

HUNTLEY (SSD) SEWER SERVICE DISTRICT SEWER ORDINANCE

This ordinance is hereby created for the purpose of defining how the Subordinate Service District, known as the Huntley (SSD) Sewer Service District will handle wastewater issues.

This ordinance will reference the City of Winnebago Sewer Ordinance and will adhere to whichever ordinance is more restrictive.

A. SECTION ONE - PURPOSE

Faribault County (on behalf of the Residents of Huntley), and the City of Winnebago have entered into a Sanitary Sewer Connection and Treatment Agreement that was approved by the Faribault County Board of Commissioners on September 4, 2007, and the City of Winnebago on December 18, 2007.

Item 12 within the Sanitary Sewer Connection and Treatment Agreement identifies that Faribault County will develop and adopt an appropriate sewer ordinance for the Huntley SSD regulating connection and the use of and discharge into the collection system, and that the ordinance would require that all flows entering the City's sanitary sewer system are in conformance with the current Winnebago City sanitary sewer codes.

B. SECTION TWO – DEFINITIONS

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

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.

CITY. City of Winnebago, MN

COUNTY. Faribault County, MN

DEPARTMENT. Faribault County Planning and Zoning and/or City of Winnebago, MN, or its representative, and employees.

EASEMENT. An acquired legal right for the specific use of land owned by others.

INDUSTRIAL WASTE. Gaseous, liquid and solid wastes resulting from industrial or manufacturing processes, trade or business or from the development, recovery and processing of natural resources, as distinct from residential or domestic strength waste.

INDUSTRY. Any non-governmental or nonresidential user of a publicly owned treatment system.

INFILTRATION. Water entering the sewage system (including building drains and pipes) from the ground through such means as defective pipes, pipe joints, connections and manhole walls.

INFILTRATION/INFLOW (I/I). The total quality of water from both infiltration and inflow.

INFLOW. Water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

MPCA. Minnesota Pollution Control Agency.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Section 402 and 405 of the Act.

NATURAL OUTLET. Any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.

NON-CONTACT COOLING WATER. The water discharged from any use such as air conditioning, cooling or refrigeration or during which the only pollutant added is heat.

NORMAL DOMESTIC STRENGTH WASTE. Wastewater that is primarily introduced by residential users, with a BOD₅ concentration not greater than 225 mg/l, and a Total Suspended Solids (TSS) concentration not greater than 250 mg/l.

SEWAGE. The spent water of a community. The preferred term is **WASTEWATER**.

SEWER. A pipe or conduit that carries wastewater or drainage water.

- (1) **COLLECTION SEWER.** A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.
- (2) **COMBINED SEWER.** A sewer intended to serve as a sanitary sewer and a storm sewer.
- (3) **FORCE MAIN.** A pipe in which wastewater is carried under pressure.
- (4) **INTERCEPTOR SEWER.** A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.
- (5) **PRIVATE SEWER.** A sewer which is not owned and maintained by a public authority.
- (6) **PUBLIC SEWER.** A sewer owned, maintained and controlled by a public authority.
- (7) **SANITARY SEWER.** A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions,

together with minor quantities of ground, storm and surface waters which are not admitted intentionally.

- (8) **STORM SEWER** or **STORM DRAIN**. A drain or sewer intended to carry storm waters, surface runoff, ground water, sub-surface water, street wash water, drainage and unpolluted water from any source.

SSD. Subordinate Service District

SSTS. Subsurface Sewage Treatment System

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.

USER. Any person who discharges or causes or permits the discharge of wastewater into the city's wastewater disposal system.

WASTEWATER. The spent water of a community and referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water and storm water that may be present.

WASTEWATER TREATMENT WORKS or **TREATMENT WORKS**. An arrangement of any devices, facilities, structures, equipment or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation or municipal sewage, domestic sewage or industrial wastewater or structures necessary to recycle or reuse water, including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

WATERCOURSE. A natural or artificial channel for the passage of water, either continuously or intermittently.

C. SECTION THREE - GENERAL PROVISIONS

- 1. CONTROL BY DEPARTMENT.** The Department shall have control and general supervision of all public sewer and service connections within the SSD and shall be responsible for administering all provisions of this chapter to the end that a proper and efficient public sewer is maintained.
- 2. DAMAGE OF WASTEWATER FACILITIES.** No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment, which is part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

3. SEWER SERVICE CHARGES.

- a. For current sewer services, monthly user fees will apply to each user of the sewer service, and will be determined by Faribault County.
- b. Monthly bills for sewer service charges shall be rendered to the property owners within the SSD on a monthly basis succeeding the period for which the service was rendered and shall be due 30 days from the date of rendering. Any bill not paid in full after the due date will be considered delinquent. At that time, the process that is currently in place for the City will be utilized to collect payment.
- c. New connection sewer service charges will be as follows: Monthly user fees plus a Base fee (determined by County) plus a Connection fee (determined by City).

4. POWERS AND AUTHORITY OF INSPECTORS.

- a. The Department shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to the discharge to the sewer system in accordance with the provisions of this chapter. The Department may disconnect the property from the sewer system if a person refuses to permit an inspection, observation, measurement, sampling or testing.
- b. Department employees are authorized to obtain information concerning industrial processes, which have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential; however, the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
- c. While performing necessary work on private properties, the Department shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Department and the Department shall indemnify the company against loss or damage to its property by the department and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required.
- d. The Department shall be permitted to enter all private properties through which the SSD holds a duly negotiated easement for the purposes of but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

D. SECTION FOUR - SEWER REGULATIONS

- 1. SSTS PROHIBITED.** It shall be unlawful to construct or maintain any privy, privy vault, septic tank, holding tank, cesspool or other facility intended or used for the disposal of wastewater as defined in Section 23 – Faribault County Subsurface Sewage Treatment System Ordinance.

2. **CONNECTION TO PUBLIC SANITARY SEWER REQUIRED.** The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged and which is situated within the SSD and adjacent to any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the SSD shall be required at the owner's expense to install a suitable service connection to the public sewer in accordance with provisions of this code within 30 days of the date the public sewer is operational. If sewer connections are not made pursuant to this section, an official 30-day notice shall be served instructing the affected property owner to make the connection.

E. SECTION FIVE - BUILDING SEWERS AND CONNECTIONS

1. **CONNECTIONS RESTRICTED.** Any new connection to the sanitary sewer system must be within the established boundaries of the SSD. No person shall erect, alter in respect to height or area, any structure within 10 feet of the public sanitary sewer system.
2. **APPLICATION FOR PERMIT.** Applications for permits shall be made by the owner or authorized agent and the party employed to do the work and shall state the location, name of owner, street number of the building to be connected and how occupied with the City. No person shall extend any private building beyond the limits of the building or property for which the service connection permit has been given. The City may charge for obtaining necessary permits.
3. **PERMITS.** For any new sewer service, the application shall be supplemented by any plans, specifications or any other information considered pertinent in the judgement of the department. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.
4. **COST AND EXPENSE OF CONNECTION.** All cost and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city, the county, and the SSD from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.
5. **SEPARATE BUILDING SEWERS REQUIRED; EXCEPTION.** A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The SSD, city, or county do not and will not assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.
6. **EXISTING BUILDING SEWERS.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Department, to meet all requirements of this ordinance.
7. **HIGH VOLUME BUILDING SEWERS.**
 - a. New high volume building sewers will be required, at user expense, to install and maintain a water meter to monitor water usage, and will be required to comply

with the City of Winnebago Sewer Ordinance.

- b. Current users may be required to install and maintain a water meter at the request of the Department.

8. **COMPLIANCE.** 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 of the trench shall all conform to the requirements of the City of Winnebago Sewer Ordinance.
9. **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 sanitary sewer carried by the building drain shall be lifted by an approved means and discharged to the building sewer.
10. **PROHIBITED CONNECTIONS.** No person shall make connection of roof downspouts, foundation drains, sump pumps, areaway drains or other sources of surface runoff or ground water to a building sewer or indirectly to the wastewater disposal system.
11. **SPECIFICATIONS.** The connection of the building sewer into the public sewer shall conform to the requirements of the City of Winnebago Sewer Ordinance. All such connections shall be made gastight and watertight and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the city prior to installation.
12. **INSPECTION.** The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the Department.
13. **INSTALLATION GUARDED WITH BARRICADES AND LIGHTS.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Department.
14. **CONNECTION TO BE MADE BY LICENSED PERSON ONLY.** No person shall make a service connection with any public sewer unless regularly licensed under the City of Winnebago Sewer Ordinance to perform such work, and no permit shall be granted to any person except such regularly licensed person.
15. **APPLICATION FOR CONNECTION LICENSE.** Any person desiring a license to make a service connection with public sewers shall apply in writing and follow the process that is currently in place through the City of Winnebago.
16. **SUSPENSION OR REVOCATION OF LICENSE.** The City of Winnebago, City Council may suspend or revoke any license issued under this subchapter for any of the following causes:
 - a. Giving false information in connection with the application for a license;

- b. Incompetence of the licensee;
- c. Willful violation of any provision of this subchapter or any rule or regulation pertaining to the making of service connections

F. SECTION SIX - USE OF PUBLIC SERVICES

- 1. UNPOLLUTED WATER DISCHARGES PROHIBITED.** No person shall discharge or cause to be discharged any unpolluted water such as storm water, ground water, including sump pump water, roof runoff, surface drainage or non-contact cooling water to any sanitary sewer.
- 2. NATURAL OUTLETS INCLUDING COUNTY TILE.** Storm water and all other unpolluted drainage shall be discharged to such outlets designed to handle storm water, or to a natural outlet approved by the Department and other regulatory agencies. Industrial cooling water of unpolluted process waters may be discharged in this manner upon approval of the Department and upon approval and the issuance of a discharge permit by the MPCA.
- 3. PROHIBITED and LIMITED DISCHARGES.** No person shall discharge or cause to be discharged any waters or wastes to any public sewers. Please refer to the Winnebago City Sewer Ordinance.

G. SECTION SEVEN - VARIANCES

The Department shall have the authority to grant a variance when the purpose and intent of the variance is consistent with this Ordinance, Winnebago Sewer Ordinance, Faribault County Zoning Ordinance, and the Faribault County Comprehensive Local Water Management Plan.

1. No variance shall be granted except under the following circumstances:
 - a. That there are unique conditions affecting the property as a result of lot size, layout, shape, topography, or other circumstances that the landowner has no control of.
 - b. Wells - Variances pertaining to well setbacks are governed by MN Rules Chapter 4720 and 4715 and may only be approved by the Minnesota Department of Health.

H. SECTION EIGHT – ADMINISTRATION AND ENFORCEMENT

1. Duties of the Department
 - a. The Department has the authority to administer and enforce this Ordinance.
 - b. The Department's authority includes, but is not limited to, the following:
 - i. Inspect new, repaired, or replaced sewer connections.
 - ii. Investigate complaints of violations of this Ordinance.
 - iii. Recommend that legal proceedings be initiated by the Faribault County Attorney to compel compliance with the provisions of this Ordinance.
 - iv. Advise, consult and cooperate with the public and other governmental agencies in the furtherance of this Ordinance.
 - v. Issue order:
 1. To suspend or revoke permits issued under this Ordinance;
 2. To stop actions which constitute a violation of this Ordinance;

3. To correct systems determined by the Department in violation of this Ordinance;
 4. To cease and prevent from use any system which is operating in a manner creating a hazard to public health, safety or welfare.
2. Failure of the Department to inspect the system shall not relieve or lessen the responsibility or liability of any person owning, operating, controlling or installing connection.
 3. Any appeals of a Department order shall be filed with the Department within thirty (30) days of issuance of the order.
 4. Access to Premises and Records – Upon the request of the Department, the applicant, permittee or any other person shall allow access at any reasonable time to the affected premises as well as any related records, for the purpose of regulating and enforcing this Ordinance.
 5. Interference Prohibited – No person shall hinder or otherwise interfere with the Department in the performance of duties and responsibilities pursuant to this Ordinance. Refusal to allow reasonable access to the Department shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.
 6. Penalties
 - a. Responsibility – It is the responsibility of the property owner to correct or repair any violation of this ordinance.
 - b. Time Frame –The owner of the property shall respond to the Department within five (5) working days of notification by the Department by submitting a plan for abating the violation.
 - c. Misdemeanor – Any person who fails to comply with the provisions of this Ordinance is guilty of a misdemeanor. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
 - d. Stop Work Orders – Whenever any work is being done contrary to the provisions of this Ordinance, the Department may order the work stopped by written notice, personally served. All activities shall cease and desist until subsequent authorization to proceed is received from the Department.
 - e. Injunctive Relief and Other Remedies – In the event of a violation or a threat of a violation of this Ordinance, Faribault County may institute appropriate actions or proceedings, including injunctive relief, to prevent, restrain, correct or abate such violations or threat of violations. The County may recover costs incurred for corrective action in a civil action in any court of competent jurisdiction, and such costs may be certified by court order to the Faribault County Auditor as a special tax against the real property. These and other remedies, as determined appropriate by the county, may be imposed upon the applicant, permittee, installer, or other responsible person either in addition to or separate from other enforcement actions.
 - f. After all appeal rights have been used, any property system that is in violation with the provisions of this Ordinance shall be assessed a \$250.00 per month penalty by the Department.
 7. Appeals
 - a. Hearing - An appeal from a Department order shall be heard by the Faribault County Board of Adjustment within sixty (60) days from the date of filing the appeal. The Board of Adjustment shall give due notice thereof to the

appellant and the officer, from whom the appeal is taken, and to the public and decide the same within ninety (90) days of the hearing.

- b. Stay of Action – An appeal stays all proceeding and furtherance of the action appealed from unless the Board of Adjustment certifies that by reason of the facts stated in the certificate the stay would cause imminent peril to life or property.
- c. Action to Faribault County Board of Adjustment – The Board of Adjustment may reverse or affirm wholly or partly or may modify the order appealed from and to that end shall have all of the power of the officer from whom the appeal was taken. The reasons for the Board of Adjustment's decision shall be stated in writing.
- d. Fees for the Variance process shall be set annually by the Faribault County Board of Commissioners.