

This publication describes how the existing and expanded Rushford Wastewater Treatment Plant and services to homeowners and businesses are structured, managed and financed. Please retain this and the fee schedule for reference.

# City of RUSHFORD

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ORDINANCE

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## Sewer Use and User Charges

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Published Sept., 14, 1995  
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**SEWER USE and USER CHARGE ORDINANCE**

**Ordinance No. S101B**

An Ordinance establishing a sewer use and user charge system in the City of Rushford to provide procedures, safeguards and funds to construct, operate and maintain and meet National Pollutant Discharge Elimination System (NPDES) permit limits at the Rushford wastewater treatment facilities and repealing inconsistent ordinances.

The City of Rushford Ordains:

**SECTION I**

**INTRODUCTION AND GENERAL PROVISIONS**

1.01 This Ordinance regulates the use of public and private sewers and drains, discharge of septage into the public sewerage system, and the discharge of waters and wastes into the public sewerage systems within the City of Rushford. It provides for and explains the method used for levying and collecting wastewater treatment service charges, sets uniform requirements for discharges into the wastewater collection and treatment systems and enables the City to comply with administrative provisions, and other discharge criteria which are required or authorized by the State of Minnesota or Federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the City of Rushford sewerage system.

1.02 This Ordinance provides a means for determining wastewater and septage volumes, constituents and characteristics, authorizes the setting of charges and fees, and the issuing of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs and capital improvements. The charges and fees herein authorized are to be established pursuant to authority of the Minnesota Statutes Section 444.075. This Ordinance shall supersede and repeal any previous Ordinance, Rules or Regulations or all parts thereof that may be inconsistent with this Ordinance including, but not limited to Sections 13-1 1 through 13-14 of the ORDINANCES FOR THE CITY OF RUSHFORD, and ordinance #S101 dated May 16, 1983.

**SECTION II****DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

**2.01. APPROVING AUTHORITY** shall mean the City Council of the City of Rushford, or its duly authorized committee, agent or representative.

**2.02. AMMONIA NITROGEN (NH<sub>3</sub>-N)** shall mean one of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH<sub>3</sub> or in ionized form as NH<sub>4</sub>. Quantitative determination of ammonia nitrogen shall be made in accordance with procedures set forth in the most recent edition of "Standard Methods."

**2.03. BIOCHEMICAL OXYGEN DEMAND (BOD)** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in the most recent edition of "Standard Methods."

**2.04. BUILDING DRAIN** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning approximately five feet outside the inner face of the building wall.

**2.05. BUILDING SEWER** shall mean the extension from the building drain to the public area, also referred to as the lateral. Except as specifically provided in this Ordinance, the City shall not be responsible for the construction and maintenance of building sewers or laterals.

**2.06. CHEMICAL ELEMENTS & COMPOUNDS** that are typically found in wastewater and may be regulated by this ordinance:

Ammonia Nitrogen	NH <sub>3</sub>
Arsenic	As
Cadmium	Cd
Copper	Cu
Chromium	Cr
Cyanide	Cn
Lead	Pb
Mercury	Hg
Nickel	Ni
Nitrogen	N
Phosphorus	P
Radium	Ra
Zinc	Zn

**2.07. COMMERCIAL USER** shall mean any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of construction, wholesale or retail trade, finance, insurance, real estate or services, and who discharges primarily normal domestic sewage.

**2.08. COMPATIBLE POLLUTANTS** shall mean biochemical oxygen demand, suspended solids, phosphorus, nitrogen, or pH, plus additional pollutants identified in the WPDES permit for the wastewater treatment works receiving the pollutant, if such works were designed to treat such additional pollutants to a substantial degree.

**2.09. EASEMENT** shall mean an acquired legal right for the specific use of land owned by others.

**2.10. FLOATABLE OIL** shall mean oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater or septage shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection or treatment systems.

**2.11. GARBAGE** shall mean the residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.

**2.12. GROUND GARBAGE** shall mean the residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particulates will be no greater than one-half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions in sewers.

**2.13. HOLDING TANK SERVICE AREA** shall mean the area outside the City's sewer service area, but inside or equal to the City's planning area where a contract has been developed for holding tank wastewater to be treated at the wastewater treatment works.

**2.14. INCOMPATIBLE POLLUTANTS OR WASTEWATER** shall mean wastewater or septage with pollutants that will adversely affect or disrupt the wastewater treatment processes, effluent quality or sludge quality if discharged to the wastewater facilities.

**2.15. INDUSTRIAL USER** shall mean any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of manufacturing, dairy products processing, meat processing, other food and drink products, painting or finishing operations, transportation, communications or utilities, mining, agriculture, forestry, fishing or other similar uses.

**2.16. INDUSTRIAL WASTE** shall mean the wastewater from an industrial process, trade, or business, as distinct from sanitary sewage, and includes cooling water and the discharge from pretreatment facilities.

**2.17. LICENSED DISPOSER** shall mean a person or business holding a valid license to do septage servicing.

**2.18. MAY** is permissible.

**2.19. MILLIGRAMS PER LITER (mg/L)** shall be a weight-to-weight ratio; the milligrams per liter value (mg/L) multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

**2.20. MUNICIPAL WASTEWATER** shall mean the wastewater of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may have inadvertently entered the sewer system.

**2.21. NATURAL OUTLET** shall mean any outlet, including storm sewers, into a water course, pond, ditch, lake or other body of surface water or groundwater.

**2.22. NORMAL DOMESTIC SEWAGE** shall mean sanitary sewage resulting from the range of normal domestic activities, in which BOD, SS, and total kjeldahl nitrogen concentrations meet the following:

- a) A five day, 20°C BOD of not more than 250 mg/L.
- b) A suspended solids content of not more than 250 mg/L.
- c) A total kjeldahl nitrogen content of not more than 25 mg/L.

**2.23. PARTS PER MILLION (ppm)** shall mean a weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water. Equivalent to milligrams per liter (mg/L).

**2.24. PERSON** shall mean any and all persons, including any individual, firm, company, municipal or private corporations, association, society, institution, enterprise, government agency or other entity.

**2.25. pH** shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of  $10^{-7}$ .

**2.26. PRETREATMENT** shall mean an arrangement of devices and structures, for the preliminary treatment of processing of wastewater required to render such wastes acceptable for admission to the public sewers.

**2.27. PRIVATE SEWER** shall mean any sewer outside of a public right of way or public easement. Except as provided in this Ordinance, a private sewer shall not be subject to the jurisdiction of the City and the City shall not be responsible for the construction and/or maintenance of such sewer.

**2.28. PUBLIC SEWER** shall mean any sewer provided by or subject to the jurisdiction of the City of Rushford. It shall also include sewers within or outside the corporate boundaries that serve more than one person and ultimately discharge into the City sanitary sewer system, even though those sewers may not have been constructed with City funds. Public sewers shall not include private sewers or building sewers.

**2.29. SANITARY SEWAGE** shall mean a combination of water-carried wastes from residences, business buildings, institutions and industrial plants (other than industrial wastes from such plants), together with such ground, surface and storm waters as may be present.

**2.30. SANITARY SEWER** shall mean a combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with small quantities of ground, storm, and surface waters that are not admitted intentionally.

**2.31. SEPTAGE** shall mean the wastewater or contents of septic or holding tanks, dosing chambers, seepage beds, seepage pits, seepage trenches, privies, portable restrooms or RV or trailer holding tanks.

**2.32. SEWAGE** is the spent water of a community. The preferred term is "municipal wastewater."

**2.33. SEWER SERVICE AREAS** are the areas presently served and anticipated to be served by a municipal wastewater collection system. The sewer service area is delineated in the most recently approved Facility Plan.

**2.34. SEWER SERVICE CHARGE** is a service charge levied on users of the wastewater collection and treatment facilities for payment of capital expenses as well as the operation, maintenance costs, and replacement of said facilities.

**2.35. SEWER SYSTEM** means the common sanitary sewers within a sewerage system which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection "Y" fittings designed for connection with those facilities. The facilities which convey wastewater from individual structures, from private property to the public sanitary sewer, such as a building drain or its equivalent, are specifically excluded from the definition of "sewerage collection system"; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a "sewer system" when such units are cost-effective and are owned and maintained by the City.

**2.36. SEWERAGE SYSTEM** means all structures, conduits and pipes, by which sewage is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes (building drain), from building to street main.

**2.37. "SHALL"** is mandatory.

**2.38. SLUG LOAD** shall mean any substance released at a discharge rate and/or concentration which causes interference to wastewater treatment processes or plugging or surcharging of the sewer system.

**2.39. STANDARD METHODS** shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes", published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

**2.40. STORM DRAIN** (sometimes termed "storm sewer") shall mean a drain or sewer for conveying surface water, groundwater, subsurface water, or unpolluted water from any source.

**2.41. STORMWATER RUNOFF** shall mean that portion of the rainfall that is collected and drained into the storm sewers.

**2.42. SUSPENDED SOLIDS** shall mean solids that either float on the surface of, or are in suspension in, water, wastewater, septage, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods" and is referred to as nonfilterable residue.

**2.43. TOXIC DISCHARGES** means a discharge containing a substance or mixture of substances which, through sufficient exposure, or ingestion, inhalation, or assimilation by an organism, either directly from the environment or indirectly by ingestion through the food chain, will, on the basis of information available to the City, cause death, disease, behavioral or immunological abnormalities, cancer, genetic mutations, or developmental or physiological malfunctions, including malfunctions in reproduction or physical deformations, in such organisms or their offspring.

2.44. **USER** means persons whose property is connected to the sewer system of the City of Rushford.

2.44. **USER CLASSES** are categories of users having similar flows and water characteristics; that is, levels of biochemical oxygen demand, suspended solids, nitrogen, etc. For the purposes of this ordinance, there shall be four user classes: residential, commercial, industrial and public authority.

2.45. **WASTEWATER FACILITIES** shall mean the structures, equipment and processes required to collect, carry away, store, and treat domestic and industrial waste and septage to acceptable standards and dispose of the effluent and sludge.

2.46. **WASTEWATER TREATMENT WORKS** shall mean an arrangement of devices and structures for treating wastewater, septage, industrial waste and sludge. Sometimes used as synonymous with sewage treatment facility.

2.47. **WATERCOURSE** shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.

### SECTION III

#### MANAGEMENT, OPERATION, AND CONTROL

**3.01 AUTHORITY.** The management, operation and control of the wastewater facilities of the City of Rushford is vested in the City Council; all records, minutes and all written proceedings thereof shall be kept by the City Clerk; the City Clerk shall keep all the financial records.

**3.02 CONSTRUCTION.** The City Council shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets and public grounds of the City; and generally, to do all such work as may be found necessary or convenient in the management of the wastewater facilities. The City Council shall have power by themselves, their officers, agents and representatives to enter all properties for the purpose of making examinations or conducting tests in the performance of their duties under this Ordinance, without liability (therefore) and the City Council shall have power to purchase and acquire for the City any real and personal property which may be necessary for construction of the wastewater facilities, or for any repair, remodeling, or additions thereto.

**3.03 MAINTENANCE OF SERVICES.** The property owner shall maintain the building sewer from the street line to the building and including all controls between the same, without expense to the City, except when they are damaged as a result of negligence or carelessness on the part of the City. All building sewers must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. When any building sewer is to be relaid and there are two or more buildings on such service, each building shall be disconnected from such sewer and a new building sewer will be installed for each building.

**3.04 CONDEMNATION OF REAL ESTATE.** Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the City Council be necessary to the wastewater facilities, and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the Owner

thereof, the City Council shall proceed with all necessary steps to take such real estate, easement, or use by condemnation in accordance with the Minnesota Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal Funds are used for the project associated with the real estate or easement.

**3.05 TITLE TO REAL ESTATE AND PERSONALITY.** All property, real or personal acquired for the construction of the wastewater facilities, and all diagrams, papers, books and records connected with the wastewater facilities, and all buildings, machinery and fixtures pertaining thereto, shall be the property of the City of Rushford.

#### SECTION IV

##### USER RULES AND REGULATIONS

**4.01 GENERAL.** The rules and regulations of the City of Rushford, hereinafter set forth, shall be considered a part of the contract with every user who is connected to or uses the sewer system or wastewater treatment works and every such user by connecting with the sewer system or wastewater treatment works shall be considered as expressing their assent to be bound thereby. Whenever any provision of this ordinance or of the rules and regulations now in existence or hereinafter adopted are violated, the use or service may be shut off from the building or place of such violation and shall not be re-established except by order of the City Council and on payment of all arrears, the expenses and charges of shutting off and putting on, and such other terms as the City Council may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the City Council may declare any payment made for the service by the party or parties committing such violation to be forfeited.

**4.02 PLUMBERS.** No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Minnesota and obtaining permission from the City Council. All service connections to the sewer main shall comply with State plumbing code.

**4.03 PRIVATE SYSTEMS PROHIBITED.**

**(1) SEPTIC TANKS PROHIBITED.** The maintenance and use of septic tanks, holding tanks and other private sewage disposal systems within the area of the City serviced by its sewer system are hereby declared to be a public nuisance and a health hazard. The use of septic tanks, holding tanks or any other private sewage disposal system within the area of the City serviced by the sewer system is hereby prohibited.

**(2) MANDATORY HOOK-UP.** The owner of each parcel of land adjacent to a sewer main on which there exists a building on the date this ordinance is adopted that is adjacent to a sewer main shall connect to such system within 12 months of notice in writing from the City Council. The city shall notify the owner of every building that is occupied as a residence or used regularly by people as a place of work to connect to the sewer main. Upon failure to do so, the City Council may cause such connection to be made and bill the property owner for such costs. If such costs are not paid in full within 30 days, such costs shall be assessed as a special tax lien against the property; however, the owner may within 90 days after the completion of the work file a written option with the City Council stating that he or

she cannot pay such amount in one sum and ask that the cost thereof be levied in equal installments over a 10 year period and that the amount shall be a lien on the property and collected with interest at the rate of eight percent per annum from the completion of the work.

#### 4.04 APPLICATIONS FOR SERVICE

(1) **APPLICATION FOR SEWER SERVICE.** Every person desiring to connect to the sewer system shall file an application in writing to the City Clerk on such form as is prescribed for that purpose. Such application forms will be furnished at the office of the City Clerk. The application must state fully and truthfully all the wastes which will be discharged. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application.

If it appears that the service applied for will not provide adequate service for the contemplated use, the City Clerk may reject the application. New connections shall not be permitted unless there is adequate capacity in all downstream collection and treatment facilities. If the City Clerk approves the application, a permit shall be issued for services as shown on the application upon payment of the connection charge.

(2) **CONNECTION CHARGE.** Persons attaching to a public sewer main shall pay a connection charge as set by resolution of the City Council.

#### (3) APPLICATION FOR SEPTAGE DISPOSAL.

(a) Each licensed disposer wishing to discharge septage to the City wastewater treatment works shall file a non refundable filing fee and an application in writing to the City Clerk on such form as is prescribed for that purpose. Forms for such application will be furnished at the office of the City Clerk. The application must state fully and truly the type, frequency, quantity, quality and location of generated septage to be disposed in the wastewater treatment works.

(b) The City Council will evaluate the applications and make a determination as to the amount and conditions of septage disposal. The City Council shall approve or reject all applications promptly. If the City cannot accept all the proposed septage disposal, then consideration shall be given first to those generators of septage that are within the sewer service or holding tank service areas.

The person(s) or party disposing waste shall furnish bond to the City in the amount of \$1,000.00 to guarantee performance. The performance bond shall be delivered to the City Clerk prior to the issuance of the permit hereunder. Any person or party disposing of septage shall carry public liability insurance in an amount not less than one hundred thousand dollars (\$100,000.00) to protect any and all persons or property from injury and/or damage caused in any way or manner by any act, or failure to act, by any of the applicant's employees. The applicant shall furnish the City Clerk with a certificate certifying such insurance to be in full force and effect for the term of the permit. All City Council approvals for septage disposal shall have the condition that any time the sewerage system has operational problems, maintenance problems or threat of NPDES permit violations that are indirectly or directly related to septage disposal, the City may immediately restrict septage disposal until such time as corrective action or mitigative measures have been taken.

#### 4.05 USE OF SEWERS

**(1) USER TO KEEP IN REPAIR.** All users shall keep their own building sewers in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.

**(2) BACKFLOW PREVENTOR.** In areas where sewer main surcharging is known to occur, the City Council may order that all floor drains shall have a backflow prevention valve installed at the owner's expense.

**(3) USER USE ONLY.** No user shall allow other persons or other services to connect to the sewer system through their building sewer.

**(4) VACATING SEWER OF PREMISES AND DISCONTINUANCE.** Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system; the City Clerk must be notified in writing.

**(5) USER TO PERMIT INSPECTION.** Every user shall permit the City or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains and sewer connections operate.

#### **4.06 UTILITY RESPONSIBILITY**

No claim shall be made against the City or the City's representative by reason of the breaking, clogging, stoppage, or freezing of any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer within any the City Clerk shall, if practicable, give notice to each and every user within the effected area of the time when such service will be shut off.

#### **4.07 BUILDING SEWER CONSTRUCTION**

**(1) EXCAVATIONS.** In making excavations in streets, highways or boulevard for laying building sewers or making repairs, the paving and the earth removed shall be deposited in a manner that will result in the least inconvenience to the public. No person shall leave any such excavation open at any time without barricades; and, during the night, warning lights must be maintained at such excavations.

**(2)** In refilling the opening, after the pipes are laid, the earth must be laid in layers of not more than nine inches in depth, and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, base course and paving, must be done so as to make the street as good as before it was disturbed, and satisfactory to the City. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

**(3) TAPPING THE MAINS.** No persons, except those having special permission from the City or persons in the service and approved by the City, will be permitted, under any circumstances, to tap the public sewer or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permits from the City to ensure that new sewers and connections to the sewer system are properly designed and constructed.

(4) **LOCATION OF TAP.** Pipes shall be tapped on top, and not within six inches (15 cm) of the joint, or within 24 inches (60 cm) of another lateral connection. All service connections to mains must comply with State plumbing code. Lateral connections to existing sewers shall be made into saddles and by coring the existing sewer or by inserting (cutting-in) a wye or tee into the existing sewer. The wye or tee shall be of the same pipe material as the existing sewer. The lateral/tee connection shall be made with approved adapters or couplings.

(5) **INSTALLATION OF BUILDING SEWERS (HOUSE LATERALS).** All building sewers pipes (laterals) on private property will be installed in accordance with State of Minnesota regulations. All laterals shall be inspected by the City. The building sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling and tested before or after backfilling.

(6) **CLEARWATER CONNECTION PROHIBITED.** No person shall make connections of roof downspouts, foundation drains, yard drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to the public sewer. Any existing connections of surface runoff or groundwater shall be disconnected within 60 days of written notice from the City. If they are not disconnected upon notice, the City may cause such disconnection to be made and shall bill the cost thereof the owner of the premises.

(7) **INSPECTION OF CONNECTION.** The applicant for connection shall notify the City Clerk when the building sewer is ready for inspection and connection to the public sewer. The actual connection shall be made under the supervision of the City.

#### 4.08 EXTENSIONS OF SEWER MAINS

The City shall extend sewer mains to a new user in accordance with the following charges and the following conditions:

(1) **APPLICATION.** When an extension of a sewer main is required by the prospective user, the person shall make an application for such an extension in writing to the City Clerk by filing of a written application. After the filing of such an application, the City representative, in consultation with the City Engineer, shall first determine the logical location of the next manhole or manholes. Next, the City representative shall determine the length and location of the extension, taking into consideration the prospective demands for service, the capacity of downstream facilities, and the orderly development of the particular area. A report shall be given to the City Council by the City representative concerning the application which report shall contain a recommendation as to whether or not the City Council should approve or deny the application. No extension shall be made for a distance less than to the next manhole. All sewer extensions shall be constructed in compliance with local and state laws, ordinances and regulations.

(2) **PAYMENT BY USERS.** The person who requests the extension shall pay the entire cost of the extension including the manhole or manholes that are part of the extension. If more than one user is involved, the entire cost shall be divided among these users in the proportion determined by the City Council. The City Council may extend sewer service to encourage or facilitate development with payment from City funds and/or future users of the extension.

(3) **METHOD OF DIVIDING COST.** After making the decision as to the length and location of the extension and prior to the time of making the charge to the person(s), the City Council shall determine

the benefits to be received by any parcel that can be served by the extension. Before making a determination as to benefits received, the City Council shall first divide the area to be served into logical building lots. The City Council may consider the recommendations of the landowner in determining the number of building lots if the landowner as part of his or her application accompanies the application with a proposed division of the land into lots for sale or use. In determining the amount to be paid by the original users, if more than one user is involved, the division of the charge shall be made by considering each building lot as a separate user. Payments are to be considered contributions to construction.

(4) **FUTURE USERS.** After the original contribution, any future connection by reason other than to a lot owned by a party making a previous contribution, such user may be required to pay to the City Council their pro-rata share of the lot or lots owned by the new attaching user in the entire extension cost as if the new user had been one of the original contributors. No refund shall be made to the original contributors unless a reimbursement plan has been agreed to by the City prior to the installation of the connection. In addition to the charge made as above provided to each lot, each user shall pay the connection charge and the full cost of the building sewer from the main to their building.

#### 4.09 SEPTAGE ACCEPTANCE LOCATION

(1) **DISCHARGE.** Septage shall only be discharged to the City's sewerage system by City-approved and State of Minnesota licensed disposers and at locations, times and conditions as specified by the City Council. Septage discharges to the receiving facility at the wastewater treatment works shall be limited to the posted, normal working hours of the facility. Documentation of the discharge shall be submitted to the City Clerk within one working day of the discharge.

(2) **ALTERNATE DISCHARGE.** Septage discharges to specified manholes may, under special circumstances, be allowed provided discharge rates are restricted as necessary to facilitate mixing, prevent a backup in the receiving sewer and prevent a slug load to the wastewater treatment facility. Discharges shall be limited to the normal working hours of the City and be approved in advance of each such discharge.

(3) **APPLICATION FORMS.** The forms prescribed for the purpose of documentation of the discharge will be furnished at the City Clerk's office and will include the following information:

- a). Name, address and telephone number of the hauler.
- b). License number
- c). Type of septage
- d). Quantity of septage
- e). Estimated quality of septage
- f). Location, date, time and feed rate of discharge
- g). Source of septage
- h). Name and address of septage generator
- i). Other information as required by the City.

(4) **RV SEPTAGE.** The City may authorize any person to establish an RV septage disposal site. The form required by (3) above shall be completed by any applicant. The City Council by resolution may impose a fee for authorizing the RV disposal site which fee shall be based on the estimated annual

volume of the site.

#### 4.10 ADDITIONAL AUTHORITY

The City Council may at any time establish specific connection and lateral charges for any main not covered by other provisions in this ordinance or when the City has made an extension and the City Council has failed to provide lateral or connection charges.

### SECTION V

#### REGULATIONS

##### 5.01 GENERAL DISCHARGE PROHIBITIONS:

No person shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater facilities of the City:

- 1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the wastewater facilities or wastewater treatment works.
- 2) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.
- 3) Any wastewater having a pH less than 5.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system unless the system is specifically designed to accommodate such wastewater.
- 4) Any wastewater containing arsenic, cadmium, copper, chromium, cyanide, lead, mercury, nickel, zinc or other toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in special agreements, State or Federal Categorical Pretreatment Standards.
- 5) Any noxious or malodorous liquids, gases or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- 6) Any substance which may cause the wastewater treatment works effluent, treatment residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- 7) Any substance which will cause violations of the NPDES and/or other disposal system permits.
- 8) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

- 9) Any wastewater having a temperature which will inhibit biological activity in the wastewater treatment works resulting in interference; but in no case, wastewater with a temperature at the introduction into the public sewer which exceeds 120°F unless the wastewater facilities are designed to accommodate such temperature.
- 10) Any slug load, which shall mean any pollutant, including oxygen-demanding pollutants (BOD), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the wastewater treatment works.
- 11) Any unpolluted water including, but not limited to, non-contact cooling water. Non-contact cooling water may be discharged to the City storm sewer.
- 12) Any wastewaters which may be acutely or chronically toxic to aquatic life or wild and domestic animals.
- 13) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceed limits established by the City in compliance with applicable State or Federal regulations.
- 14) Any wastewater which causes a hazard to human life or creates a public nuisance.
- 15) Any stormwater, surface water, groundwater, roof run-off or surface drainage or any other connections from inflow sources to the public sewer. Such waters may be discharged to a storm sewer or other waterway with permission of the City Council.

**5.02 LIMITATIONS ON WASTEWATER STRENGTH**

- 1) NATIONAL CATEGORICAL PRETREATMENT STANDARDS, if applicable, shall, as promulgated by the U.S. Environmental Protection Agency, be met by all dischargers of waste.
- 2) STATE REQUIREMENTS shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than other applicable requirements.
- 3) DILUTION. No user shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance unless approved in writing by the City.
- 4) SUPPLEMENTARY LIMITATIONS. No user shall discharge wastewater containing concentrations of the following enumerated materials exceeding the following values unless prior approval is granted by the City Council:

<u>Material</u>	<u>Concentration (mg/l)</u>
Biochemical Oxygen Demand	350 mg/L
Suspended Solids	350 mg/L

Fats, Oil and Grease (FOG).

100 mg/L

The City Council may also impose mass limitations on users which are using dilution to meet the Pretreatment Standards or requirements of this Ordinance, or in other cases where the imposition of mass limitations is deemed appropriate by the City Council.

### **5.03 ACCIDENTAL DISCHARGES**

(1) Each user shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Ordinance. Where necessary, facilities to prevent additional discharge of prohibited materials shall be provided and maintained at the user's cost and expense. Detailed plans showing facilities and operating procedures shall be submitted to the City for review, and shall be improved by the City before construction of the facility. Review and approval of such plans and operating procedures by the City shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance.

(2) Dischargers shall notify the City immediately upon the occurrence of a "slug load" or accidental discharge of substances prohibited by this Ordinance. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any user who discharges a slug load or prohibited materials shall be liable for any expense, loss or damage to the City's wastewater facilities on wastewater treatment works, in addition to the amount of any forfeitures imposed on the City on account thereof under State or Federal law.

(3) Signs shall be permanently posted in conspicuous places on industrial user's premises, advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.

### **5.04 SPECIAL AGREEMENTS**

No statement contained in this ordinance shall be construed as prohibiting any special agreement between the City and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater treatment works, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment works by reason of the admission of such wastes, and no extra costs are incurred by the City without recompense by the person, provided that all rates and provisions set forth or authorized in this ordinance are complied with.

**SECTION VI****SEWER SERVICE CHARGE SYSTEM****6.01 ADDITIONAL DEFINITIONS**

The following terms shall have the following meaning under this Ordinance:

- 1) **DEBT SERVICE CHARGES** shall include all costs associated with repayment of debts incurred for the construction and/or rehabilitation of wastewater collection system and treatment facilities. Collection system and treatment expenses shall be segregated.
- 2) **NORMAL DOMESTIC STRENGTH WASTEWATER** shall mean wastewater with concentrations of BOD<sub>5</sub> no greater than 250 milligrams per liter (mg/L) and suspended solid no greater than 250 milligrams per liter (mg/L) respectively.
- 3) **NORMAL USER** shall be a user whose contributions to the sewerage system consist only of normal domestic strength wastewater originating from a house, apartment, or other living quarters occupied by a person or persons constituting a distinct household, business or commercial enterprise.
- 4) **OPERATION AND MAINTENANCE (O&M) COSTS** shall include all costs associated with the operation and maintenance of the wastewater collection and treatment facilities. These costs, including costs associated with clear water flows (I/I), shall be divided proportionately among the various sewer users. Collection system and treatment expenses shall be segregated.
- 5) **REPLACEMENT COSTS (R)** shall include all costs necessary to accumulate the resources to replace equipment as required to maintain capacity and performance during the design life of the facility. A separate, segregated, distinct replacement fund shall be established and used only for replacement of equipment designated by the fund.
- 6) **RESIDENTIAL EQUIVALENCY CHARGE (REC)** is the total sewer service charge levied on users of the sewer system for payment of capital expenses, including debt service charges, as well as the operation and maintenance costs, including replacement of said facilities. The Residential Equivalency Charge is the total of the Debt Service Charge and the Sewer Use Charge.
- 7) **RESIDENTIAL EQUIVALENCY UNITS (REU)** are assigned to each sewer user based on the relationship to a single family dwelling. A single family dwelling is defined as a mobile home, a seasonal dwelling, a duplex unit, an apartment unit, a single family detached dwelling or a multi-family unit. Residential users are assigned one REU per unit. Commercial, Industrial, and Public users are assigned REC's based on water usage or, where water usage records are not available, based on Appendix B. Water usage shall be compared to the average water usage of single family dwellings as measured by the water utility. In no event shall any user be assigned a residential equivalent unit less than one except for single family dwellings that have been unoccupied for more than 12 consecutive months. Upon written request to the City Council these unoccupied dwellings may be assigned a standby REU of 0.5. A list of assigned REU's is provided in Appendix A. Appendix A shall be reviewed each year by the City and modified to reflect any change in water usage, number of units or classification.

**6.02 POLICY**

It shall be the policy of the City to obtain sufficient revenues to pay the costs for debt service and the proper operation and maintenance of the wastewater facilities, including a replacement fund, through a system of sewer service charges as defined in this section. The system shall assure that each user of the wastewater facilities pays their proportionate share of the cost of such facilities.

**6.03 BASIS FOR RESIDENTIAL EQUIVALENCY CHARGE**

The Debt Service Charge shall be sufficient to pay the debt service costs. The Sewer Use Charge shall be sufficient to pay the costs of operation and maintenance, including any replacement fund, of the wastewater facilities. The rates in this ordinance shall be reviewed not less than biennially by the City Council. Rates shall be adjusted, as required, to reflect the actual number and size of users and actual costs. Users shall be notified annually of the portion of service charges attributable to operation, maintenance, replacement and debt service.

**6.04 DEBT SERVICE CHARGE (Debt)**

A Debt Service Charge is hereby imposed upon each lot, parcel of land, building or premise served by the sewerage system or otherwise discharging sewage, including non-domestic and industrial wastes, into the system. The Debt Service Charge shall be established by resolution of the City Council from time to time and notice of any rate established shall be sent to each user at least one month before the change is effective.

**6.05 SEWER USE CHARGE (O, M & R)**

A Sewer Use Charge is hereby imposed on all users of the sewerage system. Such Sewer Use Charge shall be payable as hereinafter provided and in an amount determinable as follows:

(1) CATEGORY A is defined as normal or domestic strength wastewater having organic concentrations of biochemical oxygen demand (BOD<sub>5</sub>) no greater than 250 milligrams per liter (mg/L) and suspended solids no greater than 250 milligrams per liter (mg/L). The sewer service charge (O, M&R) for Category A wastewater shall be established by resolution of the City Council from time to time and notice of any rate established shall be sent to each user at least one month before the change is effective.

If the City Council approves a volumetric charge, the sewer use charge shall be calculated as follows:

$$\text{Sewer Use Charge} = (\text{CF} + 0.00208 \text{ CB} + 0.00208 \text{ CS}) \times \text{V} = \text{Cv} \times \text{V}$$

CF	=	Flow unit price
CB	=	BOD unit price
CS	=	SS unit price
V	=	Total volume of water used during billing periods in units of 1,000 gallons.
CV	=	Volume unit price plus per REU.

(2) CATEGORY B is defined as wastewater having organic concentrations of Biochemical Oxygen Demand (BOD<sub>5</sub>) greater than 250 milligrams per liter (mg/L) and/or suspended solids (SS) greater than 250 milligrams per liter (mg/L). The minimum Category B charge will be based on a concentration of 250 mg/L BOD<sub>5</sub> and 250 mg/L SS. Flow metering and sampling shall be provided for all Category B users. The equation for the monthly Category B charge is as follows:

Sewer Use Charge = Category A charge

$$+ \frac{\text{BOD} \times V \times 0.00834 \times \text{CB}}{1000}$$

$$+ \frac{\text{SS} \times V \times 0.00834 \times \text{CS}}{1000}$$

BOD = Total Biochemical oxygen demand expressed in mg/L - 250  
 SS = Total Suspended Solids expressed in mg/L - 250  
 CB = BOD unit price  
 CS = SS unit price  
 V = Total volume of water used during billing period in units of 1,000 gallons.

(3) CATEGORY C is defined as septage which has organic concentrations of biochemical oxygen demand (BOD) greater than 250 milligrams per liter (mg/L) and/or suspended solids (SS) greater than 250 milligrams per liter (mg/L). The equation for the charge is the same as Category B with an additional debt service and administrative charge as established by the City Council. It will be assumed that holding tank wastewater has a BOD of 600 mg/L and a S.S. of 1,800 mg/L and septic tank wastewater has a BOD of 5,000 mg/L and S.S. of 15,000 mg/L unless an actual analysis is furnished by the discharger.

## SECTION VII

### CONTROL OF INDUSTRIAL AND SEPTAGE WASTEWATERS

#### 7.01 DISCHARGE CONDITIONS

If any wastewaters or septage are discharged, or proposed to be discharged, to the wastewater facilities which contain substances or possess the characteristics enumerated in Section V and which, in the judgement of the City Council may be detrimental to the wastewater facilities, the City Council may:

- 1) Reject the wastes
- 2) Require pretreatment to an acceptable condition for discharge to the sewer system.

### **7.07 WASTEWATER SAMPLING**

- (1) Industrial wastes and septage discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of the waste as specified by the City.
- (2) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the City.

(3) Laboratory analysis shall be the responsibility of the person discharging the wastewater or septage and shall be subject to the approval of the City Council or its duly authorized representatives. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken. All analysis shall be performed by a Minnesota certified laboratory.

### **7.08 PRETREATMENT**

When required by the City to modify or eliminate wastes that are harmful to the structures, processes, or operation of the wastewater facilities, the discharger shall provide at their expense such preliminary treatment or processing facilities as may be required to render this waste acceptable for admission to the public sewers.

### **7.09 GREASE AND/OR SAND INTERCEPTORS**

When required by the City, grease, oil, and sand interceptors shall be provided by the discharger and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the discharger shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the City. Any removal and hauling of the collected materials not performed by the discharger's personnel must be performed by currently licensed disposal firms.

### **7.10 ANALYSES**

(1) All measurements, tests, and analyses of the characteristics of water, waste, and septage to which reference is made in the Ordinances shall be determined in accordance with the latest edition of "Standard Methods". Sampling methods, locations, times, duration's, and frequencies are to be determined on an individual basis subject to approval by the City Engineer.

(2) Determination of the character and concentration of the industrial wastewater shall be made by the person discharging them or their agent, as designated and required by the City. The City may also make its own analyses of the wastes and these determinations shall be used as a basis for charges. If the user discharging the waste contests the determination, the City may elect to have an independent laboratory determine character and concentration of the waste. Said independent laboratory shall be certified and be acceptable to both the City and user discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.

**7.11 SUBMISSION OF INFORMATION**

Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, or wastewater processing facilities shall be submitted for review by the City Engineer prior to the start of construction if the effluent from such facility is to be discharged into the public sewers.

**7.12 SUBMISSION OF BASIC DATA**

(1) Within three (3) months after passage of this Ordinance, each person who discharges industrial wastes to a public sewer shall prepare and file with the City, a report that shall include pertinent data relating to the quantity and characteristics of the waste discharged to the sewerage system. The City shall be notified 60 days in advance of any plans that change the discharge by more than 15 percent of flow or strength. Such a request shall be reviewed as provided in Section 7.01.

(2) Any person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the City a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

**SECTION VIII**

**PAYMENT FOR CHARGES**

**8.01 PAYMENT AND PENALTY**

The Residential Equivalency Charge shall be for the corresponding period of the water bills, and shall be payable to the City Clerk not later than 20 days after the end of each period. Interest at the rate of eight (8) percent per year shall be added to all bills not paid by the date fixed for final payment.

**8.02 CHARGES A LIEN**

All sewage charges shall be a lien upon the property serviced pursuant to Minnesota Statutes, and shall be collected in the manner therein provided.

**8.03 DISPOSITION OF REVENUE**

The amounts received from the collection of charges authorized by this Ordinance shall be credited to a wastewater facilities account which shall show all receipts and expenditures of the wastewater facilities. All present outstanding sewer system general obligation bonds, including refunding bonds, shall be paid from this fund including both principal and interest. Charges collected for replacement expenses shall be credited to a segregated, nonlapsing replacement account. These funds are to be used exclusively for replacement. When appropriated by the City Council, the credits to the account shall be available for the payment of costs of wastewater facilities.

**8.05 EXCESS REVENUES**

Any surplus remaining after payment of debt service charges, operation and maintenance and

replacement costs shall be credited to the following year's operation and maintenance account. Excess revenues collected from a user class will be applied to operation and maintenance costs attributable to that class for the next year.

## **SECTION IX**

### **AUDIT**

#### **9.01 ANNUAL AUDIT**

The City Council shall have an independent periodic Audit completed, the purpose of which shall be to maintain the proportionality between users and user classes of the sewer user charge system and to ensure that adequate revenues are available relative to necessary operation, maintenance and replacement costs and debt service charges. A separation of costs and charges shall be made to show the actual costs and disbursements for the wastewater treatment works and the sewer collection facility.

## **SECTION X**

### **VIOLATIONS AND PENALTIES**

#### **10.01 VIOLATIONS**

Any person who violates any provision of this ordinance may be charged with a misdemeanor. Each day in which a violation continues shall be deemed to be a separate violation.

#### **10.02 WRITTEN NOTICE OF VIOLATION**

(1) Any user connected to the wastewater facilities found to be violating a provision of this Ordinance shall be served by the City with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any licensed disposer discharging to the wastewater facilities found to be violating a provision of this ordinance or of any conditions of the City's approval for septage disposal, may have their approval immediately revoked. This revocation shall be done in writing and state the reasons for revoking the septage disposal approval.

#### **10.03 DELETERIOUS DISCHARGE**

Any person found to be responsible for accidentally allowing a deleterious discharge into the wastewater facilities which causes damage to the facilities and/or receiving water body shall pay the amount to cover all damages, the amount of which will be established by the City Council.

**10.04 DISCHARGE REPORTING**

Any user who discharges anything that may have a detrimental impact on the sewerage system shall immediately report the nature and amount of the discharge to the City Clerk.

**10.06 LIABILITY TO CITY FOR LOSSES**

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

**10.07 APPEAL PROCEDURES**

Any user, affected by any decision, action, or determination, including cease and desist orders, made by the interpreting or implementing provisions of this Ordinance may file with the City Council a written request for reconsideration within ten (10) days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The City Council shall render a decision on the request for reconsideration to the user in writing within fifteen (15) days of receipt of request. If the decision is not satisfactory to the user, the user may appeal the decision to the District Court in the State of Minnesota having jurisdiction over the City. Any appeal taken must be commenced within 90 days after the date the decision of the City Council has been made.

**SECTION XI**

**VALIDITY**

**11.01 SAVINGS CLAUSE.** If any provision of this Ordinance is found invalid or unconstitutional or if in the application of this Ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

**11.02 AMENDMENTS.** The City may amend this Ordinance in part or in whole whenever it may deem necessary, but such right will be exercised only upon notice and proper hearing on the proposed amendment.

This Ordinance shall take effect and be in force from and after its passage, approval, and publishing as provided by law.

PASSED: 6-26-95  
(Date)

W. Runkle  
Mayor

APPROVED: 6-26-95  
(Date)

Kathy Zacher  
City Clerk

**APPENDIX A  
RESIDENTIAL EQUIVALENCY UNITS CHART**

The following list of Residential Equivalent (REU) units shall be assigned for new connections where water usage records are not available:

Single family	1 REC
Multiple Family	1 REC/unit
Vacant Lot	0 REC
Hotel/Motel	0.25/rentable unit
Taverns - for each 50 capacity	1 REC
Bowling Alleys	.50 REC/alley
Vehicle Service Garage	
10 employees or less	1 REC
Each 10 employees over	1 REC
Churches	1 REC
Restaurants	1 REC/20 person capacity
Halls	2 REC
Office Buildings	1 REC/10 employees
Post Office	1 REC
Telephone Exchange	1 REC
Barber Shops and Beauty Parlors	1 REC
Nursing Homes	0.5 REC/ room
Refreshment Stand (carryout)	1 REC
Funeral Homes	1 REC
Greenhouses	1 REC
Dentists	1 REC per care station
Medical Clinics	2 REC
Retail Stores, Warehouses, Shops, Banks	
10 employees or less	1 REC
Over 10 employees	2 REC
Municipal Building	1 REC
City Hall	1 REC
Car Wash	2 REC/stall
Laundromats	.333 REC/ machine
Schools	
without shower	1 REC/75 students
with shower	1 REC/15 students
domestic, same as industrial/REC	
Commercial Establishments utilizing garbage grinder	Additional 2 REC
Mobile Home	1 REC/unit
Seasonal Dwellings	1 REC/unit
Theaters	2 REC

Any category of users not listed shall be assigned Residential Equivalent Units by the City Council after a recommendation by the City Engineer.

WHEREAS, the City of Rushford has established guidelines and provisions for regulating the use of public sewers within the City of Rushford, and

WHEREAS, charges and fees have been determined to defray the cost of operation and maintenance of the wastewater collection and treatment system and to provide sufficient funds for capital outlay, debt service and capital improvements, and

WHEREAS, property owners within the City of Rushford pay these utility user fees as well as pay property taxes to support several other municipal services, many of which are enjoyed by persons outside of the City limits who do not share in the cost of providing the services, and

WHEREAS, the City wishes to maintain control of the tax burden and utility user fees for property owners and customers within the City, and

WHEREAS, there is a need to clarify the geographic area to which the City will provide public sewer service,

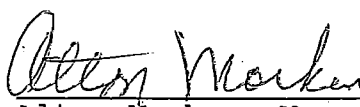
NOW, THEREFORE, THE CITY OF RUSHFORD ORDAINS:

That certain ordinance dated June 26, 1995, entitled "Sewer Use and User Charge Ordinance, Ordinance No. S101B", Section 3.02 is hereby amended to include the following:

"All future extension of City sewer services may be made only to property which is located within the City limits of the City of Rushford. If the owner of property requesting sewer service is not located within the City limits, the City of Rushford may assist the property owner with necessary detachment and annexation procedures. All legal and administrative costs associated with such actions will be the responsibility of the requesting property owner."

This amendment shall be effective upon its enactment and publication according to law.

Dated: 10-13-98

  
\_\_\_\_\_  
Alton Morken, Mayor

Attest:

  
\_\_\_\_\_  
Kathy Zacher, City Clerk

Publication Date 10-15-98

THE CITY OF RUSHFORD ORDAINS:

That certain ordinance dated June 26, 1995, entitled "Sewer Use and User Charge Ordinance, Ordinance No. S101B, and amended October 13, 1998, is hereby amended to read as follows:

Section III. Management, Operation and Control.

3.03 Maintenance of Services.

The property owner shall maintain the building sewer and all controls from the building to the sewer main, without expense to the City, except when they are damaged as a result of negligence or carelessness on the part of the City. All building sewers must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. When any building sewer is to be relaid and there are two or more buildings on such service, each building shall be disconnected from such sewer and a new building sewer will be installed for each building.


Section IV. User Rules and Regulations.

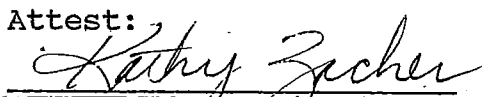
4.03 Private Systems Prohibited.

(2) Mandatory Hook-Up. The owner of each parcel of land or lot adjacent to a sewer main on which a building exists on the date this ordinance is adopted, and the owner of a parcel of land or lot upon which a building is constructed after this ordinance is adopted that is adjacent to a sewer main shall connect to such system within 12 months of notice in writing from the City Council. The City shall notify the owner of every building that is occupied as a residence or used regularly by people as a place of work to connect to the sewer main. Upon failure to do so, the City Council may cause such connection to be made and bill the property owner for such costs. If such costs are not paid in full within 30 days, such costs shall be assessed as a special tax lien against the property; however, the owner may within 90 days after the completion of the work file a written option with the City Council stating that he or she cannot pay such amount in one sum and ask that the cost thereof be levied in equal installments over a 10 year period and that the amount shall be a lien on the property and collected with interest at the rate of eight percent per annum from the completion of the work.

These amendments shall be effective upon their enactment and publication according to law.

Dated: 9-27-99

  
Alton Morken, Mayor

Attest:  
  
Kathy Zacher, City Clerk

Publication Date 9-30-99

WHEREAS, the City of Rushford has established guidelines and provisions for regulating the use of public sewers within the City of Rushford, and

WHEREAS, language pertaining to private systems and connecting to City services requires some clarification for ease of enforcement,

NOW, THEREFORE, THE CITY OF RUSHFORD ORDAINS:

That certain ordinance dated June 26, 1995, entitled "Sewer Use and User Charge Ordinance, Ordinance No. S101B", and amended October 13, 1998, and amended September 27, 1999, Section 4.03 is hereby amended to read as follows:


SECTION IV. USER RULES AND REGULATIONS.  
4.03 PRIVATE SYSTEMS PROHIBITED

(1) SEPTIC TANKS PROHIBITED. The installation, maintenance and use of septic tanks, holding tanks and other private sewage disposal systems within the area of the City serviced by its sewer system or extensions thereof, are hereby declared to be a public nuisance and a health hazard. The use of septic tanks, holding tanks or any other private sewage disposal system within the area of the City serviced by the sewer system is hereby prohibited.

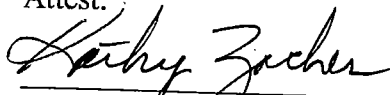
(2) MANDATORY HOOK-UP. The owner of each parcel of land adjacent to a sewer main on which there exists a building, building sewer, or private system on the date this Ordinance is adopted or amendments made thereto, that is adjacent to a sewer main or any extension thereof, shall connect to such system within 12 months of notice in writing from the City Council.

These amendments shall be effective upon their enactment and publication according to law.

Dated 10-12-10

  
Chris Hallum, Mayor

Attest:

  
Kathy Zaecher, City Clerk

Publication Date 10/21/10