51.04 Prohibiting collection
- 51.05 Approval of contractor
- 51.06 Exclusive use
- 51.07 Rates and billing
- 51.08 Containers
- 51.09 Mandatory separation of refuse and solid waste
- 51.10 Separation requirements
- 51.11 Times and places for collection and pick-up of refuse
- 51.12 Unlawful deposit
- 51.13 Assessments
- 51.14 Violations
- 51.15 Enabling statute
- 51.16 Effective date

§ 51.01 POLICY.

It is the policy of the City of Avon to provide the citizens of the city the most ecologically sound method of waste disposal possible at a reasonable cost.
(Ord. 124, passed 6-1-1998)

§ 51.02 PURPOSE AND INTENT.

It is the purpose of this chapter to provide the residents, businesses, and commercial establishments of the City of Avon, the approved solid waste collector and local governmental officials with uniform mandatory rules for the collection of refuse and solid waste and recycling of usable materials. It is the intent of the city to comply with and work within the framework of state and county ordinances or laws in effect, and as amended from time to time, in the regulation of solid waste collection and the mandatory recycling of usable materials.
(Ord. 124, passed 6-1-1998)

§ 51.03 DEFINITIONS.

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

BULKY WASTE. A large appliance, piece of furniture, or waste material from the source other than construction debris or hazardous waste with a weight or volume greater than appropriate or allowed for in waste containers. **BULKY WASTE** does not include tires, batteries, waste oil, or yard and garden material.

COMPOSTABLE GARBAGE. Compostable materials, including books, cardboard, catalogs, magazines, cereal boxes, disposable diapers, food packaging, food scraps, paper bags, paper milk containers, pop and beer cartons, scrap paper, and putrescible animal or vegetable waste, resulting from the handling, preparation, cooking, servicing, or consumption of food and including food containers. **COMPOSTABLE GARBAGE** shall also include any other specifically defined items of property from time to time designated as such by ordinance of the City Council.

CONSTRUCTION DEBRIS. Waste building materials resulting from construction, remodeling, repair, or demolition operations.

CONTRACTOR OR SOLID WASTE COLLECTOR. The individual, firm, partnership, joint venture, corporation, or association performing refuse collection and disposal and recyclable collection and disposal under contract with the city.

HAZARDOUS WASTE. Waste designated as hazardous by the United States Environmental Protection Agency or appropriate state agency.

INDUSTRIAL WASTE. Waste that is generated by business or industry.

LANDFILL MATERIAL. Refers to and includes air filters, automobile parts, building materials, carpet and carpet pads, coat hangers, dishes, fiberglass, furniture, garden-hydraulic hose, broken bottles/glass, window glass, hard plastics, ice cream pails, empty paint pails, plumbing fixtures, styrofoam, twine and banding, aerosol cans, clothing, fluorescent light bulbs, light bulbs, and other specifically defined items of property from time to time designated as such by ordinance of the City Council.

RECYCLABLES. Recyclable materials including aluminum cans, brown paper sacks, unbroken glass bottles, newspapers, plastic bottles, plastic jugs, scrap aluminum, and tin cans. **RECYCLABLES** shall also include any other specifically defined items of property from time to time designated as such by ordinance of the City Council.

REFUSE AND SOLID WASTE. Discarded waste materials in a solid or semi-liquid state including but not limited to recyclables, compostable garbage, landfill materials, tires, batteries, yard waste, bulky wastes, waste oil, and construction debris.

RESIDENCE. All occupied single-family residences, multiple residential unit, apartments, mobile homes, mobile home parks, and residential nursing homes.

YARD WASTE. Organic plant materials including leaves, trees, branches, twigs, stumps, roots, trunks, garden waste, and grass clippings.
(Ord. 124, passed 6-1-1998)

§ 51.04 PROHIBITING COLLECTION.

It shall be unlawful for any person, firm, or corporation to collect residential garbage, rubbish, refuse, or solid waste, in the City of Avon, Minnesota, without first entering into a written contract with the City Council of Avon, Minnesota. No more than 1 contractor or solid waste collector shall be permitted to do residential refuse collection within the city limits at any 1 time.
(Ord. 124, passed 6-1-1998) Penalty, see § 10.99

§ 51.05 APPROVAL OF CONTRACTOR.

(A) Any person, firm, or corporation desiring to collect garbage, rubbish, refuse, or solid waste in the City of Avon shall make application for the same to the City Clerk/Administrator.

(B) The application shall, at a minimum, contain the following:

- (1) The application shall set forth the name and address of the applicants;
- (2) A list of the equipment which the applicant proposes to use in the collection;
- (3) A schedule of proposed pick-up dates;
- (4) Rates to be charged; (rates are governed by M.S. § 115A.93, Subdivision 3, as it may be amended from time to time, that requires charges for collection to increase with the volume or the weight of the waste collected);
- (5) The application shall then be submitted to the City Council for their investigation and approval;
- (6) If the application is approved by the City Council, the applicant shall deposit with the City Clerk/Administrator a performance bond in the penal sum of at least \$10,000 conditioned that the applicant will faithfully and continuously provide the refuse and solid waste collection service specified in the application; and
- (7) Each approved contractor shall provide equipment so constructed that the contents will not leak or spill therefrom. The equipment shall be kept clean and as free from offensive odors as possible, and shall not be allowed to stand in any street, alley, or public place longer than is reasonably necessary to collect refuse.
(Ord. 124, passed 6-1-1998)

§ 51.06 EXCLUSIVE USE.

Every householder or occupant of any dwelling house, boarding house, apartment house, mobile home, or any other place of residence must avail themselves of the services of the city approved contractor or solid waste collector. Further, all non-residential places, such as businesses and commercial places must avail themselves of the service of the city approved contractor. In the event the contractor shall not be able to properly dispose of the refuse or solid waste generated by any business or commercial place, the place of business may apply to the city for an exemption in order to be able to use a different contractor for the items.
(Ord. 124, passed 6-1-1998) Penalty, see § 10.99

§ 51.07 RATES AND BILLING.

(A) The residential rate for collection services for residences and residential units shall be set by ordinance of the City Council as adopted from time to time. The residential rate includes the collection of recyclables, compostable garbage, and landfill materials. Any sales tax will be charged over and above the weekly rate.

(B) Each residence within the city limits will be billed by the contractor for collection services once each month or quarter, as approved by ordinance of the City Council. Residences having multiple units such as duplexes, apartment buildings, mobile home parks, and the like, will be billed per unit being occupied and will be billed to the owner of the real estate on which the units are located. The residential rate will be charged regardless of whether or not refuse is left for collection. Any residence or unit not actually occupied for a period of at least 3 weeks may apply to the city for a rebate for a period of time the residence or unit is not occupied. Further, they shall give 1 week's notice to the city prior to the time the residence is not to be occupied.

(C) All others, including businesses and commercial places, and all residences used to provide care for the young or the elderly as a business on a regular basis, shall be billed by the contractor at a rate and in a manner agreed upon in advance by the city approved contractor and the owner or operator of the business establishment. (Ord. 124, passed 6-1-1998)

§ 51.08 CONTAINERS.

(A) All refuse and solid waste must be presented for collection in proper closed bags as required by the collector or covered re-usable containers.

(B) Metal or cardboard barrels are not acceptable containers.

(C) All containers must be watertight.

(D) Newspapers and magazines shall be bundled and securely tied. (Ord. 124, passed 6-1-1998) Penalty, see § 10.99

§ 51.09 MANDATORY SEPARATION OF REFUSE AND SOLID WASTE.

(A) *Generally.* All persons, corporation, business entities, and commercial establishments within the city limits of the City of Avon, Minnesota shall be responsible for the separation of their refuse in the following categories.

(B) *Categories.*

- (1) Recyclables;
- (2) Compostable garbage;
- (3) Landfill materials;
- (4) Construction debris;

- (5) Yard and garden waste;
- (6) Tires;
- (7) Batteries (other than flashlight batteries);
- (8) Waste oil; and
- (9) Bulky waste.

(Ord. 124, passed 6-1-1998) Penalty, see § 10.99

§ 51.10 SEPARATION REQUIREMENTS

All compostable garbage shall be separated in such a manner as to be free of all other categories of refuse; all recyclables shall be separated in such a manner as to be free of any other category of refuse; and all landfill materials shall be separated in such a manner as to be free of any and all other categories of refuse. All recyclables shall be covered and protected from the weather.

(Ord. 124, passed 6-1-1998) Penalty, see § 10.99

§ 51.11 TIMES AND PLACES FOR COLLECTION AND PICK-UP OF REFUSE.

(A) All compostable garbage, recyclables, and landfill materials shall be set curbside of the times and dates as prescribed from time to time by the City Council by ordinance.

(B) The city shall give written notice, whether by a newspaper article or otherwise, of the dates and times of pick-up for the various categories of refuse to be collected by the contractor.

(C) All re-usable containers must be removed from curbside as soon as possible after pick-up.
(Ord. 124, passed 6-1-1998) Penalty, see § 10.99

§ 51.12 UNLAWFUL DEPOSIT.

No person, corporation, business entity, or commercial establishment shall bring refuse or solid waste into the city for disposal or otherwise.

(Ord. 124, passed 6-1-1998) Penalty, see § 10.99

§ 51.13 ASSESSMENTS.

(A) Although the occupier of the individual residence or the owner of the multiple unit residences or mobile home park is considered to be the party primarily responsible for payment of any collection fees charged by the city, the service is considered to benefit the real property occupied by the consumer. Therefore, in the event of non-payment by the consumer or person or business billed, unpaid charges shall be assessed against the property served.

(B) On or before August 1 of each year, the City Clerk/Administrator shall provide to the City Council, a

list of unpaid user fees for each dwelling or residential unit, and each separate lot or parcel of real estate to which charges are attributable under this chapter. The City Council, by ordinance, shall then spread the unpaid user fees against the benefited property as a special assessment: pursuant to Minnesota law. The City Clerk/Administrator shall, prior to September 1 of each year, certify the list of unpaid user fees to the County Auditor or collection along with the current taxes in the following year, in a single installment. The assessment for each unpaid user fee shall include a penalty of 10% of the amount thereof and the total shall bear interest at a rate not exceeding the amount set by law.
(Ord. 124, passed 6-1-1998)

§ 51.14 VIOLATIONS.

(A) Any person, firm, corporation, entity, business, or commercial establishment violating the provisions of this chapter shall be guilty of a misdemeanor and in addition the city may terminate collection services for any person violating the provisions of this chapter. A contractor need not collect and take into his or her possession any refuse that is not separated or set out for collection in accordance with the terms of this chapter. Further, the weekly charge for collection will still be billed as provided for herein. Unacceptable refuse must be properly sorted as soon as possible and placed for collection and not allowed to accumulate.

(B) Each day on which the violation continues shall constitute a separate offense.
(Ord. 124, passed 6-1-1998) Penalty, see § 10.99

§ 51.15 ENABLING STATUTE.

The City of Avon implements this chapter pursuant to M.S. § 115A.94, Organized Collection, as it may be amended from time to time, and the city has complied with the requirements of the statutory authority in implementing and enacting this chapter.
(Ord. 124, passed 6-1-1998)

§ 51.16 EFFECTIVE DATE.

This chapter shall become effective 30 days after its publication in the St. Cloud Times.
(Ord. 124, passed 6-1-1998)

CHAPTER 52: WATER

Section

General Provisions

- 52.01 General operation
- 52.02 Use of water service
- 52.03 Use to circumvent chapter prohibited
- 52.04 Damage to water system
- 52.05 Connections beyond city boundaries
- 52.06 Connection to system required; use of private wells
- 52.07 Use of water for air conditioning; permits
- 52.08 Use of water from fire hydrants; temporary connections
- 52.09 Water deficiency, shut off and use restrictions

Water Regulations

- 52.25 Supply from one service
- 52.26 Tapping of mains restricted
- 52.27 Repairs
- 52.28 Abandoned or unused services
- 52.29 Disconnection permit
- 52.30 Service pipes
- 52.31 Excavation and construction requirements
- 52.32 Connection to other water supplies restricted
- 52.33 Water connections; applications and charges
- 52.34 Location of curb stop box
- 52.35 Water meters

Rates and Charges

- 52.50 Water unit
- 52.51 Rates, fees and charges generally
- 52.52 Water service billing; change of address
- 52.53 Water rates
- 52.54 Payment of charges; late payment; collection

Administration and Enforcement

- 52.70 Supervision by Utilities Superintendent; licensing
- 52.71 Powers and authority of inspectors
- 52.72 Discontinuance of service
- 52.73 Authorized employees to turn water on and off
- 52.74 Liability for expense, loss or damage

GENERAL PROVISIONS

§ 52.01 GENERAL OPERATION.

The city does hereby make provision for the establishment of a municipal water system (hereinafter called the water system) to be operated as a public utility.

§ 52.02 USE OF WATER SERVICE.

No person other than a city employee shall uncover or make or use any water service installation connected to the city water system except in the manner provided by this chapter. No person shall make or use any installation contrary to the regulatory provisions of this chapter.

Penalty, see § 10.99

§ 52.03 USE TO CIRCUMVENT CHAPTER PROHIBITED.

No person shall permit water from the water system to be used for any purpose to circumvent this chapter.

Penalty, see § 10.99

§ 52.04 DAMAGE TO WATER SYSTEM.

(A) No unauthorized person shall remove or damage any structure, appurtenance, or part of the water system or fill or partially fill any excavation or move any gate valve used in the water system.

(B) No person shall make any connection of an electrical welder to the city water main, appurtenance or service or use an electric welder for the purpose of thawing frozen water mains, appurtenances or services.

Penalty, see § 10.99

§ 52.05 CONNECTIONS BEYOND CITY BOUNDARIES.

Where water mains of the city are in any street or alley adjacent to or outside the corporate limits of the city, the City Council may issue permits to the owners or occupants of properties adjacent or accessible to the water main to make proper water service pipe connections with the water mains of the city and to be supplied with water in conformity with the applicable provisions of this chapter and subject to any contract for the supply of water between the city and any other city.

Penalty, see § 10.99

**§ 52.06 CONNECTION TO SYSTEM
REQUIRED; USE OF PRIVATE WELLS.**

(A) Except where municipal water is not available, it shall be unlawful to construct, reconstruct, or repair any private water system which is designed or intended to provide water for human consumption. Private wells, to provide water for other than human consumption, may be constructed, maintained and continued in use after connection is made to the water system; provided, there is no means of cross-connection between the private well and municipal water supply at any time. Hose bibbs that will enable the cross-connection of the 2 systems are prohibited on internal piping of the well system supply. Where both private and city systems are in use, outside hose bibbs shall not be installed on both systems.

(B) All new homes or buildings shall connect to the municipal water system if water is available to the property. At the time as municipal water becomes available to existing homes or buildings, a direct connection shall be made to the public system within a period of time as determined by the City Council. If the connection is not made pursuant to this chapter, a charge shall be made in an amount established by the city's fee schedule.

(C) Where new homes or buildings do not have water available to the property, the city shall determine whether and under what conditions the municipal water system will be extended to serve the property.

(D) If the well is not to be used after the time a municipal water connection is made:

(1) The well pump and tank shall be disconnected from all internal piping;

(2) The casing shall be filled with sandy soil from the bottom to a point 8 feet from the top;

(3) The remaining 8 feet shall be filled with concrete to the floor level and the well casing cut off as close to the floor level as possible;

(4) Within 30 days after the municipal water connection is made, the owner or occupant must advise the City Utilities Superintendent that the well has been sealed.

(5) Notwithstanding the foregoing, all well abandonment shall be done in accordance with M.S. §§ 103I.301 to 103I.345 and Minn. Rules Ch. 4725, Wells and Borings, as it may be amended from time to time. Penalty, see § 10.99

**§ 52.07 USE OF WATER FOR AIR
CONDITIONING; PERMITS.**

(A) All air conditioning systems which are connected directly or indirectly with the public water system must be equipped with water conserving and water regulating devices as approved by the City Engineer or City Utilities Superintendent.

(B) Permits shall be required for the installation of all air conditioning systems to the public water system. The fee shall be established pursuant to the city's fee schedule. Penalty, see § 10.99

**§ 52.08 USE OF WATER FROM FIRE
HYDRANTS; TEMPORARY CONNECTIONS.**

(A) *Use of fire hydrants.* Except for extinguishment of fires, no person, unless authorized by the Public Works Director or Public Utilities Department, shall operate fire hydrants or interfere in any way with the water system without first obtaining a permit to do so from the city as follows:

(1) A permit to use a fire hydrant shall be issued for each individual job or contract and for a minimum of 30 days and for the additional 30-day period as the city shall determine. The permit shall state the location of the hydrant and shall be for the use of that hydrant and none other.

(2) The user shall make an advance cash deposit to guarantee payment for water used and to cover breakage and damage to the hydrant and meter, which shall be refunded upon expiration of the permit, less applicable charges for use.

(3) The user shall relinquish the use of the hydrant to authorized city employees in emergency situations.

(4) The user shall pay a usage charge as established pursuant to the city's fee schedule for each day including Sundays and legal holidays for each 1,000 gallons of water used.

(B) *Temporary connection to fire hydrants.* An owner of a private water system may make a temporary above ground connection to a fire hydrant, subject to the time periods, conditions, and payment specified in the city's fee schedule. In addition, the method of connection to the private system shall conform to all existing requirements of this chapter and city ordinance and the type of meter used shall meet the approval of the Utilities Superintendent.

Penalty, see § 10.99

**§ 52.09 WATER DEFICIENCY, SHUT OFF AND
USE RESTRICTIONS.**

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

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

(2) That if any bill is not paid by midnight of the due date specified by the city for the respective account, they shall receive a 10% penalty on the unpaid balance;

(3) That accounts 60 days or more past due shall receive a notice delivered either by the Avon Police Department or the United States Postal Service giving the account holder until the due date to bring the account (current balance including penalties) up to date;

(4) That accounts still left unpaid will have a 24-hour shutoff notice delivered to their door by the City Sewer/Water Department;

(5) Should the account still be left unpaid, water will be shut off; and

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

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 60 days.

(C) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in an amount set by the City Council.

WATER REGULATIONS

§ 52.25 SUPPLY FROM ONE SERVICE.

No more than 1 housing unit or building shall be supplied from one service connection except by permission of City Council. Each unit served shall have a separate water meter.
Penalty, see § 10.99

§ 52.26 TAPPING OF MAINS RESTRICTED.

No person, except persons authorized by the City Council, shall tap any distributing main or pipe of the water supply system or insert stopcocks or ferrules therein.
Penalty, see § 10.99

§ 52.27 REPAIRS.

(A) *Determination of need for repairs.* Based on the information supplied by the property owner or available to the city, the city will make a determination whether a problem exists in that portion of the service which is the city's responsibility. If the problem, appears to exist in the areas for which the city has no responsibility, the private owners will be responsible for correction of the problem.

(B) *Thawing of water services.* The city will attempt to thaw water services on request of the resident. If the problem is found within that portion of the service for which the private owner is responsible, the private owner thereafter will be responsible for thawing the service and correction of the problem.

(C) *Excavation or repair of water service.*

(1) The city will arrange for the investigative digging up and repair of any water service where the

problem apparently exists within that area for which the city has responsibility.

(2) Unless it is clearly evident, however, that the problem is the responsibility of the city, the excavation and repair will not be made until the property owner requests the city in writing to excavate or repair the service and agrees to pay the cost.

(3) The owner further agrees to waive public hearing and be special assessed the cost of the excavation and repair if the problem is found to be other than the city's responsibility. The city will make the determination for responsibility of the cost of investigation or repair.

(4) The matter of whether the dig up is done by city forces or contracted would depend on the urgency or need of repair and the availability of city forces to do the work. Recovery by the city for faulty construction will depend upon the circumstances and the decision of the City Attorney on the likelihood of recovery.

(D) *Failure to repair.* In case of failure upon the part of any consumer or owner to repair any leak occurring in his or her service pipe within 24 hours after verbal or written notice thereof, the water may be turned off by the city and shall not be turned on until the leak has been repaired and a fee pursuant to the city's fee schedule has been paid to the city.

Penalty, see § 10.99

§ 52.28 ABANDONED OR UNUSED SERVICES.

(A) If the premises served by water have been abandoned, or if the service has not been used for 1 year, then the service shall be shut off at the curb stop box by the city and the water meter will be removed.

(B) When new buildings are erected on the site of old ones, and it is desired to increase or change the old water service, no connections with the mains shall be made until all the old service has been removed and the main taps plugged or yoked connections installed by the city at the owner's expense.

Penalty, see § 10.99

§ 52.29 DISCONNECTION PERMIT.

A permit must be obtained to disconnect from the existing water service leads at the curb stop box. The fee for the permit shall be set pursuant to the city's fee schedule.

Penalty, see § 10.99

§ 52.30 SERVICE PIPES.

Every service pipe shall be laid so as to allow at least 1 foot of extra length in order to prevent rupture by settlement. The service pipe must be placed no less than 7 feet below the ground and in a manner as to prevent rupture by freezing. Service pipes must extend from the curb stop box to the inside of the building, or if not taken into the building, then to the hydrant or fixtures which it is intended to supply. Type K copper tubing shall be used from the main to the standpipe shut off. From the standpipe shut off to the home, polyethylene piping (200 psi with brass compression fittings with pipe liners) or an equivalent, may be used as an alternative to copper. All services over 2 inches shall be ductile or cast iron. All underground joints are to be mechanical, except joints under floors shall be silver soldered, unless otherwise approved by the Utilities Superintendent.

Joints shall be kept, to a minimum, with not more than 1 joint used for service for each 70 feet in length. Splicing may be approved with 3-piece unions only. All joints and connections shall be left uncovered until inspected by the Utilities Superintendent and tested at normal water line pressure. Unions must be 3-part type. All services over 2 inches shall be cast iron. Connections with the mains for domestic supply shall be at least 3/4-inch up to the curb stop box.
Penalty, see § 10.99

§ 52.31 EXCAVATION AND CONSTRUCTION REQUIREMENTS.

(A) No excavation shall be made until a permit for the connection has been issued by the city.

(B) No water service pipe or water connection shall be installed in the same trench or closer than ten feet horizontally to a sewer trench or drain laid, or to be laid, either in the street or in private property, except that the water pipe on private property may be in a common trench with a sewer drain which is of a material that is in conformance with the current Minnesota Plumbing Code, Minn. Rules Ch. 4715, as it may be amended from time to time.

(C) Where it is desired to lay the water service pipe and the building sewer pipe in the same trench, or in separate trenches less than 10 feet apart, the water service pipe shall be above the sewer pipe unless approved by the City Engineer. It shall be placed at least 1 foot above the sewer and on a solid shelf excavated at 1 side of the trench. The sewer pipe shall be of a material that is in conformance with the Minnesota Plumbing Code with tested watertight joints. The water service pipe shall be watertight and corrosion resistant. Copper pipe and ductile or cast iron water pipe with specially protected joints is acceptable for this construction. Cast iron pipe shall conform to the American Water Works Association specifications for this pipe. Bell joint clamps with rubber gaskets are provisionally acceptable as extra protection for the joints on cast iron water pipe. In all cases, precautions shall be taken to assure a firm foundation for the pipes. The intervening space between the pipes shall be backfilled with compacted earth.

(D) In case the installation is on a surfaced street, the following shall apply: All backfill materials shall be mechanically compacted in 12-inch layers to the density of the adjacent material in the roadway area and to the existing street grades in accordance with the Minnesota Department of Transportation Standards. Complete surface restoration shall be made.
Penalty, see § 10.99

§ 52.32 CONNECTION TO OTHER WATER SUPPLIES RESTRICTED.

No water pipe of the water system shall be connected with any pump, well, tank, or piping that is connected with any other source of water supply except to service municipal systems.
Penalty, see § 10.99

§ 52.33 WATER CONNECTIONS; APPLICATIONS AND CHARGES.

(A) *Connection applications.*

(1) All applications for service installations and for water service shall be made to the City Clerk/Administrator. All applications for service installations and water service shall be made by the owner or agent of the property to be served and shall state the size and location of service connection required. The applicant shall, at the time of making application, pay to the city the amount of fees as established by the city's fee schedule or deposit required for the installation of the service connection as hereinafter provided. Applications for services larger than 1 inch shall be accompanied by 2 sets of plans or sketches indicating preferred location of service pipe and size of service based on building demand.

(2) The size of the water service connections and meter shall be subject to approval of the City Engineer.

(3) Water billing shall start at the time of installation of the water meter, or in the event the meter is not installed, 7 days after completion of outside piping, and shall be calculated upon the minimum quarterly rate, prorated on a semi-monthly basis.

(B) Connection charges.

(1) A permit must be obtained to connect to the existing water service leads at the curb stop box. The fee for the permit shall be set pursuant to the city's fee schedule. The city shall install or have installed all service connections from the water main to the curb stop box including the stop box. Payment for service connections must be made before the work is started and should be based upon 12 times the estimate of costs provided by the City Engineer. Any excess deposit shall be returned to the applicant.

(2) Additional charges shall be paid at the time of making application for tapping and making connections with the water main to where a curb stop box and service lead is not previously installed. The charge shall include the tapping of the water main, corporation cocks, the installation of a service line, the installation of a curb stop box, cost of restoring disturbed areas and all other costs related to the installation.

(3) There shall be a connection charge pursuant to the city's fee schedule levied by the city to contribute to the payment of the costs of the Public Water System Facilities. The City Council shall set by ordinance the charges to be made for nonresidential installations.

(4) When water services have been stopped because of a violation of this chapter, the city shall collect the fee established pursuant to the city's fee schedule before service is recommenced.

(5) If a person desires to connect to the system and service a parcel that has not been assessed for the cost of water main and lateral construction, then before a permit is granted, the city shall collect an amount from the applicant that is established pursuant to the city's fee schedule.

Penalty, see § 10.99

§ 52.34 LOCATION OF CURB STOP BOX.

Curb stop boxes will be installed on the right-of-way line or easement limits at a location as determined by the City Engineer to be best suitable to the property and shall be left in a vertical position when backfilling is completed. Curb stop boxes will be installed at an approximate depth of 7 feet below the finished ground elevation and the top of the curb stop box shall be adjusted to be flush with the finished ground elevation. Curb stop boxes must be firmly supported by a masonry block. No person shall erect any fence or plant any tree or other landscaping that would obstruct, or place a structure on, park a motor vehicle on, or otherwise obstruct the use of the curb stop box, or cause damage to the same.

Penalty, see § 10.99

§ 52.35 WATER METERS.

(A) *Generally.* Except for extinguishment of fires, no person, unless otherwise authorized by the City Council or Public Utilities Department, shall use water from the water system or permit water to be drawn therefrom unless the same be metered by passing through a meter supplied or approved by the city. No person not authorized by the City Council or Utilities Superintendent shall connect, disconnect, take apart, or in any manner change or cause to be changed or interfere with any meter or the action thereof, or break any meter or valve seal.

(1) A charge established pursuant to the city's fee schedule shall be paid by customers to the city for water meters including installations and check valves and payment for same shall be made at the time of water service application. This payment shall be made only once, subject to the following.

(2) Where a consumer has need for a larger line in addition to his or her domestic line, as in the case of a commercial consumer who needs a 1-inch line for normal use and a 6-inch or larger line for a fire sprinkler system, he or she will be permitted to run 1 line into the premises and Y off into 2 lines at the building. When this is done, the meter will be attached to the small or domestic line and a check valve as well as 1-inch detection meter shall be put on the large line.

(3) The city shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them if necessary. When replacement, repair, or adjustment of any meter is rendered by the act, neglect (including damage from freezing or hot water backup) or carelessness of the owner or occupant of the premises, any expense caused the city thereby shall be charged against and collected from the water consumer.

(4) A consumer may, by written request, have his or her meter tested by depositing the amount established pursuant to the city's fee schedule. In case a test should show an error of over 5% of the water consumed, a correctly registering meter will be installed, and the bill will be adjusted accordingly and the testing deposit refunded. This adjustment shall not extend back more than 1 billing period from the date of the written request.

(5) All water meters and remote readers shall be and remain the property of the city.

(6) Authorized city employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the water system for reading of meters and inspections.

(7) It shall be the responsibility of the consumer to notify the city to request a final reading at the time of the customer's billing change.

(B) *Water meter setting.* All water meters hereafter installed shall be in accordance with the Minnesota Plumbing Code and any standards established by ordinance of the City Council.
Penalty, see § 10.99

RATES AND CHARGES

§ 52.50 WATER UNIT.

A water unit (hereinafter called unit) shall be 1 residential equivalent connection based on Met Council's most current calculation.

§ 52.51 RATES, FEES AND CHARGES GENERALLY.

The City Council shall establish a schedule of all water rates, fees and charges for permits or services in the city's fee schedule.

§ 52.52 WATER SERVICE BILLING; CHANGE OF ADDRESS.

All bills and notices shall be mailed or delivered to the address where service is provided. If nonresident owners or agents desire personal notice sent to a different address, they shall so note on the water service application. Any change or error in address shall be promptly reported to the City Clerk/Administrator.

§ 52.53 WATER RATES.

(A) The rate due and payable by each user within the city for water taken from the water system shall be established pursuant to the city's fee schedule.

(B) In case the meter is found to have stopped, or to be operating in a faulty manner, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the year.

(C) Rates due and payable by each water user located beyond the territorial boundaries of the city shall be determined by special contract.

(D) The minimum rates established pursuant to the city's fee schedule shall begin to accrue after connection of the service pipe with the curb stop box.

(E) A meter shall be installed on the water valve in the house and a remote register outside regardless of whether inside piping is connected.

(F) In the event a water customer elects to discontinue the use of the municipal water, the regular or minimum charge shall continue until the date as service is disconnected at the curb box.

Penalty, see § 10.99

Cross-reference:

Violations, see City of Avon Fee Schedule

§ 52.54 PAYMENT OF CHARGES; LATE PAYMENT; COLLECTION.

(A) Any prepayment or overpayment of charges may be retained by the city and applied on subsequent monthly charges.

(B) If a monthly service charge is not paid when due, then a penalty of 10% shall be added thereto.

(C) In the event a user fails to pay his or her water user fee within a reasonable time following discontinuance of service (a time period not to exceed 90 days), the fee shall be certified by the City Clerk/Administrator and forwarded to the County Auditor for collection.
Penalty, see § 10.99

ADMINISTRATION AND ENFORCEMENT

§ 52.70 SUPERVISION BY UTILITIES SUPERINTENDENT; LICENSING.

(A) All piping connections from the curb stop box to house supply piping shall be made under the supervision of a licensed plumber subject to inspection by the Utilities Superintendent. The piping connection made to the curb stop box on the house side shall be inspected by the Utilities Superintendent. The water meter installation shall be inspected, tested and the meter sealed by the Utilities Superintendent.

(B) No person, firm or corporation shall engage in the business of altering, repairing, installing or constructing municipal water connections within the city without first obtaining a license to carry on the occupation from the city. A master plumber licensed by the state under the provisions of M.S. § 326.40, as it may be amended from time to time, is exempt from the provisions of this section. A person in the ditch installing the pipe who has a card showing that they have completed a program of training that incorporates the Plumbing Code installation requirements, issued by either the Associated Builders and Contractors, Laborers-Employers Cooperation Educational Trust, or Minnesota Utility Contractors Association, is not subject to the licensing requirements of this section.

(1) The applicant shall file with the City Clerk/Administrator evidence of public liability insurance, including products liability insurance with limits of at least \$50,000 per person and \$100,000 per occurrence and property damage insurance with limits of at least \$10,000. Evidence of insurance required pursuant to M.S. § 326.40, Subd. 2, as it may be amended from time to time, shall satisfy this requirement.

(2) The applicant shall file with the City Clerk/Administrator a surety bond guaranteeing the conformance and compliance of work with this chapter. The bond shall be in the amount of \$2,000. The city shall hold the bond for 1 year following the license period. Failure to comply with provisions and requirements of this chapter shall result in forfeiture of the bond. The applicant may comply with the requirements of M.S. § 326.40, Subd. 2, as it may be amended from time to time in lieu of these requirements.

(3) Applications for licenses shall be filed with the City Clerk/Administrator and shall be reviewed and subject to approval of the city.

(4) Any installation, construction, alteration of a water connection by a license in violation of any provision of this chapter or refusal on the part of a licensee to correct the defective work shall be cause for revocation of or refusal to renew a license. This license may be revoked or refused for renewal by the city at any time for cause which shall be documented in writing.

(C) All licenses required in this section shall be renewable annually. Applications for licenses shall be made annually on a form furnished by the City Clerk/Administrator. Licenses shall be in effect from January 1 to December 31 of the same year. The license fee shall be established pursuant to the city's fee schedule.

(D) Before any license issued under the provisions of this section may be revoked or its renewal refused, the licensee shall be given a hearing by the City Council to show cause why the license should not be revoked or refused. Notice of the time, place and purpose of the hearing shall be in writing.

§ 52.71 POWERS AND AUTHORITY OF INSPECTORS.

The Utilities Superintendent and other duly authorized employees of the city, upon proper identification, are authorized, with the permission of the licensee, owner, resident or other person in control of property within the city, to enter upon all properties for the purpose of inspections, observation and testing in accordance with the provisions of this chapter. If the licensee, owner, resident or other person in control of property within the city does not permit the entrance to the property, the city shall obtain an administrative search warrant as provided for in § 10.20 before entering the property, except in emergency situations.

§ 52.72 DISCONTINUANCE OF SERVICE.

Water service may be shut off at any connection.

§ 52.73 AUTHORIZED EMPLOYEES TO TURN WATER ON AND OFF.

No person, except an authorized city employee, shall turn on or off any water supply at the curb stop box. Penalty, see § 10.99

§52.74 LIABILITY FOR EXPENSE, LOSS OR DAMAGE.

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