

# ORDINANCE #110 - A

## AN ORDINANCE ESTABLISHING SEWER USE REGULATIONS

An Ordinance regulating the use of public sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system; and providing penalties for violations thereof.

THE CITY COUNCIL OF THE CITY OF STOCKTON, WINONA COUNTY, MINNESOTA,  
ORDAINS:

### ARTICLE I. DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall have the meanings hereinafter designated:

- 1) "Act" – The Federal Water Pollution Control Act also referred to the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- 2) "ASTM" – American Society for Testing Materials.
- 3) "Authority" – The City of Stockton, Minnesota or its representative thereof.
- 4) "BOD 5 or Biochemical Oxygen Demand" – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 deg. Centigrade in terms of milligrams per liter (mg/L).
- 5) "Building Drain" – that 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 five (5) feet outside the building wall.
- 6) "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.
- 7) "City" – the area within the corporate boundaries of the City of Stockton 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.
- 8) "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).
- 9) "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 designated to treat such pollutants to a degree which complies with effluent concentration limits imposed by the permit.
- 10) "Control Manhole" – a structure specially constructed for the purpose of measuring flow and sampling of wastes.
- 11) "Easement" – an acquired legal right for the specific use of land owned by others.
- 12) "Fecal Coliform" – any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.
- 13) "Floatable Oil" – Oil, fat, or grease in a physical state, such that it will separate by gravity from wastewater.
- 14) "Garbage" – animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.
- 15) "Incompatible Pollutant" – any pollutant that is not defined as a compatible pollutant (Sec. 9.) including non-biodegradable dissolved solids.
- 16) "Industry" – any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, which is categorized in Divisions A, B, D, E and I.

- 17) "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.
- 18) "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.
- 19) "Infiltration/Inflow (I/I)" - the total quantity of water from both infiltration and inflow.
- 20) "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 sewers, catch basins, surface runoff, street wash waters or drainage.
- 21) "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 sewage sludge use or disposal by the City in accordance with published regulations providing guidelines under Section 405 of the Act or any regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria applicable to the method of disposal or use employed by the City.
- 22) "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 such treatment facilities or would interfere with the operation of such treatment facilities, pursuant to Section 307 (b) of the Act.
- 23) "National Pollutant Discharge Elimination System (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 Sections 402 and 405 of the Act.
- 24) "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.
- 25) "Non-contact Cooling Water" - the water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added, is heat.
- 26) "Normal Domestic Strength Waste" - wastewater that is primarily introduced by residential users with a BOD 5 concentrations not greater than 250 mg/L and a suspended solids (TSS) concentration not greater than 300 mg/L.
- 27) "Notice" - means a notice in writing directed to the Owner or other person affected for the time specified by this Ordinance, stating briefly the condition that which is the reason for the notice and the consequences that which would result upon failure to comply with the terms of the notice. A notice shall be deemed given with it is a.) personally served upon the person to whom it is directed by delivering it to him personally or by leaving it at his usual place of abode with some person of suitable age and discretion then residing therein or b.) mailed to him at his last known address, and service by mail is deemed given when said notice is deposited in the mail, postage prepaid. If the Owner cannot be served as provided above, service upon the Owner shall then be effective if it is made upon the occupant.
- 28) "pH" - the logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.
- 29) "Pretreatment" - the treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly owned treatment works.

30) "Properly Shredded Garbage" - the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than ½ inch (1.27 cm) in any dimension.

31) "Service" - means connection to the municipal wastewater disposal system, and the right to the use of its facilities whether or not the facilities are in fact used.

32) "Sewage" - the spent water of a community. The preferred term is wastewater.

33) "Sewer" - a pipe or conduit that carries wastewater or drainage water.

"Collection Sewer" - a sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.

"Combined Sewer" - a sewer intended to serve as a sanitary sewer and a storm sewer.

"Force Main" - a pipe in which wastewater is carried under pressure.

"Interceptor Sewer" - a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

"Private Sewer" - a sewer which is not owned and maintained by a public authority.

"Public Sewer" - a sewer owned, maintained and controlled by a public authority.

"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.

"Storm Sewer or Storm Drain" - a drain or sewer intended to carry storm waters, surface runoff, ground water, sub-surface water, street wash water, drainage, and unpolluted water from any source.

34) "Shall" is mandatory; "May" is permissive.

35) "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, or (2) has exceeded five percent (5%) of the total flow received at the treatment facility, or (3) whose waste contains a toxic pollutant in toxic amounts pursuant to Section 307 (a) of the Act, or (4) whose discharge has a significant effect, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or emissions generated by the treatment system.

36) "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 fifteen (15) minutes, more than five (5) times the average a 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment works.

37) "State Disposal System (SDS) Permit" - any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to Minnesota Statutes 115.07 for a disposal system as defined by Minnesota Statutes 115.01, Subdivision 8.

38) "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.

39) "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 Section 307 (a) of the Act.

40) "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 benefited by discharge to the sanitary sewers and wastewater treatment facilities. (See "Non-contact Cooling Water", Sec. 26.)

41) "User" - any person who discharges or causes or permits the discharge of wastewater into the City's wastewater disposal system.

42) "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.

43) "Wastewater Operator" - the Wastewater Operator or a deputy, agent or representative thereof.

44) "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 such treatment.

45) "Watercourse" - a natural or artificial channel for the passage of water, either continuously or intermittently.

46) "WPCF" - the Water Pollution Control Federation.

## **ARTICLE II. CONTROL BY THE WASTEWATER OPERATOR.**

The Wastewater Operator 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 ordinance to the end that a proper and efficient public sewer is maintained.

## **ARTICLE III. USE OF MUNICIPAL SEWER SYSTEM.**

**Section 1.** 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.

**Section 2.** It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and the City's NPDES/SDS Permit.

**Section 3.** Except as provided hereinafter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

**Section 4.** The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes from which wastewater is

discharged, 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 City, shall be required at the owner(s) expense to install a suitable service connection to the public sewer in accordance with provisions of this Code, within thirty (30) days of the date said public sewer is operational provided said public sewer is within 100 feet of the structure generating the wastewater. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If the sewer connections are not made pursuant to this section, and official thirty (30) day notice shall be served instructing the affected property owner to make said connections.

**Section 5.** In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Article III, Section 4 of the Ordinance, the City must undertake to have said connection made and shall assess the cost thereof against the benefited property. Such assessment, when levied, shall bear interest at the rate determined by the city council and shall be certified to the Auditor of the County of Winona, Minnesota 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 Ordinance.

#### **ARTICLE IV. PRIVATE WASTEWATER DISPOSAL**

**Section 1.** Where a public sewer is not available under the provisions of Article III, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of Winona County Environmental Services.

**Section 2.** Prior to commencement of construction of a private wastewater disposal system, the owner (s) shall first obtain a written permit signed by Winona County. The application for such permit shall be made on a form furnished by the Winona County Environmental Services, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary to the County, and pay any fees.

**Section 3.** A permit for a private wastewater disposal system shall be obtained through Winona County Environmental Services, with a copy being placed with the City Clerk. The County shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the county when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within two (2) working days of the receipt of notice.

**Section 4.** The City of Stockton hereby adopts, by this reference, MN Rules Chapter 7080 - "MPCA, Design Standards for Individual Subsurface Sewage Treatment Systems" (ISTS). No septic tank or cesspool shall be permitted to discharge to any natural outlet. On all lots created after January 31, 1997, the system design shall include at least one designated additional soil treatment area.

**Section 5.** 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 thirty (30) days in compliance with the Ordinance, and within sixty (60) days any septic tanks, cesspools, 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.

**Section 6.** 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.

**Section 7.** No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the MPCA and the Department of Health of the State of Minnesota.

**Section 8.** A failing septic system will be issued a notice of noncompliance and copies shall be provided to the property owners and the City within 30 days under the following conditions:

A failing ISTS shall be upgraded, replaced or its use discontinued within one year. The City will give consideration to weather conditions as it establishes compliance dates. An ISTS posing an imminent threat to public health safety shall be upgraded or repaired or its use discontinued within an appropriate timeframe, less than ten months.

## **ARTICLE V. BUILDING SEWERS AND CONNECTIONS.**

**Section 1.** Any new connections (s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, BOD 5, and Suspended Solids, as determined by the Wastewater Operator.

**Section 2.** 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.

**Section 3.** 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 any private building drain beyond the limits of the building or property for which the service connection permit has been given.

**Section 4.** There shall be three (3) classes of building sewer permits: (a) for residential (b) for commercial service, and (c) for service to establishments producing industrial wastes. In all classifications, 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. Neither class of building sewer permit shall be granted until the City has been paid the fee for such permit, which will be determined by City Council on the Fee Schedule annually.

**Section 5.** 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.

**Section 6.** A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The City does not and will not assume any obligation or

responsibility for damage caused by or resulting from any such connection aforementioned.

**Section 7.** Old building sewers may be used in connection with new buildings only when they are found, once examined and tested by the Wastewater Operator or his representative, to meet all requirements of this Ordinance.

**Section 8.** 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 of Minnesota Building and Plumbing Code 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.

**Section 9.** Whenever possible, the building sewer shall be brought to the building at an elevation below 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 such building drain shall be lifted by an approved means and discharged to the building sewer.

**Section 10.** No person(s) shall make connection of roof downspouts, sump pump discharges, foundation drains, area drains, or other sources of surface runoff or groundwater to a building sewer or indirectly to the wastewater disposal system.

**Section 11.** The connection of the building sewer into the public sewer shall conform to the requirement of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight, and verified by proper testing to prevent the inclusion of infiltrations/inflow. Any deviation from the prescribed procedures and materials must be approved by the City prior to installation.

**Section 12.** Notice shall be given to the Wastewater Operator by the person who is to make the connection to the public sewer when the building sewer is ready for inspection and connection to the public sewer and at such stages during the progress of such work as the Wastewater Operator may direct. The connection and inspection shall be made under the supervision of the Wastewater Operator or authorized representative thereof.

**Section 13.** All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work, shall be restored in a manner satisfactory to the City.

**Section 14.** No person shall make a service connection with any public sewer unless regularly licensed under this chapter to perform such work, and no permit shall be granted to any person except such regularly licensed person.

**Section 15.** No person licensed to make a service connection with public sewers shall allow his name to be used by any other person, either for the purpose of obtaining permits, or doing any work under the license.

## **ARTICLE VI. USE OF PUBLIC SERVICES AND DISCHARGE PROHIBITIONS AND LIMITATIONS.**

**Section 1.** 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.

**Section 2.** Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to 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.

**Section 3.** No Person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers;  
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.

Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facility such as, but not limited to, grease, garbage with particles greater than one-half (1/2) 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 gritting or polishing wastes. 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. 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 Section 307 (a) of the Act.

**Section 4.** 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 Wastewater Operator may set limitations lower than limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of wastes, the Wastewater Operator 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, and other pertinent factors. The limitations or restrictions



on materials or characteristics of waste or wastewaters discharge to the sanitary sewer which shall not be violated without approval of the Wastewater Operator are as follows: Any wastewater having a temperature greater than 150 deg. F. (65.6 deg. C), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104 deg. F (40 deg. C), or having heat in amounts which will inhibit biological activity in the wastewater treatment works resulting in interference therein. Any wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of 200 mg/L or containing substances which may solidify or become viscous at temperatures between 32 deg. F and 150 deg. F (0 deg. C and 65.6 deg. C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/L, whether emulsified or not. Any quantities of flow, concentrations, or both which constitute a "slug" as defined herein. (See Article I, Section 38).

Any garbage not properly shredded, as defined in Article I, Section 32. 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. Any noxious 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.

Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions. Non-contact cooling water or unpolluted storm, drainage, or ground water, including sump pump discharges and foundation drains. Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) in such quantities that would cause disruption with the wastewater disposal system.

Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Wastewater Operator in compliance with applicable state or federal regulations.

Any waters or wastes containing in excess of the following metal substances:

Aluminum - 0.40 pounds/day  
Copper - 0.50 pounds/day  
Lead - 0.025 pounds/day  
Nickel - 0.50 pounds/day  
Hexavalent Chromium - 0.50 pounds/day  
Total Chromium - 5.00 pounds/day  
Zinc - 0.40 pounds/day

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.

Any waters or wastes containing BOD 5 or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of Section 19 of this Article.

**Section 5.** National Categorical Pretreatment Standards promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users, which are subject to such standards in any instance where they are more stringent than the limitations in this Ordinance.

**Section 6.** The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with all existing standards.

**Section 7.** If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in Sections 4 & 5 of this Article, and/or which in the judgment of the Wastewater Operator, 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 reject the wastes, require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307 (b) of the Act and all addendums thereof, require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer service charges. 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.

**Section 8.** No user shall increase the use of process water or, in any manner or attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in Sections 3, 4 & 5 of this Article.

**Section 9.** Where pretreatment of flow-equalizing facilities are provided or required for any water or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner (s).

**Section 10.** Grease, oil, and sand interceptors shall be provided when, in the opinion of the Wastewater Operator, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 4 (b), any flammable wastes as specified in Section 3 (a), sand or other harmful ingredients; except that such 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 Wastewater Operator. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm.

**Section 11.** 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 such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurements of wastes. Construction shall be completed within 90 days following written notification by the City, unless a time extension is granted by the City. Such structure shall be accessible and a safely located, and shall be constructed in accordance with plans approved by the City. The structure shall be installed by the owner at his expense and shall be maintained by the owner to be safe and accessible at all times.

**Section 12.** The owner of any property serviced by a building sewer carrying industrial wastes shall, if ordered by the City, pay for any laboratory measurements,

test, or analyses of waters or wastes to illustrate compliance with this Ordinance and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses to be paid for by the owner shall be as stipulated by the City. The City will collect compliance monitoring samples to be analyzed by an independent testing laboratory. 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 such times and in such manner as prescribed by the City. The owner shall bear the expense of all measurements, analyses, and reporting required by the City.

**Section 13.** All measurements tests and analysis of the characteristics of waters and wastes to which reference is made in this Ordinance 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 Wastewater Operator.

**Section 14.** 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 ordinance. Where necessary, facilities to prevent accidental 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 Wastewater Operator for review and approval prior to construction of the facility. Review and approval of such 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 ordinance. Users shall notify the Wastewater Operator immediately upon having a slug or accidental discharge of substances of wastewater in violation of this ordinance to enable countermeasures to be taken by the Wastewater Operator to minimize damage to the wastewater treatment works. Such notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system to treatment process, or for any fines imposed on the City on account thereof under any State and Federal law. Employers shall insure that all employees who may cause or discover such a discharge are advised of the emergency notification procedure.

**Section 15.** 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 to pass into the public sewer. Within thirty (30) days of written notice from the City, the owner shall install suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same, and perform such other work, as the Wastewater Operator 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 thirty (30) days, the Wastewater Operator may cause such work to be completed at the expense of the owner or representative thereof.

**Section 16.** 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 such work to be done as the Wastewater operator may direct. Each day after thirty (30) days that a person neglects or fails to so act shall constitute a separate violation of this section, and

the Wastewater Operator may then cause the work to be done, and recover from such owner or agent the expense thereof by an action in the name of the City.

**Section 17.** 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.

**Section 18.** In addition to any penalties that may be imposed for violation of any provision of this chapter, the City may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge of prohibited wastes by such person, and may collect such assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the City.

**Section 19.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City of Stockton 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.

## **ARTICLE VII. POWERS AND AUTHORITY OF INSPECTORS.**

**Section 1.** The Wastewater Operator or other duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling, and testing pertinent to the discharges to the City's sewer system in accordance with the provisions of this ordinance.

**Section 2.** The Wastewater Operator 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 information in question might result in an advantage to competitors.

**Section 3.** While performing necessary work on private properties, the Wastewater Operator and 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 City employees and against liability claims and demands for personal injury or property damage asserted against the company to maintain safe conditions as required in Article VI, Sections 10 and 11 of this Ordinance.

**Section 4.** The Wastewater Operator or other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities. All entry and subsequent work, if any, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

## **ARTICLE VIII. OTHER PROVISIONS.**

**Section 1.** No person shall enter a sewer manhole or open the same for any other person whatever unless authorized by the City Council or the Wastewater Operator.

**Section 2.** If any provision, paragraph, word, section or chapter of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, section, and chapters shall not be affected and shall continue in full force and effect.

**Section 3.** Nothing in this ordinance shall contractually bind the City.

## **ARTICLE IX. USER RATE SERVICE CHARGES.**

**Section 1.** Sewer service charges will be established by the annually adopted fee schedule by City Council.

**Section 2.** An account for services will be kept for each user and a separate account for separate premises. Bills for service will be rendered quarterly and will be due within ten days of their date, but failure of the City to render a bill or of user to receive a bill will not excuse payment. Bills not paid within said ten days will have a finance charge of 1 ½ % (18% per annum) on the unpaid balance, with a minimum monthly charge of 50 cents. Bills will be mailed to users at the addresses shown on applications of the day of their date. The City Clerk will keep accounts and render the bills; and will receive payment of bills and give receipts therefore.

**Section 3.** All sewer service charges when collected and all monies received from the sale of any sewer facilities or equipment or any by-products of sewage treatment or disposal shall be placed in a separate fund and shall be used first to pay the normal, reasonable and current costs of operation and maintaining the facilities, and the balance shall be used as the Council may direct and as provided by laws.

**Section 4.** All sewer service charges shall become delinquent if not paid as set forth in Sec. 2 above, regardless of who owns or occupies the real estate supplied with the sewer service at the time. All delinquent sewer service charges shall be a lien against the real estate served. The delinquent amounts will be levied and collected as a special assessment in the manner provided by law. Prior to the submission of the assessment to the County on the date the assessment is confirmed by the City Council, the City Council shall add a penalty of 15% of the amount then due. The City may also pursue any and all other remedies available at law for collection of the delinquent charges and penalty.

**Section 5.** At the end of each calendar year an audit of the income and expenses of the sewage system shall be prepared for the City after which the City Council shall adjust or ratify the then existing rate structure for sewer service.

## **ARTICLE X. PENALTIES.**

**Section 1.** Any person found to be violating any provision of this ordinance, shall where notice is required by the City 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 such notice, permanently cease all violations.

**Section 2.** Any person who shall continue any violation beyond the time limit provided for in Section 1 of this Article, shall upon conviction, be sentenced to imprisonment for not more than 90 days or to payment of a fine determined by the fee schedule. Each day in which any such violation occurs shall be deemed as a separate offense.

**Section 3.** Any person who violates any of the provisions of this ordinance, where notice by the City is not required, shall upon conviction, be sentenced to imprisonment for not more than 90 days or to payment of a fine determined by the fee schedule.

**Section 4.** If any person violates any of the provisions of this ordinance, or any order of the City, the City may also commence an action for appropriate legal and/or equitable relief, including injunctive relief and any such violator shall be liable to the City for any expense, including attorney fees, loss or damage occasioned by the City by reason of such violation.

**Section 5.** Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall upon conviction, be sentenced to imprisonment for not more than 90 days or to payment of a fine determined by the fee schedule.

#### **ARTICLE XI. VALIDITY.**

**Section 1.** This Ordinance shall be in full force and take effect from and after its passage and approval and publication by law.

**Section 2.** All other ordinances and parts of other ordinances inconsistent or in conflict with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

Passed and adopted by the City Council of the City of Stockton, Minnesota, on the 26th day of February, 2013.

\_\_\_\_\_  
Christopher Parker, Mayor

Attest:

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Bethany Winchester  
Clerk - Treasurer

