

CHAPTER 4: WATER AND SEWER

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Part 1. General Provisions on Water and Sewer Systems – City of Askov

401.01. Use of water or sewer systems restricted. No person other than an Askov city employee shall uncover or make or use any water or sewer service installation connected to the city water or sewer systems except pursuant to application and permit as provided in this chapter. No person shall make or use any such installation contrary to the regulatory provisions in this chapter.

401.02. Application for service.

Subd. 1. Procedure. Application for a water or sewer service installation and for water service shall be made to the water and sewer commissioner on forms approved by the council and furnished by the city. The applicant's signature shall be an agreement to conform to this chapter and to rules and regulations that may be established by the city as conditions for the use water.

Subd. 2. Fees or deposit. Application for service installation shall be made by the owner of the property to be served or by the owner's agent. The applicant shall at the time of making application pay to the city the amount of the fees or deposit required for the installation of the service connection as provided in this chapter. When a water service connection has been installed, application for water service may be made either by the owner or the owner's agent or by the tenant or occupant of the premises.

401.03. Charges for service connections.

Subd. 1. Permit and fee. No connection shall be made to the city water or sanitary sewer system without a permit received from the clerk. The fee for each such permit shall be set forth by the current fee schedule adopted each year for a water main connection permit and for a sewer connection permit. These fees shall be in addition to any fees required under Subd. 3, 4, and 5.

Subd. 3. Certification. No permit shall be issued to connect with any water or sanitary sewer main unless the clerk certifies to the truth of one of the following or the payment required under Subd 4 is made:

- a) That the lot or tract to be served has been assessed for the cost of construction of the main with which the connection is made or that proceedings for levying such assessment have been or will be commenced in due course; or
- b) That the cost of construction of the main has been paid by the developer or builder platting the lot or tract; or
- c) That, if neither of the foregoing is true, a sum equal to the portion of the cost of constructing the main which would be assessable against the lot or parcel has been paid to the city.

Subd. 4. Additional connection fee. If no such certificate can be issued, the applicant shall pay an additional connection fee equal to the portion of the cost of construction of the main upon the same basis as any assessment previously levied against other property for the main. The determination shall be made by the council. If no such assessment has been levied, the assessable cost shall be determined upon the basis of the uniform charge which may have been or will be

charged for similar connection with the main. The amount shall be determined on the basis of the total assessable cost of the main allocated on the basis of frontage or other equitable means.

401.04. Accounting, billing and collecting.

Subd. 1. Owner responsibility. The owner shall be liable for water supplies or sewer service provided to the owner's property, whether the owner is occupying the property or not, and any charges unpaid shall be a lien upon the property.

Subd. 2. Bills for service. Water and sewer service charges shall be billed together. Bills shall be mailed to the customers monthly and shall specify the sewer and water charges in accordance with the rates set out in the master fee schedule. Any bill not paid by the fifteen (15th) day of each month will be considered delinquent. The City shall notify the delinquent owner/occupant regarding the delinquent bill and subsequent penalty on the next monthly bill. The late penalty shall be set at the time by the City Council pursuant to the fee schedule. Disconnection of the services for late payment shall follow the procedures established in Subd. 3.

Subd. 3. Disconnection for Late Payment. (1) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice a meaningful opportunity to be heard on disputed bills. (a) That if any bill is not paid by or before that date, the next bill will be the shut off notice for the past balance amount. If the past balance amount is not paid within ten (10) days of the billing date, service will be discontinued for nonpayment; and (b) That any customer disputing the correctness of his or her bill shall have a right to a hearing at the next scheduled council meeting at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and connections to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint. (2) Requests for delays or waiver of payment will be not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least thirty (30) days. (3) When it becomes necessary for the City to discontinue water/sewer service to a customer for nonpayment of bills, service will be reinstated only after all bills for the service then due have been paid, along with a reconnection charge as established by the City. (4) In the event a user fails to pay his or her water/sewer fee within a reasonable time following the discontinuance of service (a time period not the exceed ninety (90) days), the fee shall be certified by the City Clerk and assessed against the property on which the charges have incurred, and forwarded to the County Auditor for collection.

401.05. Protection of public and city.

Subd. 1. Permit and bond. A permit for construction and connection of the extension between a building drain and the sewer main or stub herein called the building sewer, or for construction of a water main or stub, shall be issued only upon application by a person who furnished a bond either to the clerk or to the secretary of state under Minn. Stat. 326.40. The bond shall be in the amount \$2,000 conditioned so as to secure compliance by the principal with the provisions of this code and further secure the person's performance of all work undertaken within the city. The city shall hold the bond for one year following

the license period. Failure to comply with provisions and requirements of this section shall result in forfeiture of the bond. The applicant may comply with the requirements of Minn. Stat. 326.40, Subd. 2, as it may be amended from time to time in lieu of these requirements.

Subd. 2. Liability insurance. Before undertaking the construction work authorized by the permit, the person shall secure and maintain a policy of insurance against damages to the property of injury or death to individuals. The policy shall indemnify and save harmless the city and its personnel against any claim, damages, or cause of action arising out of the work and from any expenses of defending the same. The property damages insurance coverage shall be in the amount of at least \$2,000,000 and the public liability damage for injury or death shall be in the amount of at least \$2,000,000 per claimant and \$600,000 for any number of claims per occurrence. Proof of such insurance shall be filed with the city prior to construction work and such policy shall provide that insurance shall be filed with the city prior to construction work and such policy shall provide that the city shall be notified immediately of any termination or modification of such insurance. If the insurance coverage be inadequate in amount, the person shall indemnify and save harmless the city and its personnel in like manner.

Subd. 3. Indemnification by owner. The owner shall bear the costs and expenses incident to the installation and connection of the building sewer or extension of water service to private property. The owner shall indemnify the city of any loss or damage directly or indirectly caused by its installation. The water and sewer commissioner shall establish rules and regulations for the proper implementation of these requirements which, when approved by the council by resolution, shall govern the installation of building sewers and connections.

CHAPTER 4: WATER AND SEWER

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Part 2. Water system.

402.01. General water regulations.

Subd. 1. Discontinuance of service. The city may discontinue service to any water consumer without notice for necessary repairs or, upon notice as provided in section 401.05, Subd. 4, for non-payment of charges, or for violation of rules and regulations affecting utility service.

Subd. 2. Supply from one service. No more than one house or building shall be supplied from one service connection except by special permission of the council. Whenever two or more parties are supplied from one pipe connecting with a service main, each building or part of building separately supplied shall have a separate stop box and separate meter.

Subd. 3. Turning on water, tapping mains. No person except an authorized city employee shall turn on any water supply at the stop box or tap any distributing main or pipe of the water supply system or insert a stop cork or other appurtenances therein without a city permit.

Subd. 4. Repair of leaks. The consumer or owner shall be responsible for maintaining the service pipes from the curb box into the building served. If the consumer fails to repair any leak in such service pipe within 24 hours after notice by the city, the city may turn the water off. The water shall not then be turned on again until the fee set forth by the fee schedule adopted each year has been paid to the city. When the waste of water is great or damage is likely to result from the leak, the city shall turn the water off immediately upon the giving of notice if repair is not commenced immediately.

Subd. 5. Use of fire hydrants. No person other than an authorized city employee shall operate a fire hydrant or interfere in any way with the city water system without first obtaining authority to do so from the city clerk. The user shall relinquish the use of the hydrant to authorized City employees in emergency situations. The user shall pay a fee set forth by the fee schedule adopted each year.

Subd. 6. Private water supply. No water pipe of the city water supply system shall be connected with any pump, well, or tank that is connected with any other source of water supply. When any such connection is found, the clerk shall notify the owner to sever the connection and if this is not done immediately, the city shall turn off the water supply forthwith. Before any new connection to the city system is permitted, city employees shall ascertain that no cross connection will exist when the new connection is made.

Subd. 7. Restricted hours. Whenever the council determines that a shortage of water supply threatens the city, it may, by resolution, limit the times and hours during which city water may be used for sprinkling, irrigation, car washing, air conditioning, or other specified uses. After publication of the resolution or two day after the mailing of resolution to each customer, no person shall use or permit water to be used in violation of the resolution and any customer who does so shall be charged a sum of \$25.00 of each day of violation and the charge shall be added to his next water bill. If the emergency requires immediate compliance with terms of the resolution, the council may provide for the delivery of a copy of the resolution to the premises of each customer, and any customer who has received such notice and

thereafter uses or permits water to be used in violation of the resolution shall be subject to the above charge. Continued violation shall be cause for discontinuance of water service.

402.02. Meters.

Subd. 1. Meters required.

Subd. 2. Maintenance.

Subd. 3. Complaints; meter testing.

Subd. 4. Meters property of city. All water meters shall be and remain the property of the city.

Subd. 5. Meter reading and inspection. Authorized City employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the water system for reading of meters and inspections.

402.03. Plumbing regulations.

Subd. 1. Service pipes. Every service pipe shall be laid with sufficient bend to allow not less than one foot of extra length and in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than six feet below the surface and be so arranged as to prevent rupture by freezing. A shut-off or other stop cork with water valve of the size and strength required shall be placed close to the inside wall of the building and be well protected from freezing. Copper tubing shall be used for all services of two inches or less. Joints on copper tubing shall be as few as possible and not more than one joint shall be used for a service up to 70 feet in length. Each joint shall be left uncovered until inspected by the city. Every service over two inches shall be cast iron. Connections with the main for domestic supply shall be at least three-fourths of an inch per residential unit, or equivalent.

Subd. 2. Water meter setting. Not applicable.

402.04. Water rates. The following rates for water used are hereby established each year by the city council in the master fee schedule.

a. Water users located outside of the city limits shall be charged according the master fee schedule adopted each year by the city council.

402.05. Well construction permit.

Subd. 1. Permits. Before proceeding within the city with construction or reconstruction of any well, which involves drilling or casing insertion, the owner of the premises upon which the well is located or to be located shall obtain a permit from the council.

Subd. 2. Application and fee. Application for a well permit shall be in writing on a form provided by the clerk, shall contain the information required thereon and shall be accompanied by a fee according to the master fee schedule adopted each year by the city council or not less than cost of feasibility study.

Subd. 3. Council consideration. The council shall study the proposed well location, design, depth, capacity, cost and proposed water use, and consider the impact of the proposed private well upon present and planned public water supply and the health, safety, and welfare of the city and surrounding areas. The council shall issue the permit unless it finds facts that show and determines by resolution that the health, safety, and welfare of the public require a denial.

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Part 3. Sanitary Sewer System

403.01. Requirements for building sewer and inspection. Building sewer construction shall meet the requirements of the Minnesota building and plumbing codes. The applicant for the building sewer permit shall notify the building inspector when the building sewer and connection is ready for inspection. The connection shall be made under the supervision of the building inspector or the inspector's representative. No back fill shall be placed until the work has been inspected and approved.

403.02. Sewer system general regulations.

Subd. 1. Discharge of surface water, etc. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, cooling water, unpolluted industrial process waters, swimming pools, or sump pumps into any sanitary sewer. No rain spout or other form of surface drainage and no foundation drainage shall be connected with any sanitary sewer.

Subd. 2. Non-acceptable wastes. No person shall discharge or permit to be discharged into any public sewer any of the following wastes:

- a. Any liquid or vapor having a temperature in excess of 180 degrees Fahrenheit;
- b. Any water or waste having a five-day biological oxygen demanding exceeding 1,000 parts per million by weight as averaged during any 12-month period;
- c. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
- d. Any garbage that has not been properly shredded;
- e. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, manure, grit, brick, cement, onyx, carbide, or other mater that may interfere with the proper operation of the sewers or sewage treatment plant;
- f. Any water or waste having a pH lower than five and one-half or higher than nine or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage works;
- g. Any water or waste containing a toxic or poisonous substance, whether or not listed as a hazardous waste by Section 7045.0135, Minnesota Rule 1985, in sufficient quantities to constitute a hazard to humans or animals, injure or interfere with sewage treatment, or create any hazard in the receiving waters of the sewage treatment plant;
- h. Any noxious or malodorous gas or substance capable of creating a public nuisance.

Subd. 3. Interceptors. Grease, oil and sand interceptors shall be provided when they are necessary for the proper handling of any liquid waste containing grease in excessive amounts or any flammable waste, sand, or other harmful ingredients; but such interceptors shall not be required for private living quarters or dwelling units. Interceptors shall be located so as to be easily accessible for cleaning and inspection.

Subd. 4. Control manhole required. The owner of any property serviced by a building sewer carrying industrial waste shall install a suitable control manhole in the building sewer to facilitate

observation and sampling of the waste. The manhole shall be constructed by the owner in accordance with plans approved by the city engineer. The owner shall maintain the manhole so as to be safe and accessible at all times.

Subd. 5. Separate sewers. A separate and independent sewer shall be provided for every building connected to the sewer system except that the council may waive this requirement where it finds that a separate sewer for a building impractical.

Subd. 6. Inspections. The city building inspector and other authorized employees of the city, bearing proper credentials and identification, shall at reasonable times be permitted to enter upon all properties connected to the city sanitary sewer system for the purpose of inspection, observation, measurement, sampling, and testing.

The premises of any property owner or occupant who refuses entry to a city employee after a proper request, as provided for in this section, shall be charged a surcharge.

Subd. 7. Repairs. The consumer or owner shall be responsible for maintaining and repairing the sewer lines from the city main sewer line into the building served.

403.03. Sewer connection required.

Subd. 1. General requirements. When property abuts upon any public street or alley along which water and sewer mains have been constructed, the owner of any dwelling or commercial establishment on the property shall install suitable toilet facilities therein and connect them with the sanitary sewer in accordance with the provisions of this ordinance within 90 days after the date of mailing or delivering official notice to do so. The notice shall be given to the owner or occupant in writing by the city clerk on order of the council.

Subd. 2. Connection by city. Whenever any owner or occupant fails to comply with such written notice, the council shall by resolution direct that toilet be installed and connection made with the water and sewer system and that the costs of the installation be paid in the first instance out of the general fund and then assessed against the property benefited.

Subd. 3. Assessment. After the installation and connection have been completed pursuant to council resolution, the clerk shall serve a written notice of the assessment upon the owner or the owner's representative directing the owner to pay the assessment to the treasurer within 10 days after the service of the notice. If the assessment is not paid within 10 days, the clerk shall certify the amount to the county auditor for collection in the same manner as other special assessments. The council may by resolution spread the assessment over a three-year period.

403.04. Sewer rates.

Subd. 1. Rates. The owner, lessee, or occupant of each premises connected with the city sewer system shall pay according the master fee schedule adopted each year by the city council.

Subd. 2. Required information. The owner, occupant, or person in charge of any premise shall supply the city with such information as it may reasonably require relating to use of water, use of sewer or

sewer rates. Willful failure to provide such information, willful falsification of such information or willful failure to comply with any requirement or order issued pursuant to this section constitutes a violation of this section.

Subd. 3. Disposition of revenues. All revenues derived for charges imposed under this section shall be credited to the sewer fund.

403.05. Sump pumps.

Subd. 1. Disconnection. Any property using a sump pump for removal of water (other than gray water) shall disconnect and/or remove same. Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective, workable manner, as approved by the City or its authorized employee.

Subd. 2. Installation. Property owner shall install a permanent pipe or tube capable for the year round discharge to the outside of the building. It shall consist of a rigid line, with a 1” minimum inside diameter, without valving or quick connections for altering the path of discharge.

Subd. 3. Inspection. Every person owning improved real estate that discharges into the sanitary sewer system shall allow the City or its authorized employee to inspect the buildings to confirm that there is no unauthorized discharge into the sanitary sewer system. Any person refusing to allow their property to be inspected shall immediately become subject to the surcharge hereinafter provided for. Any property found to be in violation of this section, shall make the necessary changes to comply and furnish proof of the changes to the City through a repeat inspection.

Subd. 4. Future inspections. If, at any time, the City has reason to suspect threat an illegal connection may exist in a premises, the owner, by written notice shall comply with the provisions of Subd. 3 above.

Subd. 5. Penalty. Any person found to be in violation of this ordinance shall be served, by the City, with written notice stating the nature of the violation and providing reasonable time limit of the satisfactory correction thereof. Any person who shall continue any violation beyond the time limit proved, shall have a surcharge amount according to the master fee schedule adopted each year by the city council imposed and added to every sewer billing until the violation is corrected.

CHAPTER 4: WATER AND SEWER

Part 4. Individual Sewage Disposal Systems

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Part 4. Individual Sewage Disposal Systems.

404.01. Definitions.

Subd. 1. Words and phrases. For this purposes of this part, the following words and phrases have the meanings given them in this section.

Subd. 2. Sewage. Sewage is any water-carried domestic waste, exclusive footing, and roof drainage of any residence, industry or commercial establishment, whether treated on untreated, and includes the liquid waste produced by bathing, laundry, and culinary operations, and from toilets and floor drains. Raw sewage is swage which has not been subjected to any treatment process.

Subd. 3. Individual sewage treatment system. An individual sewage treatment system is a sewage disposal system, other than a public or community system, which receives sewage from an individual establishment. Unless otherwise indicated the work "system" as it appears in this ordinance means "individual sewage treatment system". A site of less than 5 acres requires a non-leaching tank, not less than 5 acres a septic system.

Subd. 4. Building drain. The building drain is that part of the horizontal portion of the building drainage system extending from the building drain to its connection with the septic tank and carrying the sewage of but one building.

Subd. 5. Building sewer. The building sewer is that part of the horizontal portion of the building drainage systems extending from the building drain to its connection with the septic tank and carrying the sewage of but one building.

404.02. Code adopted. Minnesota Rules 1988 Chapter 7080 is hereby adopted by reference and made a part of this ordinance as if fully set forth herein. Before publication of this code of ordinances the clerk shall mark at least one copy of this code as an official copy and file it in the clerk's office for use and examination.

404.03. Licensing. No person shall engage in the business of installing and constructing sewage treatment systems within the city without first obtaining a license to carry on such occupation from the city and procuring and posting with the city clerk a bond in the amount of \$1,000 in favor of the city and public conditioned upon the faithful performance on contracts and compliance with this part of the ordinance. Such license shall be renewable annual on or before January 1 or each year and may be revoked as provided in this code for licenses generally. Any installation, construction, alteration or repair of a system by licenses in violation of the provision of Section 404.05 or refusal on the part of a licensee to correct such defective work performed by such licensee shall be caused of revocation of or refusal to renew a license.

Before any license issued under the provisions of this section may be revoked or its renewal refused, the licensee shall be given a hearing to show cause why such license should not be revoked or refused. Notice of the time, place and purpose of such hearing shall be in writing. The annual license fee shall be

set forth according to master fee schedule adopted each year by the city council. Application for such license shall be made annually on a form furnished by the clerk.

404.04. Permits.

Subd. 1. Permit required. No person shall install, alter, repair, or extend any individual sewage treatment system in the city without first obtaining a permit therefor from the council or its authorized representative for the specific installation, alteration, repair or extension; and at the time of applying for the permit, shall pay a fee set forth according to master fee schedule adopted each year by the city council. Permit shall be valid for a period of six months from date of issue.

Subd. 2. Applications. Applications for permits shall be made in writing upon printed blanks or forms furnished by the clerk and shall be signed by the applicant.

Subd. 3. Contents. Each application for a permit shall have thereon the correct legal description of the property on which the proposed installation, alteration, repair, or extension is to take place, and each application for a permit shall be accompanied by a plot plan of the land showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property and complete plans of the proposed system with substantiating data, if necessary, attesting to the compliance with the minimum standards of this ordinance. A complete plan shall include the location, size and design of all parts of the system to be installed, altered, repaired, or extended. The application shall also show the present or proposed location of water supply facilities and water supply piping, and the name of the person who is to install the system, and shall provide such further information as may be required by the council.

404.05. Construction requirements. Every individual sewage treatment system installed after the effective date of this part of this code and every alteration, extension, and repair to any system made after that date shall conform to the standards of the code adopted by reference in Section 404.02. Any system or pertinent part thereof, irrespective of the date of the original installation, which is not located, constructed or installed in accordance with the code shall be so relocated, reconstructed or reinstalled as to comply with standards of those items.

404.06. Administration. The council shall enforce the provisions of this part.

404.07. Inspection. Council shall make such inspection or inspections as are necessary to determine compliance with this part of the ordinance. No part of the system shall be covered until it has been inspected and accepted by the council. It shall be the responsibility of the applicant for the permit to notify the clerk that the job is ready for inspection or re-inspection, and it shall be the duty of the council to make the indicated inspection within 48 hours after receiving notice. It shall be the duty of the owner or occupant of the property to give the council free access to the property at reasonable times for the purpose of making such inspections. Upon satisfactory completion and final inspection of the system the clerk shall issue to the applicant a certificate of approval.

If upon inspection the council discovers that any part of the system is not constructed in accordance with the minimum standards provided in the part, the clerk shall give the applicant written notification

describing the defects. The applicant shall pay an additional fee of \$25.00 for each re-inspection that is necessary. The applicant shall be responsible for the correction or elimination of all defects, and no system shall be placed or replaced in service until all defects have been corrected or eliminated.

404.08. Objectives. The objectives of this part are to provide adequate and safe methods of sewage disposal and prevent the contamination of any existing or future water supply by any existing or future sewage disposal system. Any system of special,, unusual, or new design which will satisfy the state objectives may be accepted as complying with this ordinance and any permit granted for the construction, installation, alteration, or repair of any such special system shall be subject to such conditions and guarantees as may be stated in the permit.