

## ORDINANCE NO. 59

AN ORDINANCE OF THE CITY OF FORADA, FORADA, MINNESOTA, REGULATING THE USE OF PUBLIC AND PRIVATE SEWER; REQUIRING CONNECTION OF WASTE WATER SOURCES TO THE PUBLIC SEWER SYSTEM; DEFINING PUBLIC AND PRIVATE SEWER; PROHIBITING THE DISCHARGE OF CERTAIN SUBSTANCES INTO THE PUBLIC SEWER SYSTEM AND PROVIDING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

THE CITY OF FORADA, FORADA, MINNESOTA, DOES ORDAIN:

Preamble: The city council determines that this ordinance is necessary to carry out its responsibility to protect the natural environment, the public health, and the public welfare of its citizens.

### Table of Contents

- Section 1.00 - Sewer Use Code
- Section 1.05 - Definitions
- Section 1.10 - Use of Public Sewers
- Section 1.15 - Removal of Prohibited Discharge and Prohibited Connections
- Section 1.20 - Building Sewers and Connections
- Section 1.21 - Private Sanitary Sewer Responsibility and Liability
- Section 1.22 - Sanitary Sewer Backup Policy
- Section 1.24 - Mandatory Connection to Public Sewer
- Section 1.25 - Public Interceptor and Lateral (local) Sewer Construction
- Section 1.27 - Developer's Construction of Public Sewer
- Section 1.35 - Authority of Inspectors
- Section 1.40 - Penalties
- Section 1.45 - Validity
- Section 1.50 - Effective Date

Subd. 1. For the purpose of this ordinance, the following words and terms shall have the meaning set out below, unless the context specifically indicates otherwise.

Subd. 2. "Act" The Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, 33. U.S.C. 1251 et seq.

Subd. 3. Forada is the City of Forada, Minnesota. The term Forada when used herein may also be used to refer to the City Council of the City of Forada and its authorized representatives and individually or collectively to all parts and facilities on the sewer system and the connection to the conveyance system of the Alexandria Lakes Area Sanitary District (ALASD).

Subd. 4. "ALASD" means Alexandria Lakes Area Sanitary District.

Subd. 5. "BOD" (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the chemical oxidation of Organic matter expressed in milligrams per liter, as determined in accordance with standard Methods for the Examination of Water and Wastewater.

Subd. 6. "Building Drain" means that part of the lower horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Subd. 7. "Building Sewer" means the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Subd. 8. "COD" (denoting chemical oxygen demand) means the quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedure as set out in the latest edition of Standard methods for the Examination of Water and Wastewater.

Subd. 9. "Combined Sewer" means a sewer originally designed and currently designated to receive both surface water runoff and sewage.

Subd. 10. "Developer" means any person wishing to install public sewer to serve a proposed subdivision for speculative purposes.

Subd. 11. "Enabling Legislation" means Chapter 869, as amended, passed by Act of the Minnesota State Legislature. This Act created and enabled the ALASD.

Subd. 12. "Executive Director" means chief administrative officer of the ALASD as defined in Subdivision 4, Section 4 of the Enabling Legislation.

Subd. 13. "Garbage" means solid wastes resulting from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, or sale of meat, fish, fowl, fruit, vegetables and condemned food.

Subd. 14. "Industrial wastes" means the solid, liquid or gaseous wastes resulting from any industrial or manufacturing processes, trade or business, or from the development, recovery or processing of natural resources.

Subd. 15. "Infiltration" means water other than waste water that enters the sewer system from the ground or from surface runoff, as defined in Minnesota Rules.

Subd. 16. "Inflow" means water other than waste water that enters the private sewer system from the ground or surface water.

Subd. 17. "Local Government Unit" means any municipal or public corporation or governmental or political subdivision or agency located in whole or part in the ALASD, authorized by law to provide for the collection, treatment, and disposal of sewage.

Subd. 18. "National Pollution Discharge Elimination System Permit" or "NPDES Permit" means the system for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable water, the contiguous zone, and the oceans by the Administrator of the Environmental Protection Agency pursuant to sections 402 and 405 of the Federal Water Pollution Control Act Amendment 1972.

Subd. 19. "Natural Outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

Subd. 20. "Other Wastes" shall mean garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil, tar, chemicals, offal and other substances except sewage and industrial wastes.

Subd. 21. "Person" means any individual, firm, company, association, society, corporation, municipal corporation, governmental unit, or group.

Subd. 22. "Public Sanitary Sewer" means that portion of the sewer system constructed by the ALASD, the City of Forada, any other municipal corporation or public agency, or developer, except service stubs, and shall include interceptor lines and lateral sewer lines not less than 8 inches in diameter, sewage pumping stations and manholes.

Subd. 23. "Property" means the parcel of land owned by any person.

Subd. 24. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Subd. 25. " Process Water" means any water used in the manufacturing, preparation or production of goods, materials, or food. Process water is an industrial waste.

Subd. 26. " Public Sewer" means any sewer defined as accepted as public sewer by ALASD board action, including the city of Forada.

Subd. 27. " Private Sewer" means sewer not owned or operated by a government or agency or accepted into the public sewer system by ALASD board action.

Subd. 28. " Public Road Right-of-Way" means road owned and dedicated to a local unit of government. The local unit of government may or may not maintain this road.

Subd. 29. " Sanitary Sewer board" or "board" means the sanitary sewer board established for the ALASD as provided in Section 3 of the Enabling Legislation.

Subd. 30. " Sanitary Sewer" means a sewer which carries sewage (sanitary wastes), and to which storm, surface, and ground water are not intentionally admitted.

Subd. 31. " Sanitary Wastes" means the liquid and the water-carried wastes discharged from sanitary plumbing facilities and characterized by a composition typical of the waste emanating from an average residential connection.

Subd. 32. " Service stub" means that portion of the private sewer system commonly called the stub that is usually installed with the public sewer. The service stub includes only that portion of the private service located within the public road right-of-way, street, or utility easement.

Subd. 33. " Sewage" or " Wastewater" means the water carried waste products from residences, public buildings, institutions, industrial establishments or other buildings including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground water infiltration and storm and surface water as may be present.

Subd. 34. " Sewer" means a pipe or conduit for carrying sewage, industrial waste or other waste liquids.

Subd. 35. " Sewer System" means pipe lines or conduits, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes or other wastes to a point of ultimate disposal.

Subd. 36. "Shall" is mandatory; "May" is permissive.

Subd. 37. " Slug" means any discharge of water, wastewater or industrial waste 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 twenty four (24) concentration of flows during the normal operation.

Subd. 38. "Storm Sewer" (sometimes termed "storm drain") means a sewer which carries storm and surface water and drainage but excludes sewage and industrial wastes, other than unpolluted cooling or process water.

Subd. 39. "Suspended Solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering, in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

Subd. 40. "Unpolluted water" means clean water uncontaminated by industrial wastes and other wastes. 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.

Subd. 41. "Wastewater facilities" means the structures, equipment and processes required to collect, carry away, and treat domestic and industrial waste and dispose of the effluent.

Subd. 42. "Wastewater Treatment Works" or "Treatment Works" shall mean an arrangement of devices and structures of treatment of wastewater, industrial waste, and sludge. Sometimes used as synonymous for "waste treatment plant" or wastewater treatment plant" or "water pollution control plant" or "sewage treatment plant" or pollution control.

#### **Section 1.10- Use of Public Sewers.**

Subd. 1. It shall be unlawful to discharge to any natural outlet within Forada or in any area under the jurisdiction of the ALASD any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Subd. 2. Except as hereinafter provided, 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 sewage. The State of Minnesota shall be permitted to continue to use the existing sealed holding tank located at the east public access on Maple Lake in the City of Forada and shall not be required to connect to the public sewer.

Subd. 3. No person(s) 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. Any person violating this provision shall be subject to immediate arrest and may be charged with a misdemeanor.

Subd. 4. No person shall discharge or cause to be discharged, directly or indirectly, any storm water, surface water, ground water, roof runoff, subsurface drainage, waste from onsite disposal systems, unpolluted cooling or process water to any sanitary sewer, except as permitted by Forada or ALASD.

Subd. 5. Storm water and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or process water shall only be so discharged upon approval by Forada or ALASD or other local units of government.

Subd. 6. No person shall discharge or cause to be discharged, directly or indirectly, any of the following described substances to any public sewer;

- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- b. Any water or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the wastewater treatment works.
- c. Any water or wastes having pH lower than 5.5 or greater than 9.5 or having any other corrosive property capable of causing damage hazardous to structures, equipment and personnel of the wastewater treatment works.
- d. Solid or viscous substances, either whole or ground, in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper continuation of the wastewater facilities, but not limited to ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cuttings or polishing wastes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails, and sanitary napkins, paper dishes, cups, milk containers, and other paper products.
- e. Noxious or malodorous liquids, gases or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

Subd. 7. No person shall discharge or cause to be discharged, directly or indirectly, the following described substances to any public sewer unless in the opinion of Forada or ALASD such discharge will not harm the wastewater facilities, nor cause obstruction to the flow in sewers, nor otherwise endanger life, limb or public property, nor constitute a nuisance. In forming its opinion as to the acceptability of these wastes, Forada or ALASD may give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of NPDES permit, and other pertinent factors. Forada or ALASD may make such determinations either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur.

The substances prohibited are:

- a. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F. (65 degrees C) leaving the building or in excess of one hundred three (103) degrees F. (39.4 degrees C) entering the wastewater treatment plant.
- b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two F. (0 degrees C) and one hundred fifty (150) degrees F. (65 degrees C).
- c. Any garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in public sewers, with no particles greater than one-half inch in any dimension.
- d. Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- e. Any water or waste containing phenols or other waste or odor producing substances which constitute a nuisance or hazard to the structures, equipment or personnel of the sewage works, or which interfere with the treatment required to meet requirements of the State and Federal government and any other public agency with proper authority to regulate the discharge from the sewage treatment plant.
- f. Radioactive wastes or isotopes of such half-life or concentration that they are in non-compliance with regulations issued by the appropriate authority having control over their use or which have caused or may cause damage or hazards to the treatment works or personnel operation it.
- g. Any water or wastes having a content in excess of the following: PH, 9.5; Cadmium, 2.0 mg/l; Chromium, 8.0 mg/l; Copper, 6.0 mg/l; Cyanide, 4.0 mg/l; Lead 1.0 mg/l; Mercury, 0.01 mg/l; Nickel, 6.0 mg/l; and Zinc, 8.0 mg/l.
- h. Antifreeze (Ethlene glycol). Upon approval of the ALASD discharge to sanitary sewer of antifreeze is permitted if the discharge is less than 600 gallons per year (50 gallons per month on an annual average). The antifreeze shall be free of oil and not contaminated with other substances.
- i. Materials which exert or cause:
  1. Unusual concentration of 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).
  2. Excessive discoloration (such as, but not limited to, dye wastes, and vegetable tanning solutions).

3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.

4. Unusual volume of flow or concentration of wastes constituting a slug.

5. Water or water containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the NPDES permit or requirements of other governmental agencies having jurisdiction over discharges from the sewage treatment plant.

Subd. 8. If any water or wastes are discharged or are proposed to be discharged directly or indirectly to the public sewers, which water or wastes do not meet the standards set out in or promulgated under this section or which in the judgement of Forada or ALASD may have a deleterious effect upon the treatment works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, Forada or ALASD may take any or all of the following steps:

a. Refuse to accept the discharge, or

b. Require control over the quantities and rates of discharge, or

c. Require pretreatment to an acceptable condition for the discharge to the public sewers in accordance with Federal Pretreatment Standards, or

d. Require payment to cover the added cost of handling and treating the wastes.

The design and installation of plans and equipment for pre-treatment or equalization of waste flows shall be subject to the review and approval of Forada or ALASD and subject to the requirements of 40 CFR 128, entitled "Pretreatment Standards" and all applicable codes, ordinances and laws.

Subd. 9. Grease, oil and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease, or any flammable wastes, sand or other harmful ingredients. All interceptors required under this Subdivision shall be of a type and capacity approved by the ALASD and shall be located as to be readily and easily accessible for cleaning and inspection. Such interceptors shall not be required for private living quarters or dwelling units. The owner shall be responsible for the maintenance of interceptors, including proper removal and disposal of the captured materials by appropriate means of disposal which are subject to review by the ALASD. Any materials and hauling must be performed by the owner's personnel or a currently licensed waste disposal firm and in compliance with all applicable laws and regulations.



Subd. 10. Where preliminary treatment, flow equalizing facilities or interceptors are provided for any water or wastes, they shall be effectively operated and maintained continuously in satisfactory and effective condition by the owner at his expense, and shall be available for inspection by Forada or ALASD at all reasonable times.

Subd. 11. When required by Forada or ALASD, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure, together with such necessary meters and other appurtenances in the building sewer to facilitate observation sampling and measurement of the wastes. Such structure and equipment when required shall be constructed at the owner's expense in accordance with plans approved by Forada or ALASD and shall be maintained by the owner so as to be safe and accessible at all times.

Subd. 12. All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this ordinance shall be determined in accordance with 40 CFR 136 (Guidelines Establishing Test Procedures for Analysis of Pollutants), the latest edition of Standard Methods for the Examination of Water and Wastewater, and shall be determined at the control structure, or upon suitable samples taken at said control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewerage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composite of all outfalls whereas PH's are determined from periodic grab samples).

Subd. 13. Forada or ALASD may conduct such tests as are necessary to enforce this ordinance, and employees of Forada or ALASD may enter upon any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to such enforcement. Entry shall be made during operating hours unless circumstances require otherwise. In all cases where tests are conducted by Forada or ALASD for the purpose of checking to determine if a previously found violation of this ordinance has been corrected, the cost of such tests shall be charged to the user and added to the user sewer charge. In those cases where Forada or ALASD determine that the nature of volume of a particular user sewage requires more frequent than normal testing, Forada or ALASD may charge such user for the tests, after giving the user ten (10) days' written notice of its intention to do so, and the cost thereof shall be added to the user's sewer charge. In any case where industrial wastes are discharged to a public sewer, Forada or ALASD may require the user, at his own expense, to test his discharge on a regular basis and to report the test results to Forada or ALASD within a reasonable time. All such tests shall be as ordered by Forada or ALASD and shall be conducted by qualified personnel and in accordance with the standards set out in this section.

Subd. 14. No garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be installed in any building which is connected directly or indirectly to a public sewer,

without prior approval of Forada or ALASD. Forada and ALASD Boards shall not approve any garbage grinder which does not grind garbage to a degree so that no particle is greater than one-half (1/2) inch in any dimension and shall be empowered to order that any garbage grinder regardless of its size or when it was installed, which does not grind garbage to a degree to as to make it acceptable under Subd. 7 and 8 of this section, not be used to grind garbage which is thereafter directly or indirectly discharged into a public sewer.

Subd. 15. Accidental discharges of prohibited waste into the sewage works, directly or through another disposal system, or to any place from which such waste may enter the treatment works, shall be reported to Forada or ALASD by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of such discharge. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of the emergency notifications procedure in the event of a slug or accidental discharges. Notifications will allow measures to be taken to minimize damage to the treatment facilities. Notification will not relieve user of liability for any expense, loss or damage to the treatment facilities, or for fines imposed on Forada or ALASD by any state or federal agency as a result of their actions.

Subd. 16. In addition to penalties that may be imposed for violation of any provision of the Section, Forada or ALASD may assess against the user/owner the cost of repairing or restoring sewers and associated facilities damaged as a result of the discharge of prohibited wastes and may collect the assessment as an additional charge for the use of the public sewer system.

Subd. 17. New connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including capacity for flow, BOD, suspended solids and phosphorous.

Subd. 18. No statement contained in this subsection shall be construed as preventing any special agreement or arrangement between Forada or ALASD and any industrial concern whereby any industrial wastes of unusual strength or character may be accepted by Forada or ALASD for treatment, subject to payment therefor, by the industrial concern, in accordance with applicable ordinances and any supplemental agreement with Forada or ALASD.

Subd. 19. No special agreement or arrangement between Forada or ALASD or any industrial concern shall allow discharges which would upset the treatment plant, pass through the treatment causing water quality violations, cause problems with sludge disposal, or violate federal categorical pretreatment standards.

Subd. 20. Connection to public sanitary sewer shall be only for residential and commercial usage. Industrial properties shall not connect to said public sanitary sewer.

### **Section 1.15 - Removal of Prohibited Discharge and Prohibited Connections**

Subd. 1. The Section applies to the prohibition of discharges into the sanitary sewer system and to provide for inspection of property to determine illegal connections to the sanitary sewer

system and to provide a surcharge for non-compliance with inspection and connection requirements.

Subd. 2. In this Subdivision the City of Forada and ALASD finds that the discharge of water from any surface, groundwater sump pump, ground water pump, roof, yard, lawn, street, alley, footing tile or other natural precipitation into the sanitary sewer system contributes to the flooding and overloading of the sanitary sewer system. Such overloading of the sanitary sewer system may result in sewage flowing into lower levels of residences and businesses, creating hazardous public health conditions and significant damage to properties. Forada and ALASD, therefore, determine that Section 1.15 is necessary to protect the health, safety and welfare of its citizens through the regulation of connection to Forada's and ALASD's sanitary sewer system.

Subd. 3. Except as otherwise expressly authorized in this Section, 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. 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 a permanently installed discharge line which shall not at any time discharge water into the public sanitary sewer system. A permanent installation shall be one which provides for year round discharge capability to either the outside of the dwelling, building or structure or is connected to a 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, and no connections for altering the path of discharge; and if connected to a storm sewer line, the line shall include a check valve and an air gap.

Subd. 4. Every person owning property with a structure that discharges into the sanitary sewer system shall allow an employee of Forada or ALASD or a designated representative of Forada or ALASD to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. Forada or ALASD may periodically re-inspect any building or premise to determine compliance with the requirements of this Section.

Subd. 5. Any person, owner, lessee or occupant, and any plumber or building contractor who has presently made or permitted to be made or shall make or permit to be made, any connection or installation in violation of Section 1.15, shall immediately remove such connection or correct such an installation. If not removed or corrected within 45 calendar days after notice of the violation has been delivered personally or by certified mail to such person, owner, lessee, or occupant, Forada may impose a surcharge in the amount provided in Subdivision 6 of Section 1.15 of this ordinance. Such a surcharge may also be imposed upon any property owner, lessee or occupant who, after 30 calendar days' notice, refuses to allow their property to be inspected. The owner, lessee or occupant of a building or premises found to be not in conformance with this Section during periodic reinspection may be subjected to a surcharge as provided in Subdivision 6 of Section 1.15.

Subd. 6. A surcharge of One Hundred and no/100 Dollars (\$100.00) per month is hereby imposed on every sewer bill to property owners who are not in compliance with Section 1.15 or

who have refused to allow their property to be inspected to determine if there is compliance. All properties found during yearly reinspection to have violated this ordinance will be subject to the \$100.00 per month penalty for all months between the two most recent inspections.

### **Section 1.20 - Building Sewers and Connections**

#### Subd. 1.

- a. It is unlawful for any person to engage in the work or business of installing private sewer service lines and appurtenances for others without a license therefor from ALASD.
- b. Any person desiring to engage in such work shall make application to the ALASD on forms to be supplied by the ALASD, together with a fee in the amount of \$25.00. All licenses issued shall be for one (1) year and each renewal shall be made by application together with a \$25.00 annual fee. A plumber licensed by the State Board of Health shall pay no fee to the ALASD, but shall show evidence of the state license before the ALASD issues a license.
- c. Each applicant for license shall sign an agreement on such form as may be delivered by the ALASD agreeing to pay the ALASD the actual cost of repair for any damage caused Forada or ALASD Sewer System by the applicant or any of his employees or agents. This agreement shall accompany the license application.
- d. Each applicant for license shall accompany his application with a certificate of insurance in a company acceptable to the ALASD showing public liability insurance coverage with limits of at least \$250,000.00 per person; \$500,000.00 per occurrence and \$10,000.00 for property damage. Such certificate shall specifically state that such insurance covers underground operations and shall contain a provision that the coverage afforded under the policies will not be canceled or materially changed until at least 15 days' prior written notice has been given to the ALASD.

Subd. 2. No person unless authorized shall uncover, make any connections with or opening into, use, alter, repair, or disturb any public or private sewer or appurtenance thereof, without first obtaining the written permit from the ALASD.

Subd. 3. Any person's license or permit which is revoked or denied by the executive director of the ALASD may appeal said revocation or denial to the Board.

Subd. 4. All costs and expenses incident to the installation and connection of the building sewer shall borne by the owner. The owner shall indemnify and hold harmless Forada and ALASD from any loss or damage to the public sewer that may directly or indirectly be occasioned by the installation of the building sewer.

Subd. 5. A separate and independent building sewer shall be provided for every building, except where two or more buildings are situated on one parcel such that the parcel may not be subdivided, such a joint use private sewer may be extended to the rear building or buildings and the whole considered as one joint use private sewer. Special variances will be considered by Forada Board, the Service Region Board and the ALASD Board.

Subd. 6. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by Forada or ALASD, to meet all requirements of this ordinance.

Subd. 7. Unused septic tanks, cesspools, leaching pits and similar devices and structures shall be backfilled or made safe and unusable in a manner acceptable to Forada and ALASD.

Subd. 8. The size, slope, alignment, materials of construction of a building sewer, and the method to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of Water Pollution Control (W.P.C.F.) Manual of Practice No. 9 and applicable American Society for testing material (A.S.T.M.) Standards shall apply.

Subd. 9. 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, such building drain shall be provided with a lifting device by an approved means and discharged to the building sewer.

Subd. 10. Employees of Forada or ALASD or a designated representative of Forada or ALASD shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify Forada or ALASD when the work is ready for final inspection and no underground portions shall be covered before the final inspection is completed. The connection shall be made under the supervision of Forada or ALASD or its designated representative.

Subd. 11. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to Forada and ALASD and/or the local unit of government having jurisdiction.

### **Section 1.21 - Private Sanitary Sewer Responsibility and Liability**

Subd. 1. Forada and ALASD are responsible and shall operate, maintain and repair the public sanitary sewer. Any property owner or person may operate, maintain and repair the private sewer service. Any property owner is responsible for all private sewer including private sewer in the public road right-of-way or easement. Private sewer also includes the service stub and the wye connection to the public sewer.

Subd. 2. When any person claims that the private sewer is operating improperly because of an obstruction or other defect in the service stub and that the obstruction or other defect was caused by defective construction or negligence on the part of Forada or ALASD in the operation or maintenance of the public sewer system, such claims shall be investigated by Forada or ALASD. This investigation may include roto rootering, measuring, or the steaming or any other operation that is required on the service stub. The means, method and extent of the investigation shall be determined by the executive director. The cost of this investigation shall be borne in full by Forada and ALASD. Prior to implementing any investigation, Forada or ALASD and the person shall enter into a written agreement whereby the person shall agree that Forada's or ALASD's investigation shall not be an admission of liability by Forada or ALASD nor a waiver of any defenses Forada or ALASD may exercise against any claims made by any person.

Subd. 3. Should Forada or the executive director of the ALASD, upon investigation, determine that the claimed improper operation is the result of an obstruction or other defect caused by defective construction or negligence in the operation or maintenance of the public sewer system, Forada and ALASD shall, at their own expense, make the necessary repairs to correct the improper operation of the private sewer.

Subd. 4. Should Forada or the executive director, upon investigation, determine that the improper operation of the private sewer service is not the result of defective construction or Forada's or ALASD's negligence in the operation or maintenance of the public sewer system, the cost of making repairs shall be borne by the person. The cost of investigation shall be borne by Forada and ALASD.

Subd. 5. Should Forada or the executive director of the ALASD, upon investigation, be unable to ascertain the cause of the improper operation of the private sewer, the cost of repairs shall be borne by Forada and ALASD.

### **Section 1.22 - Sanitary Sewer Backup Policy**

Subd. 1. Upon receiving notification that wastewater is entering any person's residence or place of business, the ALASD will dispatch a crew to investigate. Should Forada or the executive director determine that the backup was caused by a blockage of the private sanitary sewer, the appropriate person will be so informed and the cost of cleanup will be borne by that person. The ALASD will then provide technical assistance only.

Subd. 2. Should Forada or the executive director determine that the backup is a result of a blockage or pump failure in the public sanitary sewer, ALASD personnel will offer to immediately clean and disinfect the structure in which the backup occurred. The cost of such cleaning shall be borne by Forada and ALASD. Prior to authorizing any cleaning or disinfection, Forada or ALASD will present the person a letter stating that the ALASD investigation and cleaning shall not be an admission of liability by Forada or ALASD, nor a waiver of any defenses which Forada or ALASD may have to any claims for damages made by any person.

Subd. 3. Forada's and ALASD's insurer will be promptly notified of any backup that was a result of a blockage or pump failure in the public sanitary sewer. Claims arising from any backup of the public sanitary sewer shall be forwarded to Forada's or ALASD's insurer.

Subd. 4. Should Forada or ALASD repair any defect or remove any obstruction found not to have been caused by Forada or ALASD, the person shall pay the reasonable cost of such repair or removal to Forada or ALASD. Should any person fail or refuse to pay such cost, Forada or ALASD shall levy the cost of such repair against the property as a special assessment in accordance with Minnesota Statutes Chapter 429.

**Section 1.24 - Mandatory Connection to Public Sewer**

Subd. 1. Forada determines Section 1.24 necessary to accomplish its mission of protecting the public health, safety and welfare of its citizens by the prevention, control and abatement of water pollution within Forada and ALASD. Requiring connections to the public sewer will also provide for a sufficient quantity sewer customers to assure operation and maintenance costs are minimized that will further promote effective and efficient operation.

Subd. 2. Existing Buildings. The owner of any building generating wastewater which is located on land which abuts upon or is adjacent to any public street, road or easement which contains a gravity sewer, shall connect all such buildings to the public sewer, if any building on such land is located within 300 feet of such gravity sewer.

Subd. 3. Future Construction. All buildings, other than buildings which generate animal or other agricultural waste, which are completed after the effective date of this ordinance which are constructed on parcels which are adjacent to or abutting upon any public street, road or easement which contains a gravity sewer, shall be required to connect to the gravity sewer.

Subd. 4. Subdivisions. All subdivisions which are platted and accepted by the City of Forada the effective date of this ordinance shall connect each separate parcel in said subdivision to the public sewer.

Subd. 5. Existing On-site Systems. Any building generating wastewater, which is on land adjacent to or abutting upon any public street, road or easement which contains a gravity sewer, and which building is within 300 feet of such road, street or easement and which building is within the area regulated by the Shorelands Management Ordinance of Douglas County, shall not be permitted to do corrective work on any on-site sewage disposal system if, in the opinion of the executive director, the system fails to perform properly. The owner of such building shall be required to make connection to the gravity sewer within 30 days following receipt of written notice from the executive director.

Subd. 6. Connection Date. All buildings required to be connected to the public sewer pursuant to this ordinance shall make such connection on or before the following dates:

- a. Newly constructed buildings shall connect prior to commencement of use of the building.
- b. Existing buildings not previously governed by this ordinance shall connect within 1 year from the date of this ordinance or within one year following the date that the public sewer becomes available which ever occurs later.
- c. Any buildings required to connect to public sewer which was not available on the date of this ordinance shall connect within one year following the date that the public sewer becomes available.

Subd. 7. 90-day Notice. Should any sewer connection as required by this ordinance not be made by the required time limit, Forada or the executive director shall serve the property owner with a written notice giving such property owner 90 days within which to make the necessary connection. The property owner so served shall make the required connection within 90 days of the receipt of such written notice.

Subd. 8. Connection by Forada or ALASD. Should any person fail to make the connection as required by this ordinance in a timely manner, whether by the date required by this ordinance or within the 90 days following written notice of the executive director, Forada or ALASD Board may make the connection of that person's building to the public sewer and levy the cost of such connection against the property as a special assessment in accordance with Minnesota Statutes Chapter 429.

*NOTE* Subd. 9. User Charge. Any person who has not made the required connection to the public sewer by the date specified in this ordinance or within the 90-day period following notification by the executive director shall be levied the regular user charge for the unit involved. Such levy and user charge shall be collected from the date of the required connection to public sewer.

### **Section 1.25 - Public Interceptor and Lateral (local) Sewer Construction**

Subd. 1. No person unless authorized 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 Forada or ALASD.

Subd. 2. No sanitary or storm sewers shall be constructed in Forada (except house or building or private service sewers) except by Forada or ALASD or an approved contractor in accordance with plans and specifications prepared by a professional engineer and approved by Forada or ALASD. No such sewers shall be considered to be a part of the public sewer system unless approved by the appropriate local unit of government and accepted by Forada or ALASD.

Subd. 3. The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling and other work connected with the construction of sewers shall conform to the requirements of Forada and ALASD.



**Section 1.27 - Developer's Construction of Public Sewer.**

Subd. 1. Developer's may install public sewer as defined in Section 1.22.

Subd. 2. The developer and/or contractor shall be responsible for obtaining all permits and approvals that may be required by Forada and ALASD and other agencies and provide a copy of such approvals to Forada and ALASD.

Subd. 3. Forada or ALASD and the developer and/or contractor shall receive preliminary approval of the plat by the City of Forada prior to consideration by Forada or ALASD.

Subd. 4. In accordance with Section 18 of the ALASD's Enabling Legislation Chapter 869, as amended, the developer and/or contractor shall receive approval of the project by the affected local unit of government in which the public sewer is to be located prior to any consideration by Forada or ALASD.

Subd. 5. The developer and/or contractor will engage a duly registered engineer authorized to practice in the State of Minnesota to prepare detailed plans and specifications for public sewer.

Subd. 6. All plans and specifications prepared by the developer's engineer must meet with the approval of the ALASD. The ALASD reserves the right to hire an independent consulting engineer to review these plans and specifications at the developer's expense. The estimated cost of this review will be submitted to the contractor and/or developer prior to submitting these plans to the consulting engineer.

Subd. 7. Any general contractor or subcontractor selected by the developer to construct and install sanitary sewer shall be subject to the approval of the ALASD. The ALASD reserves the right to require evidence of competency and good financial status in any such contractor.

Subd. 8. All construction and materials shall be in accordance with the ALASD approved plans and specifications.

Subd. 9. The contractor and/or developer shall provide to Forada or ALASD exclusive permanent and temporary easements necessary for the installation and maintenance of the public sewer.

Subd. 10. The developer and/or contractor will cause each person with whom the developer contracts for construction and installation of any sanitary sewer to furnish Forada and ALASD evidence of complete insurance coverage. The contractor will provide a certificate of insurance to Forada and ALASD with the coverage established administratively by the executive director. The certificate shall list Forada and ALASD as additional insureds.

Subd. 11. By bond and written agreement the developer and contractor shall warrant all work for one year from the date of acceptance by the ALASD from defective material and workmanship.

Subd. 12. The developer shall pay for the cost of general construction inspection. The ALASD shall select the firm or individual to perform resident inspection and construction staking. Prior to final acceptance and use, the ALASD staff will conduct a final project inspection. Any workmanship or materials found not to meet the requirements of the specifications shall be removed by and at the expense of the contractor and/or developer and good and satisfactory materials and workmanship substituted therefor. Settlement of debts and wages for any other work shall be remedied and made good by the contractor and/or developer.

Subd. 13. Within 90 days after final acceptance of the project, as-built drawings shall be submitted to the ALASD. The drawings shall show actual horizontal and vertical location of the completed facilities, provide ties on the plans with which to locate manholes and service stubs and otherwise record the project as constructed. The as-built drawings shall consist of one complete set reproducible drawings and three copies of the same.

Subd. 14. All costs of installing public sewer and meeting the requirements of this section shall be borne by the developer and/or contractor at no expense to Forada or ALASD.

Subd. 15. By resolution Forada will accept into Forada and ALASD public sewer system all sewers meeting the above listed requirements. By this acceptance Forada and ALASD assume all operational and maintenance responsibilities for this public sewer in accordance with the maintenance agreement between Forada and ALASD.

#### **Section 1.35 - Authority of Inspectors**

Subd. 1. Duly authorized employees of Forada or ALASD or a designated representative of Forada or ALASD bearing proper credentials and identification shall be permitted to enter all properties and buildings for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. Those employees shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries except as is necessary to determine the kind and source of discharge to Forada and ALASD.

Subd. 2. While performing the necessary work on private properties referred to in Subd. 1 of this subsection, the authorized employees of Forada and ALASD shall observe all safety rules applicable to the premises.

Subd. 3. Duly authorized employees of Forada and ALASD, or a designated representative, bearing proper credentials and identification shall be permitted to enter all private properties through which Forada or ALASD hold an easement for the purpose of, but not limited to, inspection, observation, repairs and maintenance.

#### **Section 1.40 - Penalties**

Subd. 1. Any person found to be violating any provisions of this ordinance shall be served by Forada with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The person shall, within the period of time stated in such notice, permanently cease all violation.

NOTE!

Subd. 2. Any person who shall continue any violation beyond the time limit provided for in Section 1.40, Subd. 1, shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not exceeding \$1,000.00 and/or 90 days in jail for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Subd. 3 Any person violating any of the provisions of this ordinance shall become liable to Forada for any expense, loss or damage occasioned by Forada by reason of such violation.

Subd. 4. Violations of Section 1.15 shall be subject to a surcharge in accordance with Subdivision 5 of that Section. Continued violation of Section 1.15 may result in the imposition of penalty under this Section.

#### **Section 1.45 - Validity**

Subd. 1. The validity of any section, subdivision, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

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

#### **Section 1.50 - Effective Date**

Subd. 1. This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Sewer Use Ordinance No. 59 is hereby passed, adopted and ordained by the City of Forada City Council on this 9 day of ~~December~~<sup>March</sup>, 2006

May Jo Halstead  
Mayor

Ruby Benson  
City Clerk