

Public Works Committee Meeting Agenda
Wednesday November 6th, 2019
5:00pm

Agenda:

- 1) Open Forum.
- 2) Recycling Center discussion with Eric Loge from Waste Partners.
- 3) Review of Sewer Rate Increase resolution for recommendation to the Council. (Draft resolution attached)
- 4) Grand View Base Map Discussion. A look at a timeline of the next steps. (find attached the Engineering Log and Timeline.)
- 5) Lift Station #3 Engineering Agreement (Mark)
- 6) Draft sewer ordinance and changes. (Tom) (Old ordinance, draft new ordinance, and a list of significant changes attached.)
- 7) Confirm Mark Utzinger new term on P/W Committee.

FYI

- 1) A copy of the Grand View Base Map is up in the Council Chambers for all to view.
- 2) **TABLED TO ALLOW MORE TIME TO COLLECT INFORMATION:** Request from Tony Fyle to put an unborn child monument in the cemetery. Tony will provide a picture of what he would like to install. (Tony Fyle, Tom if Tony can't make it)
- 3) **UPDATE; Item to be tabled. Waiting for cost info from Crow Wing Power.** Street Lighting Request. I had a verbal request from a resident of Wolf Chase to add general street lighting. Since there is no formal request, I am looking to see if there is any interest installing street lighting anywhere at this time. In particular, in areas that aren't subject to high speed/heavy traffic.
- 4) Preliminary winter/plowing forecast (Snowbirds/Chili Willies may want to start flying south!).

**CITY OF NISSWA
COUNTY OF CROW WING
STATE OF MINNESOTA**

RESOLUTION NO. 19-

RESOLUTION ADOPTING INCREASE IN SEWER RATES

WHEREAS, the City Council reviewed a proposed increase in sewer service rates during the 2020 budget review process; and

WHEREAS, pursuant to Section 10.74 of the Nisswa City Code increases in sewer service rates shall be published;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NISSWA, MINNESOTA:

1. Effective January 1, 2020 the quarterly sewer service rates shall be as follows (effective for the 1st quarter billing in 2020):

Year	Rate per ERC per quarter
2020	\$ 154.67

Reflects a 4.50% increase from the 2019 rate of \$148.01.

2. Effective January 1, 2020 the sewer connection fee shall be \$10,000.00 per ERC.

Passed by the City of Nisswa Council this 20th day of November, 2019 by a ___/5ths vote.

Fred Heidmann
Mayor

ATTEST:

Jennifer Max
City Administrator/Clerk

CHAPTER X. SEWER REGULATIONS

ESTABLISHING SEWER USE REGULATIONS

A Chapter regulating the use of public and private 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(s); and providing penalties for violations thereof.

PART 1 - DEFINITIONS

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

Sec. 1. **“Act”** – The Federal Water Pollution Control Act also referred to as the Clean Water Act, as amended, 33. U.S.C. 1251, et seq.

Sec. 2. **“ASTM”** – American Society for Testing Materials.

Sec. 3. **“Authority”** – The City of Nisswa, Minnesota or its representative thereof.

Sec. 4. **“BOD5 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° Centigrade in terms of milligrams per liter (mg/l).

Sec. 5. **“Building Drain”** – That part of the lowest horizontal piping of a drainage system which receives the discharge from waster and other drainage pipes inside the walls of the building and conveys it to the building sewer which begins five (5) feet outside the building wall.

Sec. 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 which begins five (5) feet outside the building wall.

Sec. 7. **“City”** – The area within the corporate boundaries of the City of Nisswa 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.

Sec. 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).

Sec. 9. **“Compatible Pollutant”** – Biochemical oxygen demand, suspend 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.

Sec. 10. **“Control Manhole”** – A structure specially constructed for the purpose of measuring flow and sampling of wastes.

Sec. 11. **“Easement”** – An acquired legal right for the specific use of land owned by others.

Sec. 12. **“ERC”** – Equivalent Residential Connection – For the purposes of calculating the connection charge, a building service with an anticipated peak month volumetric not exceeding 300 gallons per day or a service servicing a primary individual dwelling unit. The concentration of the sewage shall be normal domestic strength wastewater.

Sec. 13. **“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.

Sec. 14. **“Floatable Oil”** – Oil, fat, or grease in a physical state, such that it will separate by gravity from wastewater.

Sec. 15. **“Garbage”** – Animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.

Sec. 16. **“Incompatible Pollutant”** – Any pollutant that is not defined as a compatible pollutant (Sec. 9) including non-biodegradable dissolved solids.

Sec. 17. **“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.

Sec. 18. **“Industrial Waste”** – Gaseous, liquid, and solid wastes resulting from industrial or manufacturing processes, trade or business, or from the develop

Sec. 19. **“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.

Sec. 20. **“Infiltration/Inflow – (I/I)”** – The total quantity of water from both infiltration and inflow.

Sec. 21. **“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.

Sec. 22. **“Interference”** – The inhibition or disruption of the City’s wastewater disposal system processes or operation which cause or significantly contributes to a violation of any requirement of the City’s NPDES and/or SDS Permit. The term includes violation of sewage sludge use or disposal by the City in accordance with published 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.

Sec. 23. **“MPCA”** – Minnesota Pollution Control Agency.

Sec. 24. **“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.

Sec. 25. **“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.

Sec. 26. **“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.

Sec. 27. **“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.

Sec. 28. **“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 302 mg/l.

Sec. 29. **“Person”** – Any individual, firm, company, association, society, corporation, or group.

Sec. 30. **“PH”** – The logarithm of a reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.

Sec. 31. **“Pretreatment”** – The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works. (See Sec. 24.)

Sec. 32. **“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.

Sec. 32A. **“Public Works Director”** – The street and water/wastewater utilities superintendent or a deputy, agent or representative thereof.

Sec. 33. **“Sewage”** – The spent water of a community. The preferred term is wastewater.

Sec. 34. **“Sewer”** – A pipe or conduit that carries wastewater or drainage water.

(a) **“Collection Sewer”** – A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.

(b) **“Combined Sewer”** – A sewer intended to serve as a sanitary sewer and a storm sewer.

(c) **“Force Main”** – A pipe in which wastewater is carried under pressure.

- (d) **“Interceptor Sewer”** – A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

- (e) **“Private Sewer”** – A sewer which is not owned and maintained by a public authority.
- (f) **“Public Sewer”** – A sewer owned, maintained and controlled by a public authority.
- (g) **“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.
- (h) **“Storm Sewer or Storm Drain”** – A drain or sewer intended to carry stormwaters, surface runoff, ground water, sub-surface water, street wash water, drainage, and unpolluted water from any source.

Sec. 35. **“Shall”** – Is mandatory; **“May”** is permissive.

Sec. 36. **“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.

Sec. 37. **“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 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment works.

Sec. 38. **“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.

Sec. 39. **“Superintendent”** – The utilities superintendent or a deputy, agent or representative thereof.

Sec. 40. **“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 “Standards Methods for the Examination of Water and Wastewater”, latest edition, and referred to as non-filterable residue.

Sec. 41. **“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.

Sec. 42. **“Unpolluted Water”** – Water of quality equal to or better than the effluent criteria in effect, or water that would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities. (See “Non-contact Cooling Water”, Sec. 27.).

Sec. 43. **“User”** – Any person who discharges or causes or permits the discharge of wastewater into the City’s wastewater disposal system.

Sec. 44. **“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 stormwater that may be present.

Sec. 45. **“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, additional, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and similar facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal or residues resulting from such treatment.

Sec. 46. **“Watercourse”** – A natural or artificial channel for the passage of water, either continuously or intermittently.

Sec. 47. **“WPCF”** – The Water Pollution Control Federation.

PART 2 - CONTROL BY THE PUBLIC WORKS DIRECTOR

10.2 The Public Works Director 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.

PART 3 - USE OF WASTEWATER FACILITIES

10.3 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.

10.4 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.

10.5 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.

10.6 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 ninety (90) days of the date said public sewer is operational provided said public sewer

is within 1000 feet of the property containing 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 sewer connections are not made pursuant to this section, an official thirty (30) day notice shall be served instructing the affected property owner to make said connection.

10.6.1 City municipal sewer users are required to comply with the following requirements:

1. Water flow restrictive devices are to be installed in plumbing fixtures that will reduce the amount of water used during use but still allow the fixture to function as intended by the manufacturer.
2. All new construction and remodeling shall be in compliance with the Minnesota Plumbing Code Chapter 4715 with respect to flow rates and water volume usage for fixtures and other plumbing devices.
3. Roof drains, sump pumps, footing drains, floor drains or other sources of non-sanitary waters shall not be connected to the municipal sanitary collection system during remodeling or new construction.
4. Municipal sewer users which have knowingly connected to the sanitary sewer system in a way which allows non-sanitary waters to enter the service shall have these connections removed.

10.6.2 Penalties. Any person violating Section 10.6.1 of the Nisswa City Code shall be deemed guilty of a petty misdemeanor. Upon conviction the offending party shall be subject to a fine as prescribed by Minnesota Statutes. If the City chooses to enforce compliance with Section 10.6.1 and the enforcement does not involve criminal prosecution, the offending party shall be required to reimburse the City for the City's attorney's fees and costs associated with enforcing the offending party's compliance with the City Code.

10.7 In the event an owner shall fail to voluntarily connect to a public sewer in compliance with a notice given Part 3, 10.6 of the Ordinance, the City may undertake to have said connection made and may 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 Crow Wing, 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.

10.8 Failure of an owner to voluntarily connect to a public sewer in compliance with a notice given under Part 3, 10.6 of the Ordinance shall be deemed a public nuisance and a misdemeanor and shall be punishable upon conviction thereof in accordance with the laws of the State of Minnesota. The City may make the connection as a means of abating the nuisance and charge the cost back to the offending landowner with such cost to be collected as a user fee.

10.9 The City may also petition the District Court for a Court Order requiring the owner

to connect to the public central sewer system and ordering the owner to connect within a reasonable amount of time to be established by the Court, or for an Order authorizing the City to make the connection. In the event the City petitions the Court for an Order directing the connection, either by the owner or the City, the owner shall be liable for all costs of enforcement including court costs and reasonable attorney's fees related to said action.

10.10 Violation of any provision of this Ordinance, including an owner's failure to connect to the central sewer system, shall constitute a misdemeanor offense, and shall be punishable upon the conviction thereof in accordance with the laws of the State of Minnesota thereunto appertaining. An owner found in violation shall be liable for the City's legal fees and expenses incurred therein.

PART 4 - PRIVATE WASTEWATER DISPOSAL

10.11 Where a public sewer is not available under the provisions of Part 3, Section 10.6, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.

10.12 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 such 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.

10.13 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 the permit shall notify the City when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 1 City business day of the receipt of notice.

10.14 The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of Minnesota SSTS Rules Chapters 7080 through 7083. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

10.15 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 sixty (60) days in compliance with the Ordinance, and within ninety (90) 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.

10.16 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.

10.17 No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the State of Minnesota.

10.18 All private systems require a valid city maintenance certificate. (See 10.118)

PART 5 - BUILDING SEWERS AND CONNECTIONS

10.19 Any new connection(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, BOD5, and Suspended Solids, as determined by the Public Works Director.

10.20 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. **CREATE PERMIT PROCESS?**

10.21 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.

10.23 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.

10.24 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.

10.25 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Public Works Director or his representative, to meet all requirements of this ordinance.

10.26 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. **STILL APPROPRIATE?**

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

10.28 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.

10.29 The connection of the building sewer into the public sewer shall conform to the requirements 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 infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the City prior to installation.

10.30 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 Public Works Director or authorized representative thereof.

10.31 All excavations for building sewer installation 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 work, shall be restored in a manner satisfactory to the City.

10.32 **No person shall make a service connection with any public sewer unless regularly licensed as a contractor under this chapter to perform such work, and no permit shall be granted to any person except such regularly licensed contractor.** **ESTABLISH A CITY CONTRACTOR LICENCE POLICY.**

10.33 **Any person desiring a contractor's license to make a service connection with public sewers, shall, apply in writing to the City Council with satisfactory evidence that the applicant or employer is trained or skilled in the business and qualified to receive a license. All applications shall be referred to the Public Works Director for recommendations to the Council. If approved by the Council, such license shall be issued by the City Administrator upon the filing of a bond as hereinafter provided.** **REVIEW FOR CHANGE.**

10.34 **No contractor's license shall be issued to any person until a \$2,000.00 bond to the City, approved by the Council, is filed with the City Clerk conditioned that the licensee will carry liability insurance and will indemnify and save harmless the City from all suits, accidents, and damage that may arise by reason of any opening in any street, alley, or public ground, made by the licensee or by those in the licensee's employment for any purpose whatever, and that the licensee will replace and restore the street and alley over such opening to the condition existing prior to installation,**

adequately guard with barricades and lights and will keep and maintain the same to the satisfaction of the Superintendent, and shall conform in all respects to the rules and regulations of the Council relative thereto, and pay all fines that may be imposed on the licensee by law. The City Council shall establish the limits required on liability insurance carried by the licensee. **NOT USED. REVIEW FOR FUTURE USE/UPDATES.**

10.35 The contractor's license fee for making service connections is \$10.00. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked by the Council for cause. Upon failure to apply for a license renewal prior to the expiration date thereof, the license fee for the ensuing year shall be \$10.00. **NOT USED. REVIEW FOR ENFORCEMENT AND OR UPDATES. CONSIDER RAISING LICENCE FEE SIGNIFICANTLY, \$1000??**

10.36 The Council may suspend or revoke any contractor's license issued under this article for any of the following causes:

- (a) Giving false information in connection with the application for the license.
- (b) Incompetence of the licensee.
- (c) Willful violation of any provisions of this article or any rule or regulation pertaining to the making of service connections. **NOT USED. REVIEW FOR ENFORCEMENT AND OR UPDATES.**

PART 6 - USE OF PUBLIC SERVICES

10.37 No person(s) shall discharge or cause to be discharged any unpolluted water such as stormwater, ground water, roof runoff, surface drainage, or non-contact cooling water to any sanitary sewer.

10.38 Stormwater 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.

10.39 No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (a) 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.
- (b) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities 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 grinding or polishing wastes.

- (c) 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.
- (d) 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.

10.40 The following described substances, materials, water, or wastes shall be limited to discharges to municipal system to concentrations or quantities to municipal system 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 opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of wastes, the Public Works Director will give consideration to such factors as the quantity of subject waste in relation 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 waster or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Public Works Director are as follows:

- (a) Any wastewater having a temperature greater than 150°F (65.5°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.
- (b) Any wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/1 or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65.5°C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/1, whether emulsified or not.
- (c) Any quantities of flow, concentrations, or both which constitute a "slug" as defined herein. (See 10.1, Section 37).
- (d) Any garbage not properly shredded, as defined in (10.1, 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.
- (e) 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.

- (f) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to dye wastes and vegetable tanning solutions.
- (g) 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 such quantities that would cause disruption with the wastewater disposal system.
- (h) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Public Works Director in compliance with applicable state or federal regulations.
- (i) Any waters or wastes containing the following substances to such degree that any such material received in the composite wastewater at the wastewater treatment works in excess of limits established by the Public Works Director for such materials:
 - arsenic silver
 - cadmium total chromium
 - copper zinc
 - cyanide phenolic compounds
 - lead
 - nickel

which cannot be removed by City's wastewater treatment system.

- (j) 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.
- (k) Any waters or wastes containing BOD5 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 10.53.

10.41 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 10.40 of this Ordinance, and/or which in the judgment of the Public Works Director, 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 Section 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 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.

10.42 No user shall increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in 10.39 and 10.40 of this Ordinance, or contained in the National Categorical Pretreatment Standards or any state requirements.

10.43 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).

10.44 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Public Works Director, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in 1040(b), any flammable wastes as specified in 1039(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 Public Works Director. 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.

10.45 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 measurement of wastes. Such 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 expense and shall be maintained by the owner to be safe and accessible at all times.

10.46 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 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 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 analysis 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. At such times as deemed necessary, the City reserves the right to take measurements and samples for analysis by an independent laboratory.

10.47 All measurements, tests, and analyses 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 Public Works Director.

10.48 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 or 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 Public Works Director 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 Public Works Director 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 Public Works Director 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 or 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.

10.49 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 sixty (60) 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 such other work as the Public Works Director 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 sixty (60) days, the Public Works Director may cause such work to be completed at the expense of the owner or representative thereof.

10.50 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 Public Works Director 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 Public Works Director 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.

10.51 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.

10.52 In addition to any penalties that may be imposed for violation of any provision of this ordinance, 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.

10.53 No statement contained in this ordinance shall be construed as preventing any special agreement or arrangement between the City of Nisswa 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.

PART 7 – CONTRACTORS AND CONSTRUCTION

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

10.55 All contractors must inform the Public Works Director at least 48 hours prior to the commencement of work of their intention to work in an area or property where city sewer is located. A contractor is defined as the owner, general contractor, subcontractor or any other person supplying labor or materials at the owner's or owner's agent's request.

10.56 All contractors must request a locate of the city utilities at least 48 hours prior to the beginning of any construction, earth moving or excavating. Damage resulting from failure to request a locate prior to construction will result in a fine equal to ten (10) times the gross cost of the repair including, but not limited to, labor, materials, engineering expenses, attorney's fees, professional fees, city maintenance expenses, city administrative expenses and pumping expenses. Payment of the fees will not constitute a compromise or waiver of any future claims for negligence and the contractor shall pay all costs to the City associated with the repair work and shall be financially responsible and shall hold the City harmless against any future damage caused by faulty repair or use of defective materials or poor workmanship for a period of one year from the completion of the repair work.

PART 8 - USER RATE SCHEDULE FOR CHARGES

10.57 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 Chapter 10, Sewer Service Charge System. **Need to see this ordinance.**

PART 9 - POWERS AND AUTHORITY OF INSPECTORS

10.58 The Public Works Director or other duly authorized employees of the City, bearing proper credentials and identifications, 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.

10.59 The Public Works Director 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.

10.60 While performing necessary work on private properties, the Public Works Director 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 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 caused by negligence or failure of the company to maintain safe conditions as required in 10.45 of this ordinance.

10.61 The Public Works Director 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 said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms the duly negotiated easement pertaining to the private property involved.

PART 10 - PENALTIES

10.62 Any person found to be violating any provision of this ordinance, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for 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.

10.63 Any person who shall continue any violation beyond the time limit provided for in 10.61, shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine and/or imprisonment as prescribed by Minnesota Statutes. Each day in which any such violation occurs shall be deemed as a separate offense.

10.64 Any person violating any of the provision of this ordinance shall become liable to the City for any expense, loss, or damage occasioned by the City by reason of such violation.

PART 11 - VALIDITY

10.65 This ordinance shall be in full force and take effect from and after its passage and approval and publication as provided by law.

10.66 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.

SEWER SERVICE CHARGE SYSTEM

A Chapter providing for Sewer Service Charges to recover costs associated with:

- 1) Operation, maintenance, and replacement to ensure effective functioning of the City's Wastewater Treatment System.
- 2) Local capital costs incurred the construction of the City's Wastewater Treatment System.

PART 1 - DEFINITIONS

10.70. Definitions. Unless the context specifically indicates otherwise, the meaning of the terms used in this ordinance shall be as hereafter designated:

Sec. 1. **“Administration”** – Those fixed costs attributable to administration of the wastewater treatment works (i.e., billing and associated bookkeeping and accounting costs).

Sec. 2. **“Apartment Unit”** – Rental housing quarters used as residence for a family of one or more members or one or more unrelated persons.

Sec. 4. **“Biochemical Oxygen Demand or BOD5”** – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

Sec. 5. **“City”** - The area within the corporate boundaries of the City of Nisswa, 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.

Sec. 6. **“Commercial User”** - Any place of business which discharges sanitary waste as distinct from industrial wastewater.

Sec. 7. **“Commercial Wastewaters”** - Domestic wastewater emanating from a place of business as distinct from industrial wastewater.

Sec. 8. **“Connection Charge or Debt Service Charge”** - A charge levied on users of wastewater collection and treatment facilities for the cost of repaying money bonded to construct said facilities, including interest.

Sec. 9. **“Equivalent Residential Connection (ERC)”** - For the purposes of calculating the user charge and the debt service charge, a building service with an anticipated peak month volumetric flow not exceeding 130 gallons per day or a service serving an individual dwelling unit; at a strength not greater than 250 mg/1 of BOD5 and 302 mg/1 of total suspended solids. (See attached schedule) 10.79

Sec. 10. **“Normal Domestic Strength Wastewater”** - Wastewater that is primarily produced by residential users, with BOD5 concentrations not greater than 250 mg/1 and suspended solids concentrations not greater than 302 mg/l.

Sec. 11. **“Extra Strength Waste”** - Wastewater having a BOD and/or TSS greater than domestic waste as defined in Article I, Section 10 above and not otherwise classified as an incompatible waste.

Sec. 12. **“Governmental User”** – Users which are units, agencies or instrumentalities of federal, state, or local government discharging Normal Domestic Strength wastewater.

Sec. 13. **“Guest House”** – A second dwelling on residential property not used as the residence of a family.

Sec. 14. **“Incompatible Waste”** – Waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works.

Sec. 15. **“Industrial Users or Industries”** – Are:

a. Entities 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:

Division A.	Agriculture, Forestry and Fishing
Division B.	Mining
Division D.	Manufacturing
Division E.	Transportation, Communications, Electric, Gas, and Sanitary Sewers
Division I.	Services

For the purpose of this definition, domestic waste shall be considered to have the following characteristics:

BOD5	less than 250 mg/l
Suspended Solids	less than 302 mg/l

b. Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, 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 institutes 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.

Sec. 16. **“Industrial Wastewater”** – The liquid processing wastes from an industrial manufacturing process, trade, or business including but not limited to all Standard Industrial Classification Manual Divisions A, B, D, E and I manufacturers as distinct from domestic wastewater.

Sec. 17. **“Institutional User”** - Users other than commercial, governmental, industrial or residential users, discharging primarily Normal Domestic Strength wastewater (e.g. Non-profit organizations).

Sec. 18. **“Non-conforming Structure”** - See City of Nisswa Zoning Ordinance.

Sec. 19. **“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.

Sec. 20. **“Operation and Maintenance Costs”** - Expenditures for operation and maintenance, including replacement.

Sec. 21. **“Public Wastewater Collection System”** - A system of sanitary sewers owned, maintained, operated and controlled by the City.

Sec. 22. **“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 such works were designed and constructed.

Sec. 23. **“Replacement Costs”** – Expenditures for replacement.

Sec. 24. **“Residential Dwelling”** - A dwelling structure on residential property used as the residence of a family of one or more members or one or more unrelated persons whether year around or seasonal.

Sec. 25. **“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.

Sec. 26. **“Resort Unit”** - A rental unit not used as a residence.

Sec. 27. **“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.

Sec. 28. **“Sewer Service Charge”** - The aggregate of all charges, including charges for operation, maintenance and replacement; debt service; and other sewer related charges that are billed periodically to users of the City's wastewater treatment facilities.

Sec. 29. **“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 collection and treatment.

Sec. 30. **“Shall”** - Is mandatory; **“May”** is permissive.

Sec. 31. **“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 or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

Sec. 32. **“North American Industry Classification System, United States 2017”** - Office of Management and Budget, 2017.

Sec. 33. **“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 “Standards Methods for the Examination of Water and Wastewater”, latest edition, and referred to as non-filterable residue.

Sec. 34. **“Toxic Pollutant”** – The concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to Section 307A of the Federal Water Pollution Control Act (1972) , which upon exposure to our assimilation into any organism will cause adverse effects.

Sec. 35. **“User Charge”** – A charge levied on users of a treatment works for the user’s proportionate share of the cost of operation and maintenance, including replacement.

Sec. 36. **“Users”** – Those residential, commercial, governmental, institutional and industrial establishments which are connected to the public sewer collection system.

Sec. 37. **“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 stormwater that may be present.

Sec. 38. **“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 alternations 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.

PART 2 - ESTABLISHMENT OF A SEWER SERVICE CHARGE SYSTEM

10.71 The City of Nisswa 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 constructing the wastewater treatment works.

10.72 Each user shall pay its proportionate share of operation maintenance and replacement costs of the treatment works, based on the user's approximate proportionate contribution to the total wastewater loading from all users based on the Equivalent Residential Connections (ERCs) of the user.

10.73 Each user shall pay debt service charges to retire local capital costs as determined by the City Council. (Connection and availability charge).

10.74 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 Ordinance. The sewer Service Charge System developed with the assistance of Landecker & Associates, Inc. and Evanson-Dodge, Inc. shall be adopted by

resolution upon enactment of this Ordinance, 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.

10.75 Revenues collected for Sewer Service shall be deposited in a separate fund known as "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.

10.76 Sewer Service Charges and the Sewer Service Fund will be administered in accordance with the provisions of Part 5 "Administration" of this Ordinance.

PART 3 - DETERMINATION OF SEWER SERVICE CHARGES

10.77 Users of the City of Nisswa wastewater treatment works shall be identified as belonging to one of the following user classes:

- 1) Residential
- 2) Commercial
- 3) Industrial
- 4) Institutional
- 5) Governmental

The allocation of users to these categories for the purpose of assessing User Charges and Debt Service Charges shall be the responsibility of the Public Works Director. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.

10.78 Each user shall pay Operation, Maintenance, and Replacement (OM&R) costs and connection (debt retirement) costs in approximate proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant based on the ERCs of the connection, with the minimum rate for loadings of BOD and TSS being the rate established for concentrations of 250 mg/1 BOD and 302 Mg/1 TSS (i.e. Normal Domestic Strength Wastewater).

Those "Industrial Users" discharging segregated "Normal Domestic Strength Wastewater" only, can be classified as "Commercial Users" for the purpose of rate determination.

10.79 The ERCs for 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 a residential dwelling or apartment, townhouse or condominium will be estimated at a maximum of 130 gallons per day (1 ERC) and for each guest house at a maximum of 65 gallons per day (0.5 ERC). As all properties are not metered, no deviation from these ERC rates will be considered.

2) Non-Residential Users.
A) All non-residential connections are required to install a city approved/provided water or sewer meter to determine billable sewer charges.

B) All meter installations must be done by a licensed plumber, city staff, or city

hired contractors.

C) All expenses to install or replace the water/sewer meter are at the owner's expense except worn out or inaccurate meters may be replaced by the City at any time.

D) ERCs are determined by the following formula:

The current water/sewer meter reading, minus the previously recorded meter reading, divided by the number of days since the last meter reading, to determine the number of gallons used per day. The gallons used per day are then divided by 130gallons per ERC, equaling the billable ERCS for that period.

E) All readings are to be performed by trained City personnel.

F) All entities wishing to build a new or remodel an existing non-residential structure, must submit plumbing plans to the Public Works Director and have them approved by the Public Works Director prior to a building permit being issued.

G) All meter installations will be approved by the Public Works Director prior to installation and will be inspected to ensure no unapproved meter bypasses exist. No non-residential structures, without approved water/sewer meter installations, will be allowed to discharge into the City Sewer System.

H) New non-residential connections will have their Initial Connection Charge established based on the chart below derived from the Metropolitan Council Environmental Service Availability Charge ("SAC") Procedures Manual (current edition, January 2019)

ERC Computation – Maximum of 130 gal/day peak month @250/mg/l B.O.D. Strength

Description	Total ERCs
Up to 2 bedroom resort unit, motel unit	0.5
3 bedroom resort unit, motel unit	0.75
4 bedroom resort unit, motel unit	1
Resort unit used as residence or leased as residence	1
Dormitory – per 6 occupants	1
Resort lodge including dining room, per 800 sq. ft.	1
Conference Center 1 ERC per 1210 square feet	1
Institutional -Church – per 1 ERC 2400 square feet -School – per 1 ERC 540 square feet	1
Commercial -Retail stores, shop w/bathroom 1 ERC per 3,825 square feet -Restaurant, Take Out, 3000 Square feet -Restaurant, Sit Down and other Food and Drink uses. Includes bars, coffee shops, tap room, dance floor, bakeries with seating and restaurant with customer seating	1
Cocktail lounge, 400 sq. ft. of gross area	1
Service Station (Convenience Center) 1 ERC per 3000 square feet	1
Service Station, Gas Pump	1

Service Station, (2) Service Bays	1
Car wash per self-serve stall	3
Car Wash, Automatic Wash Bay	5
General office per 3225 square feet	1
Laundromat, 6 washers	1
Drive-in restaurant, 9 spaces	1
Theater, 64 seats	1
Warehouse per 7,000 square feet	1
Public bathroom per 200 square feet	1
Brewery/Distillery - Production area is greater than 10% of the total gross square feet and has customer seating. - Production area is 10% or less than the total gross square feet and has customer seating, Calculate as Food and Drink	1

I) ADD FINAL CONNECTION CHARGES ARE BASED ON METER READING LANGUAGE

J) All ERC’s referenced above are minimums. Any increase in an ERC shall not be retroactive unless as stated herein. Upon the issuance of a land use permit or remodeling of a structure, the City shall reevaluate the number of ERC’s for that property or building and the most current City Code requirements for ERC’s shall be applied to the building or property. A decrease in the number of ERC’s shall result in a credit to the property without interest. An increase in an ERC shall be effective immediately.

K) no deviation from these ERC rates will be considered except through an adjustment in the ERC category table by the City Council.

L) The basis for estimating ERC’s is derived from the Metropolitan Council Environmental Service Availability Charge (“SAC”) Procedures Manual (current edition January, 2019).

M) For all unmetered properties, no deviation from these ERC rates will be considered except through an adjustment in the ERC category table by the City Council.

N) As each ERC contributes an estimated maximum of 130 gpd, the ERCs will be the basis for the service charge.

O) The Public Works Director shall determine the number of ERCs per connection. This determination can be appealed to the Public Works Committee

P) Once established, the number of ERCs for each individual parcel of property can only be reduced by a majority vote of the City Council. The Council may reduce the number of ERCs in the following instances:

1. If the improvements to the property are destroyed or involuntarily removed. As a condition of the reduction, the lot shall be graded and landscaped.

2. An ERC can be transferred on the property from a structure being removed to a structure being constructed for both availability/connection and user charges.

Q) The number of ERCs shall be adjusted for the City as a whole on annual basis for user charge purposes.

10.83 The Sewer Service charges established in this Ordinance 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 such users, as long as the following conditions are met:

1) The user pays Operation, Maintenance, and Replacement costs in proportion of 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".

2) The measurements of such 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 the City Code.

A study of unit costs of collection and treatment processes attributes o Flow, BOD, TSS and other significant loadings shall be developed for determining the proportionate allocation of costs to flow and loadings for users discharging wastes of greater than normal domestic strength or wastes of unusual character.

PART 3A - MISCELLANEOUS

10.83.1 The Connection and availability charge for projects resulting in 2 or less ERC's shall be paid in full prior to issuance of any building permits.

10.83.2 Any proposed alterations to be made to any property which may affect the central sewer system must have plans approved by the City Engineer and/or the ~~public works supervisor~~ **Public Works Director** before any construction and/or demolition begins. Any expenses incurred pursuant to any such alterations shall be the responsibility of the applicant.

10.83.3 Resorts, Hotels, Motels and Apartment Complexes which are subdivided for the purposes of individual or interval ownership shall have an established minimum of 1 ERC per unit.

10.83.4 No building permits will be issues to or for any properties with delinquent sewer account balance, which includes but is not limited to connection, availability and user charges.

PART 4 - SEWER SERVICE FUND

10.84 The City of Nisswa 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:~~

- ~~1) Operation and Maintenance Account~~
- ~~2) Equipment Replacement Account~~
- ~~3) Debt Retirement Account~~

10.85 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~~ **City Administrator** 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", the "Equipment Replacement Account", and the "Debt Retirement Account" in accordance with State and Federal regulations and the provisions of this ordinance.~~

10.86 Revenue generated by the Sewer Service Charge System **shall be** sufficient to ensure adequate **equipment** replacement/upgrades ~~throughout the design or useful life, whichever is longer,~~ of the wastewater facility **until it is decommissioned.** ~~shall be held separate and apart in the "Equipment Replacement Account" and dedicated to affecting replacement costs. Interest income generated by the "Equipment Replacement Account" shall remain in the "Equipment Replacement Account".~~

10.87 Revenue generated by the Sewer Service Charge System **shall be** sufficient for operation and maintenance **of the wastewater facility until it is decommissioned.** ~~shall be held separate and apart in the "Operation and Maintenance Account."~~

PART 5 - ADMINISTRATION

The Sewer Service Charge System and Sewer Service Fund shall be administrated according to the following provisions:

10.88 The ~~City Clerk~~ **City Administrator** 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 costs annually in January.

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 ~~Article II, Section 2~~ **Part 2, Line 10.71 “Establishment of a Sewer Service Charge System”** of this Ordinance and Section 204(b)(2)(a) of the Federal Water

Pollution Control Act, as amended.

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

10.89 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.

10.90 In accordance with Federal and State requirements, the ~~City Clerk~~ City Administrator shall be responsible for maintaining all records necessary to document compliance with the Sewer Service Charge System adopted.

10.91 Bills for Sewer Service Charges shall be produced and delivered quarterly for the preceding quarter's provided sewer service. Bills are due 10 days from their issuance. ~~rendered on a quarterly basis succeeding the period for which the service was rendered and shall be due 10 days from the date of rendering.~~ Any bill not paid in full 60 days after the due date will be considered delinquent. At that time the City shall notify the delinquent owner/occupant in writing regarding the delinquent bill and subsequent penalty. The penalty shall be computed as 3% of the original bill and shall be increased the same 3% for every quarter the bill is outstanding.

10.92 The owner of the premises, shall be liable to pay for the service to such 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.

10.93 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 said wastes, at no expense to the City.

~~**10.94** The first quarterly bill shall be for use to April 1, 1991, for actual connections. The second quarterly bill shall be for service to July 1 for actual connections and shall include the first availability and/or connection charge, whether the actual connection is completed or not. Billings henceforth shall be for both usage and availability and/or connection.~~

PART 6 - PENALTIES

10.95 Each and every sewer service charge levied by and pursuant to this Ordinance is hereby made a lien upon the lot or premises served, and all such charges which are on October 1 of each year past due and delinquent, shall be certified to the County Auditor as taxes or assessments on the real estate. Nothing in this Ordinance 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 sewer service charges.

10.96 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 due against the occupant, owner, or user of the real estate, and shall collect as well all attorney's fees incurred by the City in filing the civil action. Such attorney's

fees shall be fixed by order of the court.

10.97 Disconnection of Service. In addition to levying a lien or filing suit in a civil action to collect such amounts as are delinquent and due against the occupant, owner, or user of the real estate, the City may, at its discretion, shut off or disconnect municipal sewer service. When municipal sewer services are to be shut off or disconnected because of non-payment of municipal sewer service charges the following procedure shall apply:

- (1) A letter entitled “Preliminary Notice of Intent to Disconnect Municipal Sewer Service” shall be sent via certified mail or personal service to the owner of record of the real estate at the address identified for receipt of tax statements and to the occupant, if known, of the premises served. Such Notice shall contain the following:
 - (a) The circumstances causing delivery of said Notice including a description of the City Code violation or default;
 - (b) A statement that the recipient of said Preliminary Notice has sixty (60) days from the date of the Notice within to remedy the default causing the delivery of said Preliminary Notice before the municipal sewer service will be disconnected;
 - (c) A statement alerting the recipient of the Preliminary Notice of the recipient’s opportunity to pay the past due amount or cure any stated default with appropriate municipal personnel; and
 - (d) An explanation of estimated costs and procedures for disconnection and reconnection of the municipal sewer service.

- (2) A letter entitled “Final Notice of Intent to Disconnect” shall be sent, by certified mail or personal service, to the owner of record of the real estate at the address identified for receipt of tax statements and to the occupant, if known of the premises served. Such Final Notice shall contain the following:
 - (a) The circumstances causing delivery of said Final Notice including a description of the City Code violation or default;
 - (b) A statement that the recipient has thirty (30) days within which to cure the default causing the delivery of said Final Notice before the municipal sewer service will be disconnected;
 - (c) A statement alerting the recipient of the Final Notice of the recipient’s opportunity to pay the past due amount or cure any stated default with appropriate municipal personnel; and
 - (d) An explanation of estimated costs and procedures for disconnection and reconnection of the municipal sewer service.

- (3) If the recipient(s) of said Notices do not remedy the circumstances causing the receipt of the Notices within the time periods specified, then the municipal sewer service shall be disconnected from the subject property.

- (4) Municipal sewer service shall be disconnected and/or reconnected at the “clean out” point, or at that point with the most convenient access/entry within the public right-of-way or sewer easement, solely as determined by the City Sewer Department.

Public Works Director.

- (5) If all municipal sewer charges, connection fees, and other financial obligations imposed upon the owners and/or occupants of the subject property served by municipal sewer service are paid in full, including disconnection and reconnection costs, attorney's fees and costs, then municipal sewer service shall be reconnected by the City.
- (6) If municipal sewer service is disconnected a reconnection fee equal to all costs (including reasonable attorney's fees and expenses) of the City incurred in connection with enforcement of this ordinance including but not limited to costs associated with reconnection, shall be paid to the City by the offending party/property owner by cash or cashier's check, before municipal sewer service is reconnected by the City to the subject property.

10.98 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 treatment works shall be liable for interest upon all unpaid balances at the rate of 12% per annum.

PART 7 - SEVERABILITY AND VALIDITY

10.99 If any section or subdivision of this ordinance shall be held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance, which shall continue in full force and effect.

10.100 The sewer service charge system shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of section 204(b)(1)(A) of the Act and Federal regulation 40 CFR (Code of Federal Regulations) 35.2140 of the Environmental Protection Agency's grant regulations.

FINAL SEWER SERVICE CHARGE SYSTEM

A. Background

The City of Nisswa will be constructing a 3 cell aerated stabilization pond with the assistance of the Federal and State Construction Grants Programs.

The present population of Nisswa is 1418. The projected design year population (20 years after completion) is 2230.

Design Data for the treatment facility are as follows:

	Flow Avg. Annual (+13,000 GPD I/I)	BOD	TSS
First year of operation	62,056 GPD	129lb/day	156lb/day
Design Year	93,450 GPD	195lb/day	235lb/day

The system does not serve the entire geographical area of the City, and serves many seasonal facilities.

B. Development of a Sewer Service Charge System

The Sewer Service Charge System for the City of Nisswa ~~is to be~~ has been developed in accordance with the provisions of the City's "Ordinance Establishing a Sewer Service Charge System" to ensure the following:

1. Pollution Abatement in accordance with the City's State Waste Disposal Permit.
2. Allocation of OM&R costs of wastewater treatment to users in proportion to their total contribution of wastewater flows and loadings.
3. Sufficient generation of revenue to ensure effective Operation, Maintenance and Replacement of the treatment works throughout its useful life.
4. ~~A description of how the City intends to recover its capital costs for the Treatment Works and a rate determination for that portion of such costs to be recovered as a part of the Sewer Service Charge.~~

~~The existing demographic distribution in the City of Nisswa is 2.62 people per average* household at 67.5 gallons per capita per day, this suggests an average hydraulic load of 177 gallons per day per connection, hence 300 maximum gallons per day has been fixed as the volume of an Equivalent Resident Connection (ERC) throughout the "Ordinance Establishing Sewer Service Charges" and this "Sewer Service Charge System".~~

~~*Mix of seasonal and permanent residents~~

C. Adoption of the Sewer Service Charge System

The Sewer Service Charge System will be revised and adopted by resolution in accordance with Article V of the "Ordinance Establishing a Sewer Service Charge System." All definitions therein shall apply to this document.

D. User Classes

~~The number of existing connections within the five user classes defined in the "Ordinance Establishing a Sewer Service Charge System" are exhibited in Table #1. This table also exhibits the total flow and loadings of BOD5 and TSS attributable to each Under Class.~~

Table #1 Average Annual Flow

User Classes TSS (lb/day)	No. of Connections	No. of ERCs	ERCs	Flow (gal/day)*	BOD (lb/day)
1) Residential incl. apartments	254	310	31,609	66	79
2) Commercial	67	259.9	26,501	55	67
3) Industrial	4	4.3	438	4	4
4) Institutional	4	25.9	2,641	5	7
5) Governmental	3	8.5	867	2	2
6) I/I			13,000		
TOTAL	329	608.6	75,056	129#	156#

Note: 48 connections (89.8 ERCs) may delay connection until their existing system is 12 years old. These connections will currently pay an availability charge, and then will be charged the remainder of the connection and availability charge upon connection. These connections are existing and are in an area with a current need, but are allowed to depreciate their existing investment through use.

*Since there will be negligible amount of Infiltration and Inflow (I/I) in the sewer system, billable flow will be equivalent to total flow.

Table #1a Peak Monthly Flow, — Maximum Connections

User Classes TSS (lb/day)	No. of Connections	No. of ERCs	ERCs	Flow (gal/day)	BOD (lb/day)
1) Residential incl. apartments	254	310	54,917	115	138
2) Commercial	67	259.9	46,041	96	116
3) Industrial	4	4.3	762	2	2
4) Institutional	4	25.9	4,588	10	12
5) Governmental	3	8.5	1,506	3	4
6) I/I			13,000		
	329	608.6	120,816	225#	271#

Table #1b Peak Month – Minimum Connections (177.15 GPD/ERC)
 (Assuming deferred connections actually delay)

User Classes TSS (lb/day)	No. of Connections	No. of ERCs	ERCs	Flow (gal/day)*	BOD (lb/day)
1) Residential incl. apartments	222	268.5	47,566	99	120
2) Commercial	52	215.0	38,088	79	96
3) Industrial	1	4.3	762	2	2
4) Institutional	3	22.5	3,986	8	10
5) Governmental	3	8.5	1,506	3	4
6) I/I			13,000		
	281	518.8	104,908	191#	231#

E. Operation, Maintenance and Replacement Costs and Existing Debt Retirement

Projections of Operation, Maintenance and Replacement (OM&R) Costs for the first year of operation are presented in Tables 2, 3 and 4. Table #2 presents the determination of utility (electrical power) costs, Table #3 presents the determination of Replacement Costs, Table #4 presents Labor costs, and Table #5 is an itemization of total OM&R Costs and existing debt retirement.

Table #2 Annual Utility Costs (electric pumps and heat) Initial

Component	Equivalent Hp	Average KiloCost/ Utilization	Watt hours/yr.	Daily Cost	Annual Daily Component	Annual Cost
1) Main Lift Station #1 \$1,085.88	20.0 H.P. (16BHP)		10,683 (2) pumps			
2) Main Lift Station #3 740.64	10.0 H.P.		7,743 (2) pumps			
3) Lift Stations #2, 4, 5, 6 1,401.28	3/5/10 H.P.		6,619 total (8) pumps			
4) Irrigation Pumps	40.0 H.P. (30 BHP)		23,230 (3) pumps			
5) Blower \$5,426.00	7.5 H.P.		49,012			
6) Heat			28,800			
Kilowatt hour rate \$0.04348*						
Minimum charge for electrical service \$28.75/mo. *						
Demand charge \$4.05/kw/mo. *						
* Included above						
TOTAL ANNUAL UTILITY COSTS = \$8,653.80						

Table #3 — Projected Replacement Costs

Investment Component	Average Estimated Cost	Useable Life (1)	Annual Replacement Fund Investment per Component (2)	Annual Replacement Fund
1) Grinder Pumps				
2) Grinder Pump Control				
3) Life Station Pumps	3/5 HP=\$2500 10 HP=\$3450 20 HP=\$5800	20 yrs.	\$125.00 x 6 \$172.50 x 4 \$290.00 x 2	\$750.00 \$690.00 \$580.00
4) Life Station Pump Control				
5) Irrigation Pump	\$10,500.00	20 yrs.	\$525.00 x 3	\$1,575.00
6) Septic Effluent Pumps	\$500.00	7 yrs.	\$71.00 x 120 (3)	\$8,520.00
7) Pond Mower	\$860.00	10 yrs.	\$86.00	\$86.00
8) Pond Blower	\$5,780.00	10 yrs.	\$578.00 x 3	\$1,734.00
9) Other	\$2,000.00	10 yrs.	\$200.00	\$200.00
10) Brush Cutter	\$5,000.00	10 yrs.	\$500.00	\$500.00

————— TOTAL ANNUAL REPLACEMENT FUND INVESTMENT = \$14,635.00

(1) This life is based on manufactures estimates, assuming normal maintenance of wear items. Wear item maintenance per year is included on line (4), Page 6.

(2) — Straight-line depreciation is being used to insure adequate replacement funds. It is assumed that interest accrued in the Replacement Fund will offset increased replacement costs due to inflation.

Table #4 — Projected Labor Costs — Initial Annual Hours

1) Routine Inspection and Records-Sewer & Ponds	728
52 weeks @ 14 hrs/week (2 hrs/day)	
2) Pond Maintenance	120
20 weeks @ 6 hrs/week	
3) Pond Discharge*	84
6 weeks @ 14 hrs/week (2 hrs/day)	
4) Other — accounting, testing	224
4 weeks @ 40 hrs/week plus (quarterly billing)	
8 weeks @ 8 hrs/week (testing)	
TOTAL HOURS	1156
@10.70/hr.	TOTAL ANNUAL COST — \$12,370.00

* Operator not required on site during pumping, only to start pumps

Table #5 — Projected Total Annual Operation, Maintenance, and Replacement Costs

1) Labor	\$12,370.00
2) Employee Benefits (4.23%/PERA, 0.25%/PERA, 7.51% FICA)	\$1,480.00
3) Training Expenses	\$250.00
4) Administration (office equipment, supplies, postage, other)	\$1,000.00
5) Utilities	\$8,655.00
6) Transportation	\$840.00
7) Building and Grounds Maintenance	\$122.00 plus labor above
8) Contractual Service (legal, audit, engineering)	\$1,500.0
9) Laboratory Services	\$2,000.00
10) Travel	
11) Rentals	
12) Fees for professional organizations and publications	\$100.00
13) Chemicals	
14) Equipment Maintenance	\$1,600.00
15) Contingency	\$1,000.00
16) Replacement Fund	\$14,635.00
17) Septic tank pumping $120(1) \times \$60/3$	\$2,400.00
TOTAL PROJETED OM&R COSTS	\$47,952.00

(1) — Includes septic tanks connected to municipal system constructed by others to City specification. Does not include great traps for restaurants (owner's responsibility).

F. Distribution of Costs According to Flows and Loadings

At the present time all of the User of the City's wastewater treatment works discharge Normal Domestic Strength Wastewater. Since loadings of BOD and TSS are consistent for all users, rates and OM&R can be determined on the basis of flow only. At such time as a user contributing

wastewater with concentrations greater than Normal Domestic Strength or wastes of unusual character connects to the treatment works, surcharges or a contractual arrangement shall be developed in accordance with Article III. Section 8 of the “Ordinance Establishing a Sewer Service Charge System.”

G. Calculation of Billable Wastewater Volume

The City of Nisswa does not have a municipal water system, or other water metering system. The charges assessed to residential users and those users of other classes discharging “Normal Domestic Strength Wastewater” shall be established proportionally on the basis of the number of Equivalent Residential Connections (ERCs) assigned to the property based on estimated flows, which will be provided in the sewer service charge system ordinance. An ERC is defined as a maximum of ~~300~~ 130 GPD average flow during the peak month.

A. Residential Users

Billable wastewater volume for a residential dwelling or apartment will be estimated at a maximum of ~~300~~ 130 gallons per day (1 ERC) and for each guest house at a maximum of 65 gallons per day (0.5 ERC). As all properties are not metered, no deviation from these ERC rates will be considered.

B1. All Non-Residential Users connected after August 19, 2019 will have their Billable Wastewater Volume based on the reading of a water meter installed on the incoming water supply.

B2 Commercial, Industrial, Institutional & Governmental Users, connected prior to 8/19/2019, will have Billable wastewater volume ~~for a non-residential user will be~~ estimated by ERC increments in accordance with the following schedule:

ERC Computation – Maximum of ~~300~~ 130 gal/day Peak month @ 250/mg/1 B.O.D. Strength

1) Up to two bedroom resort unit, motel unit	0.5 ERC
2) 3 bedroom resort unit or motel unit	0.75 ERC
3) 4 bedroom resort unit or motel unit	1 ERC
4) Resort unit used as residence or leased as residence	1 ERC
5) Dormitory – per 6 occupants	1 ERC
6) Resort lodge including dining, per 800 sq. ft.	1 ERC
7) Conference Center – per 120 seating	1 ERC
8) Institutional Church – per 200 seats, School –per 15 students	1 ERC
9) Commercial	
Retail stores, shop w/bathroom	1 ERC
Retail stores w/common facility	0.5 ERC
Restaurant, 400 sq. ft. of dining area	1 ERC
Cocktail lounge, 400 sq. ft. gross area	1 ERC
Service Station	1 ERC
Car wash per stall	34 ERC
Fast food, 400 sq. ft. of dining area	1 ERC

General offices (common toilet) per office	0.5 ERC
General office with individual toilet	1 ERC
Laundromat, 3 washers	1 ERC
Drive-in restaurant, 7 spaces	1 ERC
Theater, 50s Seats	1 ERC
Warehousing w/toilet facilities	0.5 ERC
Public bathroom	1 ERC

Note 1. As all properties are not metered, no deviation from these ERC rates will be considered except through an adjustment in the ERC table by the City Council.

2. As each ERC contributes an estimated maximum of 300 130gdp, the ERCs will be the basis for the service charge.

3. The initial number of ERCs will be determined by the City Council on December 1, 1990, based on the usage of properties in the sewered area at that time.

4. After the above initial determination the Planning & Zoning Administrator and the Public Works Director shall determine the number of ERCs per connection. Appeals from their decisions shall be made to the Board of Adjustment Public Works Committee.

5. Once established, the number of ERCs shall remain the same on the property unless an addition to the property is made. Only the involuntary removal or destruction of a non-conforming structure will be grounds for the City Council to cancel or reduce the number of ERCs on the property. With the permission of the Council, an ERC can be transferred on the property from a structure being removed to a structure being constructed for both availability/ connection and user charges.

6. The number of ERCs shall be adjusted for the City as a whole on annual basis for user charge purposes.

7. Any use not represented on the table shall be considered as in 3) above. Failure to determine the ERCs by the Planning & Zoning Administrator and Sewer Superintendent based on estimated flows, shall require that the Council consider establishment of a new usage category.

8. For user charge purposes, a property owner may declare to the City Clerk by sworn affidavit on an annual basis, that the property is only used for four (4) or seven (7) months that year.

H. Calculation of basis for availability charge shall be as follows:

The City of Nisswa will charge property an availability charge if it has a deferred connection or is vacant, but served by a lateral sewer.

The deferred connections will be charged on the basis of the number of ERCs as provided in Sec. G.

The vacant property will be charged on the basis of the following:

Footage Availability Charge (Vacant, Buildable Property Only)
Availability Charge

1. Avg. width of lot (lake shore and road or sewer averaged)
2. Charge on corner lot by smallest side (sewer on both sides)
3. Assess no frontage of unbuildable property (size or topo)
4. Assess no residential frontage less than 150' deep, except that a minimum of 50' will be assessed for each dwelling.
5. Commercial 50' minimum

I. Determination of Total Sewer Service Charges

1. User Charge (OM&R)

User Charges for Normal Domestic Strength user shall be determined as follows:

CALCULATION OF UNIT COST FOR TREATMENT OF NORMAL DOMESTIC STRENGTH WASTEWATER;

$$Uomr = Comr \frac{[Tbww4 \times 4] + [Tbww3 \times 3] + [Tbww5 \times 5]}{[518.8 \times 4] + [345.8 \times 3] + [172.9 \times 5]} = \$47,952$$

$$[518.8 \times 4] + [345.8 \times 3] + [172.9 \times 5] = \$12.06/mo.$$

Where: Uomr = Unit cost for Operation, Maintenance and Replacement in \$/ERC/month

Comr = Total annual OM&R budget. (Adjusted annually)

Tbww4 = Total billable wastewater volume in

Tbww3 = ERCs (adjusted annually on line for

Tbww5 = 4 months, next 3 months and last 5 months of the year, respectively.

2. Debt Service Charge (Availability and Connection Charge)

The Debt Service Rate per connection for local capital costs being recovered through the Sewer Service Charge will be:

Local Capital Costs = approximately \$3,175,581

Basis of distribution of cost will be as follows: (annual basis)

13.87% - Liquor Store receipts - \$37,500 x 20 yrs. = \$750,000

25.73% - Borrowed capital by City General Fund, repaid by deferred and future connections.

60.40% - Present connections and availability charges (1) based on ERCs.

608.6 - 89.8 = 518.8 (beginning number of ERCs).

Each ERC costs \$3,500.00. Billed on a 6.5% - 20 years basis (2)

\$317.65/yr. or \$79.41/quarter for 20 years.

A future ERC would pay \$3,500.00 + \$100.00 per year to connect to system.

See also notes (3), (4), (5).

Notes: (1) — An availability charge of 25% of the connection charge or \$10.00 per foot will be charged to deferred property or vacant property respectively for availability of the sewer service to the property. This charge will be credited toward payment of the full connection and availability charge upon connection.

89.8 ERCs @ 25% and 6593 feet @ \$10.00.

(2) — It is assumed 50 ERCs will pay 4% interest rate due to low income hardship, and 81 ERCs will pay 0% interest rate due to very low income hardship. Income limits per annual DTED/Federal guidelines. Declaration to be made annually to City Clerk by the property owner.

(3) — Availability and/or connection charge may be paid in one lump sum, either upon connection, or at a later time. Interest would only be charged for the time actually financed by the City.

(4) — Full debt service charges (availability and connection charges) will be made even if an ERC is canceled by the Council. No user charge (OM&R) charge will be made after said cancellation.

(5) — A new connection charge or a deferred connection charge will not be financed by the City unless the funds are projected to be available. The term of any financing would be the remaining life of the bond issue.

Minimum payments of \$270,433.00 per year must be generated. State Loan - 3.67% - 20 years + bond - estimated 8% - 20 years. (Note: principal includes local share, and construction financing costs).

Grant eligible	\$1,882,754
Grant ineligible	\$2,696,180
	\$4,578,934
Estimated grant	\$1,403,453
Local share	\$3,175,581

Source of capital:

Availability + connections 387.8 ERCs @ 317.65	\$123,184.67
Availability + connections 50 ERCs @ 257.54	\$12,877.00
Availability + connections 81 ERCs @ 175.00	\$14,175.00
Availability 89.8 ERCs @ 25% at 317.65	\$7,131.24
Availability 6593 @ \$10 @ 0.09076	\$5,983.59
240. future and for future growth	
89.8 deferred connection — present source borrowed against general fund	\$69,584.52
Liquor Store — minimum payment	\$37,500.00

Note: Approximately 50 ERCs of connections are anticipated to pay a 4% interest rate at the City Council's discretion due to low income hardship and approximately 81 ERCs of connections are anticipated to pay no interest at the City Council's discretion due to very low income hardship.

Determination of Sewer Service Charge

$$SSC = UC + (C_c \times ERCs)$$

Where: SSC = Sewer Service Charge
UC = User Charge
C_c = Connection charge for debt service for 1 ERC
ERCs = Number of equivalent resident connections or each service.

Examples: 1 ERC normal income

1 ERC charge per quarter

\$79.41 Connection and Availability Charge – 1 ERC – 20 years

\$36.18 User Charge (OM&R)

\$115.59

This document was prepared using data compiled by Landecker & Associates, Inc., Engineers, and Evanson Dodge, Inc., Financial Consultants.

RELATING TO INDIVIDUAL SEWAGE TREATMENT CODES FOR THE CITY OF NISSWA

(also known as on-sites)

PART 1 - TITLE AND STATEMENT OF PURPOSE

10.100 Title. This ordinance and its provisions shall be known as the Individual Sewage Treatment Systems Code of the City of Nisswa.

10.102 Purpose. The City of Nisswa does hereby adopt this code to promote the health, safety and general welfare of the people of the City of Nisswa by providing minimum standards and criteria for the design, location, construction, alterations, extension, repair, use and maintenance of individual sewage treatment systems so as to protect the air, water, land and other natural resources from pollution, impairment or destruction; to minimize the risk of spreading communicable diseases and to prevent and avoid other health hazards attributable to bacterial and chemical contamination of lands and water.

10.103 Adoption. The City adopts the Minnesota Pollution Control Agency's Individual Sewage Treatment System Standards 7080, and future changes.

PART 2 - DEFINITIONS

10.104 General. For purposes of this code, the following words and terms shall have the meanings and interpretations set forth herein. Words and terms not defined herein shall have those meanings set forth in the Minnesota Pollution Control Agency's Individual Sewage Treatment Systems Standards, 7080. The word "shall" is mandatory and the words "should" and "may" are permissive.

10.105 Definitions.

- a. City: The City of Nisswa.
- b. ~~Clerk: The Clerk of the City of Nisswa.~~ City Administrator: The City Administrator of the City of Nisswa.
- c. On-Site Sewage Treatment System Inspector: That person so designated by the City Council to implement provisions of the code, including but not limited to conducting inspections of on-site sewage treatment systems.
- d. On-Site Sewage Treatment System: Devices or components or the treatment and disposal of sewage, classified as follows within the City of Nisswa.
 1. Standard System: A system which meets the location, design and construction standards adopted by this code.
 2. Sub-standards system: A system which does not meet the location, design or construction standards adopted by this code.
 3. Non-conforming System: A prohibited system, including any system which does not meet all the location, design or construction standards adopted by this code and/or is being used beyond its capacity or for any other reason has failed to treat properly and/or dispose of the entire sewage input and is therefore:
 - (1) discharging pollutants or any liquid, to the surface of the ground or to surface water, or ground water; or
 - (2) not accepting the entire sewage input from an occupied building without a surface discharge; or,
 - (3) creating a safety hazard due to unprotected or improper construction or maintenance; or,
 - (4) creating a public nuisance.

PART 3 - GENERAL PROVISIONS

10.106 Applicability. All sewage generated within the City shall be disposed of in conformity with the terms of this code unless received by a public collection and treatment system. ~~A~~ All new systems shall be located, designed and constructed in accordance with this code as standard systems. All existing systems shall be brought into compliance with the requirements of this code whenever such systems become non-conforming systems, cause a nuisance or require significant repair or alteration, not including pumping and cleaning. At the end of three year from the passage of this ordinance, all sub-standard systems will be considered to be non-conforming and will require updating to a standard system. (This date presumes that all sub-standard systems were installed prior to 1971, and are now at least 20 years old. Property owners who can prove that their system is less than 20 years old may request a hearing before the City Council, who may grant an extension to this requirement.)

10.107 A licensed installer will be allowed to recommend certification of a sewage treatment system that was not previously certified, if it meets the requirements of the code.

10.108 Standard System Required. When a new system is required, sufficient open land of suitable soil characteristics shall be provided for each dwelling to allow for the location, design and construction of a standard system.

10.109 Holding tanks shall only be used as a last resort on lots existing prior to 1978, and a conditional use permit will be required which will set conditions on the frequency of pumping based on expected usage, record keeping and cessation of use if conditions are violated.

10.110 Variances. When the City finds, upon application for a permit, that by reason of exceptional circumstances, the strict enforcement of provisions of this code would cause undue hardship and that strict conformity with the code would be unreasonable and impractical or not feasible under the circumstances, a variance may be considered by the Niswaga Planning and Zoning Commission except for the following:

- a. To lessen the state mandated distance from a well to the sewage treatment system as to any components of said system;
- b. To lessen the state mandated distance from existing shoreline to the sewage treatment system as to any unsealed components of said system;
- c. For financial reasons; and
- d. For esthetic reasons.

~~**10.111 Temporarily Exempted Areas.** The proposed central sewer district will be exempt from the requirements of this ordinance until such time as the collection system is approved or rejected. At that time, providing that the central system is voted down, all systems previously exempted will be covered by this code. The core downtown business district will not be able to comply with this code and further study will be required to find a satisfactory solution.~~

PART 4 - LICENSING

No person firm or corporation shall engage in the business of installing, construction, upgrading, examining, pumping or cleaning sewage treatment systems within the City without first obtaining a license to do so from the City. **We need start a license system.** A license shall be issued on an annual basis in accordance with the following requirements:

- a. Applicants shall file with the Clerk a certificate of insurance which shall remain in effect during the entire term of the license. The following are minimum limits required: Liability, \$100,000 per person, \$300,000 per occurrence, Bodily Injury, \$100,000 Property Damage, or \$300,000 Combined Bodily Injury and Property Damage; Workers Compensation, Statutory. **New higher limits?**
- b. Installers must show a certificate of completion of the state course required to install sewage treatment systems.
- c. Licenses shall be renewed annually on or before the first of January of each year by complying with the provisions of this Section and by paying an annual license fee in accordance with the current City fee schedule. **Enforce?**

- d. The City may refuse to issue or may revoke a license for cause, including but not limited to installing, construction, altering or repairing a sewage treatment system in violation of the provisions of this code, or for refusal to correct defective work in accordance with the provisions of this code.
- e. If a pumper is using land within the City of Nisswa for dumping, such land will be identified on the license application.

In the event that a person, firm or corporation who is engaged in the business of installing, construction, upgrading, examining, pumping or cleaning sewage treatment systems within the City should sell that business to a person, firm, or corporation who is not certified to perform that service, said purchaser shall obtain a provisional license from the City. The provisional licensee shall then attend, and satisfactorily pass, the next-available State-sponsored certification program which is applicable for their line of work.

10.112 Construction Permits Required. No person, firm or corporation shall install or extend any on-site sewage treatment system on their property without first obtaining a permit from the City. The permit issued shall be valid for a period of twelve months from the date of issuance. Permits shall be issued only upon payment of a permit fee in the amount prescribed in the current City fee schedule.

10.113 Site Plan. Each application for a permit shall be accompanied by a copy of a site plan showing:

- a. The location of any proposed or existing buildings on the subject property.
- b. The boundary lines of the property.
- c. The location of water supply facilities.
- d. The location and ordinary high water marks of streams, lakes and ponds within two hundred (200) feet of the proposed structure.
- e. The existence of low lands.
- f. The location of all soil treatment systems and water supply wells on adjoining lots within one hundred fifty (150) feet of the proposed sewage treatment system.
- g. Elevation of drainfield site in relation to lake and water table.

10.114 Inspections.

10.115 The City may make such inspections of on-site sewage treatment systems as are necessary to determine proper operation, use and maintenance in compliance with the provisions of the code. It shall be the responsibility of the owner or occupant of the property to ~~file~~ allow the on-site sewage treatment system inspector free access to the property at reasonable times for purpose of making such inspections.

10.116 No part of a newly constructed system or an existing system which has been expanded shall be covered until it has been inspected and approved by the City. It shall be the responsibility of the applicant to notify the City at least 24 hours prior to the time an inspection is required. **All inspections will only occur during city business hours and if a licensed inspector is available.**

10.117 If upon inspection, the City discovers that any part of the system is not constructed or operating in accordance with the standards and criteria of this code, the applicant will be given written notification of the defects. Such notice shall prescribe a reasonable time within which such defects must be corrected. No system shall be placed in service until all defects have been corrected and an inspection made. The applicant shall pay an additional fee, according to the current City fee schedule, for each necessary re-inspection.

10.118 Maintenance Certificate Required.

10.119 Each owner of property with an existing system shall, on or before September 1, 1988, and every third year thereafter, cause said system to be examined by a qualified person, firm or corporation licensed by the City. Notices to property owners requiring the completion of these examinations will be issued by the City each April 1, commencing in 1989. A maintenance form provide by the City to examiners for the purpose of certifying that the system has been examined, shall be signed by the owner and examiner and filed by the examiner with the City within 3 working days of the examination, and shall contain the following information:

1. A statement that the system is in good working order, or in the alternative, specifying any defects discovered and the date such defects were/will be corrected.

2. A statement that the system is or is not in need of pumping and cleaning and, if so, the date such pumping and cleaning occurred.

3. In the event an examination is recommended more often than required by this code, it shall be reported to the City, and a new examination cycle will be established for that system.

10.120 On or before September 15 of each year, commencing 1989, the Clerk shall prepare a list of all owners who have not complied with the filing requirements of this section. The City shall thereafter make inspection of such systems to insure proper operation and compliance with this code. The cost of such inspections shall be charged or assessed against the owner of the property or the property itself upon which the system is located. In the event such inspection discloses that the system does not operate properly in compliance with this code or is in need of pumping and cleaning, the Clerk shall so notify the owner by certified mail specifying the defects found. Within thirty days of such notice, the owner shall cause all such defects to be corrected or the system to be pumped and cleaned and a certificate filed with the City as required by this section. **Begin enforcement?**

PART 5 - ENFORCEMENT VIOLATIONS AND PENALTIES

10.121 Enforcement. It shall be the duty of the **Clerk** City Administrator and inspector to enforce the provisions of this code and to bring any violations or lack of compliance herewith to the attention of the City Attorney.

10.122 Violations and Penalties. Any person who fails to comply with, or violates any of the provisions of this code, shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine and/or imprisonment as prescribed by Minnesota Statutes. Each day of violation or noncompliance may constitute a separate offense.

10.123 Civil Remedies. Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of this code, to prevent any unlawful construction, or to recover damages to restrain, correct or abate a violation or to prevent continued use of a non-conforming on-site sewage treatment system and these remedies shall be in addition to the penalties described above.

PART 6 – SEVERABILITY

If any part or provision of this code or application thereof is held to be invalid, such invalidity shall not affect other provisions of this code or any other part which can be given effect without application of the invalid provision. To this end, the provisions of any part or provision of this code and those application thereof are declared to be severable.

PART 7 - SUBSURFACE SEWAGE TREATMENT SYSTEMS

10.124 Purpose and Authority

The purpose of this Article regulating Subsurface Sewage Treatment Systems (SSTS), as defined in Minnesota Rule 7080.1100, is to provide minimum standards for and regulation of Individual Sewage Treatment Systems (ISTS)), as defined in Minnesota Rule 7080.1100, and Midsized Sewage Treatment Systems (MSTS)), as defined in Minnesota Rule 7081.0020, including the proper location, design and construction; their necessary modification and reconstruction; their operation maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes, Sections 115.55, 145A.05, 375.51, 394.21-394.37, and 471.82, the Nisswa Comprehensive Plan and the Nisswa Land Use (Zoning) Ordinance, City Code Chapter 17.

10.125 Intent

The City intends that this Article will promote the following:

1. The protection of lakes, rivers and streams, wetlands, and groundwater in the City of Nisswa essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the City;
2. The regulation of proper SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface water and groundwater quality;
3. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration; and

4. The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.

10.126 Jurisdiction

The jurisdiction of this Article shall include all property within the municipal boundaries of the City of Nisswa, Minnesota.

10.127 Scope

This Article regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the City's jurisdiction including, but not necessarily limited to individual SSTS and cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of the City shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Article or by a system that has been permitted by the MPCA.

10.128 Administration

1. The Nisswa Planning and Zoning Department shall administer the SSTS program and all provisions of this Article.
2. The City's duties and responsibilities include, but are not be limited to, the following:
 - A. Review all applications for SSTS;
 - B. Issue all permits required in this Article;
 - C. Inspect all work regulated in this Article;
 - D. Investigate all complaints regarding SSTS;
 - E. Issue certificates of installation, certificates of compliance or notices of noncompliance where applicable;
 - F. Enact enforcement provisions of this Article as necessary;
 - G. Refer unresolved violations of this Article to the City Attorney;
 - H. Maintain current records for each permitted SSTS including all site evaluation documents, design documents, inspection documents, and other applicable documents;
 - I. The City shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program; and
 - J. Submit annual reports to MPCA as required.

10.129 State Administration

The owner or owners of a single SSTS or a group of SSTS under common ownership must obtain an SDS permit from the agency according to chapter 7001 when all or part of proposed or existing soil dispersal components are within one-half mile of each other and the combined flow from all proposed and existing SSTS is greater than 10,000 gallons per day. For proposed SSTS, the flow must be determined according 7081.0110. For existing SSTS, the flow is determined by the greater of the average maximum seven-day measured flow or flow amounts according to part 7081.0110. The highest calculated value of the various methods in Table I under part 7081.0130, subpart 1, must be used to make this determination, with no reduction allowed. An SDS permit is not required if a factor of safety is added to the design flow that results in a design flow that is in excess of the SDS permit threshold.

10.130 Liability

The City's involvement in administration of this Article does not create a special duty to any person and, further liability or responsibility shall not be imposed upon the City or any of its officials, employees, or other contract agents, for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster SSTS regulated under this Article or by reason of any standards, requirements, or inspections authorized by this Article hereunder.

10.131 All SSTS

Except as explicitly set forth in Part 12-3.10, all provisions of this Article shall apply to any SSTS regardless of the date it was originally permitted.

10.132 Existing Permits

Unexpired permits which were issued prior to the effective date of this Article shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system design, whichever is earlier.

10.133 SSTS on Lots Created After January 23, 1996

All lots created after January 23, 1996, must have a minimum of two soil treatment and dispersal areas that can support Type 1 systems as defined by Minnesota Rule 7080.2200.

10.134 Upgrade, Repair, Replacement and Abandonment

1. SSTS Capacity Expansions: Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this Article at the time of the expansion.
2. Bedroom Addition: Any addition to a structure that includes bedroom(s) that requires a land use permit from the City shall require that the SSTS meet the required design flow according to Minnesota Rule 7080.1860 or be upgraded to meet Class I sizing for both the septic tanks and soil absorption area. Any required upgrades shall be completed within two years.

3. Failure to Protect Groundwater: An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rule 7080.1500., Subp. 4(B) shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Article within 10 months upon receipt of a Notice of Noncompliance and must meet Class I sizing requirements according to Minnesota Rule 7080.1860.
4. Imminent Threat to Public Health or Safety: An SSTS posing an imminent threat to public health or safety shall be pumped within 24 hours and managed as a holding tank in accordance with Minnesota Rule 7080.1500, Subp. 4(A) and said SSTS shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Article within 10 months upon receipt of a Notice of Noncompliance and must meet Class I sizing requirements according to Minnesota Rule 7080.1860.
5. Abandonment: Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Minnesota Rule 7080.2500.

10.135 SSTS in Floodplains

SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain should be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rule 7080.2270 and all relevant local requirements are met.

10.136 Class V Injection Wells

All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, Title 40, Part 144, are required by the Federal Government to submit a UIC Class 5 Inventory Form to the Environmental Protection Agency as described in 40 CFR Part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

10.137 SSTS Practitioner Licensing

1. No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of SSTS without an appropriate and valid license issued by MPCA in accordance with Minnesota Rules Chapter 7083 except as exempted in Rule 7083.0700.
2. An MPCA license is not required of an individual who is constructing a SSTS on land that is owned by the individual and functions solely as a dwelling for that individual pursuant to Minnesota Rule 7083.0700. Installation of the system shall be based upon a design by a licensed designer. The system shall be inspected before it is covered and a 24-hour notification to the City before such inspection occurs is required.

10.138 Prohibitions

1. Occupancy or Use of a Building without a Compliant SSTS: It is unlawful for any person to maintain, occupy, or use any building intended for habitation or that contains plumbing fixtures that is not provided with a wastewater treatment system or that disposes of wastewater in a manner that does not comply with the provisions of this Article.
2. Sewage Discharge to Ground Surface or Surface Water: It is unlawful for any person to construct, maintain, or use any SSTS system regulated under this Article that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System program by the MPCA.
3. Sewage Discharge to a Well or Boring: It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota Rule 4725.2050, or any other excavation in the ground that is not in compliance with this Article.
4. Discharge of Hazardous or Deleterious Materials: It is unlawful for any person to discharge into any treatment system regulated under this Article any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

10.139 Alternative Local Standards Adopted by Reference

1. Adoption of Rule by Reference:
 - A. The City hereby adopts by reference the provisions of Minnesota Rules Chapters 7080 -7083 in their entirety except as referenced under Section 2.17(B), except as otherwise expressly modified by this Article.
 - B. When "~~2006~~ 2016 version of Minnesota Rules Chapter 7080" is utilized, the reference is to the rules effective ~~April 3, 2006~~ September 6, 2016, otherwise the City is referencing the current rules in effect.
 - C. All new construction or replacement of SSTS shall employ sewage tanks, distribution media and treatment products which have been registered by the Minnesota Pollution Control Agency.
2. Alternative Local Standards for New and Existing SSTS: The City hereby adopts the ~~2006~~ 2016 version of Minnesota Rules Chapter 7080 for all new and existing residential Type I, Type II and Type III SSTS and SSTS that serve any Food., Beverage and Lodging Establishment under 2,500 gallons per day provided the effluent discharge does not exceed the standards in Minnesota Rule 7080.2150, Subp. 3(K).

10.140 Minimum Standards

The following is a list of minimum standards applicable to SSTS:

1. In no land use district shall a land use permit, shoreline alteration permit, minor subdivision, plat, conditional use permit or variance be issued without a current Certificate of Compliance or Certificate of Installation that has not expired according to Part 12-3.24(3).
2. At least one cleanout at or above finished grade shall be installed between the structure and the septic tank with additional clean outs at intervals not more than 100 feet.
3. Class I sizing is required on all new construction. New construction will be defined as placement of a new structure or replacement structure that is served by pressurized water.
4. Minimum septic tank sizing shall be 1,500 gallons. This can be accomplished through a compartmentalized tank, multiple tanks in series, or a single existing 1,500 gallon tank with the use of an effluent filter for the last baffle. The filter must be of such a design that when the filter is removed from the filter housing, the flow of water leaving the tank is not allowed. The first tank or compartment shall be no less than 1,000 gallons in size and applies to new and replacement SSTs. Any additional septic tanks shall be a minimum of 1,000 gallons. All other tank sizing shall follow Minnesota Rule 7080.1930. **Verify tank sizes.**
5. Pump tank sizing shall follow Minnesota Rule 7080.2100.
6. Soil pits shall be required during the construction inspection. The soil pit shall be excavated at the time of the inspection. The soil pit shall be dug by a backhoe or other acceptable method and be excavated to a depth that will allow the verification of redoximorphic features and the three feet of vertical separation as required. Location of soil pits shall be adjacent to the lowest trench or next to the down slope side of an elevated treatment area. The pit shall not impact the hydraulic performance of the ISTS. A certificate of installation will not be issued until the soils are verified.
7. All dwellings or buildings that contain plumbing fixtures shall meet the required setbacks to the septic tank and soil absorption area. Accessory structures, including but not limited to, decks, screen decks, porches, sheds, garages and pole buildings shall not be required to meet said setbacks provided that the tank(s) can be maintained properly and that the structure does not negatively impact the function of the system.

10.141 Compliance Criteria for Existing SSTs

For an SSTs built before April 1, 1996, and outside of areas designated as "SWF" - Systems in shoreland areas, wellhead protection areas, or systems serving food, beverage, or lodging establishments - there must be at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.

10.142 Holding Tanks

Holding tanks may be allowed for the following applications: as replacements for existing failing SSTs and SSTs that pose an imminent threat to public health or safety, on lots with limitations that will not allow for the installation of a Type 1 SSTs or for uses that are seasonal or intermittent in nature and will not use more than 150 gallons of water per day.

10.143 Variance

A property owner may request a variance from the standards as specified in this Article pursuant to Article 11 of the City's Land Use (Zoning) Ordinance.

10.144 State Agency Variance Requests

Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency pursuant to the requirements of the State Agency. No permits will be issued by the City until all required State Agency variances have been approved.

10.145 Permit Requirements

1. Activities Not Requiring a SSTS Permit: A SSTS permit is not required for minor repairs or replacements of system components that do not alter the original function of the system; change the treatment capacity of the system; change the location of the system; or otherwise change the original system design, layout, or function. Examples are, but not limited to, pumps, baffles, and effluent filters.
2. Activities Requiring a SSTS Permit: A SSTS permit shall be obtained by the property owner or an agent of the property owner from the City prior to the installation, construction, replacement, modification, alteration, or capacity expansion including the use of advanced treatment components of a SSTS. It is unlawful for any person to construct, install, modify or replace a SSTS without the appropriate permit from the SSTS including repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. The issuing of any permit, variance, or conditional use under the provisions of this Article shall not absolve the applicant of responsibility to obtain any other required permit.
3. Permit Requirements: SSTS Permit applications shall be made on forms provided by the City and signed by the applicant or applicant's agent, and must include the following information and documentation:
 - A. Applicant name, mailing address, telephone number, and email address;
 - B. Property Identification Number, property address and legal description of property location;
 - C. Site Evaluation Report, which shall be made on forms provided by Crow Wing County;
 - D. Design Report, which shall be made on forms provided by Crow Wing County;
 - E. A management plan, as defined by Minnesota Rule 7082.0600; and

- F. Any additional information that may be required by the City to assure compliance with this Article.
4. Application Review and Response: The City shall review a permit application and supporting documents according to Article 11 of the City's Land Use (Zoning) Ordinance.
 5. Appeal: The applicant may appeal any decision of the City in accordance with Article 11 of the City's Land Use (Zoning) Ordinance.
 6. Permit Expiration: A SSTS Permit for a new SSTS is valid for a period of no more than two years from its date of issue. A SSTS Permit for the replacement of SSTS failing to protect groundwater is valid for 10 months. A SSTS Permit for the replacement of SSTS that are imminent threats to public health is valid for 10 months. Satisfactory completion of construction shall be determined by as-built drawings and a signed certification that the construction and installation of the system was completed in reasonable conformance with the approved design documents by a qualified employee of the City or a licensed inspection business, which is authorized by the City and independent of the owner and the SSTS installer.
 7. Transferability: A SSTS Permit may be transferred to a new owner provided there are no proposed changes to the SSTS design.
 8. Suspension or Revocation: The City may suspend or revoke a SSTS Permit issued under this section for any false statements, misrepresentations of facts on which the SSTS Permit was issued, or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system design, layout, or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid SSTS Permit is obtained.
 9. SSTS Assessment Requirements: For those SSTS without a management plan or operating permit according to the provisions of this Article, the following provisions apply:
 - A. The owner of an ISTS or the owner's agent shall regularly, but in no case less frequently than every three years, assess whether sewage tanks leak below the designed operating depth and whether sewage tank tops, riser joints, and riser connections leak through visual evidence of major defects and measure or remove the accumulations of scum, grease, and other floating materials at the top of each septic tank and compartment, along with the sludge, which consists of the solids denser than water.
 - B. All solids and liquids must be removed by pumping from all tanks or compartments in which the top of the sludge layer is less than 12 inches from the bottom of the outlet baffle or transfer hole or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle or transfer hole. Total sludge and scum volume must not be greater than 25 percent of the tank's liquid capacity. Removal of accumulated sludge, scum,

and liquids from septic tanks and pump tanks must be through the maintenance hole. The removal of solids from any location other than the maintenance hole is not a compliant method of solids removal from a sewage tank, and this method does not fulfill the solids removal requirement of this part or a management plan. Liquid and solids removal from clean-out pipes is allowed for holding tanks.

10.146 Operating Permit

1. An Operating Permit shall be required for the following SSTS:
 - A. SSTS with high strength waste effluent standards that exceed Minnesota Rule 7080.2150, Subp. 3(K);
 - B. Holding Tanks;
 - C. SSTS serving three or more connections;
 - D. Type 4 and Type 5 SSTS;
 - E. SSTS that exceed a daily flow of 2,500 gallons per day; or,
 - F. MSTs designed under Minnesota Rules Chapter 7081.
2. Operating Permits shall be a signed agreement between the City and the property owner and shall include monitoring, performance, mitigation, and reporting requirements.
3. A valid Operating Permit shall be considered a certificate of compliance if that system is in compliance with the requirements of the Operating Permit.
4. Owners of holding tanks shall provide the City upon request a copy of a valid monitoring and disposal contract executed between the owner and a licensed maintenance business, which guarantees the removal of the holding tank contents in a timely manner and prevents an illegal discharge in accordance with Minnesota Rule 7082.0100. Subp. 3(G). This requirement is waived if the owner is a farmer who is exempt from licensing under Minn. Stat., § 115.56. subd. 3(b)(3).
5. Operating Permits shall be valid for the specific term stated on the permit as determined by the Department.
6. An Operating Permit must be renewed prior to its expiration. If not renewed, the City may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within 90 calendar days of the expiration date, the Department may require that the system be abandoned in accordance with Part 12-3.11(5).

7. Operating Permits do not transfer to new property owners. New owners shall apply for an Operating Permit in accordance with this section. The City shall not terminate the current permit until 90 calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, the City may require a performance inspection of the treatment system certified by a licensed inspector or qualified employee.
8. A report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the City on or before the compliance reporting date stipulated in the operating permit as required. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described in the operating permit.
9. The City may suspend or revoke any Operating Permit issued under this section for any false statements or misrepresentations of facts on which the Operating Permit was issued.
10. If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned.
11. At the Department's sole discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

10.147 Compliance Inspection Program

1. Department Responsibility: It is the responsibility of the City, or its agent, to perform installation inspections of new SSTS or upgrades of SSTS to assure that the requirements of this Article are met.
 - A. All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.
 - B. The City shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. As used in this paragraph, "property" does not include a residence or private building.
 - C. No person shall hinder or otherwise interfere with the City's employees or agents in the performance of their duties and responsibilities pursuant to this Article. Refusal to allow reasonable access to the property by the City shall be deemed a separate and distinct offense.
 - D. A signed winter agreement may be accepted in lieu of a compliance inspection for property transfers, permit applications and designs to the City between November 1 and April 30, at the City's sole discretion, provided the required information is submitted to the City by June 1 of the subsequent year. Failure to fulfill all of the obligations of the winter agreement shall be a violation of this Article.

2. New Construction or Replacement:
 - A. New installation inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081, respectively, according to this section. SSTS found to be noncompliant with other applicable requirements must be repaired or replaced according to the City's requirements.
 - B. It is the responsibility of the SSTS owner or the owner's agent to notify the City 24 hours prior to the installation inspection. **ALL INSPECTIONS MUST HAPPEN DURING CITY BUSINESS HOURS AND WHEN A LICENSED INSPECTOR IS AVAILABLE.**
 - C. If the installer provides proper notice and the City does not provide an inspection within one hour after an inspection time was set, the installer may complete the construction per the following: The installer shall submit photographs of the entire uncovered system and an as-built drawing with a certified statement that the installation of the SSTS met the appropriate standards of this Article within five working days of the installation.
 - D. A Certificate of Installation for new SSTS construction or replacement shall be issued by the City within 30 days of inspection if the City has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit.
 - E. The Certificate of Installation must include a certified statement by the certified inspector or qualified employee who conducted the inspection that the SSTS is or is not in compliance with requirements of this Article. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must be issued to the owner which includes a statement specifying those ordinance provisions with which the SSTS does not comply.
 - F. No SSTS shall be placed into operation until a valid Certificate of Installation has been issued.
 - G. Certificates of Installation for new construction or replacement shall remain valid for (5) five years from the date of issue unless the City finds evidence of noncompliance.
3. Existing Systems
 - A. Compliance inspections shall be required when any of the following conditions occur:
 - (1) When applying for a land use permit, shoreline alteration permit, minor subdivision, plat, land use map amendment, conditional use permit or variance and the Certificate of Installation is more than five years old or the Certificate of Compliance is more than three years old.

- (2) Within 90 days of conveyance of any real property and the Certificate of Installation is more than five years old or the Certificate of Compliance is more than three years old.
- (3) Any time there is a change in use of the property being served by an existing SSTS which may impact the performance of the system.
- (4) At any time as required by this Article or the City deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.

B. Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA. The following conditions, must be assessed, or verified:

- (1) Water tightness assessment of all treatment tanks including a leakage report;
- (2) Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock including a vertical soils separation verification report unless soils have been verified according to Minnesota Rule 7082.0700, subpart 4B.
- (3) Sewage backup, surface seepage or surface discharge including a hydraulic function report.

C. The Certificate of Compliance must include a certified statement by a Qualified Employee or licensed inspection business, indicating whether the SSTS is in compliance with the requirements of this Article. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must include a statement specifying those ordinance provisions with which the SSTS does not comply. A construction permit application must be submitted to the City if the required corrective action is not a minor repair.

D. The Certificate of Compliance or notice of noncompliance must be submitted to the City no later than 15 calendar days after the date the inspection was performed.

E. Certificates of Compliance for existing SSTS shall remain valid for three years from the date of issue unless the City finds evidence of noncompliance.

4. TRANSFER OF PROPERTY. ANY PROPERTY ON WHICH A SSTS IS LOCATED SHALL NOT BE TRANSFERRED OR SOLD UNLESS THE PARTIES TO THE TRANSACTION HAVE COMPLIED WITH ONE OF THE FOLLOWING:

- A. A current Certificate of Compliance, as provided by Part 12-3.23(3).
 - B. A winter agreement, as provided by Part 12-3.24(1)(D).
 - C. In the event the seller does not provide a Certificate of Compliance or compliant Operating Permit, the seller and buyer may establish a written agreement or contract to repair, replace or upgrade the existing SSTS according to the terms of this Article.
 - D. The buyer may accept total responsibility of the existing SSTS and be responsible for the necessary upgrading. In the absence of a written agreement according to Part 12-3.24(1)(D), the buyer shall be responsible for the necessary upgrading of said SSTS.
5. Commercial SSTS
- A. Septic tank effluent testing for Carbonaceous Biochemical Oxygen Demand (CBOD), Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), Nitrogen and oil/grease combination is mandatory for all SSTS that serve commercial establishments that serve food and beverages or have a flow that exceeds 1000 gallons per day as part of any compliance inspection.
 - B. Effluent testing shall not be required for commercial SSTS that have a current operating permit as of the date this Article is effective. If all provisions of the operating permit are met, the SSTS shall be considered to be in compliance.
 - C. An SSTS with effluent testing that does not meet the standards in the Minnesota Rule 7080.2150, Subpart 3(K) shall be upgraded within 3 years to meet said standards and be placed on an Operating Permit as provided in this Article.
6. Vertical Separation Reduction: Minnesota Rule 7080.1500, Subp. 4(D) is hereby adopted allowing a 15 percent reduction in vertical separation distance for settling of sand or soil, normal variation of measurements and interpretations of the limiting layer for existing SSTS. This provision does not apply to Part 12-3.17.

10.148 Enforcement

Enforcement of this Article shall follow the standards in Article 12 of the City's Land Use (Zoning) Ordinance.

10.149 State Notification of Violation

The City shall notify the MPCA of any inspection, installation, design, construction, alteration or repair of an SSTS by a licensed/certified person or any septage removal by a licensed maintainer that is performed in violation of the provisions of this Article. The City shall also notify the MPCA of any discovered straight pipes pursuant to Minnesota Statute 115.55 Subdivision 11.

10.150 Record Keeping

The City shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests, Certificates of Compliance, notices of noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, maintenance reports, Operating Permits, an annual list of all sewage tanks installed in the City sorted by licensed installation businesses, and other records the City deems relevant to a particular system.

10.151 Annual Report

The City shall provide an annual report of SSTS permitting activities to MPCA no later than February 1 for the previous calendar year.

10.152 Fees

From time to time, the City Council shall set fees for activities and services undertaken by the City pursuant to this Article, by resolution. Fees shall be due and payable at a time and in a manner to be determined by the City.

10.153 Dispute Resolution

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Resolution of disputes between SSTS Certified Individuals regarding conflicting compliance inspections, determination of seasonally saturation of soils and other technical issues shall follow Minnesota Rule 7082.0700, Subp. 5.

CHAPTER X. SEWER REGULATIONS

A. ESTABLISHING CITY SEWER SYSTEM USE REGULATIONS

A Chapter regulating the use of public and private 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(s); and providing penalties for violations thereof.

PART 1 - DEFINITIONS

10.A.1 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 as 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 Nisswa, Minnesota or its representative thereof.
4. **“BOD5 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° 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 waster and other drainage pipes inside the walls of the building and conveys it to the building sewer which begins 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 which begins five (5) feet outside the building wall.
7. **“City”** – The area within the corporate boundaries of the City of Nisswa 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, suspend 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. **“ERC”** – Equivalent Residential Connection – For the purposes of calculating the connection charge, a building service with an anticipated peak month volumetric not exceeding 300 gallons per day or a service servicing a primary individual dwelling unit. The concentration of the sewage shall be normal domestic strength wastewater.
13. **“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.
14. **“Floatable Oil”** – Oil, fat, or grease in a physical state, such that it will separate by gravity from wastewater.
15. **“Garbage”** – Animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.
16. **“Incompatible Pollutant”** – Any pollutant that is not defined as a compatible pollutant (Sec. 9) including non-biodegradable dissolved solids.
17. **“Industry”** – Any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the 2017 North American Industry Classification System, Executive Office of the President Office of Management and Budget, or superseding edition.
18. **“Industrial Waste”** – Gaseous, liquid, and solid wastes resulting from industrial or manufacturing processes, trade or business, or from the develop
19. **“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.
20. **“Infiltration/Inflow – (I/I)”** – The total quantity of water from both infiltration and inflow.
21. **“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.
22. **“Interference”** – The inhibition or disruption of the City’s wastewater disposal system processes or operation which cause or significantly contributes to a violation of any requirement of the City’s NPDES and/or SDS Permit. The term includes violation of sewage sludge use or disposal by the City in accordance with published 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.

23. **“MPCA”** – Minnesota Pollution Control Agency.
24. **“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.
25. **“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.
26. **“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.
27. **“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.
28. **“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 302 mg/l.
29. **“Person”** – Any individual, firm, company, association, society, corporation, or group.
30. **“PH”** – The logarithm of a reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.
31. **“Pretreatment”** – The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works. (See Sec. 24.)
32. **“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.
33. **“Public Works Director”** – The street and water/wastewater utilities superintendent or a deputy, agent or representative thereof.
34. **“Sewage”** – The spent water of a community. The preferred term is wastewater.
35. **“Sewer”** – A pipe or conduit that carries wastewater or drainage water.
 - a) **“Collection Sewer”** – A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.
 - b) **“Combined Sewer”** – A sewer intended to serve as a sanitary sewer and a storm sewer.
 - c) **“Force Main”** – A pipe in which wastewater is carried under pressure.

- d) **“Interceptor Sewer”** – A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.
 - e) **“Private Sewer”** – A sewer which is not owned and maintained by a public authority.
 - f) **“Public Sewer”** – A sewer owned, maintained and controlled by a public authority.
 - g) **“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.
 - h) **“Storm Sewer or Storm Drain”** – A drain or sewer intended to carry stormwaters, surface runoff, ground water, sub-surface water, street wash water, drainage, and unpolluted water from any source.
36. **“Shall”** – Is mandatory; “May” is permissive.
37. **“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.
38. **“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 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment works.
39. **“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.
40. **“Superintendent”** – The utilities superintendent or a deputy, agent or representative thereof.
41. **“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 “Standards Methods for the Examination of Water and Wastewater”, latest edition, and referred to as non-filterable residue.

42. **“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.
43. **“Unpolluted Water”** – Water of quality equal to or better than the effluent criteria in effect, or water that would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities. (See “Non-contact Cooling Water”, Sec. 27.).
44. **“User”** – Any person who discharges or causes or permits the discharge of wastewater into the City’s wastewater disposal system.
45. **“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 stormwater that may be present.
46. **“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, additional, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and similar facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal or residues resulting from such treatment.
47. **“Watercourse”** – A natural or artificial channel for the passage of water, either continuously or intermittently.
48. **“WPCF”** – The Water Pollution Control Federation.

PART 2 – ADMINISTRATION, ENFORCEMENT, AND PENALTIES.

10.A.2 The Public Works Director 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.

10.A.2.1 Duty of Enforcement. It shall be the duty of the City Administrator and the Public Works Director to enforce the provisions of this article and bring any violations or lack of compliance herewith to the attention of the City Council and City Attorney.

PART 3 - USE OF WASTEWATER FACILITIES

10.A.3 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.

10.A.4 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.

10.A.5 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.

10.A.6 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 ninety (90) days of the date said public sewer is operational provided said public sewer is within 1000 feet of the property containing 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 sewer connections are not made pursuant to this section, an official thirty (30) day notice shall be served instructing the affected property owner to make said connection.

10.A.7 City municipal sewer users are required to comply with the following requirements:

1. Water flow restrictive devices are to be installed in plumbing fixtures that will reduce the amount of water used during use but still allow the fixture to function as intended by the manufacturer.
2. All new construction and remodeling shall be in compliance with the Minnesota Plumbing Code Chapter 4715 with respect to flow rates and water volume usage for fixtures and other plumbing devices.
3. Roof drains, sump pumps, footing drains, floor drains or other sources of non-sanitary waters shall not be connected to the municipal sanitary collection system during remodeling or new construction.
4. Municipal sewer users which have knowingly connected to the sanitary sewer system in a way which allows non-sanitary waters to enter the service shall have these connections removed.

10.A.8 Penalties. Any person violating Section 10.A.7 of the Nisswa City Code shall be deemed guilty of a petty misdemeanor. Upon conviction the offending party shall be subject to a fine as prescribed by Minnesota Statutes. If the City chooses to enforce compliance with Section 10.A.7 and the enforcement does not involve criminal prosecution, the offending party shall be required to reimburse the City for the City's attorney's fees and costs associated with enforcing the offending party's compliance with the City Code.

10.A.9 In the event an owner shall fail to voluntarily connect to a public sewer in compliance with a notice given Part 3, 10.A.6 of the Ordinance, the City may undertake to have said connection made and

may 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 Crow Wing, 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.

10.A.10 Failure of an owner to voluntarily connect to a public sewer in compliance with a notice given under Part 3, 10.A.6 of the Ordinance shall be deemed a public nuisance and a misdemeanor and shall be punishable upon conviction thereof in accordance with the laws of the State of Minnesota. The City may make the connection as a means of abating the nuisance and charge the cost back to the offending landowner with such cost to be collected as a user fee.

10.A.11 The City may also petition the District Court for a Court Order requiring the owner to connect to the public central sewer system and ordering the owner to connect within a reasonable amount of time to be established by the Court, or for an Order authorizing the City to make the connection. In the event the City petitions the Court for an Order directing the connection, either by the owner or the City, the owner shall be liable for all costs of enforcement including court costs and reasonable attorney's fees related to said action.

10.A.12 Violation of any provision of this Ordinance, including an owner's failure to connect to the central sewer system, shall constitute a misdemeanor offense, and shall be punishable upon the conviction thereof in accordance with the laws of the State of Minnesota there unto appertaining. An owner found in violation shall be liable for the City's legal fees and expenses incurred therein.

PART 4 - PRIVATE WASTEWATER DISPOSAL

10.A.13 Where a public sewer is not available under the provisions of Part 3, Section 10.A.6, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.

10.A.14 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 such 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.

10.A.15 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 the permit shall notify the City when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours receipt of notice, excluding holidays and weekends.

10.A.16 The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of Minnesota SSTS Rules Chapters 7080 through 7083. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

10.A.17 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 sixty (60) days in compliance with the Ordinance, and within ninety (90) 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.

10.A.18 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.

10.A.19 No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the State of Minnesota.

10.A.20 All private systems require a valid city maintenance certificate. (See 10.C.17)

PART 5 - BUILDING SEWERS AND CONNECTIONS

10.A.21 Any new connection(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, BOD5, and Suspended Solids, as determined by the Public Works Director.

10.A.21.A ALL CONNECTING BUILDINGS WILL HAVE A WATER METER INSTALLED ON ALL INCOMING WATER LINES GENERATING SEWAGE THAT ENTERS THE CITY SEWER SYSTEM TO DETERMINE WASTEWATER VOLUME ENTERING THE CITY'S CENTRAL SEWER SYSTEM. ONLY RESIDENCES UNDER 3000 SQUARE FEET WILL NOT BE REQUIRED TO INSTALL A METER. METERS ARE AVAILABLE FROM THE CITY AT COST TO ENSURE COMPATIBILITY WITH THE CITY'S METER READING SYSTEM. ALL METER INSTALLATIONS ARE THE RESPONSIBILITY OF THE PROPERTY OR BUSINESS OWNER, AND WILL BE INSPECTED BY CITY STAFF PRIOR TO ANY SEWAGE BEING DISCHARGED TO THE CITY SEWER SYSTEM.

10.A.21.B All rental, hotel, and resort residential properties, regardless of square footage, must have a water meter installed to determine sewer service charges.

10.A.21.C All meters shall be read by the City quarterly for billing purposes.

10.A.22 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. **CREATE PERMIT PROCESS?**

10.A.23 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.

10.A.24 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.

10.A.25 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.

10.A.26 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Public Works Director or his representative, to meet all requirements of this ordinance.

10.A.27 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 City Engineers Association of Minnesota (CEAM) standard specification 2621 – “Sanitary Sewer and Storm Sewer Installation”, shall apply.

10.A.28 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

10.A.29 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.

10.A.30 The connection of the building sewer into the public sewer shall conform to the requirements 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 City Engineers Association of Minnesota (CEAM) standard specification 2621 – “Sanitary Sewer and Storm Sewer Installation”. All such connections shall be made gastight and watertight, 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.

10.A.31 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 Public Works Director or authorized representative thereof.

10.A.32 All excavations for building sewer installation 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 work, shall be restored in a manner satisfactory to the City.

10.A.32.A ALL CONNECTING SEWERS TO THE CITY SEWER WILL HAVE TRACER WIRE INSTALLED ACCORDING TO “THE CITY SEWER HOOKUP POLICY”, DATED JULY 29,2018. COPIES ARE AVAILABLE FROM THE PUBLIC WORKS DIRECTOR. ALL TRACER WIRE INSTALLATION MATERIAL IS OBTAINED FROM

THE CITY TO ENSURE COMPLIANCE WITH THE SPECIFICATION. ALL MATERIAL IS PROVIDED TO CONTRACTORS AT THE CITY'S COST.

10.A.33 No person shall make a service connection with any public sewer unless regularly licensed as a contractor under this chapter to perform such work, and no permit shall be granted to any person except such regularly licensed contractor. **ESTABLISH A CITY CONTRACTOR LICENCE POLICY.**

10.A.34 Any person desiring a contractor's license to make a service connection with public sewers, shall, apply in writing to the City Council with satisfactory evidence that the applicant or employer is trained or skilled in the business and qualified to receive a license. All applications shall be referred to the Public Works Director for recommendations to the Council. If approved by the Council, such license shall be issued by the City Administrator upon the filing of a bond as hereinafter provided. **REVIEW FOR CHANGE.**

10.A.35 No contractor's license shall be issued to any person until a **\$2,000.00** (still appropriate) bond to the City, approved by the Council, is filed with the City Clerk conditioned that the licensee will carry liability insurance and will indemnify and save harmless the City from all suits, accidents, and damage that may arise by reason of any opening in any street, alley, or public ground, made by the licensee or by those in the licensee's employment for any purpose whatever, and that the licensee will replace and restore the street and alley over such opening to the condition existing prior to installation, adequately guard with barricades and lights and will keep and maintain the same to the satisfaction of the Superintendent, and shall conform in all respects to the rules and regulations of the Council relative thereto, and pay all fines that may be imposed on the licensee by law. The City Council shall establish the limits required on liability insurance carried by the licensee. **NOT USED. REVIEW FOR FUTURE USE/UPDATES.**

10.A.36 The contractor's license fee for making service connections is **\$10.00**. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked by the Council for cause. Upon failure to apply for a license renewal prior to the expiration date thereof, the license fee for the ensuing year shall be \$10.00. **NOT USED. REVIEW FOR ENFORCEMENT AND OR UPDATES. CONSIDER RAISING LICENCE FEE SIGNIFICANTLY, \$1000??**

10.A.37 The Council may suspend or revoke any contractor's license issued under this article for any of the following causes:

1. Giving false information in connection with the application for the license.
2. Incompetence of the licensee.
3. Willful violation of any provisions of this article or any rule or regulation pertaining to the making of service connections. **NOT USED. REVIEW FOR ENFORCEMENT AND OR UPDATES.**

PART 6 - USE OF PUBLIC SERVICES

10.A.38 No person(s) shall discharge or cause to be discharged any unpolluted water such as stormwater, ground water, roof runoff, surface drainage, or non-contact cooling water to any sanitary sewer.

10.A.39 Stormwater 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.

10.A.40 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 operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half ($\frac{1}{2}$) 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 grinding or polishing wastes.
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.
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 Section 307(a) of the Act.

10.A.41 The following described substances, materials, water, or wastes shall be limited to discharges to municipal system to concentrations or quantities to municipal system 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 Public Works Director 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 Public Works Director 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 waster or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Public Works Director are as follows:

1. Any wastewater having a temperature greater than 150°F (65.5°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/1 or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65.5°C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/1, whether emulsified or not.
3. Any quantities of flow, concentrations, or both which constitute a "slug" as defined herein. (See 10.A.1, No. 38).
4. Any garbage not properly shredded, as defined in (10.A.1, No 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.
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. 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 such quantities that would cause disruption with the wastewater disposal system.
8. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Public Works Director in compliance with applicable state or federal regulations.
9. Any waters or wastes containing the following substances to such degree that any such material received in the composite wastewater at the wastewater treatment works in excess of limits established by the Public Works Director for such materials: arsenic, silver, cadmium, chromium, copper, zinc, cyanide, phenolic compounds, lead, or nickel which cannot be removed by City's wastewater treatment system.
10. 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.
11. Any waters or wastes containing BOD5 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 10.A.54.

10.A.42 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 10.A.41 of this ordinance, and/or which in the judgment of the Public Works Director, 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:

1. Reject the wastes,
2. Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act and all addendums thereof,
3. Require control over the quantities and rates of discharge, and/or,
4. 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.

10.A.43 No user shall increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in 10.A.40 and 10.A.41 of this ordinance, or contained in the National Categorical Pretreatment Standards or any state requirements.

10.A.44 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).

10.A.45 ALL COMMERCIAL AND INDUSTRIAL CONNECTIONS WILL BE EVALUATED TO DETERMINE IF A GREASE, OIL, OR SAND INTERCEPTOR IS NESESARY. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Public Works Director, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in 10.A.41.1, any flammable wastes as specified in 10.A.40.1, 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 Public Works Director. 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.

10.A.45.A All grease, oil, and sand interceptor installations must have complete specifications submitted to the Public Works Director and the City Engineer for review and approval. Specifications must be submitted 30 days prior to expected sewer connection permit issuance. **NO NON-RESIDENTIAL SEWER CONNECTION PERMITS WILL BE GRANTED WITHOUT THIS REVIEW AND APPROVAL.**

10.A.45.B Any change in use, or change in size, of a commercial/industrial building requires a new grease, oil, and sand interceptor evaluation. The Public Works Director and/or City Engineer will make the determination if additional interceptors are required.

10.A.45.C All Central Sewer Systems users that have installed grease, oil, or sand interceptors must submit an annual maintenance plan that includes frequency of maintenance, physical condition of the interceptor, and any modifications that have taken place or are planned to the interceptor. All maintenance plans require approval by the Public Works Director. The Public Works Director may require changes to the maintenance plan to prevent damage to the Central Sewer System or abate public nuisances such as, but not limited to odors and vector attraction.

10.A.45.D A \$100 annual interceptor inspection fee will be required for all grease, oil, and sand interceptor installations.

10.A.46 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 measurement of wastes. Such 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 expense and shall be maintained by the owner to be safe and accessible at all times.

10.A.47 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 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 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 analysis 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. At such times as deemed necessary, the City reserves the right to take measurements and samples for analysis by an independent laboratory.

10.A.48 All measurements, tests, and analyses 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 Public Works Director.

10.A.49 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 or 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 Public Works Director 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 Public Works Director

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 Public Works Director 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 or 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.

10.A.50 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 sixty (60) 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 such other work as the Public Works Director 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 sixty (60) days, the Public Works Director may cause such work to be completed at the expense of the owner or representative thereof.

10.A.51 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 Public Works Director 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 Public Works Director 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.

10.A.52 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.

10.A.53 In addition to any penalties that may be imposed for violation of any provision of this ordinance, 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.

10.A.54 No statement contained in this ordinance shall be construed as preventing any special agreement or arrangement between the City of Nisswa 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.

PART 7 – CONTRACTORS AND CONSTRUCTION

10.A.55 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. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

10.A.56 All contractors must inform the Public Works Director at least 48 hours prior to the commencement of work of their intention to work in an area or property where city sewer is located. A contractor is defined as the owner, general contractor, subcontractor or any other person supplying labor or materials at the owner's or owner's agent's request.

10.A.57 All contractors must request a locate of the city utilities at least 48 hours prior to the beginning of any construction, earth moving or excavating. Damage resulting from failure to request a locate prior to construction will result in a fine equal to ten (10) times the gross cost of the repair including, but not limited to, labor, materials, engineering expenses, attorney's fees, professional fees, city maintenance expenses, city administrative expenses and pumping expenses. Payment of the fees will not constitute a compromise or waiver of any future claims for negligence and the contractor shall pay all costs to the City associated with the repair work and shall be financially responsible and shall hold the City harmless against any future damage caused by faulty repair or use of defective materials or poor workmanship for a period of one year from the completion of the repair work.

PART 7A-STEP STATION CONSTRUCTION

10.A.57.A.1 Properties that require a Step Station be installed to get their sewage into the central sewer system must submit a plan to the Public Works Director and City Engineer for approval at least 30 days prior to the anticipated permit approval.

10.A.57.A.2 The plan for a Step Station must be approved by either the Public Works Director or the City Engineer prior to the issuance of a building permit.

10.A.57.A.3 The plan for a step station must include all specs for the tank, electrical system, location, and landscaping. Any change to the plan during construction must be preapproved by the Public Works Director or City Engineer prior to being placed in operation.

10.A.57.A.4 Any damage to a property, caused by a backup of a step station, that has had landscaping done that prevents timely entry or access to the step station, will be the responsibility of the owner of that property.

PART 7B- LARGE DEVELOPER REQUIREMENTS

10A.57.A DEFINITION. Any development that is larger than 3 homes. Any commercial/industrial development that is more than 1 building or 5,000 square feet.

10A.57.B CONSTRUCTION OBSERVATION REQUIRED. For any project that is considered a large development as defined in 10A.57.A, a developer's agreement that includes construction observation by the City Engineer or the Public Works Director is required at the developer's expense.

10A.57.C All Large Developments as defined in 10A.57.A will submit Construction Plans 30 days prior to the beginning of construction to the Public Works Director.

10A.57.D No sewer construction for a large development as defined in 10A.57.A can commence until a construction plan has been approved by the City Engineer and City Public Works Director.

PART 8 - USER RATE SCHEDULE FOR CHARGES

10.A.58 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 Chapter 10B, Sewer Service Charge System.

PART 9 - POWERS AND AUTHORITY OF INSPECTORS

10.A.59 The Public Works Director or other duly authorized employees of the City, bearing proper credentials and identifications, 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.

10.A.60 The Public Works Director 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.

10.A.61 While performing necessary work on private properties, the Public Works Director 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 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 caused by negligence or failure of the company to maintain safe conditions as required in 10.A.46 of this ordinance.

10.A.62 The Public Works Director 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 said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms the duly negotiated easement pertaining to the private property involved.

PART 10 – PENALTIES

10.A.63 Any person found to be violating any provision of this ordinance, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for 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.

10.A.64 Any person who shall continue any violation beyond the time limit provided for in 10.A.62, shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine and/or imprisonment as prescribed by Minnesota Statutes. Each day in which any such violation occurs shall be deemed as a separate offense.

10.A.65 Any person violating any of the provision of this ordinance shall become liable to the City for any expense, loss, or damage occasioned by the City by reason of such violation.

PART 11 - VALIDITY

10.A.66 This ordinance shall be in full force and take effect from and after its passage and approval and publication as provided by law.

10.A.67 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.

B. CITY SEWER SYSTEM, SERVICE CHARGE SYSTEM

A Chapter providing for Sewer Service Charges to recover costs associated with:

- 1) Operation, maintenance, and replacement to ensure effective functioning of the City's Wastewater Treatment System.
- 2) Local capital costs incurred the construction of the City's Wastewater Treatment System.

PART 1 - DEFINITIONS

10.B.1. Definitions. Unless the context specifically indicates otherwise, the meaning of the terms used in this ordinance shall be as hereafter designated:

1. **"Administration"** – Those fixed costs attributable to administration of the wastewater treatment works (i.e., billing and associated bookkeeping and accounting costs).
2. **"Apartment Unit"** – Rental housing quarters used as residence for a family of one or more members or one or more unrelated persons.
3. **"Biochemical Oxygen Demand or BOD5"** – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.
4. **"City"** - The area within the corporate boundaries of the City of Nisswa, 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.
5. **"Commercial User"** - Any place of business which discharges sanitary waste as distinct from industrial wastewater.
6. **"Commercial Wastewaters"** - Domestic wastewater emanating from a place of business as distinct from industrial wastewater.
7. **"Connection Charge or Debt Service Charge"** - A charge levied on users of wastewater collection and treatment facilities for the cost of repaying money bonded to construct said facilities, including interest.
8. **"Equivalent Residential Connection (ERC)"** - For the purposes of calculating the user charge and the debt service charge, a building service with an anticipated peak month volumetric flow not exceeding 130 gallons per day or a service serving an individual dwelling unit; at a strength

not greater than 250 mg/1 of BOD5 and 302 mg/1 of total suspended solids. (See attached schedule) 10.B.10

9. **"Normal Domestic Strength Wastewater"** - Wastewater that is primarily produced by residential users, with BOD5 concentrations not greater than 250 mg/1 and suspended solids concentrations not greater than 302 mg/l.

10. **"Extra Strength Waste"** - Wastewater having a BOD and/or TSS greater than domestic waste as defined in 10.B.1, Number 10 above and not otherwise classified as an incompatible waste.

11. **"Governmental User"** – Users which are units, agencies or instrumentalities of federal, state, or local government discharging Normal Domestic Strength wastewater.

12. **"Guest House"** – A second dwelling on residential property not used as the residence of a family.

13. **"Incompatible Waste"** – Waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works.

14. **"Industrial Users or Industries"** – Are:

a. Entities 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 2017 North American Industry Classification System, Executive Office of the President Office of Management and Budget, or superseding edition.

For the purpose of this definition, domestic waste shall be considered to have the following characteristics:

BOD5	less than 250 mg/l
Suspended Solids	less than 302 mg/l

b. Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, 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 institutes 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.

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

16. **“Institutional User”** - Users other than commercial, governmental, industrial or residential users, discharging primarily Normal Domestic Strength wastewater (e.g. Non-profit organizations).
17. **“Non-conforming Structure”** - See City of Nisswa Zoning Ordinance.
18. **“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.
19. **“Operation and Maintenance Costs”** - Expenditures for operation and maintenance, including replacement.
20. **“Public Wastewater Collection System”** - A system of sanitary sewers owned, maintained, operated and controlled by the City.
21. **“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 such works were designed and constructed.
22. **“Replacement Costs”** – Expenditures for replacement.
23. **“Residential Dwelling”** - A dwelling structure on residential property used as the residence of a family of one or more members or one or more unrelated persons whether year around or seasonal.
24. **“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.
25. **“Resort Unit”** - A rental unit not used as a residence.
26. **“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.
27. **“Sewer Service Charge”** - The aggregate of all charges, including charges for operation, maintenance and replacement; debt service; and other sewer related charges that are billed periodically to users of the City's wastewater treatment facilities.
28. **“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 collection and treatment.

29. **“Shall”** - Is mandatory; **“May”** is permissive.
30. **“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 or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
31. **“North American Industry Classification System, United States 2017”** - Office of Management and Budget, 2017.
32. **“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 **“Standards Methods for the Examination of Water and Wastewater”**, latest edition, and referred to as non-filterable residue.
33. **“Toxic Pollutant”** – The concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to Section 307A of the Federal Water Pollution Control Act (1972), which upon exposure to our assimilation into any organism will cause adverse effects.
34. **“User Charge”** – A charge levied on users of a treatment works for the user’s proportionate share of the cost of operation and maintenance, including replacement.
35. **“Users”** – Those residential, commercial, governmental, institutional and industrial establishments which are connected to the public sewer collection system.
36. **“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 stormwater that may be present.
37. **“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 alternations 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.

PART 2 - ESTABLISHMENT OF A SEWER SERVICE CHARGE SYSTEM

10.B.2 The City of Nisswa 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 constructing the wastewater treatment works.

10.B.3 Each user shall pay its proportionate share of operation maintenance and replacement costs of the treatment works, based on the user's approximate proportionate contribution to the total wastewater loading from all users based on the Equivalent Residential Connections (ERCs) of the user.

10.B.4 Each user shall pay debt service charges to retire local capital costs as determined by the City Council. (Connection and availability charge).

10.B.5 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 Ordinance. The sewer Service Charge System developed with the assistance of Landecker & Associates, Inc. and Evanson-Dodge, Inc. shall be adopted by resolution upon enactment of this Ordinance, 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.

10.B.6 Revenues collected for Sewer Service shall be deposited in a separate fund known as "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. (Is the right name?)

10.B.7 Sewer Service Charges and the Sewer Service Fund will be administered in accordance with the provisions of Part 5 "Administration" of this Ordinance.

PART 3 - DETERMINATION OF SEWER SERVICE CHARGES

10.B.8 Users of the City of Nisswa wastewater treatment works shall be identified as belonging to one of the following user classes:

- 1) Residential
- 2) Large Residential (over 3,000ft²)
- 3) Commercial
- 4) Industrial
- 5) Institutional
- 6) Governmental

The allocation of users to these categories for the purpose of assessing User Charges and Debt Service Charges shall be the responsibility of the Public Works Director. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.

10.B.9 Each user shall pay Operation, Maintenance, and Replacement (OM&R) costs and connection (debt retirement) costs in approximate proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant based on the ERCs of the connection, with the minimum rate for loadings of BOD and TSS being the rate established for concentrations of 250 mg/1 BOD and 302 Mg/1 TSS (i.e. Normal Domestic Strength Wastewater).

Those "Industrial Users" discharging segregated "Normal Domestic Strength Wastewater" only, can be classified as "Commercial Users" for the purpose of rate determination.

10.B.10 The ERCs for 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 (under 3,000ft²)**. Billable wastewater volume for a residential dwelling or apartment, townhouse or condominium will be estimated at a maximum of 130 gallons per day (1 ERC) and for each guest house at a maximum of 65 gallons per day (0.5 ERC). As all properties are not metered, no deviation from these ERC rates will be considered.

2) **All Other Users.**

A) All non-residential connections are required to install a city approved/provided water or sewer meter to determine billable sewer charges.

B) All meter installations must be done by a licensed plumber, city staff, or city hired contractors.

C) All expenses to install or replace the water/sewer meter are at the owner's expense except worn out or inaccurate meters may be replaced by the City at any time.

D) ERCs are determined by the following formula:

The current water/sewer meter reading, minus the previously recorded meter reading, divided by the number of days since the last meter reading, to determine the number of gallons used per day. The gallons used per day are then divided by 130gallons per ERC, equaling the billable ERCS for that period.

E) All readings are to be performed by trained City personnel.

F) All entities wishing to build a new or remodel an existing non-residential structure, must submit plumbing plans to the Public Works Director and have them approved by the Public Works Director prior to a building permit being issued.

G) All meter installations will be approved by the Public Works Director prior to installation and will be inspected to ensure no unapproved meter bypasses exist. No non-residential structures, without approved water/sewer meter installations, will be allowed to discharge into the City Sewer System.

H) New non-residential and large residential (>3,000ft²) connections will have their Initial Connection Charge established based on the chart below derived from the Metropolitan Council Environmental Service Availability Charge ("SAC") Procedures Manual (current edition, January 2019)

ERC Computation – Maximum of 130 gal/day peak month @250/mg/l B.O.D. Strength

Description	Total ERCs
Up to 2-bedroom resort unit, motel unit	0.5
3-bedroom resort unit, motel unit	0.75
4-bedroom resort unit, motel unit	1

Resort unit used as residence or leased as residence	1
Dormitory – per 6 occupants	1
Resort lodge including dining room, per 800 sq. ft.	1
Conference Center 1 ERC per 1210 square feet	1
Institutional	
-Church – per 1 ERC 2400 square feet	
-School – per 1 ERC 540 square feet	1
Commercial	
-Retail stores, shop w/bathroom 1 ERC per 3,825 square feet	
-Restaurant, Take Out, 3000 Square feet	
-Restaurant, Sit Down and other Food and Drink uses. Includes bars, coffee shops, tap room, dance floor, bakeries with seating and restaurant with customer seating	1
Cocktail lounge, 400 sq. ft. of gross area	1
Service Station (Convenience Center) 1 ERC per 3000 square feet	1
Service Station, Gas Pump	1
Service Station, (2) Service Bays	1
Car wash per self-serve stall	3
Car Wash, Automatic Wash Bay	5
General office per 3225 square feet	1
Laundromat, 6 washers	1
Drive-in restaurant, 9 spaces	1
Theater, 64 seats	1
Warehouse per 7,000 square feet	1
Public bathroom per 200 square feet	1
Brewery/Distillery	
- Production area is greater than 10% of the total gross square feet and has customer seating.	
- Production area is 10% or less than the total gross square feet and has customer seating, Calculate as Food and Drink	1

- I) The Final Connection Charge, for users defined in 10.B.10.H, will be determined by the peak quarterly meter reading, during the initial year of central sewer system use, divided by 130 gallons per day per ERC times the current connection fee per ERC.
- I.2) A 10%, or greater, increase of peak quarterly use by an individual property, will trigger additional connection fees to be collected at the current connection fee per ERC.

J) All ERC's referenced above are minimums. Any increase in an ERC shall not be retroactive unless as stated herein. Upon the issuance of a land use permit or remodeling of a structure, the City shall reevaluate the number of ERC's for that property or building and the most current City Code requirements for ERC's shall be applied to the building or property. A decrease in the number of ERC's shall result in a credit to the property without interest. An increase in an ERC shall be effective immediately.

K) no deviation from these ERC rates will be considered except through an adjustment in the ERC category table by the City Council.

L) The basis for estimating ERC's is derived from the Metropolitan Council Environmental Service Availability Charge ("SAC") Procedures Manual (current edition January, 2019).

M) For all unmetered properties, no deviation from these ERC rates will be considered except through an adjustment in the ERC category table by the City Council.

N) As each ERC contributes an estimated maximum of 130 gpd, the ERCs will be the basis for the service charge.

O) The Public Works Director shall determine the number of ERCs per connection. This determination can be appealed to the Public Works Committee.

P) Once established, the number of ERCs for each individual parcel of property can only be reduced by a majority vote of the City Council. The Council may reduce the number of ERCs in the following instances:

1. If the improvements to the property are destroyed or involuntarily removed. As a condition of the reduction, the lot shall be graded and landscaped.
2. An ERC can be transferred on the property from a structure being removed to a structure being constructed for both availability/connection and user charges.

Q) The number of ERCs shall be adjusted for the City as a whole on annual basis for user charge purposes.

10.B.11 The Sewer Service charges established in this Ordinance 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 such users, as long as the following conditions are met:

- 1) 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".

2) The measurements of such 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 the City Code.

*A study of unit costs of collection and treatment processes attributes to Flow, BOD, TSS and other significant loadings shall be developed for determining the proportionate allocation of costs to flow and loadings for users discharging wastes of greater than normal domestic strength or wastes of unusual character.

PART 3A - MISCELLANEOUS

10.B.12 The Connection and availability charge for projects resulting in 2 or less ERC's shall be paid in full prior to issuance of any building permits.

10.B.13 Any proposed alterations to be made to any property which may affect the central sewer system must have plans approved by the City Engineer and/or the Public Works Director before any construction and/or demolition begins. Any expenses incurred pursuant to any such alterations shall be the responsibility of the applicant.

10.B.14 Resorts, Hotels, Motels and Apartment Complexes which are subdivided for the purposes of individual or interval ownership shall have an established minimum of 1 ERC per unit.

10.B.15 No building permits will be issued to or for any properties with delinquent sewer account balance, which includes but is not limited to connection, availability and user charges.

PART 4 - SEWER SERVICE FUND (REVIEW FOR UPDATE OF ACCOUNT NAMES)

10.B.16 The City of Nisswa 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:

- 1) Operation and Maintenance Account
- 2) Equipment Replacement Account
- 3) Debt Retirement Account

10.B.17 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 City Administrator 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", the "Equipment Replacement Account", and the "Debt Retirement Account" in accordance with State and Federal regulations and the provisions of this ordinance.

10.B.18 Revenue generated by the Sewer Service Charge System shall be sufficient to ensure adequate equipment replacement/upgrades throughout the design or useful life, whichever is longer, of the wastewater facility until it is decommissioned. shall be held separate and apart in the "Equipment Replacement Account" and dedicated to affecting replacement costs. Interest income generated by the "Equipment Replacement Account" shall remain in the "Equipment Replacement Account".

10.B.19 Revenue generated by the Sewer Service Charge System shall be sufficient for operation and maintenance of the wastewater facility until it is decommissioned. shall be held separate and apart in the "Operation and Maintenance Account."

PART 5 - ADMINISTRATION

The Sewer Service Charge System and Sewer Service Fund shall be administrated according to the following provisions:

10.B.20 The City Administrator 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 costs annually in January.

10.B.21 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 Article B, Part 2, Line 10.B.2, "Establishment of a Sewer Service Charge System" of this Ordinance and Section 204(b)(2)(a) of the Federal Water Pollution Control Act, as amended. The City shall thereafter, but not later than the end of the year, reassess, and as necessary, revise the Sewer Service Charge System then in use to insure the proportionality of the user charges and to insure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the any construction debt.

10.B.22 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.

10.B.23 In accordance with Federal and State requirements, the City Administrator shall be responsible for maintaining all records necessary to document compliance with the Sewer Service Charge System adopted.

10.B.24 Bills for Sewer Service Charges shall be produced and delivered quarterly for the preceding quarter's provided sewer service. Bills are due 30 days from their issuance. rendered on a quarterly basis succeeding the period for which the service was rendered and shall be due 10 days from the date of rendering. Any bill not paid in full 60 days after the due date will be considered delinquent. The City shall notify the delinquent owner/occupant in writing on or near October 1st, regarding the delinquent bill and subsequent penalty. The penalty shall be computed as 3% of the original bill and shall be increased the same 3% for every quarter the bill is outstanding. (Updated with Maggi)

10.B.25 The owner of the premises, shall be liable to pay for the service to such 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.

10.B.26 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 said wastes, at no expense to the City.

10.B.27 Billings shall be for both usage and connection charges.

PART 6 - PENALTIES

10.B.28 Each and every sewer service charge levied by and pursuant to this Ordinance is hereby made a lien upon the lot or premises served, and all such charges which are on or near October 1 of each year past due and delinquent, shall be certified to the County Auditor as taxes or assessments on the real estate. Nothing in this Ordinance 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 sewer service charges.

10.B.29 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 due against the occupant, owner, or user of the real estate, and shall collect as well all attorney's fees incurred by the City in filing the civil action. Such attorney's fees shall be fixed by order of the court.

10.B.30 **Disconnection of Service.** In addition to levying a lien or filing suit in a civil action to collect such amounts as are delinquent and due against the occupant, owner, or user of the real estate, the City may, at its discretion, shut off or disconnect municipal sewer service. When municipal sewer services are to be shut off or disconnected because of non-payment of municipal sewer service charges the following procedure shall apply:

- 1) A letter entitled ***“Preliminary Notice of Intent to Disconnect Municipal Sewer Service”*** shall be sent via certified mail or personal service to the owner of record of the real estate at the address identified for receipt of tax statements and to the occupant, if known, of the premises served. Such Notice shall contain the following:
 - a) The circumstances causing delivery of said Notice including a description of the City Code violation or default;
 - b) A statement that the recipient of said Preliminary Notice has sixty (60) days from the date of the Notice within to remedy the default causing the delivery of said Preliminary Notice before the municipal sewer service will be disconnected;
 - c) A statement alerting the recipient of the Preliminary Notice of the recipient’s opportunity to pay the past due amount or cure any stated default with appropriate municipal personnel; and
 - d) An explanation of estimated costs and procedures for disconnection and reconnection of the municipal sewer service.

- 2) A letter entitled ***“Final Notice of Intent to Disconnect”*** shall be sent, by certified mail or personal service, to the owner of record of the real estate at the address identified for receipt of tax statements and to the occupant, if known of the premises served. Such Final Notice shall contain the following:
 - a) The circumstances causing delivery of said Final Notice including a description of the City Code violation or default;

- b) A statement that the recipient has thirty (30) days within which to cure the default causing the delivery of said Final Notice before the municipal sewer service will be disconnected;
 - c) A statement alerting the recipient of the Final Notice of the recipient's opportunity to pay the past due amount or cure any stated default with appropriate municipal personnel; and
 - d) An explanation of estimated costs and procedures for disconnection and reconnection of the municipal sewer service.
- 3) If the recipient(s) of said Notices do not remedy the circumstances causing the receipt of the Notices within the time periods specified, then the municipal sewer service shall be disconnected from the subject property.
- 4) Municipal sewer service shall be disconnected and/or reconnected at the "clean out" point, or at that point with the most convenient access/entry within the public right-of-way or sewer easement, solely as determined by the Public Works Director.
- 5) If all municipal sewer charges, connection fees, and other financial obligations imposed upon the owners and/or occupants of the subject property served by municipal sewer service are paid in full, including disconnection and reconnection costs, attorney's fees and costs, then municipal sewer service shall be reconnected by the City.
- 6) If municipal sewer service is disconnected a reconnection fee equal to all costs (including reasonable attorney's fees and expenses) of the City incurred in connection with enforcement of this ordinance including but not limited to costs associated with reconnection, shall be paid to the City by the offending party/property owner by cash or cashier's check, before municipal sewer service is reconnected by the City to the subject property.

10.B.31 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 treatment works shall be liable for interest upon all unpaid balances at the rate of **12% per annum**. (still valid and accurate?)

PART 7 - SEVERABILITY AND VALIDITY

10.B.32 If any section or subdivision of this ordinance shall be held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance, which shall continue in full force and effect.

10.B.33 The sewer service charge system shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of section 204(b)(1)(A) of the Act and Federal regulation 40 CFR (Code of Federal Regulations) 35.2140 of the Environmental Protection Agency's grant regulations.

C. INDIVIDUAL SEWAGE TREATMENT SYSTEMS CODE

(also referred to as on-site systems)

PART 1 - TITLE AND STATEMENT OF PURPOSE

10.C.1 Title. This ordinance and its provisions shall be known as the Individual Sewage Treatment Systems Code of the City of Nisswa.

10.C.2 Purpose. The City of Nisswa does hereby adopt this code to promote the health, safety and general welfare of the people of the City of Nisswa by providing minimum standards and criteria for the design, location, construction, alterations, extension, repair, use and maintenance of individual sewage treatment systems so as to protect the air, water, land and other natural resources from pollution, impairment or destruction; to minimize the risk of spreading communicable diseases and to prevent and avoid other health hazards attributable to bacterial and chemical contamination of lands and water.

10.C.3 Adoption. The City adopts the Minnesota Pollution Control Agency’s Individual Sewage Treatment System Standards 7080, and future changes.

PART 2 - DEFINITIONS

10.C.4 General. For purposes of this code, the following words and terms shall have the meanings and interpretations set forth herein. Words and terms not defined herein shall have those meanings set forth in the Minnesota Pollution Control Agency’s Individual Sewage Treatment Systems Standards, 7080. The word “shall” is mandatory and the words “should” and “may” are permissive.

10.C.5 Definitions.

1. **“City”**- The City of Nisswa.
2. **“Clerk”**-The Clerk of the City of Nisswa.
3. **“City Administrator”**- The City Administrator of the City of Nisswa.
4. **“On-Site Sewage Treatment System Inspector”**- That person so designated by the Public Works Director to implement provisions of the code, including but not limited to conducting inspections of on-site sewage treatment systems.
5. **“On-Site Sewage Treatment System”**- Devices or components or the treatment and disposal of sewage, classified as follows within the City of Nisswa.
 - a. **“Standard System”**- A system which meets the location, design and construction standards adopted by this code.
 - b. **“Sub-standard system”**- A system which does not meet the location, design or construction standards adopted by this code.
 - c. **“Non-conforming System”**- A prohibited system, including any system which does not meet all the location, design or construction standards adopted by this code and/or is being used beyond its capacity or for any other reason has failed to treat properly and/or dispose of the entire sewage input and is therefore:
 1. discharging pollutants or any liquid, to the surface of the ground or to surface water, or ground water; or
 2. not accepting the entire sewage input from an occupied building without a surface discharge; or,

3. creating a safety hazard due to unprotected or improper construction or maintenance; or,
4. creating a public nuisance.

PART 3 - GENERAL PROVISIONS

10.C.6 Applicability. All sewage generated within the City shall be disposed of in conformity with the terms of this code unless received by a public collection and treatment system. All new systems shall be located, designed, and constructed in accordance with this code, as standard systems. All existing systems shall be brought into compliance with the requirements of this code whenever such systems become non-conforming systems, cause a nuisance, or require significant repair or alteration, not including pumping and cleaning.

10.C.7 A licensed installer will be allowed to recommend certification of a sewage treatment system that was not previously certified, if it meets the requirements of the code.

10.C.8 Standard System Required. When a new system is required, sufficient open land of suitable soil characteristics shall be provided for each dwelling to allow for the location, design and construction of a standard system.

10.C.9 Holding tanks shall only be used as a last resort on lots existing prior to 1978, and a conditional use permit will be required which will set conditions on the frequency of pumping based on expected usage, record keeping and cessation of use if conditions are violated.

10.C.10 Variances. When the City finds, upon application for a permit, that by reason of exceptional circumstances, the strict enforcement of provisions of this code would cause undue hardship and that strict conformity with the code would be unreasonable and impractical or not feasible under the circumstances, a variance may be considered by the Nisswa Planning and Zoning Commission except for the following:

1. To lessen the state mandated distance from a well to the sewage treatment system as to any components of said system;
2. To lessen the state mandated distance from existing shoreline to the sewage treatment system as to any unsealed components of said system;
3. For financial reasons; and
4. For esthetic reasons.

10.C.11 Construction Permits Required. No person, firm or corporation shall install or extend any on-site sewage treatment system on their property without first obtaining a permit from the City. The permit issued shall be valid for a period of twelve months from the date of issuance. Permits shall be issued only upon payment of a permit fee in the amount prescribed in the current City Fee Schedule.

10.C.12 Site Plan. Each application for a permit shall be accompanied by a copy of a site plan showing:

1. The location of any proposed or existing buildings on the subject property.
2. The boundary lines of the property.

3. The location of water supply facilities.
4. The location and ordinary high-water marks of streams, lakes and ponds within two hundred (200) feet of the proposed structure.
5. The existence of low lands.
6. The location of all soil treatment systems and water supply wells on adjoining lots within one hundred fifty (150) feet of the proposed sewage treatment system.
7. Elevation of drain field site in relation to lake and water table.

10.C.13 Inspections.

10.C.14 The City may make such inspections of on-site sewage treatment systems as are necessary to determine proper operation, use, and maintenance in compliance with the provisions of the code. It shall be the responsibility of the owner or occupant of the property to allow the on-site sewage treatment system inspector free access to the property at reasonable times for purpose of making such inspections.

10.C.15 No part of a newly constructed system or an existing system which has been expanded shall be covered until it has been inspected and approved by the City. It shall be the responsibility of the applicant to notify the City at least 24 hours prior to the time an inspection is required. All inspections will only occur during city business hours and if a licensed inspector is available.

10.C.16 If upon inspection, the City discovers that any part of the system is not constructed or operating in accordance with the standards and criteria of this code, the applicant will be given written notification of the defects. Such notice shall prescribe a reasonable time within which such defects must be corrected. No system shall be placed in service until all defects have been corrected and an inspection made. The applicant shall pay an additional fee, according to the current City Fee Schedule, for each necessary re-inspection.

10.C.17 Maintenance Certificate Required. Each owner of property with an existing system shall, on every third year, cause said system to be examined by a qualified person, firm or corporation licensed by the City. Notices to property owners requiring the completion of these examinations will be issued by the City each April 1. A maintenance form provided by the City to examiners for the purpose of certifying that the system has been examined, shall be signed by the owner and examiner and filed by the examiner with the City within 3 working days of the examination, and shall contain the following information:

1. A statement that the system is in good working order, or in the alternative, specifying any defects discovered and the date such defects were/will be corrected.
2. A statement that the system is or is not in need of pumping and cleaning and, if so, the date such pumping and cleaning occurred.
3. In the event an examination is recommended more often than required by this code, it shall be reported to the City, and a new examination cycle will be established for that system. (should this be kept.?) This

10.C.18 On or before September 15 of each year, the Public Works Director shall prepare a list of all owners who have not complied with the filing requirements of this section. The City shall thereafter

make inspection of such systems to insure proper operation and compliance with this code. The cost of such inspections shall be charged or assessed against the owner of the property or the property itself upon which the system is located. In the event such inspection discloses that the system does not operate properly in compliance with this code or is in need of pumping and cleaning, the Public Works Director shall so notify the owner by certified mail specifying the defects found. Within thirty days of such notice, the owner shall cause all such defects to be corrected or the system to be pumped and cleaned and a certificate filed with the City as required by this section. (Begin enforcement?)

PART 5 - ENFORCEMENT VIOLATIONS AND PENALTIES

10.C.19 Enforcement. It shall be the duty of the City Administrator and inspector to enforce the provisions of this code and to bring any violations or lack of compliance herewith to the attention of the City Attorney.

10.C.20 Violations and Penalties. Any person who fails to comply with, or violates any of the provisions of this code, shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine and/or imprisonment as prescribed by Minnesota Statutes. Each day of violation or noncompliance may constitute a separate offense.

10.C.21 Civil Remedies. Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of this code, to prevent any unlawful construction, or to recover damages to restrain, correct or abate a violation or to prevent continued use of a non-conforming on-site sewage treatment system and these remedies shall be in addition to the penalties described above.

PART 6 – SEVERABILITY

If any part or provision of this code or application thereof is held to be invalid, such invalidity shall not affect other provisions of this code or any other part which can be given effect without application of the invalid provision. To this end, the provisions of any part or provision of this code and those application thereof are declared to be severable.

PART 7 - SUBSURFACE SEWAGE TREATMENT SYSTEMS

10.C.22 Purpose and Authority. The purpose of this Article regulating Subsurface Sewage Treatment Systems (SSTS), as defined in Minnesota Rule 7080.1100, is to provide minimum standards for and regulation of Individual Sewage Treatment Systems (ISTS)), as defined in Minnesota Rule 7080.1100, and Midsized Sewage Treatment Systems (MSTS)), as defined in Minnesota Rule 7081.0020, including the proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance, and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes, Sections 115.55, 145A.05, 375.51, 394.21-394.37, and 471.82, the Nisswa Comprehensive Plan and the Nisswa Land Use (Zoning) Ordinance, City Code Chapter 17.

10.C.23 Intent. The City intends that this Article will promote the following:

1. The protection of lakes, rivers and streams, wetlands, and groundwater in the City of Nisswa essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the City;

2. The regulation of proper SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface water and groundwater quality;
3. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration; and
4. The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.

10.C.24 Jurisdiction. The jurisdiction of this Article shall include all property within the municipal boundaries of the City of Nisswa, Minnesota.

10.C.25 Scope. This Article regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the City's jurisdiction including, but not necessarily limited to individual SSTS and cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of the City shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Article or by a system that has been permitted by the MPCA.

10.C.26 Administration.

1. The Nisswa Planning and Zoning Department shall administer the SSTS program and all provisions of this Article.
2. The City's duties and responsibilities include, but are not be limited to, the following:
 - a. Review all applications for SSTS;
 - b. Issue all permits required in this Article;
 - c. Inspect all work regulated in this Article;
 - d. Investigate all complaints regarding SSTS;
 - e. Issue certificates of installation, certificates of compliance or notices of noncompliance where applicable;
 - f. Enact enforcement provisions of this Article as necessary;
 - g. Refer unresolved violations of this Article to the City Attorney;
 - h. Maintain current records for each permitted SSTS including all site evaluation documents, design documents, inspection documents, and other applicable documents;
 - i. The City shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program; and
 - j. Submit annual reports to MPCA as required.

10.C.27 State Administration. The owner or owners of a single SSTS or a group of SSTS under common ownership must obtain an SDS permit from the Agency according to chapter 7001 when all or part of proposed or existing soil dispersal components are within one-half mile of each other and the combined flow from all proposed and existing SSTS is greater than 10,000 gallons per day. For proposed SSTS, the flow must be determined according 7081.0110. For existing SSTS, the flow is determined by the greater of the average maximum seven-day measured flow or flow amounts according to part

7081.0110. The highest calculated value of the various methods in Table I under part 7081.0130, subpart 1, must be used to make this determination, with no reduction allowed. An SDS permit is not required if a factor of safety is added to the design flow that results in a design flow that is in excess of the SDS permit threshold.

10.C.28 Liability. The City's involvement in administration of this Article does not create a special duty to any person and, further liability or responsibility shall not be imposed upon the City or any of its officials, employees, or other contract agents, for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster SSTS regulated under this Article or by reason of any standards, requirements, or inspections authorized by this Article hereunder.

10.C.29 All SSTS. All provisions of this Article shall apply to any SSTS regardless of the date it was originally permitted.

10.C.30 Existing Permits. Unexpired permits which were issued prior to the effective date of this Article shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system design, whichever is earlier.

10.C.31 SSTS on Lots Created After January 23, 1996. All lots created after January 23, 1996, must have a minimum of two soil treatment and dispersal areas that can support Type 1 systems as defined by Minnesota Rule 7080.2200.

10.C.32 Upgrade, Repair, Replacement and Abandonment.

1. **SSTS Capacity Expansions.** Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this Article at the time of the expansion.
2. **Bedroom Addition.** Any addition to a structure that includes bedroom(s) that requires a land use permit from the City shall require that the SSTS meet the required design flow according to Minnesota Rule 7080.1860 or be upgraded to meet Class I sizing for both the septic tanks and soil absorption area. Any required upgrades shall be completed within two years.
3. **Failure to Protect Groundwater.** An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rule 7080.1500., Subp. 4(B) shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Article within 10 months upon receipt of a Notice of Noncompliance and must meet Class I sizing requirements according to Minnesota Rule 7080.1860.
4. **Imminent Threat to Public Health or Safety.** An SSTS posing an imminent threat to public health or safety shall be pumped within 24 hours and managed as a holding tank in accordance with Minnesota Rule 7080.1500, Subp. 4(A) and said SSTS shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Article within 10 months upon receipt of a Notice of Noncompliance and must meet Class I sizing requirements according to Minnesota Rule 7080.1860.
5. **Abandonment.** Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Minnesota Rule 7080.2500.

10.C.33 SSTS in Floodplains. SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain should be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rule 7080.2270 and all relevant local requirements are met.

10.C.34 Class V Injection Wells. All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, Part 144, are required by the Federal Government to submit a UIC Class 5 Inventory Form to the Environmental Protection Agency as described in 40 CFR Part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

10.C.35 SSTS Practitioner Licensing.

1. No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of SSTS without an appropriate and valid license issued by MPCA in accordance with Minnesota Rules Chapter 7083 except as exempted in Rule 7083.0700.
2. An MPCA license is not required of an individual who is constructing a SSTS on land that is owned by the individual and functions solely as a dwelling for that individual pursuant to Minnesota Rule 7083.0700. Installation of the system shall be based upon a design by a licensed designer. The system shall be inspected before it is covered and a 24-hour notification to the City before such inspection occurs is required.

10.C.36 Prohibitions.

1. **Occupancy or Use of a Building without a Compliant SSTS:** It is unlawful for any person to maintain, occupy, or use any building intended for habitation or that contains plumbing fixtures that is not provided with a wastewater treatment system or that disposes of wastewater in a manner that does not comply with the provisions of this Article.
2. **Sewage Discharge to Ground Surface or Surface Water:** It is unlawful for any person to construct, maintain, or use any SSTS system regulated under this Article that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System program by the MPCA.
3. **Sewage Discharge to a Well or Boring:** It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota Rule 4725.2050, or any other excavation in the ground that is not in compliance with this Article.
4. **Discharge of Hazardous or Deleterious Materials:** It is unlawful for any person to discharge into any treatment system regulated under this Article any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

10.C.37 Alternative Local Standards Adopted by Reference.

1. Adoption of Rule by Reference:

- a. The City hereby adopts by reference the provisions of Minnesota Rules Chapters 7080 -7083 in their entirety except as referenced under Section 2.17(B), except as otherwise expressly modified by this Article.
 - b. When " 2016 version of Minnesota Rules Chapter 7080" is utilized, the reference is to the rules effective September 6, 2016, otherwise the City is referencing the current rules in effect.
 - c. All new construction or replacement of SSTS shall employ sewage tanks, distribution media and treatment products which have been registered by the Minnesota Pollution Control Agency.
2. Alternative Local Standards for New and Existing SSTS: The City hereby adopts the 2016 version of Minnesota Rules Chapter 7080 for all new and existing residential Type I, Type II and Type III SSTS and SSTS that serve any Food., Beverage and Lodging Establishment under 2,500 gallons per day provided the effluent discharge does not exceed the standards in Minnesota Rule 7080.2150, Subp. 3(K).

10.C.38 Minimum Standards. The following is a list of minimum standards applicable to SSTS:

1. In no land use district shall a land use permit, shoreline alteration permit, minor subdivision, plat, conditional use permit or variance be issued without a current Certificate of Compliance or Certificate of Installation that has not expired according to **Part 12-3.24(3)**.
2. At least one cleanout at or above finished grade shall be installed between the structure and the septic tank with additional clean outs at intervals not more than 100 feet.
3. Class I sizing is required on all new construction. New construction will be defined as placement of a new structure or replacement structure that is served by pressurized water.
4. Minimum septic tank sizing shall be 1,500 gallons. This can be accomplished through a compartmentalized tank, multiple tanks in series, or a single existing 1,500-gallon tank with the use of an effluent filter for the last baffle. The filter must be of such a design that when the filter is removed from the filter housing, the flow of water leaving the tank is not allowed. The first tank or compartment shall be no less than 1,000 gallons in size and applies to new and replacement SSTS. Any additional septic tanks shall be a minimum of 1,000 gallons. All other tank sizing shall follow Minnesota Rule 7080.1930. Verify tank sizes.
5. Pump tank sizing shall follow Minnesota Rule 7080.2100.
6. Soil pits shall be required during the construction inspection. The soil pit shall be excavated at the time of the inspection. The soil pit shall be dug by a backhoe or other acceptable method and be excavated to a depth that will allow the verification of redoximorphic features and the three feet of vertical separation as required. Location of soil pits shall be adjacent to the lowest trench or next to the down slope side of an elevated treatment area. The pit shall not impact the hydraulic performance of the ISTS. A certificate of installation will not be issued until the soils are verified.
7. All dwellings or buildings that contain plumbing fixtures shall meet the required setbacks to the septic tank and soil absorption area. Accessory structures, including but not limited to, decks, screen decks, porches, sheds, garages and pole buildings shall not be required to meet said setbacks provided that the tank(s) can be maintained properly and that the structure does not negatively impact the function of the system.

10.C.39 Compliance Criteria for Existing SSTS. For an SSTS built before April 1, 1996, and outside of areas designated as "SWF" - Systems in shoreland areas, wellhead protection areas, or systems serving food, beverage, or lodging establishments - there must be at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock. (What is "SWF-Systems?")

10.C.40 Holding Tanks. Holding tanks may be allowed for the following applications: as replacements for existing failing SSTS and SSTS that pose an imminent threat to public health or safety, on lots with limitations that will not allow for the installation of a Type 1 SSTS or for uses that are seasonal or intermittent in nature and will not use more than 150 gallons of water per day.

10.C.41 Variance. A property owner may request a variance from the standards as specified in this Article pursuant to Article 11 of the City's Land Use (Zoning) Ordinance.

10.C.42 State Agency Variance Requests. Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency pursuant to the requirements of the State Agency. No permits will be issued by the City until all required State Agency variances have been approved.

10.C.43 Permit Requirements.

1. Activities Not Requiring a SSTS Permit: A SSTS permit is not required for minor repairs or replacements of system components that do not alter the original function of the system; change the treatment capacity of the system; change the location of the system; or otherwise change the original system design, layout, or function. Examples are, but not limited to, pumps, baffles, and effluent filters.
2. Activities Requiring a SSTS Permit: A SSTS permit shall be obtained by the property owner or an agent of the property owner from the City prior to the installation, construction, replacement, modification, alteration, or capacity expansion including the use of advanced treatment components of a SSTS. It is unlawful for any person to construct, install, modify or replace a SSTS without the appropriate permit from the SSTS including repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. The issuing of any permit, variance, or conditional use under the provisions of this Article shall not absolve the applicant of responsibility to obtain any other required permit.
3. Permit Requirements: SSTS Permit applications shall be made on forms provided by the City and signed by the applicant or applicant's agent, and must include the following information and documentation:
 - a. Applicant name, mailing address, telephone number, and email address;
 - b. Property Identification Number, property address and legal description of property location;
 - c. Site Evaluation Report, which shall be made on forms provided by Crow Wing County;
 - d. Design Report, which shall be made on forms provided by Crow Wing County;
 - e. A management plan, as defined by Minnesota Rule 7082.0600; and

- f. Any additional information that may be required by the City to assure compliance with this Article.
4. Application Review and Response: The City shall review a permit application and supporting documents according to Article 11 of the City's Land Use (Zoning) Ordinance.
5. Appeal: The applicant may appeal any decision of the City in accordance with Article 11 of the City's Land Use (Zoning) Ordinance.
6. Permit Expiration: A SSTS Permit for a new SSTS is valid for a period of no more than two years from its date of issue. A SSTS Permit for the replacement of SSTS failing to protect groundwater is valid for 10 months. A SSTS Permit for the replacement of SSTS that are imminent threats to public health is valid for 10 months. Satisfactory completion of construction shall be determined by as-built drawings and a signed certification that the construction and installation of the system was completed in reasonable conformance with the approved design documents by a qualified employee of the City or a licensed inspection business, which is authorized by the City and independent of the owner and the SSTS installer.
7. Transferability: A SSTS Permit may be transferred to a new owner provided there are no proposed changes to the SSTS design.
8. Suspension or Revocation: The City may suspend or revoke a SSTS Permit issued under this section for any false statements, misrepresentations of facts on which the SSTS Permit was issued, or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system design, layout, or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid SSTS Permit is obtained.
9. SSTS Assessment Requirements: For those SSTS without a management plan or operating permit according to the provisions of this Article, the following provisions apply:
 - a. The owner of an ISTS or the owner's agent shall regularly, but in no case less frequently than every three years, assess whether sewage tanks leak below the designed operating depth and whether sewage tank tops, riser joints, and riser connections leak through visual evidence of major defects and measure or remove the accumulations of scum, grease, and other floating materials at the top of each septic tank and compartment, along with the sludge, which consists of the solids denser than water.
 - b. All solids and liquids must be removed by pumping from all tanks or compartments in which the top of the sludge layer is less than 12 inches from the bottom of the outlet baffle or transfer hole or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle or transfer hole. Total sludge and scum volume must not be greater than 25 percent of the tank's liquid capacity. Removal of accumulated sludge, scum, and liquids from septic tanks and pump tanks must be through the maintenance hole. The removal of solids from any location other than the maintenance hole is not a compliant method of solids removal from a sewage tank, and this method does not fulfill the solids removal requirement of this part or a management plan. Liquid and solids removal from clean-out pipes is allowed for holding tanks.

10.C.44 Operating Permit.

1. An Operating Permit shall be required for the following SSTS:
 - a. SSTS with high strength waste effluent standards that exceed Minnesota Rule 7080.2150, Subp. 3(K);
 - b. Holding Tanks;
 - c. SSTS serving three or more connections;
 - d. Type 4 and Type 5 SSTS;
 - e. SSTS that exceed a daily flow of 2,500 gallons per day; or,
 - f. MSTS designed under Minnesota Rules Chapter 7081.
2. Operating Permits shall be a signed agreement between the City and the property owner and shall include monitoring, performance, mitigation, and reporting requirements.
3. A valid Operating Permit shall be considered a certificate of compliance if that system is in compliance with the requirements of the Operating Permit.
4. Owners of holding tanks shall provide the City upon request a copy of a valid monitoring and disposal contract executed between the owner and a licensed maintenance business, which guarantees the removal of the holding tank contents in a timely manner and prevents an illegal discharge in accordance with Minnesota Rule 7082.0100. Subp. 3(G). This requirement is waived if the owner is a farmer who is exempt from licensing under Minn. Stat., § 115.56. subd. 3(b)(3).
5. Operating Permits shall be valid for the specific term stated on the permit as determined by the Department.
6. An Operating Permit must be renewed prior to its expiration. If not renewed, the City may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within 90 calendar days of the expiration date, the Department may require that the system be abandoned in accordance with **Part 12-3.11(5)**.
7. Operating Permits do not transfer to new property owners. New owners shall apply for an Operating Permit in accordance with this section. The City shall not terminate the current permit until 90 calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, the City may require a performance inspection of the treatment system certified by a licensed inspector or qualified employee.
8. A report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the City on or before the compliance reporting date stipulated in the operating permit as required. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described in the operating permit.
9. The City may suspend or revoke any Operating Permit issued under this section for any false statements or misrepresentations of facts on which the Operating Permit was issued.
10. If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned.
11. At the Department's sole discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

10.C.45 Compliance Inspection Program.

1. Department Responsibility: It is the responsibility of the City, or its agent, to perform installation inspections of new SSTS or upgrades of SSTS to assure that the requirements of this Article are met.
 - a. All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.
 - b. The City shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. As used in this paragraph, "property" does not include a residence or private building.
 - c. No person shall hinder or otherwise interfere with the City's employees or agents in the performance of their duties and responsibilities pursuant to this Article. Refusal to allow reasonable access to the property by the City shall be deemed a separate and distinct offense.
 - d. A signed winter agreement may be accepted in lieu of a compliance inspection for property transfers, permit applications and designs to the City between November 1 and April 30, at the City's sole discretion, provided the required information is submitted to the City by June 1 of the subsequent year. Failure to fulfill all of the obligations of the winter agreement shall be a violation of this Article.
2. New Construction or Replacement:
 - a. New installation inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081, respectively, according to this section. SSTS found to be noncompliant with other applicable requirements must be repaired or replaced according to the City's requirements.
 - b. It is the responsibility of the SSTS owner or the owner's agent to notify the City 24 hours prior to the installation inspection. ALL INSPECTIONS MUST HAPPEN DURING CITY BUSINESS HOURS AND WHEN A LICENSED INSPECTOR IS AVAILABLE.
 - c. If the installer provides proper notice and the City does not provide an inspection within one hour after an inspection time was set, the installer may complete the construction per the following: The installer shall submit photographs of the entire uncovered system and an as-built drawing with a certified statement that the installation of the SSTS met the appropriate standards of this Article within five working days of the installation.
 - d. A Certificate of Installation for new SSTS construction or replacement shall be issued by the City within 30 days of inspection if the City has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit.
 - e. The Certificate of Installation must include a certified statement by the certified inspector or qualified employee who conducted the inspection that the SSTS is or is not in compliance with requirements of this Article. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must be issued to the owner which includes a statement specifying those ordinance provisions with which the SSTS does not comply.
 - f. No SSTS shall be placed into operation until a valid Certificate of Installation has been issued.

- c. In the event the seller does not provide a Certificate of Compliance or compliant Operating Permit, the seller and buyer may establish a written agreement or contract to repair, replace or upgrade the existing SSTS according to the terms of this Article.
 - d. The buyer may accept total responsibility of the existing SSTS and be responsible for the necessary upgrading. In the absence of a written agreement according to Part 12-3.24(1)(D), the buyer shall be responsible for the necessary upgrading of said SSTS.
- 5. Commercial SSTS
 - a. Septic tank effluent testing for Carbonaceous Biochemical Oxygen Demand (CBOD), Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), Nitrogen and oil/grease combination is mandatory for all SSTS that serve commercial establishments that serve food and beverages or have a flow that exceeds 1000 gallons per day as part of any compliance inspection.
 - b. Effluent testing shall not be required for commercial SSTS that have a current operating permit as of the date this Article is effective. If all provisions of the operating permit are met, the SSTS shall be considered to be in compliance.
 - c. An SSTS with effluent testing that does not meet the standards in the Minnesota Rule 7080.2150, Subpart 3(K) shall be upgraded within 3 years to meet said standards and be placed on an Operating Permit as provided in this Article.
- 6. Vertical Separation Reduction: Minnesota Rule 7080.1500, Subp. 4(D) is hereby adopted allowing a 15 percent reduction in vertical separation distance for settling of sand or soil, normal variation of measurements and interpretations of the limiting layer for existing SSTS. This provision does not apply to Part 12-3.17.

10.C.46 Enforcement

Enforcement of this Article shall follow the standards in Article 12 of the City's Land Use (Zoning) Ordinance.

10.C.47 State Notification of Violation

The City shall notify the MPCA of any inspection, installation, design, construction, alteration or repair of an SSTS by a licensed/certified person or any septage removal by a licensed maintainer that is performed in violation of the provisions of this Article. The City shall also notify the MPCA of any discovered straight pipes pursuant to Minnesota Statute 115.55 Subdivision 11.

10.C.48 Record Keeping

The City shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests., Certificates of Compliance, notices of noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, maintenance reports, Operating Permits, an annual list of all sewage tanks installed in the City sorted by licensed installation businesses, and other records the City deems relevant to a particular system.

10.C.49 Annual Report

The City shall provide an annual report of SSTS permitting activities to MPCA no later than February 1 for the previous calendar year.

10.C.50 Fees

From time to time, the City Council shall set fees for activities and services undertaken by the City pursuant to this Article, by resolution. Fees shall be due and payable at a time and in a manner to be determined by the City.

10.C.51 Dispute Resolution

Resolution of disputes between SSTS Certified Individuals regarding conflicting compliance inspections, determination of seasonally saturation of soils and other technical issues shall follow Minnesota Rule 7082.0700, Subp. 5.

Sewer Ordinance Changes

Draft #1

10/15/2019

- 1) Line 10.6, now line 10.A.6. Connection distance updated from 100 feet to 1000 feet.
- 2) Line 10.15, now line 10 A.16. Updated code to 7080 – 83 from 6MCAR4.8040.
- 3) Line 10.A.20. Added to require all private systems to have a valid maintenance certificate.
- 4) Line 10.20, now 10.A.22. Need to add a line tap uncover permit for sewer connections. Take to Public Works committee.
- 5) Line 10.26 and line 10.29, now line 10.A.27 and line 10.A.30. Updated ASTM and WPCF Manual of Practice Number to CEAM standard specification 2621, “Sanitary Sewer and Storm Sewer Installation”.
- 6) Line 10.32, now line 10.A.33. Need to establish a licensed procedure for contractors who are allowed to make service connections in Nisswa. Take to Public Works committee.
- 7) Line 10.34, now line 10.A.35. It is a \$2000 bond adequate in 2019? I would suggest \$1,000,000. Take to Public Works committee.
- 8) Line 10.35, now line 10.A.36. The current contractor’s license fee is \$10, increased to \$1000? Take to Public Works committee.
- 9) Update part two, Control by the Public Works Director, to Administration, Enforcement, and Penalties.
- 10) Line 10.A.2.1 Duty of Enforcement was added to give enforcement power to the City Administrator and Public Works Director.
- 11) Line 10.A.15. Changed time for inspection from 1 day to 48 hours.
- 12) Line 10.A.22. Add a connection permit process/form/information sheet.
- 13) Line 10.A.32.A. Added tracer wire installation requirement for all sewers connected to the City Sewer System.
- 14) Line 10.A.21.A. Requires water meters are installed in all new and remodeled sewer installations, except residences under 3000 square feet. I want to start metering all very large houses for sewer usage, with a minimum 1 ERC quarterly charge. Take to Public Works Committee.
- 15) Line 10.A.21.B. Requires all rental properties install water meters to determine sewer charges.
- 16) Line 10.A.21.C. Allows for quarterly reading of water meters.
- 17) Line 10.A.45.A. Requires specifications for any grease, sand, or, oil interceptors be submitted to the Public Works Director and the City Engineer 30 days prior to the issuance of a sewer connection permit.
- 18) Line 10.A.45.B Requires any changes in use of a commercial building trigger a new interceptor evaluation by the Public Works Director and/or City Engineer.
- 19) Line 10.A.45.C. Maintenance Plan requirements for grease, oil, and, sand interceptors. Take to Public Works Committee for discussion.
- 20) Line 10.A.45.D. Maintenance Plan approval/ modification process for grease, oil, and sand interceptors. Take to Public Works Committee for discussion.
- 21) All of part 7A, Step Station Construction, is new and will be taken to the Public Works committee for discussion.

22) All of part 7B, Large Developer Requirements, is new and will be taken to the Public Works committee for discussion.

23) Line 10.B.31. It is a 12% interest rate still valid?

24) Line 10.C.17. Maintenance Certificate Required. Should it be kept? It hasn't been used.