

## **CHAPTER 4. WATER AND SEWER**

### **Part 1. General Provisions on Water and Sewer Systems**

#### **401.01 USE OF WATER OR SEWER SYSTEM RESTRICTED**

No person other than a city employee shall uncover or make or use any water or sewer service installation connected to the city water or sewer system 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 of this chapter.

#### **401.02 APPLICATIONS FOR SERVICE**

Subd. 1. Procedure. Application for a water or sewer service installation and for water service shall be made to the clerk on forms approved by the clerk 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 of water.

Subd. 2. Fees or Deposit. Application for a 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 as set forth in the code fee schedule for a water main connection permit and as set forth in the code fee schedule for a sewer connection permit. These fees shall be in addition to any fees required under subdivisions 3, 4, and 5.

Subd. 2. Connection Between Mains and Private Property Lines. (07-2010) When a connection requires installation of a water or sewer service line from the main to a private property boundary line, the developer or owner of the property to be serviced shall directly pay for all costs associated with making the necessary connections, taps and installation of pipe and appurtenances to provide service to the private property and the necessary street repairs. All pipes, connections, taps, appurtenances and street repairs shall conform with city standards as determined by the city maintenance person or such other person designated by the City Council.

After installation, responsibility for maintenance and/or repairing the lines, and all costs associated with said maintenance and/or repairs, shall be as follows:

- a) As to water lines, the City shall be responsible for maintaining or repairing the water service line between the main water line and up to and including (07-2010) the curb stop, and the developer or property owner shall be responsible for maintaining or repairing, and all costs associated with maintaining or repairing, of all water service lines from the curb stop inward to the place of service.
- b) As to sewer lines, the developer or owner shall be responsible for maintaining or repairing, and all costs associated with maintaining or repairing, all sewer lines from the main sewer line inward to the place of service. (07-2010)

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 subdivision 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.

Subd. 5. Trunk Charges. The City shall require a water trunk charge and sewer trunk charge as set forth in Chapters 8 and 9, in an amount as set forth in current fee schedule, unless otherwise specified.

The purpose of the sewer trunk charge is to provide wastewater treatment facilities and trunk gravity sewer capacity (cost difference of diameter gravity sewer). The

trunk fee shall be set according to recommended estimates based upon projected water usage of the proposed industrial user as determined by generally accepted engineering standards as reviewed and approved by the City Engineer.

401.04

### **ACCOUNTING, BILLING AND COLLECTING (12-2003)**

Subd. 1. Owner Responsibility. The owner shall be liable for water supplied 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 quarterly and shall specify the water consumed and the sewer and water charges in accordance with the rates set forth in the current City fee schedule. An exception to the sewer charge based upon water usage is hereby allowed for certain customers who install a second meter described in this subdivision. The second meter will be billed only for water used.

- (1) **No Water Discharged into Sanitary Sewer.** A second meter may be installed for customers in any zoning district where, no water is discharged into the sanitary sewer, subject to the customer complying with the following conditions:
  - (a) Execute a written agreement for reimbursement of city costs and pay a deposit for costs in an amount set forth in the current city fee schedule prior to such work.
  - (b) Install a separate water line from the water main, and a separate water meter for water used for irrigation or for business use where water is evaporated and does not enter sanitary sewer system.
  - (c) Allow the city to inspect the installation described in either subparagraphs (a) or (b) of this subdivision during construction and prior to activation.
  - (d) Allow the city access to the premises and inspection of the water meters inside the structure to assure that water through the separate line is not discharged into city sanitary sewer.
  - (e) If a separate connection is made for water only, the customer shall pay one additional water access charge and one additional water trunk charge for each existing water connection as set forth in the current city fee schedule. No city sewer connection or sewer trunk charge shall be paid. Sewer charges shall be paid only for water entering the city sewer system. All water usage shall be charged as a single amount on the water bill.
  
- (2) **Limited Water Discharge Into the City Sanitary Sewer.** A

second meter may be installed on the same water line in commercial, central business and industrial zoning districts for use in operation of a business where limited water is discharged into the city sanitary sewer system will be based on the amount of water discharged into the city sanitary sewer.

- (3) **Effective Date.** The provisions contained in subdivisions (1) and (2) of this section are effective retroactively to the beginning of the quarter in which this ordinance is effectively adopted. (10-2005)

Subd. 3. Delinquent Accounts.

Subd. 3 Delinquent Accounts. (07-2010) (10-2023) All charges for water and sewer shall be considered delinquent if unpaid within 30 days after being mailed. In addition to the remedies set forth above, the City shall assess a penalty upon all water and sewer accounts, which are not paid within thirty days. The penalty is set forth in the City's fee schedule. The Council may cause the charges noted in such billing, together with accrued interest, to become a lien against the property by certifying to the County the amount of said delinquent bill, together with interest, in accordance with Minnesota Statutes Section 442.15 and 443.16. In such cases, an administrative fee shall also be assessed to defray administrative expenses in an amount as set forth in the current fee schedule. The city shall endeavor to collect delinquent accounts promptly. In any case, where satisfactory arrangements for payment have not been made, the clerk may, after the procedural requirements of subdivision 4 have been complied with, cause a discontinue of service of service to the delinquent customer by shutting off the water at the curb stop. When water service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent bills and a fee as set forth in the code fee schedule. The water restoration fee shall be set according to whether the water was restored after payment of a delinquent account, after voluntary shut-off or for restoration requested by a customer on either a holiday or weekend. In the event the water service is not discontinued due to the requested payment being made at the time the city is at the property prepared to shut off the water, the customer shall be assessed a fee of one-half (1/2) what the city would assess if it had to shut off and subsequently reconnect. Delinquent accounts shall be certified to the City Clerk who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment roll shall be delivered to the Council for adoption on or before October 1 of each year for certification to the County Auditor for collection along with taxes. Such action is optional and may be subsequent to taking legal action to collect delinquent accounts.

Subd. 4. Procedure for Shutoff of Service. Water shall not be shut off under Subdivision 3 or for a violation of rules and regulations affecting utility service until notice and an opportunity for a hearing have first been given the occupant of the

premises involved. The notice shall be by certified or regular first class mail and shall state that if payment is not made before a day stated in the notice but not less than 10 days after the date on 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 on the matter, in which case the supply will not be cut off until after the hearing. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the council (city officer). If as a result of the hearing, the council (city officer) finds that the amount claimed to be owing is actually due and unpaid and that 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 shut off the supply.

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 has 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 of \$2,000 conditioned so as to secure compliance by the principal with the provisions of this code and to further secure the person's performance of all work undertaken within the city.

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 property or 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 damage insurance coverage shall be in the amount of at least \$200,000 and the public liability damage for injury or death shall be in the amount of at least \$200,000 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 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 for any loss or damage directly or indirectly caused by its installation.



## 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 401.04, Subdivision 4, for non-payment of charges, or for violation of rules and regulations affecting utility service. (04-2005)

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 a 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 appurtenance therein without a city permit.

Subd. 4. Curbstop Accessibility. The consumer or owner shall be prohibited from landscaping, paving, or in any other way obstructing access to the water system curbstop. If the curbstop is obstructed, the city shall provide written notice to the owner or consumer to remove the obstruction within thirty (30) days of the date of said notice. Said notice shall be made by either certified or registered mail sent to either the property address or the address of the registered owner of the property, if different from the property address. If the obstruction is not removed within the time required under the notice, the city may enter upon the premises to remove the obstruction, and the consumer or owner may be assessed the cost of shut-off, including the cost of removal of the obstruction, and said costs may be assessed against the property on the tax roles, pursuant to Section 302.09 of the City Code. City water service shall not be restored until such time that all costs have been paid in full.

Subd. 5. Repair of Leaks. The consumer or owner shall be responsible for maintaining the service pipe, up to but not including the curbstop into the building served. If the consumer or owner fails to repair any leak in such service pipe within twenty-four (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 sum, as set forth in the current fee schedule, 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. 6. Curbstop Repair. If repair to a curbstop is required after an attempt to shut

off water for nonpayment, or for repair of leaks, the city shall give the consumer or owner twenty-four (24) hours notice of making such repairs. The city may enter upon the land and make the necessary repairs. Notice shall be completed by telephone call from a city employee to the consumer or owner, or by posting written notice on the premises.

Subd. 7. Water Service Restoration. If water has been shut off for nonpayment of charges, water service shall not be restored until all costs relating to accessing, locating, and repairing the curbstop, as well as delinquent water charges and reconnection fees pursuant to the fee schedule have been paid in full. In such case, the city shall be allowed twenty-four (24) hours to restore water service to a delinquent customer after payment in full.

Subd. 8. 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 council, Public Works Director, or authorized designee, with the exception of emergency fire services. (01-2018)

Subd. 9. 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. 10. 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 posting the resolution, or two days after mailing of the 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, as set forth in the current fee schedule, for each day of violation and the charge shall be added to the customer's 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.

Subd. 11. Cross Connection. ***(REPEALED 08-2020 -- SEE 402.07)***

Subd. 12. Bulk Water Sales. The bulk purchase of city water shall be from a designated, city-owned metered hydrant. All other bulk water sale or consumption is prohibited without prior approval from the Public Works Director, or authorized



designee, to include inspection of approved backflow prevention devices and summary of total gallons used for or on city projects (01-2018). Any violation of this subdivision shall constitute a misdemeanor as defined in Minnesota Statutes. The purchaser of bulk water shall pay an administrative fee and water fee as set forth in the current city fee schedule. (08-2005). The purchaser of bulk water shall submit a deposit fee for the use of the city-owned hydrant meter as set forth in the current city fee schedule (06-2017).

402.02

**WATER CONNECTION REQUIRED**

Subd. 1. General Requirements. If the city water mains are within 75 feet of the boundary of any lot or parcel of property on which there is situated any building from which sewage or waste of any kind is produced and/or disposed of, the owner of the property shall connect to the city water main 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 city council.

Subd. 2. Connection by city. Whenever any owner or occupant fails to comply with such written notice, the council shall by resolution hookup to city water be completed. The costs of the hookup shall be paid in the first instance out of the general fund and then be assessed against the property benefited.

Subd. 3. Assessment. After the connection has 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.

402.03

**METERS (04-2004) (08-2006)**

Subd. 1. Meters Required. Except for extinguishing of fires, no person other than an authorized city employee, or other person specifically authorized by the Council, shall use water from the city water supply system or permit water to be drawn therefrom unless the water passes through a meter supplied or approved by the city. No person not authorized by the clerk shall connect, disconnect, take apart, or in any manner change or interfere with any such meter or its use.

Every owner or occupant required to have a water meter shall install a properly functioning, city-owned radio read water meter. The meter must be installed in an easily accessible location on existing construction, and additionally shall be located

in the utility area for all new construction. Water meters, which are not easily accessible must either have the obstruction removed or must be relocated at the owner or occupant's expense. (08-2006)

On new construction, the builder shall pay for and pick up the water meter prior to issuance of a certificate of occupancy. The city shall charge a fee for all water meters, and a deposit on the meter, in an amount set forth in the current city fee schedule. The deposit shall be refundable only upon closing one the sale of a property and when an application for new billing has been filed with the city. The fee for a water meter shall include the first 500 gallons of water allowed for use in testing the water meter. The water meter purchase fee shall only be charged if a new or replacement meter is required.

Subd. 2. Maintenance. The city shall maintain and repair at its expense any meter that has become unserviceable through ordinary wear and tear and shall replace it if necessary. Where repair or replacement is made necessary by act or neglect of the owner or occupant of the premises it serves, any city expense caused thereby shall be a charge against and collected from the water consumer, and water service may be discontinued until the cause is corrected and the amount charged is paid.

Subd. 3. Complaints; Meter Testing. When a consumer complains that the bill for any past service period is excessive, the city shall have the meter reread on request. If still dissatisfied, the consumer may, on written request and the deposit of the amount as set forth in the fee schedule, have the meter tested. If the test shows an error in the city's favor exceeding five percent of the water consumed, the deposit shall be refunded, an accurate meter shall be installed, and the bill shall be adjusted accordingly. Such adjustment shall not extend back more than one service period from the date of the written request.

Subd. 4. Meters Property of City. Water meters shall be the property of the city and may be removed or replaced as to size and type when deemed necessary. If a property owner requests a larger meter, then the property owner shall pay for the new meter if the owner or occupant has not previously paid for a meter. If the owner or occupant has previously paid for a meter, then the owner or occupant shall pay the difference in price between the old meter and the new one.

Subd. 5. Inspection. Authorized meter readers shall have free access, at reasonable hours of the day, to all parts of every building and premises connected to the city water supply system in order to read meters and make inspections. (08-2005)

402.04

## **PLUMBING REGULATIONS**

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 waste 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 or P.V.C. pipe. Connections with the mains for domestic supply shall be at least three-fourths of an inch per residential unit, or equivalent.

402.05

**WATER RATES (12-2003)**

The rates for water used shall be computed on a quarterly basis at the rate as set forth in the current fee schedule. One unit of measure is the equivalent of 1,000 gallons of metered water.

Subd. 1. Where there is more than one dwelling, business, or industry served through one water meter, the minimum charge, if any, shall apply to each such dwelling, business, or industry unit served through that meter. Each such dwelling, business or industry shall be deemed as one "unit" for building purposes.

Subd. 2. Motels, apartment units, and mobile homes shall be charged in accordance with the meter rates stated above.

Subd. 3. Water users located outside of the city limits shall be charged at double the above stated rates.

Subd. 4. Water Fund The City of Shafer hereby establishes a "Water Fund" as an income fund to receive all revenues generated by the Water Service Charge Systems, and all other income dedicated to the operation, maintenance, replacement and construction of the water works, including taxes, special charges, fees and assessments intended to retire construction debt. The City of Shafer hereby further establishes a "Water Management Fee" in an amount as set forth in the current City fee schedule.

The City also establishes the following account as an income and expenditure account within the Water Service Fund:

- (1) Operation and Maintenance Account
- (2) Equipment Replacement Account
- (3) Debt Retirement Account

All revenue generated by the Water Service Charge System, and all other income

pertinent to the water system, including taxes and special assessments dedicated to retire construction debt shall be held by the City Treasurer separate and apart from all other funds of the City.

Revenue generated by the Water Service Charge System sufficient to insure adequate replacement throughout the design or useful life, whichever is longer, of the water facilities shall be held separate and apart in the “Equipment Replacement Account” and dedicated to affecting replacement costs.

402.06

## **WELL CONSTRUCTION PERMIT**

Subd. 1. Permits Private wells are not permitted within the city unless city water is not available pursuant to section 402.02 of the code. Before proceeding within the city with construction or reconstruction of any well, which involves drilling or casing insertion, the owners 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 as set forth in the fee schedule.

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 not issue the permit unless city water is not available and the council, as determined by resolution, finds facts, which indicate that the health, safety, and welfare of the public can be protected by granting a permit.

Subd. 4. Capping of Well. Once city water becomes available pursuant to section 402.02 of the city code, then the use of the well shall cease and the landowner on which the well is located shall cap the well within thirty (30) days upon receiving notice of same by the city in compliance with federal, state and local laws and regulations; provided, however, that in the event the land upon which the well is located is within Agricultural Open Space District, the well may continue to be used solely for irrigation and animal watering purposes if not otherwise prevented by federal, state and local laws and regulations. (05-2011)

402.07

## **CROSS CONNECTIONS AND BACKFLOW PREVENTION (08-2020)**

Subd. 1. Background. The United States Congress enacted the Safe Drinking Water Act (PL 93-532) into law on December 16, 1974. Minnesota achieved primacy for the Safe Drinking Water Act in 1976. Minnesota State Statutes place responsibility for compliance with the Safe Drinking Water Act on the water purveyor through the Department of Health. The Safe Drinking Water Act and its regulations cover all potable water systems and states that “minimum protection should include programs that result in the prevention of health hazards, such as cross connections.”

Subd. 2. Purpose. The purpose of this specification is:

- A. To carry out the requirements of the Safe Drinking Water Act (PL 93-532) and the related provisions of Minnesota Statutes, chapter 144 and Minnesota Rules, chapters 4720.
- B. To protect the municipal potable water supply of the City of Shafer, Minnesota from the possibility of contamination or pollution of the potable water system(s) under the direct authority of the City of Shafer.
- C. To promote the elimination or control of existing cross connections, actual or potential, between the customer’s potable water system(s) and another environment containing substance(s).
- D. To provide for the maintenance of a continuing Program of Cross Connection Control which will systematically and effectively prevent the contamination or pollution of all potable water system(s) under the direct authority of the City of Shafer.
- E. To fulfill the requirements of the Minnesota Plumbing Code, Minnesota Rules Chapter 4714.

Subd. 3. Responsibility. The City of Shafer, shall be responsible for the protection of the potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants. If, in the judgment of City of Shafer or authorized personnel an approved means of backflow prevention is required (in the customer’s water service; or within the customer’s private water system) for the safety of the water system, the City shall give notice in writing to said customer to install an approved means of backflow prevention at a specific location(s) on the customer’s premises. The customer shall immediately install an approved means of backflow prevention at the customer’s own expense; failure, refusal or inability on the part of the customer to install, have tested, maintain or repair such, shall constitute grounds for disconnecting water service to the premises until such requirements have been satisfactorily met.

A. Cross Connection Control Program. The City of Shafer, which is the authority having jurisdiction in charge of the “municipal” water system is vested with authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this specification

Subd. 4. Definitions. The following definitions shall apply to this specification. These definitions shall be used in conjunction with definitions and guidelines of the Minnesota Plumbing Code and Minnesota Statutes, Chapter 4714, as they may be amended from time to time.

A. “Approved” as herein used in reference to a water supply shall mean a water supply that has been approved by the Minnesota Department of Health. The term “approved” as herein used in reference to an air gap, pressure vacuum breaker assembly, a double check valve assembly, a reduced pressure principle backflow prevention assembly or other backflow prevention assemblies, devices or methods shall mean any such assembly, device or method approved by the State of Minnesota Plumbing Code, Department of Health and the City and its authorized personal.

B. “Auxiliary Water Supply” means any water supply on or available to the premises other than the water supply of the City of Shafer. These auxiliary waters may include water from another city’s water utility or public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or used water of industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the City does not have sanitary control.

C. “Backflow” means the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source(s).

D. “Backpressure” means any elevation of pressure in the downstream piping system (i.e. pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of consideration, which would cause, or tend to cause, a reversal of the normal direction of flow.

E. “Backsiphonage” means a form of backflow due to a reduction in system pressure, which causes a sub atmospheric pressure to exist at a site in the water system.

F. “Backflow Preventer” means a means designed to prevent backflow, including:

1. “Air Gap” means a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open and non-pressure receiving vessel.
2. “Approved Air Gap” means a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open and non-pressure receiving vessel which shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the fixture, but in no case less than 1 inch.
3. “Reduced Pressure Principle Backflow Prevention Assembly” means an assembly containing two (2) independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located resilient seated test cocks and tightly closing resilient shutoff valves at each end of the assembly. This assembly is used to protect against a non-health (i.e., pollutant) or a health hazard (i.e., contaminant).
4. “Double Check Valve Backflow Prevention Assembly” means an assembly composed of two (2) independently acting approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. This assembly shall only be used to protect against a non-health hazard (i.e., pollutant).
5. “Pressure Vacuum Breaker (PVB)” means an assembly which consists of an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve, with properly located resilient seated test cocks and tightly closing resilient seated shutoff valves attached at each end of the assembly.
6. “Backsiphonage Backflow Vacuum Breaker (SVB)” means a type of cross connection control assembly which contains a check valve force – loaded closed and an air inlet vent valve force - loaded open to the atmosphere, positioned downstream of the check valve, and located between and including two (2) tightly closing shutoff valves and two (2) test cocks.
7. “Atmospheric Vacuum Breaker (AVB)” means a device that performs similarly to a pressure vacuum breaker assembly. The AVB consists of a float check, a check seat, and an air inlet port. During normal flow conditions the float within the AVB seals against the air inlet seat.

When a backsiphonage condition develops the cessation of normal flow permits the float to drop, thus opening the air inlet valve. If the float seals against a check seat there is no backsiphonage from the AVB body or downstream piping. However, if the float check is fouled, the air entering through the air inlet valve dissipates.

G. “Contamination” means an impairment of the quality of the water creating an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, or toxic solutions.

H. “Cross Connection” means any unprotected actual or potential connection or structural arrangement between a municipal or a consumers private potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gases, solids or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross connections.

1. “Direct cross connection” means a cross connection which is subject to both backsiphonage and backpressure.

2. “Indirect cross connection” means a cross connection which is subject to backsiphonage only.

I. “Controlled Cross Connections” means a connection between a potable water system and a non- potable water system with an approved means of backflow prevention properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

J. “Containment - Potable Water Service Protection” means the appropriate type or method of backflow protection in the water service commensurate with the degree of hazard of the customer’s water system. (See also Isolation)

K. “Customer” means the owner (i.e., building or property owner) of the water system(s) supplied by the City of Shafer.

L. “Degree of Hazard” means a pollutional (non- health) or contamination (health) hazard and is derived from the elevation of conditions within a system.

1. “Health Hazard” means an actual or potential threat of contamination of a physical or toxic nature to the public potable water system of the customer’s potable water system that would be a danger to health (i.e., contamination).



2. “Plumbing Hazard” means an internal or plumbing type cross connection in a customer’s potable water system that may be either a polluttional or a contamination type hazard. This includes but is not limited to cross connections in toilets, sinks, lavatories, wash trays and lawn irrigation systems. Plumbing type cross connections can be located in many types of structures including homes, apartment houses, hotels, commercial and industrial establishments. Such a connection, if permitted to exist, must be properly protected by an appropriate means of backflow prevention.

3. “Non-Health Hazard” means an actual or potential threat to the physical properties of the water system or the portability of the public or the customer’s potable water system but which would not constitute a health or system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance, be aesthetically objectionable or could cause minor damage to the system or its appurtenances (added parts).

4. “System Hazard” means an actual or potential threat of severe damage to the physical properties of the water system (public or customer’s potable water system) or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

M. “Industrial Fluids” means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration which would constitute a health, system, non-health or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated used waters, all types of process waters and “used waters” originating from the public potable water system which may deteriorate in sanitary quality, chemicals in fluid form, plating acids and alkali’s, circulating cooling treated or stabilized with toxic substances, contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, etc., oils, gases, glycerin, paraffin’s, caustic and acid solutions or other liquid and gaseous fluids used industrially for other purposes including firefighting purposes.

N. “Isolation” or “Point of Use” means the appropriate type or method of backflow protection at all potable water outlets commensurate with the degree of hazard to the customer’s potable water system.

O. “Non-Potable Water” means water not safe for drinking, personal or culinary use.

P. “Pollution” means an impairment of the quality of the water to a degree which

does not create a hazard to the public health but which does adversely and unreasonably effect the aesthetic qualities of such waters for Domestic use.

Q. “Potable Water” means water that is: safe for human consumption, personal or culinary use; and free from impurities in amounts sufficient to cause disease or harmful physiological effects.

R. “Rebuild” when used in reference to a Reduced Pressure Principle (RPZ) backflow prevention assembly shall consist of replacing all of the spring and rubber parts within the device. Both spring and rubber repair kits are required.

S. “Water User” means the person(s) that will be consuming or using the water at the point of use, (i.e., consumer).

T. “System Drain” means a hose bibb or boiler cock that is used exclusively to blow out or drain a water system for frost conditions or maintenance.

#### Subd. 5. Requirements.

##### A. Policy and Backflow Prevention Requirements.

1. No water service to any premise or property (“premises”) shall be allowed by the City unless the water supply is protected as required by the State of Minnesota Department of Health, Chapters 4720 and 4714, and all other applicable State Statutes and Regulations, City of Shafer Watermain Material and Installation Specifications, AWWA Manual M14 and City ordinances. Service of water to any premise shall be discontinued by the City if the means of backflow prevention required by this specification is not installed, tested, maintained and repaired, or if it is found that a means of backflow prevention has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
2. The customer’s water supply system shall be open for inspection at all reasonable times to authorized representatives of the City to determine whether unprotected cross connections or other structural or sanitary hazards, including violations of these regulations exist. When such a condition becomes known, the City shall immediately notify the customer of the violation, ensure that corrective action is taken in a punctual manner or shall deny or immediately discontinue water service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with Minnesota Law and this specification.

3. It shall be the responsibility of the customer to assume the cost for the installation, testing, repair and maintenance of the backflow assembly as required by this section and the Minnesota rules, Chapter 4714 and all other referenced materials. An accredited tester certified by the Department of Labor and Industry as a backflow prevention rebuilder or a backflow prevention tester shall preform all required backflow assembly testing.

B. Water System.

1. The water system shall be considered as made up of two (2) parts: The City's water System and the customer's water supply system.

2. The City's water system shall consist of the source of the water, the facilities and distribution system; and shall also include all those facilities of the water system under the control of the City.

3. The source of the water shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution System.

4. The distribution system shall include the network of conduits used from the source to the customer's system.

5. The customer's system shall include those parts of the facilities beyond the termination of City's distribution system, which are utilized in conveying potable water to points of use.

C. Special Backflow Assembly Requirements.

1. Backflow Assembly Required. An approved means of backflow prevention shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line whenever the following conditions exist:

a. In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the State of Minnesota Department of Health, City's water system shall be protected against backflow from the premises by installing an approved means of backflow prevention in the service line commensurate with the degree of hazard.

- b. In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to City's water system, The City's water system shall be protected against backflow from the premises by installing an approved means of backflow prevention in the service line commensurate with the degree of hazard. This shall include the handling of process waters and waters originating from Shafer's distribution system which have been subject to deterioration in quality.
  - c. In the case of premises having either internal cross connections that cannot be corrected and protected, or intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes thereby making it impractical or impossible to ascertain whether dangerous cross connections exist, City's water system shall be protected against backflow from the premises by installing an approved means of backflow prevention in the service line.
2. Type of Required Backflow Assembly. The type of protective backflow prevention assembly required shall depend upon the degree of hazard which exists as defined below:
- a. In the case of any premise where there is an auxiliary water supply not subject to the following rules, City's water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly.
  - b. In the case of any premise where there is water or substance that would be objectionable but not hazardous to health if introduced into City's water system, an approved double check valve backflow prevention assembly shall protect The City's water system.
  - c. In the case of any premise where there is any material dangerous to health, which is handled in such a fashion as to create an actual or potential hazard to the City's water system, the City's water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include, but are not limited to sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, health care facilities (i.e.; clinics, medical centers, health centers, nursing homes, etc.) mortuaries, plating plants, agricultural facilities (i.e.; farms), chemical or fertilizer plants, etc.

- d. In the case of any premise having multiple violations where there has been unprotected cross connections, either actual or potential, and/or where there are a number of plumbing or piping changes occurring, the City's water system shall be protected by an approved air gap or an approved reduced pressure principle backflow assembly at the service connection directly off of the main ahead of all customer connections.
- e. In the case of any premise where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete on-premise cross connection survey, either an approved air gap or an approved reduced pressure principle backflow assembly on each service to the premises shall protect the City's water system.
- f. Means of backflow prevention application will be determined by the degree of hazard in accordance with Minnesota Plumbing Code Section 603.2 and other relevant provisions of Minnesota Rules, Chapter 4714.
- g. All presently installed backflow prevention assemblies installed as of the date of adoption of this section which do not meet the requirements of these specifications but were approved backflow protection for the purposes described herein at the time of installation and which have been properly tested, repaired and maintained, shall except for the testing, repair and maintenance requirements under this section, be excluded from the requirements of these rules, so long as the City is assured that they will satisfactorily protect the potable water systems. Whenever the existing backflow preventer is moved from the present location or requires more than minimum maintenance or when the City finds that the installation constitutes a hazard to health, the backflow preventer shall be replaced by an approved means of backflow prevention meeting the requirements of these specifications.
- h. Any means of backflow prevention required herein shall mean an assembly that has been manufactured in full conformance with the standards established by American Water Works Association (AWWA) and by American Society of Sanitary Engineering (ASSE) and have met completely the laboratory and field performance specifications of the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California (USC FCCCHR) established in: Specifications of

Backflow Prevention Assemblies - Section 10 of the most current Edition of the Manual of Cross Connection Control.

i. The City hereby adopts AWWA/ASSE and USC FCCHR Standards and Specifications. A “Certificate of Compliance” for the said AWWA/ASSE standards shall evidence Final approval; or “Certificate of Approval” for the said USC FCCHR specifications issued by an approved testing laboratory.

3. It shall be the responsibility of the customer to label all system drains that have threaded connections with the words “DRAIN ONLY”. The tags or labels must be waterproof and have legible letters at least 1” in height.

D. Customer Responsibilities.

1. It shall be the duty of the customer at any premise where backflow prevention assemblies are installed to have a field test performed by an accredited backflow prevention assembly tester upon installation and at the required annual intervals thereafter. The City may require field tests at more frequent intervals as individual circumstances may indicate.

2. It shall be the responsibility of the customer to assume the cost for the installation, testing, repair and maintenance of the backflow assembly which shall be performed by individuals appropriately certified by the Minnesota Department of Labor and Industry.

3. The water customer may be required to notify the City in advance when tests are to be undertaken so that a City representative may witness the field tests, if so desired. The water customer would be informed, in advance, if such action were to occur. If notification is requested and not provided, the City may require retesting of the assembly.

E. Installation, Testing and Maintenance

1. All backflow assemblies must be tested upon installation, at the required annual intervals thereafter per State of Minnesota Plumbing Code and/or the manufactures minimum recommended interval. The City may require field tests at more frequent intervals as individual circumstances may indicate (i.e.; high hazards, high incidence of field test failures, frequent internal plumbing changes, etc.).

2. The Customer is required to have all testable backflow prevention assemblies tested at intervals not to exceed twelve (12) months from the date of the previous test date and shall be submitted to the testing managing agent no more than 30 days after the test date.

3. The Customer is required to have any Reduced Pressure Principle (RPZ) backflow prevention assemblies rebuilt at intervals not to exceed five (5) years. The rebuild must be completed by a licensed plumber per State of Minnesota Plumbing Code.
  4. The City or its authorized representative will notify in writing each water customer that is delinquent in submitting their annual backflow prevention assembly tests. This written notice shall give the water customer a maximum of 30 calendar days to have the assembly tested and test results submitted to the City.
  5. A “Second Notice” shall be sent to each water customer who does not have the backflow prevention assembly tested as prescribed in the first written notice within the 30-calendar day period allowed. The “Second Notice” will give the water customer a period of 15 calendar days to have the assembly tested and the completed report submitted.
  6. If the water customer takes no action within the 15-calendar day grace period, the City may terminate water supply to the water customer until the said assembly is tested. The water customer will be required to pay fees found in the City fee schedule if it is necessary to terminate the water service and reinstate the service.
  7. The company or tester doing the testing and the water customer shall keep records of tests, repairs and maintenance. The approved testing company shall provide the records of such test to the City and water customer upon completion. Records shall be provided to the City in the form and manner required by the City. The City and the water customer shall maintain these records for a minimum of seven (7) years and make them available upon request.
- F. On-Premise Cross Connection Control Survey/Inspection.
1. The City shall require an on-premise survey to evaluate cross connection hazards, as per these specifications.
  2. The City or its authorized representative shall provide written notice of the survey to the water customer and collectively determine a date and time acceptable to both to conduct the survey.
  3. The City and the water customer shall be notified of the survey findings, listing the degree of hazard and the corrective actions to be taken, if any are required. A reasonable period of time shall be given to complete all

backflow prevention. Documentation of completion of corrective actions/changes must be provided to the City.

4. The City, at its discretion, may require a re-inspection for cross connection control hazards of any premise to which it serves water because of re-piping, plumbing remodeling or additions to existing piping for reasons that may permit a hazard to the potable water system(s).
- G. Commercial Fire Protection System Requirements.
1. The following applies to commercial fire protection systems and the requirement of NFPA 13, NFPA 13R and Minnesota Plumbing Code, Minnesota Rule, Part. 4714.
  2. All new installations shall require double check valves. All systems with a single check valve that are being replaced shall be upgraded to a double check valve.
  3. Existing single check valves that are in place may remain in place as long as no work is being completed to the device or the immediate area adjacent to the device.
    - a. If an additional riser is added to the header or if a riser, previously installed for future use is utilized, it will be construed as work being done to the area adjacent to the device.
    - b. Before installing or testing a backflow prevention assembly on a fire sprinkler system, it is required that the fire authority having jurisdiction be consulted for additional criteria they may require. Additionally, the hydraulic calculations for the fire sprinkler system shall be recalculated adding the additional pressure loss of the new back flow device proposed to be installed. The hydraulic calculations shall be submitted to the building inspector for approval before the backflow prevention device is installed.
    - c. Before testing or performing maintenance on a backflow prevention device for a fire sprinkler system, all proper notifications shall be made including providing notice to the City. Each system will have different requirements, contact the Shafer building inspector with questions.
    - d. Exceptions may be made in cases where the replacement of a single check valve with a double check backflow device on existing systems reduces the flow to a point that the system no longer complies with fire codes or insurance requirements and the



addition of a booster pump or fire pump is not structurally practical.

H. Residential Fire Protection System Requirements.

1. The following applies to residential fire systems that are constructed of approved potable materials and are designed to flow water so it does not become stagnate. The conditions found in the NFPA 13d and the Minnesota Plumbing Code Chapter 4714 must be met.
  - a. If a residential sprinkler system installed in a single-family dwelling is constructed with potable water pipe and there are no chemicals in the system, a backflow device is not required.
  - b. If the system is constructed with non-potable materials and there are no chemicals in the system, a double check valve is required. Annual testing is required.
  - c. If the system is constructed with any chemicals contained within it, an RPZ is required. Annual testing and rebuilds at intervals not to exceed 5 years is required.
2. The following applies to a Multi-purpose residential fire system in a single-family dwelling. This system has dead end runs that permit water to become stagnate.
  - a. If the system is constructed with potable water pipe and there are no chemicals in the system, a single check valve is required. Annual testing is not required.
  - b. If the system is constructed with non-potable materials and there are no chemicals in the system, a double check valve is required. Annual testing is required.
  - c. If the system is constructed with any chemicals contained within it, an RPZ is required. Annual testing and rebuilds at intervals not to exceed 5 years is required.
3. Residential fire sprinkler systems shall be installed on the customer side of the water meter.
4. Residential fire sprinkler systems that have non-potable materials shall be labeled with stickers that read “non-potable water” a minimum of every 5 feet and orientated to be in conspicuous locations.

5. It is the fire sprinkler system designer's responsibility to provide the property owner with the water flow requirements of the meter to meet their system needs. The City will only supply a water meter above 1" if special circumstances exist and a request is made from the owner.
6. All fire sprinkler systems must be reviewed and approved by the City building inspector.
  - I. In-ground Irrigation Systems.
    1. The State of Minnesota requires backflow protection on all in-ground irrigation systems. The testing of all irrigation system protection devices must be completed each year at the time of system start-up.
    2. Notwithstanding any other provision in this section to the contrary, a water customer that permanently caps or otherwise disconnects the water customer's in ground irrigation system from the City of Shafer's water system will not be required to install, test, or maintain an attached backflow preventer provided the in ground irrigation system remains capped or otherwise disconnected from the City of Shafer's water system.

Subd. 6.      Penalty.

- A. Customers shall be assessed and responsible for paying for all fees found in the city fee schedule assessed as a result of a customer failure to comply with the requirements of this section, including all necessary testing.
- B. The City may terminate water supply to the water customer for any failures to perform the requirements of these specifications. The water customer will be subject to fees as outlined in the City Fee Schedule for the reestablishment of water service to the customer.

**Section 2.**      Shafer City Code Section 402.01 subdivision 11 is repealed.

**Section 3.**      This ordinance shall become effective thirteen (13) months after its passage and publication according to law. (*Published 8-13-2020*)

### **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 backfill shall be placed until the work has been inspected and approved.

#### **403.02 SEWER SYSTEM GENERAL REGULATIONS**

Subd. 1. Discharge of Surface Water. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, cooling water, or unpolluted industrial process waters into any sanitary sewer within the City in a manner which does not conform with the requirements of this section. No rainspout or other form of surface drainage and no foundation drainage, including sump pump, 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 demand exceeding 1,000 parts per million by weight as averaged during any 12-month period;
- c. Any gasoline, benzine, 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 matter 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 served 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 is impractical.

Subd. 6. 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 terminated from the connection with the city sanitary sewer system. Such termination of connection shall be effected by the city only after a hearing before the city council upon 10 days mailed notice to the owner or occupant concerned.

The requirements of this code Section 403.03, for connection to the city sanitary sewer system, shall not be applicable to property disconnected under this section. However, any such property producing sewage shall be equipped with an adequately maintained and liquid tight holding tank.

403.03

### **SEWER CONNECTION REQUIRED**

Subd. 1. General Requirement. If sanitary sewer mains are within 75 feet of the boundary of any lot or parcel of property on which there is situated any building from which sewage or waste of any kind is produced and/or disposed of, the owner of 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 a toilet be installed and connection made with the water and sewer system and that the cost 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 (12-2003)**

The owner, lessee, or occupant of each unit connected with the city sewer system shall pay as set forth in the current fee schedule per unit per quarter. A vacant unit shall be subject to the quarterly charge as set forth in the current fee schedule.

Subd. 1. Unit Defined. Sewer rates are based upon water usage as measured by water meters and shall be in the amounts as set forth in the current fee schedule. One unit of measure is equivalent of 1,000 gallons of metered water.

Subd. 2. Sewer Fund. The City of Shafer hereby establishes a "Sewer Fund" as an income fund to receive all revenues generated by the Sewer Service Charge Systems, and all other income dedicated to the operation, maintenance, replacement and construction of the wastewater treatment works, including taxes, special charges, fees and assessments intended to retire construction debt. The City of Shafer hereby further establishes a "Sewer Management Fee" in an amount as set forth in the current City fee schedule,

The City also establishes the following account as an income and expenditure account within the Sewer Service Fund:

- (1) Operation and Maintenance Account
- (2) Equipment Replacement Account
- (3) Debt Retirement Account

All revenue generated by the Sewer Service Charge System, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt shall be held by the City Treasurer separate and apart from all other funds of the City. Revenue generated by the Sewer Service Charge System sufficient to insure adequate replacement throughout the design or useful life, whichever is longer, of the wastewater facility shall be held separate and apart in the "Equipment Replacement Account" and dedicated to affecting replacement costs.

Subd. 3 Unit Defined Each single-family residence, each manufactured home, each business and each apartment unit shall constitute one "unit".

Subd. 4 Multiple Units Each unit of a multiple business or dwelling using one sewer connection shall pay a minimum for each unit as a separate user.

Subd. 5. Service Outside the City. Single family residences and mobile homes located outside the city limits shall pay a minimum charge of double the minimum charged within the city per quarter.

Subd. 6. Effluent of Unusual Strength or Quantity. Where it appears that sewage of unusual strength or quantity is being disposed from any premises, the council may cause an investigation to be made and upon the facts may determine equitable and reasonable sewer charges against the owner, occupant, or lessee of the premises for sewer service.

Subd. 7. Required Information. The owner, occupant, or person in charge of any premises 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. 8. Disposition of Revenues. All revenues derived from charges imposed under this section shall be credited to the "Sewer Fund".

#### **Part 4. Individual Sewage Disposal Systems**

404.01

#### **DEFINITIONS (07-2020)**

Subd. 1. Individual Sewage Disposal Systems may be constructed in areas without public sanitary sewer and where public sanitary sewer is not proposed in the City's Capital Improvement Program, provided the parcel shall demonstrate suitable soil conditions for a minimum on-site sewage treatment area of one (1) acre of buildable soil. A building permit shall not be issued for a lot which either does not meet the minimum acres of acceptable soils for on-site sewage treatment; or does not have enough acceptable soils within the lot or under legal contract to construct at least two (2) complete septic/drain field treatment systems.

Subd. 2. Conformance to Ordinance. A septic permit shall be issued only after proof by the applicant that a suitable on-site sewage treatment and disposal system can be installed on the site. Such system shall conform to all the requirements of the Chisago County On-Site Sewage Treatment Ordinance, including any amendments thereto, and shall include percolation tests and borings. Individual sewage disposal systems in existence at the time of this ordinance shall be subject to compliance with all federal, state and local laws and regulations. In the event of failure to comply with applicable laws, or in the event a land owner is required to hookup to city sewer pursuant to section 403.03 of the city code, then the land owner shall disconnect and vacate the private septic system, and restore the land as required by any federal, state or local law or regulation.

Subd. 3. Penalty. Any person convicted of violating any provisions of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000.00, or imprisonment for not more than 90 days, or both, plus the cost of prosecution in either case.

404.02

**CODE ADOPTED**

Chisago County Subsurface Sewage Treatment System Ordinance, County Ordinance Number 10-1, as amended, 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. (06-2011)

404.03

Repealed. (07-2020)

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 therefore 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 as set forth in the fee schedule. Permits 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 (07-2020) 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 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 the standards of those items.

404.06           **ADMINISTRATION**

The City shall enforce the provisions of this part.

404.07           **INSPECTION**

The City shall make such inspection or inspections as are necessary to determine compliance with this part of the ordinance. It shall be the responsibility of the applicant for the permit to notify the City that the job is ready for inspection or re-inspection, and it shall be the duty of the City 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 City 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 City shall issue to the applicant a certificate of approval.

If upon inspection the City discovers that any part of the system is not constructed in accordance with the minimum standards provided in this part, the City shall give the applicant written notification describing the defects. The applicant shall pay an additional fee as set forth in the fee schedule 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 to 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 stated 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.

## Part 5. Storm Water Drainage Utility (11-2003)

### 405.01 Storm Water Drainage Utility Established

The municipal storm sewer system shall be operated as a public utility pursuant to Minnesota Statute Section 444.075 from which revenues will be derived subject to the provisions of this Chapter and Minnesota Statutes.

### 405.02 Purpose

The purpose of all funds derived is to pay for all or part of the construction, reconstruction, repair, enlargement, improvement or other obtainment and the maintenance, operation and use of the storm sewer utility as established by the City of Shafer. All revenues derived from the fee shall be credited to the appropriate storm sewer fund.

### 405.03 Definitions

Residential equivalent factor, (REF) – One (1) REF is defined as the ratio of the average volume of runoff generated by a given land use to the average volume of runoff generated by a typical single family residential land, during a standard one (1) year rainfall event.

### 405.04 Storm Water Drainage Fees

Storm water drainage fees for parcels of land shall be determined by multiplying the REF for a parcel's land use by the parcel's acreage and then multiplying the resulting product by the storm water drainage rate. The REF values for various land use are as follows:

<u>CLASSIFICATION</u>	<u>LAND USES</u>	<u>REF</u>
1	Golf courses	0.25
2	Parks with parking facilities	0.75
3	Single family, duplex and mobile home residential	1.00
4	Public and private schools, community center	1.25
5	Multiple family residential, churches and governmental buildings	2.50
6	Commercial, industrial, central business, warehouse	5.00

405.05 **Storm Water Drainage Rates**

The storm water drainage rate shall be \$4.50 per quarter per REF-acre or as amended by City Council resolution.

405.06 **One Family and Duplex Parcels and Mobile Home Parcels**

For the purpose of calculating storm water drainage fees, all developed one family and duplex parcels shall be considered to have an acreage of one-third (1/3 acre).

405.07 **Credits**

The Council may adopt policies recommended by the City Engineer, by resolution, for adjustment of the storm water drainage fee for parcels based upon hydrologic data to be supplied by property owners, which data demonstrates a hydrologic response substantially different from the standards. Such adjustments of storm water drainage fees shall not be made retroactively.

405.08 **Exemptions**

The following land uses are exempt from storm water drainage fees.

- A. Public Rights of way.
- B. Vacant and unoccupied parcels, unimproved land with ground cover, such as agricultural, conservation zoned land that does not have a residential or commercial building on the parcel.
- C. Lakes.
- D. Wetlands (with easements dedicated to City).
- E. Municipal owned property, municipal parks and municipal libraries.
- F. Cemeteries.
- G. Church parks and Church ball fields.

405.09 **Payment of fee**

Statements for storm water drainage fee shall be computed every quarter and invoiced with the water or sewer invoice. Such statement shall be due 30 days after mailing. Any property not connected to the City water and sewer system will be billed annually in the first quarter of each year. Any prepayment or overpayment of charges shall be retained by the City and applied against subsequent quarterly fees.

405.10           **Recalculation of Fee**

If a property owner or person responsible for paying the storm water drainage fee questions the correctness of an invoice for such charge, such person may have the determination of the charge recomputed by written request to the City Clerk made within twelve (12) months of mailing of the invoice in question by the City.

405.11           **Penalty for Late Payment**

Delinquent Accounts. All charges for storm water drainage utility shall be considered delinquent if unpaid within 30 days after being mailed. The City shall assess a penalty upon all storm water drainage utility accounts which are not paid within thirty days. The penalty is set forth in the City’s fee schedule. The council may cause the charges noted in such billing, together with accrued interest, to become a lien against the property by certifying to the county the amount of said delinquent bill, together with interest, in accordance with Minnesota Statutes Section 442.15 and 443.16. In such cases, an administrative fee shall also be assessed to defray administrative expenses in an amount as set forth in the current fee schedule. The City shall endeavor to collect delinquent accounts promptly.

405.12           **Certification of Past Due Fees on Taxes**

Any past due storm water drainage fees in excess of ninety (90) days past due on October 1 of any year may be certified to the County Auditor for Collection with real estate taxes in the following year pursuant to Minnesota Statute Section 444.075, Subdivision 3. In addition, the City shall also have the right to bring a civil action or to take other legal remedies to collect unpaid fees.