

**CITY OF NICOLLET  
ORDINANCE NO. 146**

REPEALING AND REPLACING ORDINANCE NO. 88 PROVIDING FOR  
AND REGULATING DISCHARGE INTO THE PUBLIC SEWER SYSTEM;  
AUTHORIZING THE ESTABLISHMENT OF SERVICE CHARGES AND  
ESTABLISHING PENALTIES AND SURCHARGES FOR VIOLATIONS HEREOF

The City Council of the City of Nicollet, Minnesota does ordain:

SECTION 1. Ordinance No. 88 is hereby repealed and replaced by this Ordinance No. 146, as follows:

**ARTICLE I  
GENERAL PROVISIONS**

**Section 1.1 Purpose.** The purpose of this Ordinance is to impose regulations, establish charges, and impose penalties related to the wastewater treatment facilities established by the City pursuant to its authority including Minnesota Statutes, Sections 412.221 and 444.075.

**Section 1.2. Definitions.** Unless the context specifically indicates otherwise, the terms used in this Ordinance shall have the meanings given them in this Section.

- Subd. 1. Authorized Representative - The City building official or other person delegated authority by the City Council to administer and enforce this Ordinance.
- Subd. 2. Building Drain - The point of a building's wastewater system beginning immediately outside the building wall which conveys wastewater to the service connection.
- Subd. 3. Owner - The person or persons identified on the county's tax records as the owner of a property subject to this Ordinance.
- Subd. 4. Person - A natural person, partnership, corporation, association, or other legal entity, but not the City.
- Subd. 5. Service Connection - The pipe or conduit, tank, and related facilities on private property and located between the building drain and the portion of the treatment facilities located within the public right-of-way. Related facilities may include, but are not limited to, grinder pumps and other hardware and materials located on the property and used to convey wastewater from the building drain to the treatment facilities.
- Subd. 6. System - A general reference to the wastewater treatment facilities installed and operated to provide wastewater collection and treatment service in the City.

- Subd. 7. City – The City of Nicollet, Nicollet County, Minnesota.
- Subd. 8. City Council – The City Council of the City of Nicollet.
- Subd. 9. Unpolluted Water - Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards including, but not limited to, storm water, natural precipitation, groundwater or flow from roof runoff, surface runoff, subsurface drainage, down spouts, eave troughs, rainspouts, yard drains, sump pumps, foundation drains, yard fountains, ponds, swimming pools, cistern overflows, or water discharge from any air conditioning unit or system.
- Subd. 10. Wastewater - Liquid and water-carried wastes discharged from building drains and typically referred to as sewage.
- Subd. 11. Wastewater Treatment Facilities or Treatment Facilities - The land, devices, pipes, conduits, facilities, structures, equipment and processes owned or used by the City for the purpose of the transmission, storage, treatment, recycling and reclamation of wastewater and the disposal of residues resulting from such treatment. The term includes the service connection installed by the City.

**Section 1.3. Authorized Representative.** The City Council shall have general supervisory authority over the wastewater treatment facilities and service connections. The authorized representative shall be responsible for administering the provisions of this Ordinance to ensure that a proper and efficient system is maintained for collection and treatment of wastewater. The authorized representative shall have such authority as the City Council may delegate.

**Section 1.4. Inspections.** In order to provide for the proper operation of the treatment facilities and to prevent an occurrence that could threaten the public health, safety, or welfare, the authorized representative, bearing proper credentials and identification, shall be permitted to enter properties within the City at reasonable times as needed for inspection, observations, measurement, sampling, testing, repair, and maintenance of the service connection or other portion of the treatment facilities. Any person refusing to allow an inspection may be subject to a surcharge established as provided herein.

## **ARTICLE II**

### **USE OF WASTEWATER TREATMENT FACILITIES REQUIRED**

**Section 2.1. Connection Required.** Buildings used or intended for human occupancy in the City shall connect to wastewater treatment facilities at such time that facilities are installed and capable of handling the connection, but in no case longer than 90 days from written notice from the City that connection to the treatment facilities is available. The connection shall be made by a suitable service connection, as determined by the City, to the portion of the wastewater treatment facilities located in the adjacent public right-of-way. Owners shall be responsible for installing the service connection at their cost.

**Section 2.2. Private Disposal Prohibited.** It shall be unlawful to construct, maintain, or use any individual sewage treatment system or other private facility intended or used for the disposal of wastewater once a connection to the wastewater treatment facilities is available.

**Section 2.3. Building Connections; Sump Pump Requirements.**

- Subd. 1. Separate Connections Required. A separate and independent service connection shall be provided for each building designed for human occupancy. No private building wastewater system or service connection shall be extended to other buildings or to other properties.
- Subd. 2. Additional Connections or Alterations. It shall be a violation of this Ordinance and unlawful for any person to connect to, or make any alterations of, the treatment facilities without obtaining written permission from the City and complying with all applicable terms and conditions imposed.
- Subd. 3. Sump Pump or Drintile Required. A sump pump system shall be installed, as determined by the authorized representative, in all buildings intended for occupancy, unless such building is constructed at or above grade and there is no basement or below-grade floor elevation. The authorized representative may grant a waiver from this requirement where strict enforcement would cause undue hardship because of unique circumstances or create a safety problem, or may authorize a proposed alternate system. The authorized representative shall record any waiver or approved alternate in the City's files.
- Subd. 4. No Sump Pump Connection to Treatment System. No sump pump system, drintile system, or acceptable alternate drainage system shall be connected to the treatment system, and instead shall include a permanently installed discharge line to the exterior of the building, to a storm sewer, or through the curb to the street. The discharge line shall be installed to the outside wall of the building with one and one-half (1-1/2) inch inside minimum diameter, must extend at least three (3) feet outside of the foundation wall, and must permit year round discharge. The discharge line shall be of rigid construction with a permanent fitting and without valving or a quick connection allowing the path of discharge to be altered easily.

**ARTICLE III**

**PROHIBITIONS ON USE OF TREATMENT FACILITIES**

**Section 3.1 Unpolluted Water.** It is unlawful for a person to discharge unpolluted water into the treatment facilities or to make or maintain a connection to carry unpolluted water discharge into the treatment facilities.

**Section 3.2 Damage Prohibited.** No person shall willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the wastewater treatment facilities.

**Section 3.3. Prohibited Discharges.** Discharges of the following substances shall be prohibited, or limited to concentrations or quantities approved by the authorized representative that will not harm the wastewater treatment facilities nor otherwise create a hazard or nuisance. It shall be unlawful for any person to discharge any of the following into the treatment facilities:

- (a) Liquids, solids, gases or other substances which singly or by interaction with others may cause fire or explosion;
- (b) Solid or viscous substances which may cause obstruction to the flow in a sewer;
- (c) Ashes, cinders, shavings, feathers, tar or other liquid or viscous substance capable of causing obstruction to the flow in the treatment facilities or other interference with its proper operation;
- (d) Wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive or caustic property capable of causing damage or hazard;
- (e) Wastewater containing toxic pollutants, as defined in Sec. 307(a) of the Water Pollution Control Act and Minnesota Statutes, section 115.01, subdivision 20;
- (f) Wastewater having a temperature greater than 150 degrees (65.6 degrees C), or causing, individually or in combination with other wastewater, the influent at the treatment facilities to have a temperature exceeding 104 degrees F (40 degrees C), or having heat in amounts which will be detrimental to biological activity in the treatment facilities;
- (g) Wastewater containing fats, wax, grease or oils in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees F and 150 degrees F (0 degrees C and 65.6 degrees C);
- (h) A discharge of water or wastewater which in connection or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24-hour concentration of flows during normal operation;
- (i) Food wastes not properly shredded to such a degree that all particles will be carried freely under normal flow conditions with no particle greater than 2 inches in any dimension;
- (j) Noxious or malodorous liquids, gases or solids that may create a public nuisance;
- (k) Wastewater with objectionable color not removed in the treatment process;
- (l) Wastewater containing inert suspended solids in such quantities that would cause disruption to the wastewater treatment facilities;
- (m) Radioactive wastes or isotopes in concentrations that exceed limits established by applicable state and federal regulations;
- (n) Wastewater that exceeds concentrations of a residential user, except as may be permitted by written agreement; or
- (o) Wastewater containing substances which cannot be treated to produce effluent quality required by the permit or causes a violation of any applicable local, state or federal regulation.

**Section 3.4. Corrective Actions.** In the event of discharges to the treatment facilities which contain substances or possess characteristics prohibited by this Ordinance, or which, in the judgment of the authorized representative, may have a deleterious effect to the treatment facility,

receiving water, soils, or vegetation, or which create a hazard or nuisance, the authorized representative may take one or more of the following actions:

- (a) Refuse to accept the discharged wastewater;
- (b) Require pretreatment to an acceptable condition for discharge to the treatment system;
- (c) Require control over the quantities and rates of discharge or the installation of an interceptor; or
- (d) Require payment of an increased charge, imposition of a surcharge, or other reimbursement to cover all the added costs of handling, treating, and disposing of wastes not covered by current sewer charges.

The owner shall be responsible for all costs associated with the required corrective action.

**Section 3.5. Dilution.** No person 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 this Ordinance, federal pretreatment standards, or any other federal, state or local requirements.

**Section 3.6. Obstructions.** No person shall permit any substance or matter which may form a deposit or obstruction of flow to be discharged into the treatment facilities. Whenever any service connection becomes clogged, obstructed, detrimental to the use of the treatment facilities, or unfit for the purpose of drainage, the owner shall make repairs as directed by the authorized representative or shall be responsible for the costs incurred by the City to clear such obstruction.

**Section 3.7. Recovery of Costs.** In addition to penalties that may be imposed for violation of any provision of this Ordinance, the City Council may impose and collect the costs of repairing or restoring any portion of the treatment facilities damaged by the willful or negligent acts of an owner or occupant of property or as a result of the discharge of prohibited substances. Such costs may be collected against the owner of the property as an additional charge for use of the treatment facilities.

#### **ARTICLE IV** **SERVICE CHARGES**

**Section 4.1. Established.** The City Council hereby authorizes charges to pay for the establishment and construction of the system and treatment facilities including, but not limited to, all professional fees, administrative costs, treatment site acquisition costs, contracting costs, construction costs, repayment of debt incurred for such purposes, and all other costs, fees, charges, and expenses incurred by the City to install the treatment system and to make it operational, and to provide for administration, operation, maintenance, repair, improvement, and replacement costs as the City Council determines necessary. Wastewater system charges shall be determined by the City Council and adopted by Resolution.

**Section 4.2. Administration of the Service Charges.** The designated representative or city clerk shall maintain a proper system of accounts and records suitable for determining the costs of

the system, and shall furnish the City Council with a report of such costs upon request. The City Council shall periodically determine whether sufficient revenue is being generated for the effective management and operation of the treatment facilities, and charges may be modified to ensure the continued proper operations as necessary.

**Section 4.3. Other Charges or Surcharges.** Nothing in this Ordinance shall limit the City Council's authority to impose and collect such other charges, surcharges, fees, levies, or assessments on owners or properties as the City Council determines necessary or appropriate pursuant to applicable law. Any additional charges or surcharges shall be added to the monthly invoice or statement. The imposition of a surcharge shall in no way limit the right of the City to seek other relief, civil or criminal, regarding any non-conforming connection to the sanitary sewer system. A surcharge of not less than \$100 per month, or such higher amount as may be set by City Council Resolution, may be imposed on any owner or property refusing to permit an inspection, or which is found to be in violation of this Ordinance.

**Section 4.4. Collection.** Any charges or surcharges imposed pursuant to this Ordinance are hereby made a lien on the corresponding property with a service connection to the treatment facilities. The City may collect costs incurred to enforce this Ordinance and any charges or surcharges which are on September 30<sup>th</sup> or each year 30 or more days past due which have been properly billed by timely certifying the amount thereof to the county auditor for collection with the property taxes imposed on such property. The City will endeavor to provide the owner with prior written notice of its intent to certify the amounts due and owing. Amounts so certified to the County shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes. The City may also seek to recover any amounts owed pursuant to this Ordinance through separate legal action, and certification to taxes does not bar any such collection efforts.

## **ARTICLE V** **ENFORCEMENT**

**Section 5.1. Penalty.** Any person found to be in violation of any provision of this Ordinance shall be guilty of a misdemeanor, as defined in Minnesota Statutes, Section 609.02, and may be prosecuted accordingly. Each day a violation continues shall be deemed as a separate offense.

**Section 5.2. Notice of Violation.** The authorized representative is authorized to issue a written notice of violation to any person found in violation of this Ordinance. The notice shall identify the violation, what must be done to correct it, and provide a time by which the person must come into compliance. A notice of violation may be provided to the occupant of the property or mailed to the owner.

**Section 5.3. Enforcement.** The City may enforce this Ordinance, in the City Council's discretion, through criminal prosecution, the institution of a civil action, or both. A person subject to a civil enforcement action shall be responsible for paying the City's costs related to such action.

**ARTICLE VI**  
**MISCELLANEOUS**

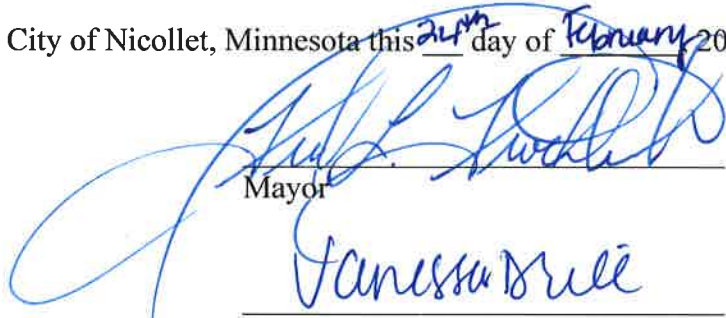

**Section 6.1. Compliance.** Owners and occupants of properties in the City must comply with the requirements of this Ordinance as well as all other applicable federal, state, and local laws, rules, regulations and ordinance, and shall obtain all other permits and permissions as may be required. Nothing in this Ordinance shall be deemed a waiver of any other applicable law, rule, regulation or ordinance, or the establishment of a lower standard or requirement. It is the intent of this Ordinance to protect the treatment facilities so they continue to function properly and remain available for all users. Those persons who fail to comply with the requirements of this Ordinance shall be required to fully reimburse the costs incurred by the City to enforce this Ordinance and to collect or repair any damage done as a result of the violation.

**Section 6.2. Amendments.** The City Council may amend this Ordinance as it determines appropriate and all motions and resolutions adopted related to the treatment facilities, including those related to the charges and surcharges imposed, shall apply in addition to this Ordinance.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon adoption and publication in accordance with applicable law.

Passed by the City Council of the City of Nicollet, Minnesota this 24<sup>th</sup> day of February 2015.

ATTEST:

  
\_\_\_\_\_  
Mayor  
  
\_\_\_\_\_  
City Clerk

