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TITLE V: PUBLIC WORKS

Chapter

- 50. GARBAGE AND RUBBISH**
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CHAPTER 50: GARBAGE AND REFUSE

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§ 50.01 COLLECTION AND DISPOSAL BY CITY.

- (A) All garbage and refuse accumulation in the city shall be accumulated, conveyed and disposed of by the city through its own personnel or its legally authorized agent, the city collection contractor. No person or commercial establishment shall collect or convey over any of the streets or alleys of the city, or disposal of any garbage accumulated in the city, except the city's duly authorized personnel or agent.
- (B) All garbage and refuse accumulated in the city shall be collected, conveyed and disposed of by the city through its personnel or its legally authorized agent, the city collection contractor. No person or commercial establishment shall collect, convey or cover any of the streets or alleys of the city, or dispose of any garbage accumulated in the city, except city personnel or the duly authorized city garbage collection contractor; provided that, this chapter shall not prohibit the disposal of garbage in dwellings by any device which grinds and deposits the garbage in a sewer. City personnel or the garbage collection contractor and his or her employees shall have the right to enter upon private property at all reasonable hours of the day for the purpose of collecting garbage.
- (C)(1) It shall be unlawful for any person to burn, or to cause to be burned, in or on any street, alley, highway, public or private lot, park or place, within the limits of the city, any garbage, rubbish, other waste material, garden refuse and leaves.
- (2) The City Council shall designate and provide a disposal site in the city to be used solely by the residents of the city as the place for disposing of leaves, tree branches, grass clippings and small garden vegetable debris.
- (3) The city shall provide public notice of the location of the site designating hours when dumping is permitted and additionally providing rules and regulations concerning the use of the site.
- (4) It shall be unlawful for any person to deposit any garbage, refuse or other material whatsoever at the site except as designated above. In addition, no leaves or other permitted material shall be left upon the site in any container, including bags, boxes, cans or other devices. All containers whatsoever shall be removed from the site by the party delivering the materials.
- (5) The dumping or disposal of any garbage refuse, waste matter or other like material at any place within the city, other than in an area officially designated by the city shall be unlawful.

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§ 50.02 DEFINITIONS.

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

COMMERCIAL ESTABLISHMENT. Any premises where a commercial or industrial enterprise of any kind is carried on, and shall include clubs, churches and establishments of non-profit organizations where the food is prepared or served or goods are sold, with the exception of single-family residential units in which a lawful home occupation is conducted.

GARBAGE. Animal or vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

GARBAGE COLLECTION CONTRACTOR. The person with whom the city shall contract for collection of garbage in the city.

MULTIPLE-FAMILY RESIDENTIAL UNIT. Any household wherein more than one family resides.

REFUSE. All waste (except body wastes), including rubbish, tin cans, paper, cardboard, leaves, yard clippings, trees, shrubs, glass jars and bottles, and wood normally resulting from the operation of a household or business establishment, but not including garbage.

SINGLE-FAMILY RESIDENTIAL UNIT. Any household with a single family residing therein, including a single-family residential unit in which a lawful home occupation is conducted.

§ 50.03 CONTAINERS.

(A) All garbage and refuse accumulated on any premises shall be placed and maintained in containers. Garbage and refuse containers shall be provided by the city garbage collector. Such containers shall be equipped with handles, tight fitting covers and shall be water tight. The garbage containers shall have a capacity of 32 gallons, 64 gallons or 96 gallons. Any additional garbage containers per pick-up shall be charged an additional fee.

(B) Garbage and refuse containers shall be placed for collection at one place at ground level on the property and accessible for the street or alley from which collection is made.

§ 50.04 COLLECTION.

Garbage and refuse accumulated at residential properties shall be collected at least once each week. The owners of the premises upon which refuse is accumulated shall use a container which can be sealed, operated and maintained as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled from the container. The ownership of the garbage and refuse material set out for collection and collected by the city personnel or city garbage collection contractor shall be vested in the city.

§ 50.05 PAYMENT OF CHARGES; LATE PAYMENT; COLLECTION.

(A) (1) The city shall certify to the county, on a yearly basis, all delinquent refuse and recycling charges. These amounts shall be payable with the owners property taxes.

(2) An administrative fee set by the city shall be assessed to each delinquent account and also applied to the property taxes.

(B) The City Council shall from time to time by resolution establish charges for the collection of garbage and refuse. The charges for garbage and refuse collection shall be made on a monthly basis from the city garbage collection contractor. At such time as the City Council changes, by resolution, the rates herein established, a schedule of the revised rates shall be published in the official newspaper at least 30 days prior to the date the rates shall become effective.

(C) Bills for garbage service charges shall be rendered on a monthly basis for the period for which the service will be rendered and shall be due on the 20th of the month. Any bill not

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paid in full by the due date will be considered delinquent. On the 21st or the next working day after the 20th of the month, a late fee will be assessed to all delinquent amounts due, the city shall notify the owner and/or occupant that has a bill exceeding \$100.00 or two (2) months delinquent including water, sewer, storm water, infrastructure, debt service, garbage and miscellaneous charges in writing via regular mail regarding the delinquent bill and the date the entire bill is to be paid to avoid disconnection of water services. Failure to pay the entire bill will cause disconnection of water services. The penalty shall be computed in accordance with §33.01 (A)(2) and shall be increased the same for every month the bill is outstanding.

(D) 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.

(E) Any additional costs caused by damages to a cart including the cost of restoring a cart, shall be borne by the property owner, at no expense to the city.

§ 50.06 DISCONNECTION.

A resident who will not be living in his or her residence for more than 60 continuous days will be considered a “snow bird” and may disconnect his or her service for the length of time he or she are away. A resident may only receive this disconnection once a year.

§ 50.07 DUMPSTERS OR ROLL OFF SERVICES.

For the purposes of construction or cleaning of a property, a resident or commercial establishment may use any company with garbage dumpster or roll off garbage services.

§ 50.99 PENALTY.

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

(B) Any person violating a provision of §50.01(C) shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed \$1,000 and/or 90 days in jail.

(Ord. No. 118, passed 6-12-2006; Ord. No. 119, passed 6-12-2006; Ord. No. 144, passed 09-9-2013)

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CHAPTER 51: SEWER REGULATIONS

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GENERAL PROVISIONS

§ 51.01 DEFINITIONS.

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

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

ASTM. American Society for Testing Materials.

AUTHORITY. The City of Stewart. Minnesota or its representative thereof.

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

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning ten feet outside the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal, also referred to as a **HOUSE CONNECTION** or **SERVICE CONNECTION**.

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

CHEMICAL OXYGEN DEMAND (COD). The quantity of oxygen utilized in the chemical oxidation of organic matter as determined by standard laboratory procedures, and as expressed in terms of milligrams per liter (mg/l).

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS permit if the treatment facilities are designed to treat the pollutants to a degree which complies with

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effluent concentration limits imposed by the permit.

CONTROL MANHOLE. A structure specially constructed for the purpose of measuring flow and sampling of wastes.

EASEMENT. An acquired legal right for the specific use of land owned by others.

FECAL COLIFORM. Any number of organisms common to the intestinal tract of humans and animals whose presence in sanitary sewage is an indicator of pollution.

FLOATABLE OIL. Oil, fat or grease in a physical state, such that it will separate by gravity from wastewater.

GARBAGE. Animal and vegetable waste resulting from the handling, preparation, cooking and service of food.

INCOMPATIBLE POLLUTANT. Any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.

INDUSTRY. Any non-governmental or nonresidential use of a publicly owned treatment works which is identified in the *Standard Industrial Classification Manual*, latest edition, which is categorized in Divisions A, E, D, E and I.

INDUSTRIAL WASTE. Gaseous, liquid and solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development, recovery and processing of natural resources, as distinct from residential or domestic strength wastes.

INFILTRATION. Water entering the sewage system (including building drains and pipes) from the ground through such means as defective pipes, pipe joints, connections and manhole walls.

INFILTRATION/INFLOW (I/I). The total quantity of water from both infiltration and inflow.

INFLOW. Water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewer, catch basins, surface runoff, street wash waters or drainage.

INTERFERENCE. The inhibition or disruption of the city's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the city's NPDES and/or SDS permit. The term includes of sewage sludge use or disposal by the city in accordance with published regulations providing guidelines under §405 of the Act or any regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act or more stringent state criteria applicable to the method, of disposal or ass employed by the city.

MPCA. Minnesota Pollution Control Agency.

NATIONAL CATEGORICAL PRETREATMENT STANDARDS. Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to be not susceptible to treatment by the treatment facilities would interfere with the operation of the treatment facilities, pursuant to §307(b) of the Act.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM or NPDES PERMIT. A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to §402 and §405 of the Act.

NATURAL OUTLET. Any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.

NON-CONTACT COOLING WATER. The water discharged from any use such as air conditioning,

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cooling or refrigeration, or during which only pollutant added, is heat.

NORMAL DOMESTIC STRENGTH WASTE. Wastewater that is primarily introduced by residential users with a BOD₅ concentration not greater than 250 mg/l and a suspended solids (TSS) concentration not greater than 250 mg/l.

PERSON. Any individual, firm, company, association, society, corporation or group.

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

PRETREATMENT. The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works.

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

SEWAGE. The spent water of a community. The preferred term is **WASTEWATER**.

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

- (1) **COLLECTION SEWER.** A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.
- (2) **COMBINED SEWER.** A sewer intended to serve as a sanitary sewer and a storm sewer.
- (3) **FORCE MAIN.** A pipe in which wastewater is carried under pressure.
- (4) **INTERCEPTOR SEWER.** A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.
- (5) **PRIVATE SEWER.** A sewer which is not owned and maintained by a public authority.
- (6) **PUBLIC SEWER.** A sewer owned, maintained and controlled by a public authority.
- (7) **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.
- (8) **STORM SEWER** or **STORM DRAIN.** A drain or sewer intended carry storm waters, surface runoff, ground water, sub-surface water, street wash water , drainage and unpolluted water from any source.

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

SIGNIFICANT INDUSTRIAL USER. Any industrial user of the wastewater treatment facility which has a discharge flow:

- (1) In excess of 25,000 gallons per average work day;
- (2) Has exceeded 5% of the total flow received at the treatment facility;
- (3) Whose waste contains a toxic pollutant in toxic amounts pursuant to §307(a) of the Act; or
- (4) Whose discharge has a significant effect, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality or emissions generated by the treatment system.

SLUG. Any discharge of water or wastewater which in concentration of any given constituent, or in quantity of flow, exceeds for a period of duration longer than 15 minutes, more than five times the average 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment works.

STATE DISPOSAL SYSTEM (SDS) PERMIT. Any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to M.S. §115.07 for a disposal system,

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as defined by M.S. §115.01(8).

SUPERINTENDENT. The Utilities Superintendent or a deputy, agent or representative thereof.

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

TOXIC POLLUTANT. The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects as defined in standards issued pursuant to §307(a) of the Act.

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities. (See “non-contact cooling water”.)

USER. Any person who discharges or causes or permits the discharge of wastewater into the city’s wastewater disposal system.

WASTEWATER. The spent water of a community and 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 TREATMENT WORKS or TREATMENT WORKS. An arrangement of any devices, facilities, structures, equipment or processes owned or used by the city of the purpose of the transmission/storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping power and other equipment and their appurtenances, extensions, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from the treatment.

WATERCOURSE. A natural or artificial channel for the passage of water, either continuously or intermittently.

WPCF. The Water Pollution Control Federation.

§ 51.02 CONTROL BY THE UTILITIES SUPERINTENDENT.

The Utilities Superintendent shall have control and general supervision of all public sewers and service connections in the city and shall be responsible for administering the provisions of this subchapter to the end that a proper and efficient public sewer is maintained.

§ 51.03 UNLAWFUL PRACTICES.

- (A) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under jurisdiction, any human or animal excrement, garbage or objectionable waste.
- (B) It shall be unlawful to discharge to any natural outlet any wastewater or other polluted treatment has been provided in accordance to discharge to any natural waters, except where suitable with subsequent provisions of this subchapter and the city’s NPDES/SDS permit.
- (C) Except as provided hereinafter, it shall be unlawful to construct or maintain any privy,

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privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

- (D) The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharge, and which is situated within the city and adjacent to any street, alley or right-of-way in which there is now located or may in the future be located, a public sanitary sewer of the required at the owner(s) expense to install a suitable connection to the public sewer in accordance with provisions of this code, within 60 days of the date the public sewer is operational, provided the public sewer is within 200 feet of the structure wastewater. All future
- (E) In the event an owner shall fail to connect to a public sewer in compliance with a notice given under division (D) above, the city must undertake to have the connection made and shall assess the cost thereof against the benefitted property. The assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the Auditor of the county and shall be collected and remitted to the city in the same manner as assessments for local improvements. The rights of the city shall be in addition to any remedial or enforcement provisions of this subchapter.
- (F) (1) No person, shall discharge or cause to be discharged any storm water, ground water, foundation drains, roof runoff, yard drainage, yard fountain, pond overflow or any substance other than sanitary sewage into the sanitary collection system.
 - (a) No roof runoff, sump pump, foundation drains, cistern overflows, swimming pool discharge or surface water drainage shall be connected to the sanitary sewer system and no building shall hereafter be constructed nor shall any existing buildings be hereafter altered in a manner that the roof drainage or any other sources of discharge or drainage other than sanitary sewer shall connect with the sanitary sewer system inside or outside the building.
 - (b) Any person, form or corporation having a roof, sump pump, swimming pool discharge, cistern overflow pipe or surface drain now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove same prior to 1-1-1996. Any disconnect or openings in the sanitary sewer shall be closed or repaired in an effective, workmanlike manner as described in the next section.
 - (c) All sump pumps shall have a discharge pipe installed to the outside wall of the building with one inch inside minimum diameter. The pipe attachment must be a permanent fitting such as PVC pipe with glued fittings. The discharge shall extend at least three feet outside of the foundation wall and must be directed toward the front yard or rear yard area of the property.
 - (d) Every person owning improved real estate that discharges into the city's sanitary sewer system shall allow the city employee(s), or designated agent to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. Any person refusing to allow their property to be inspected shall immediately become subject to the surcharge hereinafter provided for. Any property found to violate this section shall make the necessary changes to comply with this section and the changes shall be verified by city employee(s), or designated agent.
 - (e) A surcharge set by the city per month is hereby imposed and shall be added to every sewer billing mailed on and after 1-1-1996, to property owners who are not in compliance with this section. The surcharge shall be added every month, until the

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- property is in compliance. The imposition of the surcharge shall, in no way, limit the right of the city to seek an injunction in District Court ordering the property owner to disconnect the non-conforming connection to the sanitary sewer system or from pursuing any other legal remedies available.
- (2) The City Wastewater Superintendent 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.
- (a) Application for waivers pursuant to this division (F)(2) shall be addressed in writing to the City Wastewater Superintendent.
- (b) The applications 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.
- (c) Within a reasonable time the City Wastewater Superintendent shall make its order deciding on the matter and serve a copy of the order upon the applicant by mail.
- (d) 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; provided, the applicant agrees to pay an additional fee set by the city per year for the additional sewer service, payable October 1 of the year.
- (e) The holder of a waiver shall employ an authorized plumber to allow the Wastewater Superintendent to inspect or certify prior to April 15 of each subsequent year that their discharge water connection has been removed from the sanitary sewer.
- (f) Failure to provide the certification will place the waiver holder in violation of this subchapter.
- (3) Upon verified compliance with this section, the city reserves the right to inspect the property at least yearly to verify compliance herewith.

§ 51.04 PRIVATE WASTEWATER DISPOSAL.

- (A) Where a public sewer is not available under the provisions of § 51.03(D), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.
- (B) Prior to commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the city. The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary to the city.
- (C) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city or its authorized representative. The city or its representative shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice.
- (D) The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of 6 MCAR 4.8040, entitled *Individual Sewage Treatment System Standards*. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- (E) At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 60 days in compliance with this subchapter, and within 60 days any septic tanks, cesspools

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and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage and the tank or pit filled with suitable material.

(F) The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the city.

(G) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the state.

§ 51.05 BUILDING SEWERS AND CONNECTIONS.

(A) Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all facilities including, but not limited to capacity for flow, BOD₅ and suspended solids, as determined by the Superintendent.

(B) No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(C) Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of the building to be connected and how occupied. No person shall extend private building drain beyond the limits of the building or property for which the service connection permit has been given.

(D)(1) There shall be two classes of building sewer permits:

(a) For residential and commercial service; and

(b) For service to establishments producing industrial wastes.

(2) In either case, the application shall be supplemented by any plans, specifications or any other information considered pertinent in the judgment of the city. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.

(E) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

(F) A separate and independent building sewer shall be provided for every building, except where on 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, driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The city does not and will not assume any obligation or responsibility for damage caused by or resulting from any connection aforementioned.

(G) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent or his or her representative, to meet all requirements of this subchapter.

(H) The size, slopes, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling of the trench, shall all conform to the requirements of the State Building and Plumbing Codes or other applicable rules and regulations of the city. In the absence of code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(I) Whenever possible, the building sewer shall be brought to the building at an elevation

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below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

- (J) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or indirectly to the wastewater disposal system.
- (K) The connection of the building sewer in the public sewer shall conform to the requirements of the State Building and Plumbing Codes or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and the WPCA Manual of Practice No. 9. All connections shall be made gas-tight and water-tight and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the city prior to installation.
- (L) The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the Superintendent or authorized representative thereof.
- (M) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, designated public sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

§ 51.06 USE OF PUBLIC SERVICES.

- (A) No person(s) shall discharge or cause to be discharged any unpolluted water such as storm water, ground water, roof runoff surface drainage or non-contact cooling water to any sanitary sewer.
- (B) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or a natural outlet approved by the city and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the city and upon approval and the issuance of a discharge permit by the MPCA.
- (C) No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides;
 - (2) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operations of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;

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- (3) Any wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater disposal system; and/or
 - (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to §307(a) of the Act.
- (D) The following described substances, materials, water or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works treatment process or equipment, will not have an adverse effect on the receiving stream and/or soil, vegetation and ground water, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Superintendent may set limitations lower than limitations established in the regulations below if, in his or her opinion, more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability of wastes, the Superintendent will give consideration to such factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the city's NPDES and/or SDS permit, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:
- (1) Any wastewater having a temperature greater than 150°F (65.6°C), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104°F (40°C), or having heat in amounts which will inhibit biological activity in the wastewater treatment works resulting in interference therein;
 - (2) Any wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65.6°C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not;
 - (3) Any quantities of flow, concentrations, or both which constitute a “slug”, as defined herein;
 - (4) Any garbage not properly shredded, as defined in §51.01. 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;
 - (5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair;
 - (6) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to dye wastes and vegetable tanning solutions;
 - (7) Non-contact cooling water or unpolluted storm, drainage or ground water;

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- (8) Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in quantities that would cause disruption with the wastewater disposal system;
 - (9) Any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations;
 - (10) Any waters or wastes containing the following substances to a degree that any material received in the composite wastewater at the wastewater treatment works acts to degrade the wastewater treatment process:
 - (a) Arsenic;
 - (b) Cadmium;
 - (c) Copper;
 - (d) Cyanide;
 - (e) Lead;
 - (f) Mercury;
 - (g) Nickel;
 - (h) Silver;
 - (i) Total chromium zinc; and/or
 - (j) Phenolic compounds which cannot be removed by city's wastewater treatment system.
 - (11) Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule, regulation or ordinance of any regulatory agency or state or federal regulatory body; and/or
 - (12) Any waters or wastes containing BOD₅ or suspended solids of the character and quantity that unusual attention or expense is required to handle the materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of division (P) below.
- (E) (1) If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substance or possess the characteristics enumerated in division (D) above and/or which in the judgment of the Superintendent, may have a deleterious effect upon the wastewater treatment facilities, processes or equipment; receiving waters and/or soil, vegetation and ground water; or which otherwise create a hazard to life or constitute a public nuisance, the city may;
- (a) Reject the wastes;
 - (b) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to §307(b) of the Act and all addendums thereof;
 - (c) Require control over the quantities and rates of discharge; and/or
 - (d) Require payment to cover the added costs of handling, treating and disposing of wastes not covered by existing taxes or sewer charges.
- (2) If the city permits the pretreatment or equalization of waste flows, the design, installation and maintenance of the facilities and equipment shall be made at the owners' expense, and shall be subject to the review and approval of the city pursuant to the requirements of the MPCA
- (F) No user shall increase the use of process water or, in any manner; attempt to dilute a

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discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in divisions (C) and (D) above, or contained in the national categorical pretreatment standards or any state requirements.

- (G) Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner(s).
- (H) Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in division (D) above, and any flammable wastes as specified in division (C) above, sand or other harmful ingredients; except that, the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal, which are subject to review by the Superintendent. Any removal and hauling of the collecting materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm.
- (I) Where required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, or control manhole, with necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of wastes. The structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the city. The structure shall be installed by the owner at his or her expense and shall be maintained by the owner to be safe and accessible at all times.
- (J) The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the city, be required to provide laboratory measurements, tests or analyses of waters or wastes to illustrate compliance with this subchapter and any special condition for discharge established by the city of regulatory agencies having jurisdiction over the discharge. The number, type and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the city. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with federal, state and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the city at the times and in a manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses and reporting required by the city. At such times as deemed necessary, the city reserves the right to take measurements and samples for analysis by the independent laboratory.
- (K) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this subchapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Superintendent.
- (L) Where required by the city, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this subchapter. Where necessary, facilities to prevent accidental

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discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Superintendent for review and approval prior to construction of the facility. Review and approval of the plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this subchapter. Users shall notify the Superintendent immediately upon having a slug or accidental discharge of substances of wastewater in violation of this subchapter to enable countermeasures to be taken by the Superintendent to minimize damage to the wastewater treatment works. The notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the city on account thereof under any state and federal law. Employees shall ensure that all employees who may cause or discover a discharge are advised of the emergency notification procedure.

- (M) No person, having charge of any building or other premises which drains into the public sewer, shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within three days after receipt of written notice from the city, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same, and perform other work as the Superintendent may deem necessary, upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of seven days, the Superintendent may cause the work to be completed at the expense of the owner or representative thereof.
- (N) Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause the work to be done as the Superintendent may direct. Each day after seven days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Superintendent may then cause the work to be done, and recover from the owner or agent the expense thereof by the action in the name of the city.
- (O) The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times, a catch basin or waste trap in the building drain system to prevent grease, oil, dirt or any mineral deposit from entering the public sewer system.
- (P) In addition to any penalties that may be imposed for violation of any provision of this subchapter, the city may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge or prohibited wastes by the person and may collect the assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the city.
- (Q) No statement contained in this section 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; providing that, national categorical pretreatment standards and the city's NPDES and/or state disposal system permit limitations are not violated.

§ 51.07 DAMAGE, DESTRUCTION AND THE LIKE.

No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities.

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Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

§ 51.08 USER RATE SCHEDULE FOR CHARGES.

Each user of sewer service shall pay the charge(s) applicable to the type of service and in accordance with the provisions set forth in §33.01. All property owners will be billed for these services.

§ 51.09 POWERS AND AUTHORITY OF INSPECTORS.

- (A) The Superintendent or other duly authorized employees bearing proper credentials and identification shall enter all properties for the purpose of inspection, measurements, sampling and testing pertinent to the city's sewer system in accordance with the provisions of the city, permitted to observations, discharges to this subchapter.
- (B) The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential however, the industry must establish that the revelation to the public of the competitors.
- (C) While performing necessary work, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by the city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be or failure of the company to maintain safe conditions as required hereby.
- (D) The Superintendent or other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

SEWER SERVICE CHARGE SYSTEM

§ 51.20 DEFINITIONS.

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

ADMINISTRATION. Those fixed costs attributable to administration of the wastewater treatment works (i.e., billing and associated bookkeeping and accounting costs).

BIOCHEMICAL OXYGEN DEMAND or ***BOD.*** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

CITY. The area within the corporate boundaries of the City of Stewart, 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.

COMMERCIAL USER. Any place of business which discharges sanitary waste as distinct from industrial wastewater.

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COMMERCIAL WASTEWATERS. Domestic wastewater emanating from a place of business as distinct from industrial wastewater.

DEBT SERVICE CHARGE. A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct said facilities.

NORMAL DOMESTIC STRENGTH WASTEWATER. 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.

EXTRA STRENGTH WASTE. Wastewater having a BOD and/or TSS greater than domestic waste as defined herein and not otherwise classified as an incompatible waste.

GOVERNMENT USER. Users which are units, agencies or instrumentalities of federal, state or local government discharging normal domestic strength wastewater.

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

INDUSTRIAL USERS or INDUSTRIES.

(1) Entitles that discharge into a publicly owned wastewater treatment works, liquid wastes resulting from the processes employed in industrial or manufacturing processes, or from the development of any natural resources. These are identified in the *Standard Industrial Classification Manual, 1972*, Office of Management and Budget, as amended and supplemental under one of the following divisions:

(a) Division A: Agriculture, Forestry and Fishing;

(b) Division B: Mining;

(c) Division C: Manufacturing;

(d) Division D: Manufacturing;

(e) Division E: Transportation, Communications, Electric, Gas and Sanitary Sewer; and

(f) Division I: Services.

(2) For the purpose of this definition, “domestic waste” shall be considered to have the following characteristics:

(a) BOD: less than 250 mg/l; and

(b) Suspended solids: less than 250 mg/l.

(3) Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solid, liquids or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

INDUSTRIAL WASTEWATER. The liquid processing wastes from an industrial manufacturing process, trade, or business including, but not limited to, all *Standard Industrial Classifications Manual* Divisions A, B, C, D, E and I manufacturers as distinct from domestic wastewater.

INSTITUTIONAL USER. Users other than commercial, governmental, industrial or residential users, discharging primarily normal domestic strength wastewater (e.g., non-profit organizations).

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OPERATION AND MAINTENANCE. Activities required to provide for the dependable and economical functioning of the treatment works, throughout the design or useful life, whichever is longer of the treatment works, and at the level of performance for which the treatment works were constructed. **OPERATION AND MAINTENANCE** includes replacement.

OPERATION AND MAINTENANCE COSTS. Expenditures for operation and maintenance, including replacement.

PUBLIC WASTEWATER COLLECTION SYSTEM. A system of sanitary sewers owned, maintained, operated and controlled by the city.

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

REPLACEMENT COST. Expenditures for replacement.

RESIDENTIAL USER. A user of the treatment facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached and semi-detached housing, apartments and mobile homes; and which discharges primarily normal domestic strength sanitary wastes.

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

SEWER SERVICE CHARGE. The aggregate of all charges, including charges for operation, maintenance, replacement, debt service and other sewer related charges that are billed periodically to users of the city's wastewater treatment facilities.

SEWER SERVICE FUND. A fund into which income from sewer service charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditure of the **SEWER SERVICE FUND** will be for operation, maintenance and replacement costs; and to retire debt incurred through capital expenditure for wastewater treatment.

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

SLUG. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STANDARD INDUSTRIAL CLASSIFICATION MANUAL. Office of Management and Budget, 1972.

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.

TOXIC POLLUTANT. The concentration of any pollutant or combination of pollutant or combination of pollutants as defined in standards issued pursuant to §307(a) of the Act, which upon exposure to or assimilation into any organism will cause adverse effects.

USER CHARGE. The charge levied on users of treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement.

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USERS. Those residential, commercial, governmental, institutional and industrial establishments which are connected to the public sewer collection system.

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 TREATMENT WORKS or TREATMENT WORKS. An arrangement of any devices, facilities, structures, equipment or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or industrial wastewater or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from the treatment.

§ 51.21 ESTABLISHMENT OF SYSTEM.

- (A) The city hereby establishes a sewer service charge system whereby all revenue collected from users of the wastewater treatment facilities will be used to affect all expenditures incurred for annual operation, maintenance and replacement and for debt service on capital expenditure incurred in construction the wastewater treatment works.
- (B) Each user shall pay its proportionate share of operation maintenance and replacement costs of the treatment works, based on the user's proportionate contribution to the total wastewater loading from all users.
- (C) Each user shall pay debt service charges to retire local capital costs as determined by the City Council.
- (D) Sewer Service rates and charges to users of the wastewater treatment facility shall be determined and fixed in a "sewer service charge system" developed according to the provisions of this subchapter. The sewer service charge system developed with the assistance of Comstock & Davis, Inc. shall be adopted by resolution upon enactment of this subchapter, shall be published in the local newspaper, and shall be effective upon publication. Subsequent changes in sewer service rates and charges shall be adopted by Council resolution and shall be published in the local newspaper.
- (E) Revenues collected from sewer service shall be deposited in a separate fund known as the "The Sewer Service Fund". Income from revenues collected will be expended to offset the cost of operation, maintenance and equipment replacement for the facility and to retire the debt for capital expenditure.
- (F) Sewer service charges and the Sewer Service Fund will be administered in accordance with the provisions of §51.24.

§ 51.22 DETERMINATION OF CHARGES.

- (A) (1) Users of the city wastewater treatment works shall be identified as belonging to one of the following user's classes:
 - (a) Residential;
 - (b) Commercial;
 - (c) Industrial;
 - (d) Institutional; and

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- (e) Governmental.
- (2) The allocation of users to these categories for the purpose of assessing user charges and debt service charges shall be the responsibility of the City Clerk-Treasurer. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.
- (B) (1) Each user shall pay operation, maintenance and replacement cost in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, with the minimum rate for loadings of BOD and TSS being the rate established for concentrations of 250 mg/l BOD and 250 mg/l TSS (i.e., normal domestic strength wastewater)
- (2) Those industrial users discharging segregated normal domestic strength wastewater only, can be classified as commercial users for the purpose of rate determination.
- (C) The charges assessed residential users and those users of other classes discharging normal domestic strength wastewater shall be established proportionately according to billable wastewater volume. Billable wastewater volume shall be calculated as follows:
- (1) *Residential users.* Billable wastewater volume for residential users shall be calculated on the basis of metered water usage. The per month billable wastewater volume shall be equal to monthly metered water usage as averaged between the first and last month of the calendar year. The city may require residential users to install water meters for the purpose of determining billable wastewater volume.
- (2) *Nonresidential users.*
- (a) The billable wastewater volume of nonresidential users may be determined in the same manner as for residential users. Except that if the city determines that there are significant seasonal variations in the metered water usage of nonresidential users resulting in a proportionate increase in wastewater volume; then billable wastewater volume shall be:
1. Calculated on the basis of monthly metered water usage as recorded throughout the year; and
 2. Calculated on the basis of wastewater flow meters.
- (b) The city may, at its discretion, require nonresidential users to install additional water meters or wastewater flow meters as may be necessary to determine billable wastewater volume.
- (D) User charges for normal domestic strength users shall be determined as follows:
- (1) *Calculation of unit cost for treatment of normal domestic strength wastewater.*
- $$\text{UOMR} = \frac{\text{COMR}}{\text{TBWV}}$$
- (a) Where: UOMR = unit cost for operation, maintenance and replacement is \$/Kgal;
(b) COMR = total annual OM & R costs; and
(c) TBWV = total annual billable wastewater volume in Kgal.
- (2) *Calculation of user charge.*
- $$\text{UC} = \text{UOMR} \times \text{BWV}$$
- (a) Where: UC = user charge;
(b) UOMR = unit cost for operation, maintenance and replacement is \$/Kgal; and
(c) BWV = billable wastewater volume of a particular user in Kgal.
- (E) (1) Local construction costs of the wastewater treatment facilities will be recovered through a per-connection debt service charge determined as follows:

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$$CC = \frac{CDS}{TEC}$$

- (a) Where: CC = debt service charge per connection;
 - (b) CDS = cost of annual debt service; and
 - (c) TEC = total number of equivalent connections.
- (2) The number of equivalent connections shall be defined as follows:
- (a) *Apartments*. The number of equivalent connections for apartment establishments shall be equal to one times the total number of apartment units.
 - (b) *School*. The number of equivalent connections for the school shall be equal to 20.
 - (c) *Other uses*. The number of equivalent connections shall be equal to one times the number of sewer service connections.
- (F) The sewer service charge for a particular connection shall be determined as follows:
- $$SSC = UC + CC$$
- (1) Where SSC = sewer service charge;
 - (2) UC = user charge; and
 - (3) CC = connection charge for debt service.
- (G) (1) The sewer service charges established in this subchapter shall not prevent the assessment of additional charges to users who discharge wastes with concentrations greater than normal domestic strength or wastes of unusual character, or contractual agreements with the users, as long as the following conditions are met.
- (a) The user pays operation, maintenance and replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant and no user is charged at a rate less than that of "normal domestic strength wastewater".
 - (b) The measurements of the wastes are conducted according to the latest edition of *Standard Methods for the Examination of Water and Wastewater* in a manner acceptable to the city as provided for in §51.01 through §51.09.
- (2) A study of unit costs of collection and treatment processes attributable to flow, BOD, TSS and other significant loadings shall be developed for determining the proportionate allocation of costs to flows and loadings for users discharging wastes of greater than normal domestic strength or wastes of unusual character.

§ 51.23 SEWER SERVICE FUND.

- (A) The city 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 treatment works, including taxes, special charges, fees and assessments intended to retire construction debt. The city also establishes the following accounts as income and expenditure accounts within the Sewer Service Fund.
- (B) All revenue generated by the sewer service charge system, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be held by the Clerk-Treasurer separate and apart from all other funds of the city. Funds received by the Sewer Service Fund shall be transferred to the Operation and Maintenance Account, and the Debt Retirement/Repair Account in accordance with state and federal regulations and the provisions of this subchapter.
- (C) Revenue generated by the sewer service charge system sufficient to ensure adequate replacement throughout the design of useful life, whichever is longer, of the wastewater

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facility shall be held separate and apart in the Debt Retirement/Repair Account and dedicated to affecting replacement costs. Interest income generated by the Debt Retirement/Repair Account shall remain in the Debt Retirement/Repair Account.

- (D) Revenue generated by the sewer service charge system sufficient for operation and maintenance shall be held separate and apart in the Operation and Maintenance Account. Interest income generated by the Operation and Maintenance Account shall remain in the Operation and Maintenance Account.

§ 51.24 ADMINISTRATION.

The sewer service charge system and Sewer Service Fund shall be administrated according to the following provisions.

- (A) (1) The City Clerk-Treasurer shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works and shall furnish the City Council with a report of such cost annually in October.
- (2) The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works, 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 §51.21(B) and §204(b) (2)(A) of the Federal Water Pollution Control Act, as amended.
- (3) 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 place to ensure the proportionality of the user charges and to ensure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.
- (B) 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.
- (C) In accordance with federal and state requirements, the City Clerk-Treasurer shall be responsible for maintaining all records necessary to document compliance with the sewer service charge system adopted.
- (D) Bills for sewer service charges shall be rendered on a monthly basis succeeding the period for which the service was rendered and shall be due on the 20th of the month. Any bill not paid in full by the due date will be considered delinquent. On the 21st or the next working day after the 20th of the month, a late fee will be assessed to all delinquent amounts due, the city shall notify the owner and/or occupant that has a bill exceeding \$100.00 or is two (2) months delinquent including water, sewer, storm water, infrastructure, debt service, garbage and miscellaneous charges in writing via regular mail regarding the delinquent bill and the date the entire bill is to be paid to avoid disconnection of water services. Failure to pay the entire bill will cause disconnection of water services. The penalty shall be computed in accordance with §33.01 (A)(2) and shall be increased the same for every month the bill is outstanding.
- (E) 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.

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- (F) Any additional costs caused by discharges to the treatment works 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.
- (G) In the event a sewer customer elects to discontinue the use of the municipal sewer, the regular or minimum charges shall continue until the date as water service is disconnected at the curb box, but other charges shall remain in effect at the rate in accordance with §33.01 (A)(2)
- (H) The City Council shall establish a fee schedule §33.01 of all sewer rates, fees and charges for permits or services by the city, as that ordinance may be amended from time to time. In accordance with M.S. §444.075 subd. 3a, charges made for service rendered shall be as nearly as possible proportionate to the cost of furnishing the service.
- (I) 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.
- (J) 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 removal of a water meter, if a premises' water connection is joined with a neighbors water line or the curb stop is nonfunctional and a disconnection for delinquent billing is warranted. 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.

§ 51.99 PENALTY.

- (A) (1) Any person found to be violating any provision of §51.01 through 51.09 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.
- (2) Any person who shall continue any violation beyond the time limit provided for in division (A)(1) above shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount not exceeding \$100 for each violation. Each day in which any violation occurs shall be deemed as a separate offense.
- (3) Any person violating any of the provisions of §51.01 through 51.09 shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.
- (B) (1) Each and every sewer service charge levied by and pursuant to §51.01 through 51.09 are hereby made a lien upon the loss of premises served and all charges. In the event a user fails to pay his or her sewer service fee within a reasonable time following discontinuance of service (a time period not to exceed 90 days), said fee shall be certified to the County Auditor for collection as taxes or assessments on the real estate. Nothing in §51.01 through 51.09 shall be held or construed as in any way stopping or

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interfering with the right of the city to levy as taxes or assessments against any premises affected any delinquent or past due sewer service charges.

- (2) As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect such amounts as are delinquent and 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.
- (3) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the sewer works shall be liable for interest upon all unpaid balances at the rate in accordance with §33.01 (A)(2) and shall be increased the same for every month the bill is outstanding.

(Ord. No. 77, passed 3-14-1998; Ord. No. 78, passed 3-14-1998; Ord. No. 93-A, passed 3-13-1995; Ord. No. 132, passed 3-14-2011; Ord. No. 144, passed 09-9-2013; Ord. No. 175, passed 04/08/2019)

Penalty, see §10.99

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CHAPTER 52: WATER REGULATIONS

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Cross-reference:

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GENERAL PROVISIONS

§ 52.001 GENERAL OPERATION.

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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.

§ 52.002 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.

§ 52.003 USE TO CIRCUMVENT CHAPTER PROHIBITED.

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

§ 52.004 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.

§ 52.005 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. The water meter pit will be in the city limits. The city will own and maintain the water meter. The user will pay for the original meter in the connection fee.

§ 52.006 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 two 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 §52.051.
- (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 eight feet from the

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top;

- (3) The remaining eight 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. All well sealing shall be performed by a professional licensed well driller trained in well abandonment.

§ 52.007 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 and a backflow device 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 §52.051.

§ 52.008 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 rental charge as established pursuant to §52.051 for each day including Sundays and legal holidays, and a fee as established by the city for each 1,000 gallons of water used.
 - (5) Connections to a public water supply to fill tankers must follow backflow prevention standards. The connection will have a reduced pressure zone backflow device.
- (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 §52.051. 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.

§ 52.009 WATER DEFICIENCY, SHUT OFF AND USE RESTRICTIONS.

- (A) *General.* The city shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections or from any other cause whatsoever. In case of fire, or alarm of fire, or in making repairs or construction of new works, water may be shut off without notice at any time and kept off as long as necessary. In addition, the City Council shall have the right to

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impose reasonable restrictions on the use of the city water system in emergency situations. For non-payment of charges, water service may be discontinued according to the procedures established in §52.071.

(B) *Restricted hours.*

(1) Whenever the Council determines that a shortage of water supply threatens the city, it may, by resolution, limit the times and hours during which city water may be used for sprinkling, irrigation, car washing, air condition or other specified uses. After publication of the resolution, no person shall use, or permit water to be used, in violation of the resolution, and any customer who does so shall be charged a fee set by resolution of the Council for each day of violation and the charge shall be added to his or her next water bill.

(2) If the emergency requires immediate compliance with terms of the resolution, the Council may provide for the delivery of a copy of the resolution to the premises of each customer, and any customer who has received the notice and thereafter uses or permits water to be used in violation of the resolution shall be subject to the charge provided above. Continued violation shall be cause for discontinuance of water service.

§ 51.010 POWERS AND AUTHORITY OF INSPECTORS.

(A) The Superintendent or other duly authorized employees bearing proper credentials and identification shall enter all properties for the purpose of inspection, measurements, sampling and testing pertinent to the city's water system in accordance with the provisions of the city.

(B) While performing necessary work, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by the city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be or failure of the company to maintain safe conditions as required hereby.

(C) The Superintendent or other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the water facilities lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

WATER REGULATIONS

§ 52.025 SUPPLY FROM ONE SERVICE.

No more than one 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.

§ 52.026 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.

§ 52.027 REPAIRS.

(A) *Determination of need for repairs.* Based on the information supplied by the property owner

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or available to the city, the city may 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 may 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 may 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 may 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 may 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 may not be turned on until the leak has been repaired and a fee pursuant to §52.051 has been paid to the city.

§ 52.028 ABANDONED OR UNUSED SERVICES.

(A) If the premises served by water have been abandoned, or if the service has not been used for one year, then the service may 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 may 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.

§ 52.029 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 §52.051.

§ 52.030 SERVICE PIPES.

Every service pipe shall be laid so as to allow at least one foot of extra length in order to prevent rupture by settlement. The service pipe must be placed no less than seven 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. All tubing and pipes shall conform to the State Plumbing Code. All underground joints are to be mechanical, except joints under floors shall be soldered in accordance with the State Plumbing Code, unless otherwise approved by the Utilities

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Superintendent. Joints of copper tubing shall be kept, to a minimum, and all joints shall conform to the State Plumbing Code. All joints and connections shall be left uncovered until inspected by the Utilities Superintendent and must comply with the State Plumbing Code and tested at normal water line pressure. Unions must conform to the State Plumbing Code. Connections with the mains for domestic supply shall be at least three-quarter inch up to the curb stop box.

§ 52.031 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 State 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 ten feet apart, the water service pipe shall be above the sewer pipe unless approved by the City Engineer. It shall be placed at least one foot above the sewer and on a solid shelf excavated at one side of the trench. The sewer pipe shall be of a material that is in conformance with the State 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 State Department of Transportation Standards. Complete surface restoration shall be made.
- (E) All excavations for building water installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, designated public sidewalk, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

§ 52.032 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.

§ 52.033 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-Treasurer. 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 or deposit required for the installation of the service connection as hereinafter provided. Applications for services larger than one inch shall be accompanied by two sets of plans or sketches indicating preferred location of service pipe and size of service based on

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building demand.

- (2) The size of the water service connections and meter shall be subject to approval of the City Engineer. Water meter sizing for a domestic connection shall be five-eighths inch by three-fourths inch. The standard service line size will be one inch. If the homeowner requests a larger service line, the extra cost of the water meter will be charged to the connection owner. The future replacement of the water meter will be billed at the difference between the standard meter cost and meter need to accommodate the larger line at the time of replacement.
- (3) Water billing shall start at the time of installation of the water meter, or in the event the meter is not installed, seven days after completion of outside piping, and shall be calculated upon the minimum monthly 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 §52.051. 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 one and one-half 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 §52.051 levied by the city to contribute to the payment of the costs of the public water system facilities. The City Council shall set by resolution 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 §52.051 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 §52.051.

§ 52.034 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 seven 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.

§ 52.035 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

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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 §52.051 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 one-inch line for normal use and a six-inch or larger line for a fire sprinkler system, he or she will be permitted to run one line into the premises and “Y” off into two 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 one-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 §52.051. 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 one 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. However, city employees may not enter private property without obtaining the permission of the owner to do so or have obtained a search warrant issued by a court of competent jurisdiction, as provided for in §10.20.
 - (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 State Plumbing Code and any standards established by resolution of the City Council.

RATES AND CHARGES

§ 52.050 WATER UNIT.

A water unit (hereinafter called unit) shall be one residential equivalent connection based on usage of 100,000 gallons per year or portion thereof.

§ 52.051 RATES, FEES AND CHARGES GENERALLY.

The City Council shall establish a fee schedule §33.01 of all water rates, fees and charges for permits or services by the city, as that ordinance may be amended from time to time. In accordance with M.S. §444.075(3), charges made for service rendered shall be as nearly as possible proportionate to the cost of furnishing the service.

§ 52.052 WATER SERVICE BILLING; CHANGE OF ADDRESS.

All bills and notices shall be mailed or delivered to the address where service is provided. If

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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-Treasurer. All accounts shall be carried in the name of the owner who personally or by his or her authorized agent, applied for the service. The owner shall be liable for water services supplied to the property whether he or she is occupying the property or not.

§ 52.053 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 §52.051.
 - (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 may be determined by special contract.
 - (D) The minimum rates established pursuant to §52.051 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, but other charges shall remain in effect at the rate in accordance with §33.01
- (A)(2)

ADMINISTRATION AND ENFORCEMENT

§ 52.070 WATER SERVICE FUND.

- (A) The city hereby establishes a Water Service Fund as an income fund to receive all revenues generated by the water service charge system, and all other income dedicated to the operation, maintenance replacement and construction of the water treatment works, including taxes, special charges, fees and assessments intended to retire construction debt. The city also establishes the following accounts as income and expenditure accounts within the Water Service Fund.
- (B) All revenue generated by the water service charge system, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be held by the Clerk-Treasurer separate and apart from all other funds of the city. Funds received by the Water Service Fund shall be transferred to the Operation and Maintenance Account, and the Debt Retirement/Repair Account in accordance with state and federal regulations and the provisions of this subchapter.
- (C) Revenue generated by the water service charge system sufficient to ensure adequate replacement throughout the design of useful life, whichever is longer, of the water facility shall be held separate and apart in the Debt Retirement/Repair Account and dedicated to affecting replacement costs. Interest income generated by the Debt Retirement/Repair Account shall remain in the Debt Retirement/Repair Account.
- (D) Revenue generated by the water service charge system sufficient for operation and maintenance shall be held separate and apart in the Operation and Maintenance Account. Interest income generated by the Operation and Maintenance Account shall remain in the Operation and Maintenance Account.

§ 52.071 PAYMENT OF CHARGES; LATE PAYMENT; COLLECTION.

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The water service charge system and water Service Fund shall be administrated according to the following provisions.

- (A) (1) The City Clerk-Treasurer shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works and shall furnish the City Council with a report of such cost annually in October.
 - (2) The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works, 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.
 - (3) The city shall thereafter, but not later than the end of the year, reassess, and as necessary revise the water service charge system then in place to ensure the proportionality of the user charges and to ensure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.
- (B) In accordance with federal and state requirements each user will be notified annually in conjunction with a regular billing of that portion of the water service charge attributable to operation, maintenance and replacement.
 - (C) In accordance with federal and state requirements, the City Clerk-Treasurer shall be responsible for maintaining all records necessary to document compliance with the water service charge system adopted.
 - (D) Any prepayment or overpayment of charges may be retained by the city and applied on subsequent charges.
 - (E) Bills for water service charges shall be rendered on a monthly basis succeeding the period for which the service was rendered and shall be due on the 20th of the month. Any bill not paid in full by the due date will be considered delinquent. On the 21st or the next working day after the 20th of the month, a late fee will be assessed to all delinquent amounts due, the city shall notify the owner and/or occupant that has a bill exceeding \$100.00 or is two (2) months delinquent including water, sewer, storm water, infrastructure, debt service, garbage and miscellaneous charges in writing via regular mail regarding the delinquent bill and the date the entire bill is to be paid to avoid disconnection of water services. Failure to pay the entire bill will cause disconnection of water services. The penalty shall be computed in accordance with §33.01 (A)(2) and shall be increased the same for every month the bill is outstanding.
 - (F) 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.
 - (G) Any additional costs caused by damages to a meter including the cost of restoring a meter, shall be borne by the property owner, at no expense to the city.

§ 52.072 DISCONNECTION OF SERVICE.

Water service may be shut off at any connection as provided for in §33.01.

§ 52.073 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.

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§ 52.074 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. §326B.26, 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 State Utility Contractors Association, is not subject to the licensing requirements of this section.
- (1) The applicant shall file with the City Clerk-Treasurer 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. §326B.46(2), as it may be amended from time to time, shall satisfy this requirement.
- (2) The applicant shall file with the City Clerk-Treasurer 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 one 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. §326B.46 (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-Treasurer 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-Treasurer. Licenses shall be in effect from January 1 to December 31 of the same year. The license fee shall be established pursuant to §52.051.
- (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.

§ 52.075 POWERS AND AUTHORITY OF INSPECTORS.

- (A) 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

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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.

- (B) 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 removal of a water meter, if a premises' water connection is joined with a neighbors water line or the curb stop is nonfunctional and a disconnection for delinquent billing is warranted. 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.

§ 52.099 PENALTY.

- (A) (1) Any person found to be violating any provision of §52.001 through 52.035 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.
- (2) Any person who shall continue any violation beyond the time limit provided for in division (A)(1) above shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount not exceeding \$100 for each violation. Each day in which any violation occurs shall be deemed as a separate offense.
- (3) Any person violating any of the provisions of §52.001 through 52.035 shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.
- (B) (1) Each and every water service charge levied by and pursuant to §52.001 through 52.035 are hereby made a lien upon the loss of premises served and all charges. 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), shall be certified to the County Auditor for collection as taxes or assessments on the real estate. Nothing in §52.001 through 52.035 shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected any delinquent or past due water service charges.
- (2) As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect such amounts as are delinquent and 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.
- (3) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the water works shall be liable for interest upon all unpaid balances at the rate in accordance with §33.01 (A)(2) and shall be increased the same for every month the bill is outstanding.

(Ord. 132, passed 3-14-2011; Ord. No. 144, passed 09-9-2013, Ord. No. 175, passed 04-08-2019)
Penalty, see §10.99

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CHAPTER 53: STORM WATER DRAINAGE UTILITY

Section

- 53.01 Establishment
- 53.02 Definitions
- 53.03 Storm water drainage fees
- 53.04 Other land usages
- 53.05 Adjustments
- 53.06 Exemptions
- 53.07 Recalculation of fee
- 53.08 Storm water Service Fund
- 53.09 Storm water Rates, Fees & Charges Generally
- 53.10 Payments of Charges; Late Payment; Collections
- 53.11 Powers & Authority of Inspectors
- 53.12 Effective date

- 53.99 Penalty

§ 53.01 ESTABLISHMENT.

- (A) The municipal storm sewer system shall be conducted as a public utility pursuant to M.S. §444.075 from which revenues will be derived subject to the provisions of this chapter and state statues. The storm water drainage utility shall be part of the Street Department and subject to the administration of the City Clerk-Treasurer or designee.
- (B) Just and reasonable charges for use and availability of storm sewer drainage facilities shall be calculated and determined pursuant to the terms hereinafter contained based on expected and typical storm water runoff as may be calculated within reasonable and practical limits with due regard to just and equitable charges as provided for herein.

§ 53.02 DEFINITIONS.

Rates and charges for the use and availability of the utility system shall be determined by the establishment of a standard user fee and through the use of a residential equivalent factor (REF) defined as the ratio of the average volume of run off generated by one-half acre of a given land use to the average volume of run off generated by one-half acre of typical single-family residential land, during a standard one-year rainfall event.

§ 53.03 STORM WATER DRAINAGE FEES.

- (A) (1) Storm water drainage fees for parcels of land shall be determined by addition of the user fee to a supplemental fee. All property owners will pay a user fee, excluding those classified as farmland in production. A supplemental fee shall be applied to all commercial, industrial, church and school properties and to all properties exceeding one-half acre in size. The supplemental fee shall be determined by multiplying the REF for the parcel’s land use classification by the parcel’s acreage factor, then multiplying the resulting product by the supplemental base fee.

- (2) The REF values for various land uses are as follows:

<i>Class</i>	<i>Land Uses</i>	<i>REF</i>
1.	Residences (single-/multiple-family and apartment buildings)	1
2.	Commercial and institutional uses	2

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3.	Public and private schools	2
4.	Churches	2
5.	Parks/cemeteries undeveloped residential property	.25
6.	Golf courses	.25
7.	Farmland in production	0
8.	City streets/rights-of-way	0
9.	Industrial	2
10.	Mobile homes	1

(B) The supplemental base and user fee rate shall be as established by resolution. See attachment A, attached to the ordinance codified herein.

§ 53.04 OTHER LAND USAGES.

(A) Other land uses not listed in the foregoing table shall be classified by the City Clerk-Treasurer assigning them to classes most nearly like the uses, from the standpoint of runoff volume for the standard rainfall event.

(B) An appeal of the classification from the determination of the Clerk-Treasurer may be made to the City Council.

§ 53.05 ADJUSTMENTS.

The City Council may by resolution adopt policies providing for the adjustment of charges for parcels based upon land use data supplied by affected property owners which demonstrate a runoff volume for a standard rainfall event substantially different from the REF being used for the parcels. The adjustments for storm water drainage fees shall not be made retroactively.

§ 53.06 EXEMPTIONS.

Public street rights-of-way and farmland in production are exempt from storm water drainage charges.

§ 53.07 RECALCULATION OF FEE.

If a property owner or person responsible for paying the storm water drainage fees questions the accuracy of an invoice, the person may have the determination of the charge recalculated by written request to the city within 60 days following the mailing of the invoice by the city.

§ 53.08 STORM WATER SERVICE FUND.

(A) The city hereby establishes a Storm Water Service Fund as an income fund to receive all revenues generated by the Storm water service charge system, and all other income dedicated to the operation, maintenance replacement and construction of the storm water works, including taxes, special charges, fees and assessments intended to retire construction debt. The city also establishes the following accounts as income and expenditure accounts within the Storm Water Service Fund.

(B) All revenue generated by the storm water service charge system, and all other income pertinent to the system, including taxes and special assessments dedicated to retire construction debt, shall be held by the Clerk-Treasurer separate and apart from all other funds of the city. Funds received by the Storm Water Service Fund shall be transferred to the Operation and Maintenance Account, and the Debt Retirement/Repair Account in accordance with state and federal regulations and the provisions of this subchapter.

(C) Revenue generated by the storm water service charge system sufficient to ensure adequate

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replacement throughout the design of useful life, whichever is longer, of the storm water facility shall be held separate and apart in the Debt Retirement/Repair Account and dedicated to affecting replacement costs. Interest income generated by the Debt Retirement/Repair Account shall remain in the Debt Retirement/Repair Account.

- (D) Revenue generated by the storm water service charge system sufficient for operation and maintenance shall be held separate and apart in the Operation and Maintenance Account. Interest income generated by the Operation and Maintenance Account shall remain in the Operation and Maintenance Account.

§ 53.09 STORM WATER RATES, FEES AND CHARGES GENERALLY.

The City Council shall establish a fee schedule §33.01 of all water rates, fees and charges for permits or services by the city, as that ordinance may be amended from time to time. In accordance with M.S. §444.075 subd. 3b, charges made for service rendered shall be as nearly as possible proportionate to the cost of furnishing the service.

§ 53.10 PAYMENT OF CHARGES; LATE PAYMENT; COLLECTION.

The storm water service charge system and storm water Service Fund shall be administrated according to the following provisions.

- (A) (1) The City Clerk-Treasurer shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works and shall furnish the City Council with a report of such cost annually in October.
- (2) The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works, 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.
- (3) The city shall thereafter, but not later than the end of the year, reassess, and as necessary revise the storm water service charge system then in place to ensure the proportionality of the user charges and to ensure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.
- (B) In accordance with federal and state requirements each user will be notified annually in conjunction with a regular billing of that portion of the storm water service charge attributable to operation, maintenance and replacement.
- (C) In accordance with federal and state requirements, the City Clerk-Treasurer shall be responsible for maintaining all records necessary to document compliance with the storm water service charge system adopted.
- (D) Bills for stormwater service charges shall be rendered on a monthly basis succeeding the period for which the service was rendered and shall be due on the 20th of the month. Any bill not paid in full by the due date will be considered delinquent. On the 21st or the next working day after the 20th of the month, a late fee will be assessed to all delinquent amounts due, the city shall notify the owner and/or occupant that has a bill exceeding \$100.00 or is two (2) months delinquent including water, sewer, storm water, infrastructure, debt service, garbage and miscellaneous charges in writing via regular mail regarding the delinquent bill and the date the entire bill is to be paid to avoid disconnection of water services. Failure to pay the entire bill will cause disconnection of water services.

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The penalty shall be computed in accordance with §33.01 (A)(2) and shall be increased the same for every month the bill is outstanding

(E) 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.

(F) Any additional costs caused by damages including the cost of restoring, shall be borne by the property owner, at no expense to the city.

§ 53.11 POWERS AND AUTHORITY OF INSPECTORS.

(A) The Superintendent or other duly authorized employees bearing proper credentials and identification shall enter all properties for the purpose of inspection, measurements, sampling and testing pertinent to the city's storm water system in accordance with the provisions of the city.

(B) While performing necessary work, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by the city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be or failure of the company to maintain safe conditions as required hereby.

(C) The Superintendent or other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the storm water facilities lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(D) 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.

(E) 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 removal of a water meter, if a premises' water connection is joined with a neighbors water line or the curb stop is nonfunctional and a disconnection for delinquent billing is warranted. 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.

§ 53.99 PENALTY

(A) (1) Any person found to be violating any provision of §53.01 through 53.06 shall be served by the city with written notice stating the nature of the violation and providing a

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reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in division (A)(1) above shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount not exceeding \$100 for each violation. Each day in which any violation occurs shall be deemed as a separate offense.

(3) Any person violating any of the provisions of §53.01 through 53.06 shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.

(B) (1) Each and every water service charge levied by and pursuant to §53.01 through 53.06 are hereby made a lien upon the loss of premises served and all charges. 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), shall be certified to the County Auditor for collection as taxes or assessments on the real estate. Nothing in §53.01 through 53.06 shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected any delinquent or past due water service charges.

(2) As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect such amounts as are delinquent and 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.

(3) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the water works shall be liable for interest upon all unpaid balances at the rate in accordance with §33.01 (A)(2) and shall be increased the same for every month the bill is outstanding.

(Ord. No. 100, passed 4-8-2002; Ord. No. 132, passed 3-14-2011; Ord. No. 144, passed 09-9-2013)

Penalty, see §10.90

