

ORDINANCE NO. 01-18

AN ORDINANCE RELATING TO USE OF SANITARY SEWER IN THE CITY OF GRACEVILLE, MINNESOTA

This Ordinance repeals Ordinance No. 09-08 and Ordinance No. 12-13 and Ordinance No. 10-16 and any other ordinance(s) in conflict therewith.

**BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF
GRACEVILLE, STATE OF MINNESOTA, AS FOLLOWS:**

Section 1. Prohibited Discharge from Sump Pumps and Other Sources Into the Sanitary Sewer System.

Subd. 1. Purpose

The City Council finds that the discharge of water from the roof, surface, groundwater, sump pump, footing, tile and swimming pool or other natural precipitation into the City sanitary sewage treatment system has on numerous occasions in the past caused significant and grave damage to the wastewater treatment plant and sanitary sewer system. Such damage is caused by the backup of sewage into the plant, private properties and pressure damage to trunk lines.

The City Council finds that it is essential to the minimization of damage to the property and to meet Minnesota Pollution Control Agency requirements that the provisions of this Ordinance be strictly enforced to avoid emergencies and to reduce the damage to the infrastructure.

Subd. 2. Prohibition Against Discharges Into Sanitary Sewer System

- A. No water from any roof, surface, groundwater, sump pump, footing, tile, swimming pool or other natural precipitation shall be discharged into the sanitary sewer system, except as may be permitted under Section 1, Subd. 2 (E). Dwellings and other buildings and structures which require, because of infiltration of water into basements, crawl spaces and the like, a sump pump discharge system, shall have permanently installed discharge lines which shall not at any time discharge into the sanitary sewer system, except as provided herein. A “permanently installed discharge line” shall be one which provides for year round discharge capabilities to either the outside of the dwelling, building, or structure, or is connected to the City storm sewer or discharge through the curb and gutter to the street. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge.
- B. All houses, buildings and properties used for human occupancy, employment, recreation or other purposes from which waste water is discharged shall not use any sewer line connected with the public sanitary sewer system that is clogged, obstructed, broken, damaged, or not in conformance with the Minnesota State Plumbing Code.

C. In addition to the foregoing, the following sanitary sewer system regulations are hereby adopted:

1. Non-Acceptable Wastes. No person shall discharge or permit to be discharged into any public sewer (sanitary sewer/storm sewer) any of the following wastes:
 - a. Any liquid or vapor having a temperature in excess of 150 degrees;
 - b. Any water or waste having a five day biological oxygen demand exceeding 1000 parts per million by weight as averaged during any 12 month period;
 - c. Any gasoline, benzene, naphtha, fuel oil, or any other flammable or explosive liquid, solid or gas;
 - d. Any garbage that has not been properly shredded;
 - e. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, manure, grit, brick, cement, onyx, or other matter that may interfere with the proper operation of the sewer system treatment plant;
 - f. Any water or waste having a pH lower than 5.5 or higher than 9 or having any other corrosive property, capable of causing damage or hazard to structures, equipment or personal of the sewage treatment system;
 - g. Any noxious or malodorous gas or substance capable of creating a public nuisance.
2. Interceptors. Grease, oil, and sand interceptors shall be provided when they are necessary for the proper handling of any liquid waste containing grease in excessive amounts or any flammable waste, sand or other harmful ingredients; but such interceptors shall not be required for private living quarters or dwelling units. Interceptors shall be located so as to be easily accessible for cleaning and inspection.
3. Control Manhole Required. The owner of any property served by a building sewer carrying industrial waste shall install a suitable control manhole in the building sewer to facilitate observation and sampling of the waste. The manhole shall be constructed by the owner in accordance with plans approved by the city. The owner shall maintain the manhole so as to be safe and accessible at all times.
4. Separate Sewers. A separate and independent sewer shall be provided for every building connected to the sewer system, except that the City Council may waive this requirement where it finds that a separate sewer for a building is impractical.

D. Any person, firm or corporation having a roof, surface, groundwater, sump pump, footing or swimming pool now connected or discharging into the sanitary sewer system shall disconnect or remove the same. Any disconnects or openings in the sanitary sewer system shall be closed in an effective, workmanlike manner, as approved by the City of Graceville.

E. Exceptions. In certain locations where surface storm water discharge would create a safety hazard during freezing weather, connection to the sanitary sewer system may be maintained from on or after November 1, until on or before March 14th. In no case shall any connection to the sanitary sewer be maintained from on or after March 15th to on or before October 31st. Exceptions will be granted by a permit on a case by case basis as determined by the City of Graceville.

Subd. 3. In order to ensure compliance with the provisions of this Ordinance, every person, firm or corporation owning improved real estate that discharges into the City's sanitary sewer system shall allow the City employee(s) or agents to inspect the building, sewer line and other structures and fixtures and equipment to confirm compliance with this Ordinance. Any person who refuses the property to be inspected shall immediately be subject to surcharges hereinafter provided for. Any property found to violate the provisions of this Ordinance shall make the necessary changes to comply with this Ordinance and such changes shall be verified by the City employee(s) or agents.

Subd. 4. Duties of Property Owners and City Remedies

A. Inspections, prohibitions, and waivers:

(1) Every owner of improved real estate which is connected to the City's sanitary sewer system, shall, upon written notice from the City, allow an employee or agent of the City to inspect both the inside and outside of buildings and premises to confirm compliance with the provisions of this Ordinance.

(2) All new homes, buildings served by the City sanitary sewer system, shall be inspected to ensure compliance with this Ordinance and provide certificate provided by a licensed plumber.

(3) No new individual sewage treatment system shall be allowed in the City of Graceville.

(4) Property owners may apply for a waiver for the applicability of the provisions of this Ordinance where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, or cause a safety problem.

B. Following inspection by the City employee(s) or its agent(s), the owner of the property shall receive written notice of the non-conforming provisions of this Ordinance, including, but not limited to, improper discharge of sump pump and

other water as set forth in Section 1, Subd. 2(A) and sewer lines under the provisions of Section 1, Subd. 2(b). Inspection may include any previously-conducted inspection relating to a City of Graceville sanitary sewer system project. The City shall provide to the property owner written notice of the requirement to comply with the provisions of this Ordinance. Notice of a non-conforming sewer line shall require installation of a new sewer line connection by December 31, 2018. New connections shall be gastight and watertight. Under any other violation of this Ordinance, the City may require work to be completed by December 31, 2018. If the non-compliance threatens the immediate health, safety and welfare of the general public, the City may require immediate compliance. The property owner has fifteen (15) days to appeal to the City Council from the date of written Notice. The City Council will conduct a hearing if an appeal is made, said hearing within thirty (30) days after the Notice of Appeal is filed.

- C. In the event the owner fails to install a new service line to connect to the public sewer within the time frame described in Subd. 4, B or fails to comply with other provisions of this Ordinance, the City shall have the following remedies:
1. The City may disconnect and/or shut off the property in question from City water service. This provision may be made subject to the cold weather rule under Minn. Stat. Section 216B.097, except if the cold weather rule does not apply during the time set forth in the cold weather period under the statute, then the City shall give personal service or by certified mail to the property owner at their billing address. If the premises are not occupied and the address of the owner is unknown, service may be made by posting such Notice on the premises. Such Notice shall provide an explanation of the City's intent to disconnect and/or shut off water service to the property and shall provide an opportunity for a hearing. The owner must request a hearing within five (5) days of written notice by the City and a hearing shall be held no less than ten (10) days after Notice is given;
AND
 2. The City may undertake to connect to the public sewer by installation of a private sewer line by a private contractor and assess the cost against the property. Such assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the County Auditor of Big Stone County and shall be collected and remitted to the City in the same manner as an assessment for local improvements;
AND
 3. The City Council may, but need not, create an assessment for property owners to pay for the costs of construction of a compliant sewer line. The City may use the Graceville Economic Development Authority to accomplish the same or have their own direct program costs be assessed against the real estate taxes in a rate and time period as set forth by the City of Graceville.

- D. Property not in compliance of this Ordinance will be subject to a surcharge of \$31.00 per month attached to the property's Water-Sewer Utility bill for the 2019 calendar year and if still not compliant after December 31, 2019 will be subject to \$62.00 per month surcharge attached to the property's Water-Sewer Utility Bill.
- E. All Real Estate Property sellers in the City of Graceville must certify, and be inspected by the City, to assure that the property being sold is in compliance with this Ordinance. Water will not be turned on at the property if it is found to be non-compliant.

Section 2. Use and Charges for Service Connection.

- A. No person shall make or use any sanitary sewer service installation or connect to the City sewer except pursuant to application and permit as provided in this section. No person shall make or use any installation contrary to regulation of this Ordinance.
- B. No new connection shall be made to the City sanitary sewer system without a permit received from the City Clerk. The fee for such permit shall be \$750.00. If a property is currently served by a sewer line that needs to be repaired or replaced, the fee for such service/permit shall be \$0.
- C. Charges for Service Connections:
 - 1. Connection Fees.

The City of Graceville will install the service line from the main line to the property line. If there is no service connection to the property, the property owner will be responsible for cost to the Main Sanitary Sewer Line. The applicant for permit shall pay all necessary connections, taps, and installation of pipe from the property line to the building served by the sewer line and shall maintain the sewer pipe from the building to the main line. The applicant is responsible for any repairs and maintenance to the main line and is responsible for plugged sewer line to the main line and is responsible for repair and maintenance of the main line if caused by discharge of excess water and or any non-accepted wastes under Section 1, Subd. 2.
 - 2. Certification. No permit shall be issued to connect the sanitary sewer to the main line unless the costs for the permit has been paid or an agreement has been signed, or the property owner has been assessed for the cost.
- D. Accounting, Billing and Collections:
 - 1. Accounts shall be in the name of the owners of the premises.

2. Sewer service shall be billed together with water and service charges. Both shall be mailed to customers monthly and shall specify the charges in accordance with the rates set out in this Ordinance.
3. Delinquent Accounts. All charges for sewer and water service shall be due on the monthly due date specified by the City for the respective account. If said account is not paid within ten (10) days of the due date, there shall be a penalty of \$5.00 for a service charge and said account shall be deemed delinquent. The City may also establish an internal penalty for accounts over fifteen (15) days past due. The rate and manner of assessment may be established by resolution of the City Council and shall be effective the next billing period. The City shall endeavor to collect delinquent accounts promptly. In any case, once arrangements for collection of an account have been made, the City Council, after procedural requirement as set forth in this Ordinance, for water service and rates, may disconnect water service for nonpayment of such bill. The property owner is responsible for unpaid Water-Sewer utility bills, said bills will be assessed to the property if left unpaid.

E. Rates.

1. General Rates.
Each owner of the premises served by City sanitary sewer system shall pay, each month, the following service charge:
2. Metered Account.
The rates established are the sum of \$31.00 per month, plus \$3.00 per thousand gallons of water used.
3. Special Cases.
In the case of an industrial user contributing waste to the sanitary sewage system in disproportionate amounts or concentrations, the City Council shall make an individual study of the particular use and for an individual charge that is commensurate with the burden placed by the wastes upon the sewage treatment plant.
4. A surcharge in the amount of \$100.00 per month may be assessed by the City for noncompliance or not allowing inspection of the premises or continued failure to comply with conditions of the ordinance related to the proper discharge of surface or ground water between March 15th and October 31st of each year.
5. Initial rates, delinquent charges, surcharges and other charges are set forth herein and may be amended from time to time by resolution of the City Council. Any rates and charges so amended will be effective at the start of the next billing period.

Section 3. Miscellaneous

- A. Violations of the provisions of this Ordinance shall be deemed a misdemeanor.
- B. The City retains the power to seek Court action by mandamus to enforce provisions of this Ordinance.
- C. Any finding by a Court that a provision or a part of this Ordinance is unenforceable, shall not affect the validity and application of the remaining provisions of this Ordinance.

Adopted by the City Council of the City of Graceville, Minnesota, this 11th day of January, 2018.

CITY OF GRACEVILLE, MINNESOTA

By: Audrey Rahrlien
Its: Mayor

ATTEST:

By: Scott Bauer
Its: City Clerk