

CHAPTER 7.**PUBLIC AND PRIVATE UTILITIES****740. ADMINISTRATION OF WATER AND SEWER SYSTEMS**

Section 740.01. Establishment of Department. There is hereby established a Public Utilities Division of the Department of Public Works of the City of Medina which shall be under the supervision of the Director of Public Works. The water and sewer systems as they are now constituted or shall hereafter be enlarged or extended shall be operated and maintained under the provisions of this ordinance subject to the authority of the City Council at any time to amend, alter, change or repeal the same. The Public Utilities Division shall have responsibility for the management, maintenance, care and operation of the sewer and water systems of the City.

Section 740.02. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall have the meanings hereinafter designated.

Subd. 1. Carbonaceous Biochemical Oxygen Demand (CBOD₅) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter present in wastewater as measured according to the latest edition of Standard Methods for the Examination of Water and Wastewater prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

Subd. 2. Industrial Wastewater. The liquid wastes from industrial processes, as distinct from residential or domestic strength wastes.

Subd. 3. Normal Domestic Strength Waste. Waste water with a CBOD₅ concentration not greater than 200 milligrams per liter (mg/l) and a total suspended solids concentration not greater than 250 mg/l.

Subd. 4. Sanitary Sewer. A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Subd. 5. Storm Sewer. A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

Subd. 6. Total Suspended Solids. A total suspended matter that either floats or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as measured according to the latest edition of Standard Methods for the Examination of Water and Wastewater prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

Section 740.03. Applications, Permits and Fees. No person, firm or corporation shall make any type of connection to the water system, sanitary sewer system or storm sewer system except upon making an application therefor on a form provided by the City and receiving a permit issued by the

City for such purposes. The application shall include the legal description of the property to be served, the uses for which the connection is requested, and the size of the service line to be used. At the time of making such application there shall be paid to the City Administrator-Clerk fees which shall be set by the City Council from time to time by resolution for the following purposes:

Subd. 1. No connection shall be made with respect to any sanitary sewer, water system or storm sewer system serving the property of any person or occupants of the land, parcel or premises affected that have not paid or provided for the payment of the full and proportionate share of the said utilities which share shall be payable as follows:

- (a) The City Council may establish water, sanitary sewer and storm sewer districts and establish area charges, connection charges, lateral charges and similar charges for each said district. No connection shall be made to the City water or sewer system until the applicant or owner pays the charge or charges noted above established by Council resolution from time to time. These charges shall be in addition to any fees or charges required under subsections 2, 3 and 4.
- (b) For service to property to which service lines have not been previously run from the street laterals to the property line, the owner, occupant or user shall pay into the City Treasury a service line charge, the amount of which shall not be less than the City's cost of making the necessary connections, taps, and installation of pipe and appurtenances to provide service to the property and the necessary street repairs, provided, however, with the approval of the City, the owner or applicant shall have the right to contract directly with a licensed plumber for the installation and connection of the service line.
- (c) Prior to any connections the owner, occupant or user shall pay in cash or agree to pay charges in the form of Special Assessments to be levied against the property to be spread over a number of years to be established by the City Council and may be coincident with the maturity requirements of any Special Improvement Bonds sold for the purpose of financing the construction of sanitary sewer, municipal water or storm sewer system serving the property. Said cash payment or assessment charge shall be in the principal amount of not less than the payments made by or charges placed against comparable properties for like services for such sanitary sewer, water or storm sewer system in an amount as may be established by the City Council. Payment to the City Treasury in the form of a Special Assessment charge shall be in the form of equal annual installments together with interest on the unpaid balance, which shall be established by Council resolution.
- (d) No connection shall be made to the sanitary sewer system until the applicant or owner pays a Service Availability Charge (SAC) established by the Metropolitan Waste Control Commission for the availability of treatment works and interceptors comprising the metropolitan disposal system.

Subd. 2. Before proceeding with the construction, enlargement, alteration, repair of any water or sewer lines connecting the water system, sanitary sewer system or storm sewer system to any house or building, the owner or his agent shall first obtain a permit for such purposes

from the municipality through its City Administrator-Clerk.

The applicant shall pay to the City Administrator-Clerk a permit fee the amount of which shall be established from time to time by Council resolution.

The Plumbing Inspector shall examine all applications before construction is begun, and after the construction, enlargement, alteration or repair is complete, the Plumbing Inspector shall be notified. It shall be unlawful to cover any connecting line until an inspection has been made and such connection and the work incident thereto has been approved by the City as a proper and suitable connection.

Section 740.04. Connection to Systems. The owner of all buildings or properties used for human occupancy, employment, recreation, or other purpose, situated within the City and abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer of the City, is hereby required at the owner's expense to connect such facility directly with the proper public sewer within 90 days after date of official notice to do so.

New connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including but not limited to flow, strength and suspended solids.

All users making connection to the sanitary sewer system are also subject to any additional requirements and regulations established by the Metropolitan Waste Control Commission and/or the Minnesota Pollution Control Agency.

Where municipal sanitary sewer is not available, the building shall be connected to an individual wastewater disposal system complying with the provisions of the Ordinances of the City of Medina.

Section 740.05. Protection from Damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal water or sewage works. Any person violating this provision shall be subject to the penalty provided by this code.

Section 740.06. Delayed Connection Charge. Any owner of a residence or commercial building to which sewer service is or becomes available shall be subject to an additional charge as established by Council resolution from time to time upon connection to such service if such connection is not made within the period of time which shall be established by Council resolution after such service becomes available.

Section 740.07. Implied Consent to Rules, Regulations and Rates. Every person applying for water or sewer service, every owner of property for which any such application is made, every person accepting water or sewer service and every owner of property where such service is accepted subsequent to the passage of this ordinance shall be deemed upon making such application or accepting such service to consent to all rules, regulations and rates as established by this ordinance and as may hereafter be set forth and adopted by the City Council by resolution or ordinance.

Section 740.08. Installation of Connections. All connections to the water system or sanitary

sewer system shall be performed by a plumber licensed to do plumbing in the City of Medina; except that nothing in this ordinance shall be construed as to prohibit an individual owner from obtaining a permit to connect to an existing service line located totally within the owner's property and installing such connection by his own labor provided, however, that said construction is conducted under the regulations of this ordinance and all other City ordinances and applicable Statutes of the State of Minnesota and requirements of the City Engineer and City Plumbing Inspector.

Section 740.09. Liability for Repairs.

Subd 1. Water and Sewer Utilities Located inside the Public Right-of-Way or Public Easement Area. After the initial connection has been made to the water service lead or the sewer lead, the owner, occupant, and user of the premises served shall be liable for all repairs required to any water service line or any sanitary or storm sewer line necessary for connection of the premises to the curb stop or sewer lead, to include the actual connection on the occupant side of the connection. It shall be the responsibility of the owner, occupant, and user to obtain the necessary authorizations required, if any, to complete the utility repairs. It shall be the responsibility of the owner, occupant, and user to maintain the curb stop box or sewer clean out at a height as will ensure that it remains at the finished grade of the property.

Subd. 2. Water and Sewer Utilities Located Outside of the Public Right-of-Way or Public Easement Area. After the initial connection has been made to the water service lead or the sewer lead, the owner, occupant, and user of the premises served shall be liable for all repairs required to any water service line or any sanitary or storm sewer line necessary for connection of the premises to the street main, including any repairs necessary to the curb stop and box or sewer clean out and any necessary street repairs. It shall be the responsibility of the owner, occupant, and user of the premises to obtain any necessary authorizations, permits and approvals required to complete the utility repairs. It shall be the responsibility of the owner, occupant, and user to maintain the curb stop box or sewer clean out, if any, at a height as will ensure that it remains at the finished grade of the property.

Section 740.10. Leak in Service Line. Any owner, occupant and user of a premises who shall discover a leak in a service line to the premises shall notify the City Office within twenty-four (24) hours. Any water wasted due to failure of such person to comply with this regulation shall be estimated by the City Clerk and be charged for against the owner at such premises at the established rate.

Section 740.11. City Not Liable. The City shall not be held liable at any time for any deficiency or failure in the supply of water to the customer whether the same be occasioned by shutting off the water for repairs or connections or for any cause whatever.

Section 740.12. Emergency Regulations. The City Council may impose emergency regulations pertaining to the conservation of water by resolution of the City Council and by giving notice by publication or by posting in the City Hall and at such public places as the Council may direct.

Whenever the City 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, and other external purposes. After publication of a Notice setting forth the restrictions for use of water for said purposes, no person shall use or permit water to be used in violation of the resolution and any customer who does so, shall be charged such sum as established by resolution for each day of violation and the charge shall be added to the customer's next water bill. Continued violation shall be cause for discontinuance of water service.

Section 740.13. Right to Enter Land. The City of Medina by any authorized employee or agent shall have the right to enter and be admitted to any lands, buildings, and property in the City at any reasonable hour for the purpose of inspection of materials, plumbing work and fixtures of all kinds used by or in connection with the water and sewer systems. Such right to enter shall include the ability to inspect prohibited connections and discharges and compliance with any other aspect of this Section.

Section 740.14. Private Water not Permitted in City System. Whenever any premises are connected to the City water system, there shall be maintained a complete physical separation between the City water supply system and the private water supply system so that it is impossible to intentionally or unintentionally allow any water produced by a private system to be introduced in the supply line from the City Water System.

Section 740.15. Storm Water not Permitted in Sanitary Sewer System. It shall be unlawful for any owner, occupant or user of any premises to direct into or allow any storm water, surface water, ground water, well water or water from air conditioning systems to drain into the sanitary sewer system of the City of Medina. No rain spout, or other form of surface drainage and no foundation drainage or sump pump shall be connected or discharged into any sanitary sewer.

Subd. 1. Disconnection Required. Any existing connection shall be disconnected and the piping or system conveying such water shall be removed.

Subd. 2. Inspection. Any owner, occupant, or user of any premises which is connected to the sanitary sewer system of the City of Medina shall provide access to the premises, within 30 days of notice, for inspection by the City for compliance with this subsection. In lieu of inspection by the City, the owner, occupant, or user of the premises may submit a report from a licensed plumber affirming to compliance.

Subd. 3. Notice to Correct. Any owner, occupant, or user of any premise found to be violation of this subsection shall make the necessary changes to comply within 14 calendar days of receiving notification from the City of the violation or be subject to the surcharge described in Subd. 3 of this subsection and prosecution described in Subd. 4. Disconnection shall be inspected by the City to verify compliance.

Subd. 4. Surcharge. A surcharge in an amount as established and amended from time to time in the City's fee schedule ordinance is hereby imposed and shall be charged upon every sewer billing for property owners found to be in violation of this subsection or who fail to demonstrate compliance with this subsection through inspection or report.

Subd. 5. Violation. Violation of this subsection shall be a misdemeanor and each day that the violation continues is a separately prosecutable offense. The imposition of the surcharge shall not limit the city's authority to prosecute the criminal violations, seek an injunction in district court ordering the person to disconnect the violating connection to the sanitary sewer, or for the city to correct the violation and certify the costs of connection as an assessment against the property on which the connection was made.

Section 740.16. Prohibited Wastes in Sanitary Sewer System. No person, firm or corporation shall discharge any waste, or cause or allow any waste to be discharged into the sanitary sewer system unless in accordance with the following regulations:

Subd. 1. Treatment of Prohibited Waste. Where it is determined that any waste discharged or to be discharged has certain characteristics or elements which are or may be harmful to the structures, processes or operation of the sanitary sewer system or persons operating it, the City may:

- (a) Reject the waste.
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Clean Water Act and all addendums thereof.
- (c) Require control over the quantities and rates of discharge, and/or,
- (d) Require payment to cover added costs of handling, treatment and disposal based on the formula as adopted by the Metropolitan Waste Control Commission.

Subd. 2. Limitations on Discharge. No person, firm or corporation shall discharge or cause, or allow to be discharged into the sanitary sewer system any waste containing concentrations in excess of the following:

<u>Pollutant</u>	<u>Limitation</u>
(Maximum for any operating day)	
(a)Cadmium	2.0 mg/l
(b)Chromium, total	8.0 mg/l
(c)Copper	6.0 mg/l
(d)Cyanide, total	4.0 mg/l
(e)Lead	1.0 mg/l
(f)Mercury	0.1 mg/l
(g)Nickel	6.0 mg/l
(h)Zinc	8.0 mg/l
(i)Temperature	65°C (150°F)
(j)pH	5.0 - 10.0

Subd. 3. Exclusion of Wastes. No person, firm or corporation shall discharge or cause or allow to be discharged into the sanitary sewer system any waste which contains any of the following:

- (a) More than one hundred (100) mg/l of fats, wax, grease or oils (hexane soluble), whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32° and 150° F (0° and 65°C) at the point of discharge into the sewer system.
- (b) Liquids, solids, or gases which by reason of their nature or quantity are or may be sufficient to cause fire or explosion or be injurious in any other way to the sanitary sewer system or to the operation of the system. At no time shall two (2) successive readings on an explosimeter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (L.E.L.).
- (c) Any noxious or malodorous solids, liquids or gases, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to like, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.
- (d) Any toxic substance, chemical elements or compounds in quantities sufficient to interfere with the biological processes of efficiency of treatment works, or that will pass through a treatment works and cause the effluent therefrom or the water into which it is discharged, to fail to meet applicable State or Federal Standards.
- (e) Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") in any dimension.
- (f) Radioactive wastes or isotopes or such half-life of concentrations that they are in noncompliance with present or future regulations issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the system or personnel operating it.
- (g) Solids or viscous wastes which will or may cause obstruction to the flow in a sewer, or other interference with the proper operation of and disposal system, such as grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, gas, tar, asphalt, residues from refining or processing of fuel or lubricating oil, gasoline, naphtha, and similar substances.
- (h) Any waste from septic tanks or similar facilities.
- (i) Any mineral acids, waste acid pickling or plating liquors from the pickling or plating of iron, steel, brass, copper or chromium, or any other dissolved or solid substances which will or may endanger health or safety, or attack or corrode any part of the sanitary sewer system.

- (j) Liquids or vapors having a temperature higher than 150°F immediately prior to discharge into the sewer system.
- (k) Phenols or other taste or odor-producing substances in concentrations which will or may cause the effluent from the treatment works or the water into which it is discharged to fail to meet applicable State or Federal standards.
- (l) Materials which exert or cause:
 - (1) Unusually high concentrations of inert suspended solids or of dissolved solids.
 - (2) Excessive discoloration.
 - (3) Unusually high volume of flow or concentration of waste exceeding five (5) times the average daily concentration of flow during normal operation.
- (m) Unusually high concentrations of Total Suspended Solids, CBOD₅, COD, or chlorine requirements, in such quantities as to constitute a significant load on the treatment works.
- (n) Any substance which is not amenable to treatment or reduction by the type of sewage treatment processes employed to a degree sufficient to permit the effluent from the treatment works and the water into which it is discharged to meet applicable State and Federal standards.

Subd. 4. Grease, Oil & Sand Traps. Grease, oil and sand interceptors shall be provided, when determined necessary by the City, to properly handle liquid wastes containing excessive amounts of floatable grease, flammable waste, sand or other harmful ingredients. All interceptors shall be readily and easily accessible for cleaning and inspection. The owner shall be responsible for constructing and maintaining these interceptors and for the proper removal and disposal of captured materials.

Subd. 5. Monitoring and Inspection. Where required by the City, the owner of any property served by a building sewer carrying industrial waste shall install a suitable structure on the building service line with necessary appurtenances to facilitate observation, sampling and measurement of wastes. The structure shall be installed by the owner at his expense in accordance with plans approved by the City and shall be maintained by the owner to be safe and accessible at all times.

The owner of any property serviced by a building sewer carrying industrial waste may, at the discretion of the City, be required to provide laboratory measurements, tests or analysis of waters or wastes to illustrate compliance with this Ordinance and any special condition for discharge established by the City, Metropolitan Waste Control Commission or regulatory agencies having jurisdiction over the discharge.

All measurements, tests or analyses of waters and wastes shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association.

Subd. 6. Right to Inspect. The City through its duly authorized representative or employ, bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to the discharges to the City's sewer system.

The City shall be provided information concerning industrial processes which have a direct bearing on the type and source of discharge to the wastewater collection system.

Section 740.17. Water Meter Regulations.

Subd. 1. Before any water conveyed through the municipal water system shall be used or utilized on the land or premises of any person, firm or corporation, there shall first be installed a water meter that will accurately measure the water consumed on the premises, except and unless such installation shall be exempted by the City.

Subd. 2. All applications for the installation, maintenance and repair of water meters shall be made to the City Clerk, who shall proceed to comply with such application within a reasonable time thereafter. All meters installed shall be furnished by the City and shall remain the property of the City of Medina. Regulations for the cost of furnishing and use of water meters shall be established by Council resolution.

Subd. 3. No person, firm or corporation other than the City of Medina or its designee, shall install, maintain or repair any water meter within the City limits. Every water meter connected to the water system shall be sealed by or under the direction of the City Clerk or City Department of Public Works and no person, firm or corporation shall break or remove such seal; provided, however, that a plumber licensed to do business in the City of Medina may break such seal or remove such meter for necessary repairs, in all cases where a seal is broken or a meter is removed by a licensed plumber, such plumber shall notify the City Clerk of the fact within twenty-four (24) hours after the seal is broken or the meter is removed. Whenever any seal attached to a water meter by or under the direction of the City Clerk or City Department of Public Works is found broken, the broken condition of such seal shall be a prima facie evidence that such seal was broken contrary to the terms and provisions in violation of this ordinance.

Subd. 4. All water meters and/or remote readers connected to the water system shall be accessible to the City Clerk or City Department of Public Works or designee at any reasonable hour of any business day and the refusal of admission by any owner or occupant of any premises wherein a water meter is installed after such owner or occupant has been notified that admission is desired for the purpose of inspecting a water meter installed in said premises shall constitute a violation of this ordinance.

Subd. 5. Water meters shall be repaired or replaced from time to time as is necessary to insure accurate measuring of the flow of water. The cost of said repair or replacement shall be borne by the City except that whenever a meter has been damaged due to negligence on the part of persons other than the employees of the City, the owner, occupant or user of the premises or such other person desiring the use of the water shall reimburse the City for the expense of repairing or replacing any such meter. Upon failure to reimburse the City within a

reasonable time and upon demand therefore, the water service and supply to said premises may be shut off or discontinued as determined to be in the best interest of the City.

Subd. 6. It shall be unlawful for any person to tamper with, alter, by-pass or in any manner whatsoever interfere with the proper use and functioning of any water meter within the City.

Subd. 7. If a meter fails to register or accurately measure the water, the charge for water consumed shall be paid for at the established rate based upon past average billings as determined by the City Clerk.

Subd. 8. If any meter becomes obstructed or out of order, the City may issue a work order for it to be repaired. If at any time the customer requests to have the meter tested for accuracy, the same shall be done by the City, with the fee determined by the City fee schedule and charged to the customer if the meter registers 90% or more accurate. If it is not accurate within this range, no charge will be made for testing and an adjustment on the water bill will be made for the period of time that the meter is assumed to be inaccurate, not to exceed two (2) billing periods.

Section 740.18. Purchased Water Not Entering Sewer System. If the lot, parcel of land, or premises discharges sewage or industrial waste into the sanitary sewage system, either directly or indirectly, and it can be shown to the satisfaction of the City Council that a portion of the water measured by the water meter does not and cannot enter the sanitary sewage system, then, and in that event, the City Council may permit or require the installation of other or additional meters in such a manner that the quantity of water which actually could enter the sewer system may be determined. In such case the charges or rates shall be based upon the amount of water which can enter the sanitary sewage system.

Section 740.19. Meter Readings.

Subd. 1. The City of Medina will provide a system for water meter reading. The City may also establish billing areas or districts and provide for the reading of meters and billing charges monthly or such periodic intervals as the City Council shall determine suitable and necessary from time to time by resolution.

Subd. 2. The City reserves the right to discontinue service to any customer of the water and sanitary sewer system without notice when necessary for repairs, additional connection or reconnection.

The City reserves the right to discontinue service to any customer of the water and sanitary sewer system with notice as hereinafter provided for non-payment of charges or bills or for disregard of any rules or regulations in connection with the use or operation of said system.

The service of water or sanitary sewer shall not be shut off until notice and an opportunity for a hearing have first been given to the occupant and owner of the premises involved. The notice shall be personally served and shall state that, if payment is not made before the date stated in the notice, but not less than ten days after the date upon which the notice is given, the water supply to the premises will be shut off. The notice shall also state that the

occupant may, before such date, demand a hearing before the City Council, in which case the supply will not be shut off until after the hearing is held. If, as a result of the hearing, the City Council finds that the amount claimed owing is actually due and unpaid and there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this ordinance, the City may then shut off the supply.

Whenever any service has been discontinued for non-payment of charges or bills or for disregard of any rules or regulations in accordance with the procedures set forth above, it shall not be resumed except upon payment of the charges or bills accrued together with interest thereon, at a rate to be determined by Council resolution from time to time or compliance with the rules and regulations previously violated and payment to the City of restoration fee, the amount of which shall be set by the City Council from time to time by resolution.

Section 740.20. Billing Regulations. The City Council shall have the authority to prescribe by resolution the rates to be charged for water and sewer service to the customer from time to time and may prescribe the date of billing, a discount for payment within a prescribed period and/or penalty for failure to pay within such period and such further rules and regulations relative to the use and operation of such systems as it may deem necessary from time to time. All accounts shall be carried in the name of the owner who shall personally, or by his authorized agent, apply for such service. The owner shall be liable for water supplies and sewer service to his property whether he is occupying the property or not and any unpaid charges shall be a lien upon the property.

Section 740.21. Rate Determinations. The purpose of this section is to establish a procedure to recover from users of the City facilities, on an equitable basis, the share of City costs attributable to such users and to provide funds for the operation and maintenance, debt service and replacement.

The service charges shall be based on the volume of water used and wastewater discharged and subject to the provisions of the Metropolitan Waste Control Commission strength charge system for wastewater discharges.

The basic formula for rate determinations shall be as follows:

1. $SC = DC + UC$
2. $DC = (DC_R)(V)$
3. $UC = (UC_R)(V)$

Where:

SC =Service Charge, which means the aggregate of all charges including the user charge, debt service charges and other related charges billed periodically to users.

DC =Debt Service Charge, which means the principle and interest necessary to pay bonded indebtedness.

UC =User Charge, which means a charge levied on users for cost of operation, maintenance and replacement.

DC_R=Debt Charge Rate in terms of \$ per 1000 gallons.

UC_R=User Charge Rate in terms of \$ per 1000 gallons.

V=Volume of metered water per connection.

Section 740.22. Accounting Procedures. All invoices and records of funds received and expenses for operation, maintenance and replacement for the water and sewer systems shall be maintained in separate accounts. These accounts shall be separate from any revenues generated for debt service for each of the systems.

Annually, the water and sewer service charge rates shall be reviewed and adjusted by the City Council to reflect the actual costs of operation, maintenance, replacement and debt service. In addition, the user charge rates for operation, maintenance and replacement will be revised to accomplish the following:

Subd. 1. Maintain the proportionate distribution of operation and maintenance costs among users and user classes.

Subd. 2. Generate sufficient review to pay the total operation and maintenance costs necessary to properly operate and maintain the system.

Subd. 3. Apply excess revenues collected from a class of user to that class of user for the next year and adjust the rates accordingly.

Water and sewer services charges provided for in this Ordinance shall be included as separate items on regular bills. The City shall annually make known to all users the portions of the service charges necessary to meet the operation, maintenance and replacement cost and which portion is necessary to meet debt service for each system.

Section 740.23. Establishment of Tax Lien. In the event a water or sewer bill, whether incurred prior or subsequent to the passage of this ordinance, is unpaid after the due date as established by Council resolution from time to time, the bill shall be considered delinquent and the service may be discontinued as provided above and the City Council may cause the charges noted in such billing to become a lien against the property served by certifying to the County Auditor the amount of said delinquent bill in accordance with the statutes of the State of Minnesota. Such action is optional and may be subsequent to taking legal action to collect delinquent accounts.

Section 740.24. Separability of Sections. In the event any provision of this ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Amendment History of this Section

Amended July 7, 2015 (Ord. 581). Comprehensive revision of the public and private utilities to bring them up to date with current standards.

Amended June 5, 2018 (Ord. 634). Amending Sections 740.13 and 740.15 regarding disconnection of prohibited connections to the sanitary sewer system.