

City of Lowry  
Ordinance No. 102  
Municipal Sanitary Sewer System

An ordinance providing for the operation, management and control of the municipal sanitary sewer system, the construction of additions and extension to same: prescribing rules and regulations for the use of the public sanitary sewer system, the connection of building sewers and the discharge of waters and wastes into the public wastewater system and providing penalties for violations thereof. An Ordinance repealing Ordinance's 57, 65, 74, 75, 86, 90, 93, 96, 97 and that part of 95 that refers to sanitary sewer.

The City of Lowry, Pope County, Minnesota ordains as follows:

**GENERAL PROVISIONS**

The City Council, City of Lowry, shall have general supervision of all public sewers and service connections in the city, and any repairs, upgrading, additions or extensions to this system.

**1. Use of System**

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under jurisdiction, any human or animal excrement, garbage or objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and the City's NPDES/SDS Permit.
- C. 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.
- D. 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 90 days of the date said public sewer is operational, provided said public sewer is within 200 feet of the structure generating the wastewater. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer.
- E. In the event an owner shall fail to connect to a public sewer in compliance with this ordinance a 30 day notice will be given the owner. If owner fails to connect, the City must undertake to have said connection made and shall assess the cost thereof against the benefited property.

**2. Building Sewers and Connections**

- A. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the City. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.
- B. 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 building of the sewer.
- C. A separate and independent building sewer shall be provided for every building. The city requires that all buildings used for human occupancy, employment, recreation or other purposed with the city limits be connected to the municipal sanitary sewer. Whenever there is an existing lot or newly formed lot for the purposed of construction of a building having water and sewer services, the owner of this property will bear the cost of hooking the property to an existing sanitary sewer main.
- D. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent or his representative, to meet all requirements of this ordinance.
- E. 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.
- F. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- G. 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.

- H. 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. 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.
- I. No person shall make a service connection with any public sewer without permission of the city and the work is completed by a licensed contractor. The applicant or contractor for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the superintendent or authorized representative.
- J. 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 the work, shall be restored in a manner satisfactory to the City.
- K. Property owner will be responsible for paying the City of Lowry any connection charges that are set by the City Council for new connections to the sanitary sewer system. These fees will be determined by the City Council and adopted by Resolution.

### **3. Use of Public Services**

- A. 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.
- B. 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.
- C. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - 1. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfide.
  - 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 (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 waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard to the receiving waters of the sewage treatment plant.
  - 4. If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics that may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment the City may: reject the wastes, require pretreatment to an acceptable condition for discharge to the public sewers, require control over the quantities and rates of discharge, and/or, require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer service charges.
  - 5. 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 owner's expense, and shall be subject to the review and approval of the City pursuant to the requirements of the MPCA.
  - 6. 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 any state requirements.
  - 7. 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).
  - 8. Grease, oil, and sand interceptors shall be provided when deemed necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by the owner's personnel, must be performed by a currently licensed waste disposal firm. All expenses will be the owner's responsibility.

9. 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. The owner shall report the results of measurements and laboratory analyses to the City when required 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.  
No statement contained in this ordinance shall be construed as preventing any special agreement or arrangement between the City of Lowry and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment subject to payment by the industrial concern.
  10. 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. 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 Superintendent may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of 120 days, the Superintendent may cause such work to be completed at the expense of the owner or representative thereof.
  11. 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 Superintendent may direct. Each day after seven (7) days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Superintendent may then cause the work to be done, and recover from the owner or agent the expense incurred by the City.
  12. 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.
- D. 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.

#### **4. Rates, Fees and Charges**

- A. The Sanitary Sewer System for the City of Lowry will be financially managed as an enterprise fund separate from the General Fund. All revenue collected from users of the Sanitary Sewer system will be used to off-set all expenditures incurred for annual operation, maintenance and replacement, and for debt service on capital expenditures incurred in constructing improvements or repairs to the Sanitary System. All property owners hooked to the city system will share the cost of paying for the Sanitary System even if water is not being used in their building.
- B. For billing purposes each single-family dwelling shall be considered one ERU (Equivalent Residential Unit) and each school, church or other public buildings shall be considered one ERU. Apartment buildings or multi-family dwellings will be deemed one ERU per apartment unit or family residence. Each single business shall be considered one ERU for sewer billing purposes. The owner shall at all times be liable for payment of said billing per ERU whether he/she is occupying the ERU or not.
- C. All accounts shall be placed in the name of the owner of the premises and they shall be liable to pay for the service to their premises. This service is furnished to the premises by the city only upon the condition that the owner of the premises is liable to the city. At the Owners request these utility bills may go directly to a tenant but the owner of the property will always be responsible for the payment of these bills if not paid by the tenant. All bills and notices shall be mailed or delivered to the address requested. Any change or error in address shall be promptly reported to the City Clerk.
- D. In the event a water customer elects to discontinue the use of the municipal water, the base/user fee shall continue so that the Sanitary Sewer System Fund can make the annual bond payment. This base/user fee shall be set with the sewer rates by Council by Resolution. Any prepayment or overpayment of charges may be retained by the city and applied on subsequent monthly charges.
- E. In the event a user/owner fails to pay the sewer utility billing when due, late fees as determined by Council will be added to the account. If an account goes unpaid these unpaid utilities can be certified against the property on which the charges have incurred. These certified utilities shall be forwarded to the County Auditor for collection with the property taxes.
- F. Water meters will be read or estimated by the city and water / sewer bills will be processed and mailed on approximately the 25<sup>th</sup> day of each month. All water / sewer bills are due and payable on or before the 15<sup>th</sup> day of the following month in which the bill was sent. All bills are due and

payable every month. Any bill not paid in full by the 15<sup>th</sup> of the month will be considered delinquent. Delinquent owner/occupant will be notified in writing regarding the delinquent bill and possible disconnection of water service. Disconnection of services for late payment shall follow the procedures established by the Council.

- G. The City Council shall establish a schedule of sewer rates, deposits, fees, penalties and charges for services. This schedule shall be adopted by resolution and may be amended from time to time by the council.

**5. Powers and Authority of Inspectors**

- A. The superintendent or other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved and in accordance with the provisions of this ordinance.
- B. The superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential however, the industry must establish that the revelation to the public of the information in question, might result in an advantage to competitors.

**6. Penalties, Liability for Expense, Loss or Damage**

Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation. All penalties for violation of this ordinance will be established by the City Council. Failure to comply with the sanitary sewer ordinance shall mean guilty of a misdemeanor and punished by a fine not to exceed \$1,000.00 or imprisonment not to exceed ninety (90) days for each offense. Each day shall constitute a separate offense.

All ordinance of this City or any provisions in conflict with this ordinance are hereby repealed. This ordinance shall be effective upon its passage and publication summary of its contents according to law.

Adopted by the City Council this 3<sup>rd</sup> day of July, 2012.

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Daniel Sutton, Mayor

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ATTEST: Lucy Olson, City Clerk