

CHAPTER 52: SEWER

Section

Sewerage Service; Rules and Regulations

- 52.01 Definitions
- 52.02 Use of public sewers
- 52.03 Private sewage disposal
- 52.04 Building sewers and connections
- 52.05 Main and lateral sewer construction
- 52.06 Protection from damage
- 52.07 Authority of inspectors
- 52.99 Penalty

SEWERAGE SERVICE; RULES AND REGULATIONS

§ 52.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the chemical oxidation of organic matter expressed in milligrams per liter, as determined in accordance with standard laboratory procedure as set out in the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

BUILDING DRAIN. That part of the lower horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal, also called ***HOUSE CONNECTION***.

COD (DENOTING CHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedure as set out in the latest

edition of *Standard Methods for the Examination of Water and Wastewater*.

COMBINED SEWER. A sewer originally designed and currently designated to receive both surface water runoff and sewage.

GARBAGE. Solid wastes resulting from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage or sale of meat, fish, fowl, fruit, vegetables or condemned food.

INDUSTRIAL WASTES. The solid, liquid or gaseous wastes resulting from any industrial or manufacturing processes, trade or business, or from the development, recovery or processing of natural resources.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT or **NPDES PERMIT.** The system for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans by the Administrator of the Environmental Protection Agency pursuant to §§ 402 and 405 of the Federal Water Pollution Control Act Amendment 1972, being 33 U.S.C. §§ 1342 and 1345.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

OTHER WASTES. Garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil, tar, chemicals, offal and other substances except sewage and industrial wastes.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROCESS WATER. Any water used in the manufacturing, preparation or production of goods, materials or food. **PROCESS WATER** is an industrial waste.

PUBLIC SEWER. Any sewer owned or operated by a unit or agency of government.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and ground water are not intentionally admitted.

§ 52.01

SANITARY WASTES. The liquid and water-carried wastes discharged from sanitary plumbing facilities.

SEPTIC SYSTEM OPERATIONS PERMIT. A permit that provides for the operations of an existing on-site septic system addressing the monitoring, maintenance, and upkeep until such time as the property's wastewater system shall be required to connect to the city sanitary sewer system.

SEWAGE or WASTEWATER. The water-carried waste products from residences, public buildings, institutions, industrial establishments or other buildings including the excrementitious or other discharge from the bodies of human beings or animals, together with the ground water infiltration and storm and surface water as may be present.

SEWER. A pipe or conduit for carrying sewage, industrial waste or other waste liquids.

SEWER AVAILABILITY CHARGE. A charge with the availability of or extension of a sewer line to a specific property.

SEWER SYSTEM. Pipe lines or conduits, pumping stations, force mains and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes or other wastes to a point of ultimate disposal.

SLUG. Any discharge of water, wastewater or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during the normal operation.

STORM SEWER (sometimes termed ***STORM DRAIN***). A sewer which carries storm and surface water and drainage, but excludes sewage and industrial wastes other than unpolluted cooling or process water.

SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering, in accordance with the latest edition of *Standard Methods of the Examination of Water and Wastewater*.

Breezy Point Public Works

UNPOLLUTED WATER. Clean water uncontaminated by industrial wastes, other wastes or any substance which renders the water unclean or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial, industrial or recreational use, or to livestock, wild animals, birds, fish or other aquatic life.

WASTEWATER FACILITIES. The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS or ***TREATMENT WORKS.*** An arrangement of devices and structures for treatment of wastewater, industrial waste and sludge. Sometimes used as synonymous for ***WASTE TREATMENT PLANT, WASTEWATER TREATMENT PLANT, WATER POLLUTION CONTROL PLANT*** or ***SEWAGE TREATMENT PLANT.***

(Prior Code, § 3.20, Subd. 1) (Ord. 04-01-07, passed 4-2-2007, Ord. 14-01, 3rd Series, passed 1-06-2014)

§ 52.02 USE OF PUBLIC SEWERS.

(A) It is unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this section.

(B) Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(C) The owner of any building or property which is located within the city and from which wastewater is discharged, shall be required to connect to a public sewer at his or her expense provided that the public sewer is within 300 feet of the structure generating wastewater and the public sewer is located in a public right-of-way or easement for sewer purposes adjacent to the property. The following timelines shall prevail regarding the requirement to connect:

(1) Within 30 days if the system is determined to be an imminent threat to the public health or safety as part of compliance criteria in MN rules 7080.1500 Subpart 4(A) or as amended.

Sewer

§ 52.02

- (2) Within 6 months if the septic system is failing or has failed a compliance inspection as part of compliance criteria in MN rules 7080.1500 Subpart 4(B) or as amended.
- (3) Within 2 years unless a Septic System Operations Permit has been obtained.
- (4) The earlier of when the system is 20 years of age or 15 years from the date of installation of the sanitary sewer line, provided the system has been maintained in accordance with the Septic System Operations Permit requirements.
- (5) When the structure using the septic system is enlarged creating additional sleeping quarters.
- (6) Upon the change of ownership of the property, unless the system is less than 15 years old. New Owner would require a Septic System Operations Permit.
- (7) Upon failure to meet Septic System Operations Permit standards.
- (8) Within 6 months when notice is given that wells within an area show contamination, sewer was installed to address pollution OR action by Minnesota Pollution Control Agency requiring connection.
- (9) All future buildings requiring sewer service constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer.

(D) If sewer connections are not made pursuant to this subchapter, an official notice shall be served instructing the affected property owner to make the connection. In the event an owner shall fail to connect to a public sewer in compliance with a notice given, the city may undertake to have the connection made and shall assess the cost thereof against the benefitted property and the assessment shall be a lien against the property. The assessment, when levied, shall bear interest at the legal rate for local improvements and shall be certified to the Auditor of the County of Crow Wing and shall be collected and remitted to the city in the same manner as assessments for local improvements. The rights of the city under this chapter shall be in addition to any other remedial or enforcement provisions of this section.

(E) It is unlawful for any person to discharge or cause to be discharged directly or

Breezy Point Public Works

§ 52.02

indirectly any storm water, surface water, ground water, roof runoff, subsurface drainage, waste from on-site disposal systems, unpolluted cooling or process water to any sanitary sewer except as permitted by the city.

(F) Storm water and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or process water shall only be so discharged upon approval by the city or other local unit of government.

(G) It is unlawful for any person to discharge or cause to be discharged, directly or indirectly, any of the following described substances to any public sewer:

(1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(2) Any water or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the Wastewater Treatment Works;

(3) Any water or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the Wastewater Treatment Works;

(4) Solid or viscous substances, either whole or ground, in quantities or of the size capable of causing obstruction to the flow in sewers, or other interference with the proper continuation of the wastewater facilities, but not limited to ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cuttings or polishing wastes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and sanitary napkins, paper dishes, cups, milk containers and other paper products; and

(5) Noxious or malodorous liquids, gases or substances which either singly, or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

(H) It is unlawful for any person to discharge or cause to be discharged, directly or indirectly, the following described substances to any public sewer unless in the opinion

Sewer

§ 52.02

of the city the discharge will not harm the wastewater facilities, nor cause obstruction to the flow in sewers, nor otherwise endanger life, limb or public property, nor constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the city may give consideration to the factors as the quantities of the subject wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature of the sewage treatment process, capacity of the Sewage Treatment Plant, degree of treatability of wastes in the Sewage Treatment Plant, the city's NPDES permit and other pertinent factors. The city may make the determinations either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150°F (65°C);

(2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65°C);

(3) Any garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in public sewers, with no particles greater than one-half inch in any dimension;

(4) Any water or wastes containing strong acid, iron pickling wastes or concentrated plating solutions, whether neutralized or not;

(5) Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the state and federal government and any other public agency with proper authority to regulate the discharge from the Sewage Treatment Plant;

(6) Radioactive wastes or isotopes of such half life or concentration that they are in noncompliance with regulations issued by the appropriate authority having control over their use or which have caused or may cause damage or hazards to the treatment works or personnel operating it;

(7) Any water or wastes having a pH in excess of 9.5; and

§ 52.02

(8) Materials which exert or cause:

(a) Unusual concentration of suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the Wastewater Treatment Works;

(d) Unusual volume of flow or concentration of wastes constituting a slug;
and

(e) Water or water containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to the degree that the Sewage Treatment Plant effluent cannot meet the requirements of the NPDES permit or requirements of other governmental agencies having jurisdiction over discharge from the Sewage Treatment Plant.

(I) If any water or wastes are discharged, or are proposed to be discharged directly or indirectly to the public sewers, which water or wastes do not meet the standards set out in or promulgated under this subchapter. The division for which in the judgment of the city may have a deleterious effect upon the treatment works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may take any or all of the following steps:

(1) Refuse to accept the discharges;

(2) Require control over the quantities and rates of discharge;

(3) Require pretreatment to an acceptable condition for the discharge to the public sewers; or

(4) Require payment to cover the added cost of handling and treating the wastes. The design and installation of the plant and equipment for pre-treatment or equalization of waste flows shall be subject to the review and approval of the city and

§ 52.02

subject to the requirements of 40 C.F.R. § 128, entitled *Pretreatment Standards* and all applicable codes, City Code provisions and laws.

(J) Grease, oil and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease, or any flammable wastes and/or other harmful ingredients. All interceptors required under this division shall be of a type and capacity approved by the city (see approved design) and shall be located as to be readily and easily accessible for cleaning and inspection. The interceptors shall not be required for private living quarters or dwelling units.

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

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

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

Breezy Point Public Works

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

(O) Accidental discharges of prohibited waste into the sewage works, directly or through another disposal system, or to any place from which the waste may enter the treatment works, shall be reported to the city by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of the discharge.

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

(Q) No statement contained in this division shall be construed as preventing any special agreement or arrangement between the city, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern, in accordance with applicable City Code provisions and any supplemental agreement with the city.

(Prior Code, § 3.20, Subd. 2) (Ord. 04-01-07, passed 4-2-2007, Ord. 14-01, 3rd Series, passed 1-06-2014) Penalty, see § 52.99

§ 52.03 PRIVATE SEWAGE DISPOSAL.

Where a public sanitary or combined sewer is not available under the provisions of §52.02, the building sewer shall be connected to a private sewage disposal system complying with the rules and regulations of the city. A Septic System Operating Permit shall be required for systems that are allowed to continue after the availability of public sanitary sewer line that serves the property subject to the provisions in section 52.02 (C).

(Prior Code, § 3.20, Subd. 3) (Ord. 14-01, 3rd Series, passed 1-06-2014)

§ 52.04 BUILDING SEWERS AND CONNECTIONS.

(A) *License required.*

(1) It is unlawful for any person to engage in the work or business of installing private sewer service lines and appurtenances for others without a license therefore from the city. "Any person" means any individual, firm, company, partnership, corporation, group, association, contractor, subcontractor or agent thereof, but does not include an employee of "any person".

(2) Any person desiring to engage in such work shall make application to the city on forms to be supplied by the city, together with a fee to be determined by the city. All licenses issued shall be for one calendar year only, and each renewal shall be made by application together with any annual fee. A plumber licensed by the State Board of Health shall pay no fee to the city, but shall show evidence of the state license before the city issues a license.

(3) Each applicant for license shall sign an agreement on the form as may be delivered by the city agreeing to pay the city the actual cost of repair for any damage caused to the City Sewer System by the applicant or any of his or her employees or agents. This agreement shall accompany the license application.

(4) Each applicant shall accompany his or her application with a certificate of insurance from an insurer acceptable to the city, demonstrating liability insurance coverage with limits as set by the city. The certificate shall specifically state that the insurance covers underground operations and shall contain a provision that the coverage afforded under the policy or policies shall not be cancelled or materially changed until at least 15-days' prior written notice has been given to the city.

Breezy Point Public Works

§ 52.04

(5) After approval of the permit application by the Council, the applicant shall furnish to the city, a performance bond in the amount of at least \$10,000 as determined by city staff. The bond shall be for the good and faithful performance of all work on public and private property relative to the installation of private sewer service lines, payable to the city and to all who may employ the applicant for the work in the city. The bond shall warrant the work for a period of one year from the date of completion. The bond shall be renewed annually at the time that a license is granted.

(6) The City Clerk-Treasurer shall issue a permit to the applicant after approval by the Council and receipt of the required insurance certificate and performance bond.

(B) *Permit required.* It is unlawful for any person, unless authorized, to make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof, without first obtaining the written permit from the city. The permit fee shall be established from time to time by resolution of the city council.

(C) *Cost and expense.* All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify and hold harmless the city from any loss or damage to the public sewer that may directly or indirectly be occasioned by the installation of the building sewer.

(D) *Separate and independent sewers.* A separate and independent building sewer shall be provided for every building; except where two or more buildings are situated on one parcel, such that the parcel may not be subdivided; a joint use private sewer may be extended to the rear building or buildings and the whole considered as one joint use private sewer. Special variances will be considered by the Council.

(E) *Old building sewers and new buildings.* Old building sewers may be used in connections with new buildings only when they are found, on examination and test by the city to meet all requirements of this section.

(F) *Unused sewage facilities.* Unused septic tanks, cesspools, leaching pits and similar devices and structures shall be backfilled or made safe and unusable in a manner acceptable to the city.

(G) *Construction of building sewer.* The size, slope, alignment, materials of construction of a building sewer, and the method to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the

Sewer

§ 52.04

requirements of the Building and Plumbing Code or other applicable rules and regulations. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of Water Pollution Control (W.P.C.F.) *Manual of Practice No. 9* and applicable American Society for Testing Materials (A.S.T.M.) Standards, shall apply.

(H) *Elevation.* Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, the building drain shall be provided with a lifting device by an approved means and discharged to the building sewer.

(I) *Drains connected to public sewer.* It is unlawful for any person to make connection of roof downspouts, exterior foundation drains, areaway drains or other source of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(J) *Construction.* The construction of the building sewer and its connection into the public sewer shall conform to the requirements of the State of Minnesota Plumbing Code, the sewer specifications included herein and other applicable rules and regulations and procedures adopted by the city. All the construction shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the city before installation.

(K) *Inspection.* Employees of the city shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the city when the work is ready for final inspection and no underground portions shall be covered before the final inspection is completed. The connection shall be made under the supervision of the city or its representative.

(L) *Excavations.* All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(M) *Sewer Service Pipe Responsibility.* It is the responsibility of any owner/occupant of any building to maintain the sewer connection from the building to the sewer main. A clean out shall be provided 1 foot from the exterior wall of the

Breezy Point Public Works

building on all sewer service lines.

(Prior Code, § 3.20, Subd. 4) (Ord. passed 11-4-1991, Ord. 10-007, 3rd Series, passed 5-03-2010, Ord. 11-10, 3rd Series, passed 7-05-2011, effective 1-01-2012)

Penalty, see § 52.99

§ 52.05 MAIN AND LATERAL SEWER CONSTRUCTION.

(A) It is unlawful for any person, unless authorized, to uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(B) No sanitary or storm sewers shall be constructed in the city (except house or building service sewers) except by the city or by others in accordance with plans and specifications approved by a professional engineer. No sewers shall be considered to be a part of the public sewer system unless accepted by the city.

(C) The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling and other work connected with the construction of sewers shall conform to the requirements of the city.

(Prior Code, § 3.20, Subd. 5) Penalty, see § 52.99

§ 52.06 PROTECTION FROM DAMAGE.

It is unlawful for any unauthorized person to maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the public sewer.

(Prior Code, § 3.20, Subd. 6) Penalty, see § 52.99

§ 52.07 AUTHORITY OF INSPECTORS.

(A) Duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this section. Those employees shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries except as is necessary to determine the kind and source of the discharge to the public sewer.

(B) While performing the necessary work on private properties referred to in division (A) above, the authorized employees of the city shall observe all safety rules

Sewer

applicable to the premises.

(C) Duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds an easement for the purpose of, but not limited to, inspection, observation and construction of public sewers.

(Prior Code, § 3.20, Subd. 7)

§ 52.99 PENALTY.

Any person violating any provision of this chapter shall be subject to § 10.99.