

**TITLE V: PUBLIC WORKS**

Chapter

**50. SOLID WASTE**

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**CHAPTER 50: SOLID WASTE**

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***SOLID WASTE MANAGEMENT***

**§ 50.01 TITLE.**

This subchapter shall be known and titled as the “Solid Waste Management Ordinance” or this subchapter.

(Prior Code, § 6-5-1) (Ord. 703, passed 11-21-2005)

**§ 50.02 PURPOSE AND COMPLIANCE.**

The purpose of this subchapter is to authorize and provide for the city Solid Waste Management; establishing powers and duties in connection therewith; establishing standards and requirements for solid waste management operations within the city limits of the city; requiring licenses and permits for storage, collection, transportation, processing, and disposal of solid waste in accordance with the city Waste Management Plan; embodying and supplementing the minimum standards and requirements established by rules of the Minnesota Pollution Control Agency; providing for enforcement of said requirements; requiring performance bonds and insurance and imposing penalties for failure to comply with these provisions. Further, the purpose and objective thereof is to promote health, welfare and safety of the public and protect resources of land, water and air.

(Ord. 703, passed 11-21-2005)

**§ 50.03 AUTHORITY.**

This subchapter is enacted pursuant to the Litchfield City Charter and Minnesota Statutes.

(A) This subchapter supersedes all provisions of any city ordinance that relates to control and collection of solid waste.

(B) It is not otherwise intended by this subchapter to repeal, abrogate or impair any existing restrictions or ordinances other than solid waste ordinances to the extent specified above. Where the conditions imposed by any provisions of this subchapter are either more restrictive than comparable conditions imposed by any other provisions of this subchapter or any other applicable law, ordinance, rule and regulation, the provision which established the higher standards for the promotion and protection of the public health, safety and general welfare shall prevail.

(Ord. 703, passed 11-21-2005)

**§ 50.04 DEFINITIONS.**

The following words and phrases used in this subchapter, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

**AIR CONTAMINANT.** The presence in the outdoor atmosphere of any dust, fumes, mist, vapor, gas or gaseous fluid or particular substance differing in composition from or exceeding in concentration, the natural components of the atmosphere.

**AIR POLLUTANT.** The presence in the outdoor atmosphere of any air contaminant or combination thereof, in such quantity, of such nature and duration and under such conditions as would be injurious to human health or welfare, to animal or plant life, to property or to interfere unreasonable with the enjoyment of life and property.

**CITY.** Any department or representative of the City of Litchfield who is authorized by this code of ordinances, or otherwise by the City Council, to represent the City of Litchfield in the enforcement and administration of this subchapter.

**CITY COUNCIL.** The City of Litchfield City Council.

**COMPOSTING.** The controlled biological decomposition and management of selected waste to produce an innocuous, humus-like material which can be used as a soil conditioner.

**CONSTRUCTION AND DEMOLITION LANDFILL.** An area of land used for the disposal of construction and demolition waste without creating nuisances or hazards to the environment, public health and safety and is operated in compliance with the provisions of this subchapter.

**CONSTRUCTION AND DEMOLITION WASTE.** Material normally found in buildings to be demolished or constructed such as, but not limited to, bricks, stone facing, concrete, cement blocks, stucco, plaster, wall boards, glass, pipe, wire, metal, plastic and any inert materials as may be approved by the City Administrator.

**COVER MATERIAL.** Material approved by the agency that is used to cover compacted solid waste in a land disposal site. Important general characteristics of good cover material are low permeability, uniform texture, cohesiveness, and compatibility.

**CUBIC YARD.** A cubic yard of solid waste as received at the entrance of a waste facility. Waste facilities and haulers weighing and reporting tons of solid waste received at the entrance shall use the conversion factor of 3.33 yd<sup>3</sup> per ton of solid waste when required or authorized by this subchapter.

**GARBAGE.** Materials resulting from handling, processing, storage, preparation, serving and consumption of food and various food byproducts.

**GENERATOR.** Any person or entity whose actions or process produces solid waste.

**HOUSEHOLD HAZARDOUS WASTE (HHW).** Any waste generated from household activity that exhibits the characteristics of, or that is listed as, hazardous waste under MPCA rules, but does not include waste from commercial activities that is generated, stored or present in a household. Household hazardous waste includes, but is not limited to paints, solvents, cleaners, pesticides, herbicides, paint thinner, drain openers, varnishes, stains and adhesives.

**I/C/I.** Any institutional, commercial and industrial solid waste entity.

**INCINERATION.** The process by which solid waste is burned for the purpose of volume and weight reduction in facilities designed for such use.

**LAND DISPOSAL FACILITY.** Any tract or parcel of land, including any constructed facility, at which solid waste is disposed of in or on the land.

**LAND POLLUTION.** The presence in or on the land of any solid waste in such quantity, nature or duration, and under such conditions as would affect injuriously any waters of the state, create air contaminants or cause air pollution.

**MIXED MUNICIPAL SOLID WASTE (MMSW).** Garbage, refuse and other solid waste from residential, commercial, industrial, institutional and community activities which is generated and collected in aggregate, but does not include auto hulks, street sweepings, ash, demolition waste, mining debris, sludges, tree and agricultural waste, tires, pesticides, hazardous waste and other materials collected, processed and disposed of as separate waste streams.

**MPCA.** The Minnesota Pollution Control Agency.

**NOTICE OF VIOLATION.** A formal written notice issued by city staff to notify a party that he or she is in violation of a city ordinance. This notice will inform the party of the alleged violation(s), the nature and extent of the violation(s), and the required corrective actions. The notice of violation shall also specify additional actions that will be taken by the city, such as the inclusion of Notice of Violation Orders into a Final Order or Consent Order and/or the issuance of a citation, as well as specific timeframes in which these actions will be completed.

**OPEN BURNING.** Burning any matter whereby the resultant combustion products are emitted directly to open atmosphere without passing through an adequate stack, duct or chimney.

**OPEN DUMP.** A land disposal site at which solid waste is disposed of in a manner that does not protect the environment, is susceptible to open burning and is exposed to the elements, insects, rodents and scavengers.

**OPERATION.** Any site, facility or activity relating to solid waste management.

**PACKER TRUCK.** A truck with a solid waste container that compacts refuse by hydraulic method or other mechanical means.

**PERSON.** Any human being; municipality, public subdivision or other governmental or public agency; public or private corporation; partnership, firm or association; other organization; receiver, trustee, assignee, agent; other legal representative of any of the foregoing; or other legal entity.

**PUTRESCIBLE MATERIAL OR GARBAGE.** Solid waste which is capable of becoming rotten or which may reach a foul state of decay or decomposition.

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**RECYCLABLES.** Those materials found within MMSW that have been designated by the City Administrator as subject to source separation and recycling.

**RECYCLABLES HAULER.** Any person who owns, operates or leases vehicles for the purpose of collection and transportation of materials that have been designated by the City Administrator as subject to source separation and recycling.

**RECYCLER.** Any business established to collect, transport, process, store, redeem or dispose of recyclables.

**RECYCLING.** The process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

**RECYCLING FACILITY.** A site used only to collect and prepare recyclables for reuse in their original form, or for use in a manufacturing process.

**SHORELAND.** Land located within the following distances from the ordinary high water mark of public waters:

(a) land within 1,000 feet from the normal high water mark of a lake, pond, reservoir impoundment or flowage; and

(b) land within 300 feet of a river or stream or the landward side of a flood plain delineated by ordinance on such a river or stream, whichever is greater.

**SITE or FACILITY.** All real or personal property which is, or may be, used for the utilization, processing or final disposal of solid waste and which requires a license for disposal therein under the provision of this subchapter. Solid waste site or facility includes, but is not limited to, transfer stations, special waste processing facilities, compost facilities, infectious waste facilities, and waste-to-energy facilities.

**SOLID WASTE.** Garbage, refuse, demolition waste, sludge from a water supply treatment plant or air contaminant treatment facility and other discarded solid waste materials and sludges in solid, semisolid, liquid or contained gaseous form, but does not include hazardous waste, animal waste used as fertilizer, earthen fill, boulders, rock, sewage, sludge, solids or dissolved material in domestic sewage or other pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges or other common water pollutants.

**SOLID WASTE HAULER.** Any person who owns, operates or leases vehicles for the purpose of collection and transportation of any type of solid waste, including recyclables and yard waste, and is under contract or other agreement with the solid waste generator.

**SOLID WASTE MANAGEMENT.** The storage, collection and removal of solid waste from

public and private property, its transportation to intermediate or final disposal facilities and its disposal by approved methods; the management of a recycling program, solid waste education and other solid waste operations or services.

**SOURCE SEPARATION.** The separation by the generator of any material for the purposes of preventing its introduction into the MMSW stream.

**STATE.** The State of Minnesota.

**TIPPING FEE.** The fee charged to haulers or other persons for waste delivered to a designated site or facility, exclusive of any separate charges imposed by local, state or federal government.

**TOXIC AND HAZARDOUS WASTE/HAZARDOUS SUBSTANCE.** Shall have meanings given it in Minnesota Statute §115B.02, Subdivisions 8 and 9.

**TRANSFER STATION.** An intermediate solid waste facility in which solid waste collected from any source is temporarily deposited to await transportation to the final disposal site or facility.

**WASTE TIRE.** Solid waste which consists of the rubber or other resilient material product which is used on a vehicle or other equipment wheel to provide tread which is discarded or which cannot be used for its original purpose because it is used, damaged or defective.

**WATER POLLUTION.** The contamination of any waters of the state so as to create a nuisance or enter such waters as unclean or impure; and to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial or industrial use or to animals, birds, fish or other aquatic life.

**WATERS OF THE STATE.** All lakes, streams, ponds, marshes, water courses, water ways, wells, springs, reservoirs, aquifers, irrigation systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

**WHITE GOODS.** Means major appliances. **MAJOR APPLIANCES** include, but are not limited to, clothes washers and dryers, dishwashers, hot water heaters, garbage disposals, microwave ovens, trash compactors, conventional ovens, ranges and stoves, humidifiers and dehumidifiers, air conditioners, refrigerators, freezers, furnaces and others as defined in M.S. § 115A.03, Subd. 17a.

**YARD WASTE.** Garden waste, leaves, lawn cuttings, weeds and prunings generated on residential or commercial properties. For this definition, **PRUNINGS** are defined as the green stemmed portion of plants and does not include tree trimmings.

**YARD WASTE HAULER.** Any person who owns, operates, or leases vehicles for the purpose of collection and transportation of any type of garden waste, leaves, lawn cuttings, weeds, and prunings generated on residential or commercial properties. For this definition, **PRUNINGS** are defined as the green stemmed portion of plants and does not include tree trimmings.  
(Ord. 703, passed 11-21-2005)

**§ 50.05 SOLID WASTE OFFICER; DUTIES.**

(A) *Solid Waste Officer.* The Litchfield City Administrator or other duly appointed person shall be the Solid Waste Officer, who shall be responsible for the administration of this subchapter.

(B) *Duties.* The Solid Waste Officer shall have all necessary authority to implement and carry out the provisions of this subchapter including, but not limited to, the following:

(1) To review and consider all applications and supporting materials which are referred to the Solid Waste Officer for operations within the city, and after such review and consideration, to recommend in writing, with documentation, to the City Council whether a license should be granted or denied.

(2) To enter upon premises and into buildings to inspect operations to determine compliance and to investigate complaints about violations of this subchapter, subject to the specific authority granted and limitations thereof set forth hereinafter.

(3) To recommend to the City Attorney that legal proceedings be initiated against a person or group of persons to compel compliance with the provisions of this subchapter or to terminate or control an operation not in compliance with this subchapter.

(4) To encourage and conduct studies, investigations and research relating to aspects of solid waste management as directed by the City Council, including, but not limited to, methodology, chemical and physical considerations and engineering.

(5) To advise, consult and cooperate with the public and other governmental agencies in furtherance of the purpose of this subchapter.

(6) To plan, implement and administer yard waste facilities/compost site.  
(Ord. 703, passed 11-21-2005)

**§ 50.06 PROPERTY REGULATIONS.**

(A) No person shall cause, permit or allow his/her land or property under his control to be used for solid waste management purposes, and no solid waste shall be deposited or otherwise disposed of from the city, except at the Meeker County Transfer Station or at an operation for which a license has been granted by an authorized authority.

(B) Owners and managers of every property shall be responsible for maintaining all open areas free of improperly stored solid waste accumulations. For purposes of this subchapter this shall include:

(1) Animal feces, brush piles, inoperable machines, appliances, fixtures and equipment that have no substantial value and can be reasonably considered solid waste;



(2) Lumber piles and building materials, unless being actively used by a business or construction requiring use of such lumber and materials;

(3) Tin cans, broken glass, broken furniture, boxes, crates and other debris; and

(4) Other forms of MMSW.

(Ord. 703, passed 11-21-2005) Penalty, see § 50.99

**§ 50.07 STORAGE; CONTAINERS.**

(A) *Generally.*

(1) The owner, lessee and occupant of any single or multi-family dwelling, business establishment, industry and all other premises shall be responsible for the satisfactory storage of all solid waste accumulated at or transferred to that premises, business establishment or industry. No building, structure, area, or premises shall be constructed or maintained for occupancy, use or assembly without adequate facilities for sanitary and safe storage, collection, transportation, and disposal of all solid wastes.

(2) Property owners shall cause occupants and employees to store waste for removal in the solid waste storage facilities and containers provided. The property owner shall not knowingly permit solid waste to be placed in locations or in a manner that the solid waste can be scattered by water, wind, animals or insects.

(3) Every property shall be supplied with adequate solid waste storage facilities and containers. Such facilities and containers shall be supplied by contract with a commercial hauler.

(4) Putrescible waste, including, but not limited to, garbage shall be stored and maintained in:

(a) Durable, rust-resistant, non-absorbent, water-tight, rodent-proof, and easily cleanable containers, with close-fitting, fly-tight covers preventing insect breeding; or

(b) Other types of containers which are acceptable to the solid waste collections services, comply with Agency regulations, and are approved by the Solid Waste Officer. The size and allowable weight-to-volume of the containers may be determined by the solid waste collection service as approved by the Solid Waste Officer.

(5) Solid waste shall be stored in durable containers or as otherwise provided in this subchapter. Where putrescible wastes are stored in combination with non-putrescible wastes, containers for the storage of the mixture shall meet requirements for putrescible waste containers.

(6) Solid waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a manner which is pollution-free, nuisance-free and satisfactory to the Solid Waste Officer.

(7) Toxic/hazardous waste shall be stored in durable, leak-proof containers and shall be

painted and marked so as to easily identify the container as toxic or hazardous waste consistent with federal and state regulations. All previous lettering and numbering will be obliterated from the container. The container will be marked in an easily identified area using a permanent marker to provide a description of the waste and the start date. Such waste shall be stored in a safe location and be in compliance with MPCA regulations and this subchapter. In any case, a generator of hazardous waste must comply with all federal and state laws and regulations applicable to the generation, storage, transportation, processing and disposal of hazardous waste (whichever laws and regulations are more stringent.)

(8) Solid wastes shall not be stored on public or private property for more than 2 weeks without the written approval of the Solid Waste Officer.

(9) Non-putrescible waste, suitable and sorted for recycling, may be contained for not more than 30 days if it is stored in an aesthetically acceptable manner that avoids unacceptable health risk or nuisances, and otherwise complies with this subchapter.

(10) Any hauler finding solid waste containers in use that appear not to be in compliance with this subchapter shall report the non-compliance to the owner and the Solid Waste Officer. If correction is not made within a reasonable amount of time the hauler may refuse to empty the container(s).

(B) *Recyclable materials.*

(1) The recyclables hauler, after approval by the Solid Waste Officer, may specify the type of container their customers must place the recyclables in. The containers must be provided by the recyclables hauler or already available to their customers at the time this section becomes effective.

(2) The city shall specify how a customer is to place their recyclables out for collection and how the recyclables are to be prepared. The Solid Waste Officer reserves the right to review and modify the amount of preparation required by the recyclables hauler in consideration of local recyclable market requirements.

(C) *Yard waste.* Plastic bags of any type are prohibited from use to dispose of yard waste at solid waste disposal facilities or composting facilities. Unless otherwise indicated, plastic bags of any type may be used to transport yard waste to a solid waste disposal facility or composting facility but may not be disposed of at the facility, except if container for such is provided at the facility.

(Ord. 703, passed 11-21-2005) Penalty, see § 50.99

## § 50.08 COLLECTION; TRANSPORTATION.

(A) It shall be unlawful for any hauler to collect or transport solid waste, including recyclable materials, within the city without securing a franchise license to do so and entering into a contract from the city. The city may limit the number of licenses issued to a number, that in the opinion of the City Council, best serves the interest of the city. Franchise licenses are non-transferable and are a grant of non-exclusive authority unless otherwise designated as exclusive.

(B) The City Council is hereby authorized to enter into a contract with a contractor giving to such

contractor the right and privilege of collecting any and all solid waste material within the limits of the city. Except as otherwise approved by the City Council, all solid waste within the limits of the city shall be collected and removed by the contractor granted the right and privilege by the City Council.

(1) Rates and charges for Solid Waste Collection shall be fair and reasonable and no higher than necessary to meet all costs of such service and deposit of such waste at a Pollution Control Agency approved facility, including a fair return on investment. Such rates shall be approved by the City Council. A copy of rates or charges for Solid Waste Collection shall be available at all times in the office of the Assistant City Administrator.

(2) The contractor may ask for an increase in rates and charges from the Council at the end of any one year period from the date of the execution of the franchise.

(3) In the event that agreement as to the reasonable rates cannot be arrived at by negotiation either party may ask for arbitration under the laws of the State of Minnesota.

(Ord. 703, passed 11-21-2005) Penalty, see § 50.99

**§ 50.09 HAULERS; REQUIREMENTS.**

(A) The city may issue a license for the commercial hauling of solid waste if the following information is submitted as part of the solid waste licensing requirements:

(1) Filing of an application for a solid waste hauling license upon a form provided by the City and available from the Solid Waste Officer;

(2) Filing proof of comprehensive general liability insurance covering bodily injury and property damage (combined limit) in the amount of \$500,000 per person and \$1,000,000 per occurrence and personal injury in the amount of \$500,000 per person and \$1,000,000 per occurrence;

(3) Filing proof of comprehensive automobile liability insurance including owned, non-owned and hired automobiles in the amount of \$500,000 per person and \$1,000,000 per occurrence;

(4) Filing proof of a performance bond with sufficient sureties in the penal sum of \$20,000 which bond shall be conditioned upon the applicant's full compliance with this subchapter, said bond to be subject to the approval of the City Council and the City Attorney;

(5) The type, number and capacity of solid waste hauling vehicles used in the city for solid waste collection and/or transportation. Such vehicles shall have leak-proof bodies of easily cleanable construction completely covered with metal or heavy canvas. Vehicles used for the collection and transportation of any solid waste must be loaded and transported in such a manner that the contents will not fall, leak, or spill. Where spillage does occur, the material shall be picked up immediately by the hauler and returned to the vehicle or container and the area properly cleaned;

(6) Vehicles and containers used for the collection and transportation of toxic or hazardous wastes shall be durable, enclosed and leak proof and shall be constructed, loaded, transported, and unloaded in a safe, sanitary and nuisance-free manner and consistent with § 50.07(A)(7);

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(7) Submission of a general description of the route to be followed by all solid waste hauling vehicles between the area(s) of collection and the solid waste disposal/ processing facility;

(8) Payment of an annual license fee set by resolution of the City Council. The Solid Waste Officer may, by resolution of the City Council, implement a license fee structure based on an annual per business solid waste collector's fee and a per vehicle fee based on the number of solid waste hauling vehicles operated by the individual solid waste hauler. Non-payment of the annual per business solid waste collector's fee and the per vehicle fee shall be grounds for denial of license renewal;

(9) Commercial haulers of solid waste serving residential customers must charge for collection on the basis of the volume or weight of waste collected and frequency of pickup. For single family customers, the hauler must offer a minimum one can/bag/tag rate. The failure to offer volume/weight rates shall be grounds for license termination or denial of license renewal. A brief description of how the commercial solid waste hauler will comply with this rule shall be submitted with the license application and such additional information as the Solid Waste Officer may require;

(10) The solid waste hauler shall provide customers and local units of government with a collection schedule specifying the day of collection that their customers are to place their solid waste out on their property for collection.

(B) A hauler shall not accept for collection any solid waste within the city the hauler knows or has reason to know contains:

(1) Any of the recyclable materials as per agreement.

(2) Any of the problem/banned materials listed in § 50.14.

(C) A solid waste hauler may collect and dispose of recyclable material at a licensed facility only if such materials have been contaminated to the extent that contamination precludes its reuse, as defined in the recycling definition in M.S. § 115.03, Subd. 25a and 25b. Written permission to do as such however must be granted by the Solid Waste Officer.

(D) The solid waste collection service will indemnify, defend and hold harmless the city, their agents, elected officials and employees from all claims, damages, losses, liabilities, costs, expenses and lawsuits, whatsoever, arising out of any act or omission on the part of the hauler or its contractors, agents, servants or employees in the performance of, or in relation to, any of the work or services to be performed or furnished by the hauler under the terms of this subchapter.

(E) The solid waste hauler and the vehicles used in collecting and transporting solid waste/designated recyclable materials within the city must comply with all state and local laws and vehicle safety regulations. Solid waste hauling vehicles may be subject to approval and periodic inspection as required by the Minnesota Department of Transportation.

(Ord. 703, passed 11-21-2005) Penalty, see § 50.99

**§ 50.10 RECYCLABLES HAULERS; REQUIREMENTS.**

The Solid Waste Officer, upon approval by the City Council, may issue a license for the commercial hauling of recyclable materials if the following information is submitted as part of the licensing requirements:

(A) Fulfilling the requirements of §§ 50.08 and 50.09;

(B) For the purposes of this section, in §§ 50.08 through 50.10, the term **RECYCLABLES** shall replace the term **SOLID WASTE**, **RECYCLABLES PROCESSING FACILITY** shall replace **SOLID WASTE DISPOSAL FACILITY** and **RECYCLABLES HAULER** shall replace **SOLID WASTE HAULER**. These terms shall have meaning as defined in § 50.04.

(C) The city is authorized to grant permission to non-profit organizations the right to collect recyclables as a fund raiser.

(Ord. 703, passed 11-21-2005) Penalty, see § 50.99

**§ 50.11 CONSTRUCTION, DEMOLITION WASTE; ROLLOFF DUMPSTER SERVICE.**

Notwithstanding anything to the contrary within this subchapter, any franchised or non-franchised solid waste hauler shall be allowed to provide rolloff dumpster service for the collection of construction and/or demolition waste, provided, however, any non-franchised haulers shall pay a fee as determined due by the City Council and obtain a license issued by the city. The requirement of § 50.09(4) shall be waived for the non-franchised hauler, but said hauler shall be required to meet all other requirements of the Solid Waste Management Ordinance. Said license and fee shall be waived for all franchised haulers.

(Ord. 714, passed 12-18-2006) Penalty, see § 50.99

**§ 50.12 REPORTING REQUIREMENTS; HAULERS.**

(A) *MMSW hauler reporting requirements.* The MMSW hauler must submit a quarterly quantity report of all solid waste collected in the city to the Solid Waste Officer within 14 days after the quarter-ending reporting period. The quantity report form, available from the Solid Waste Officer, will include a format to identify the weight in tons of all MMSW collected from the city and delivered to the Meeker County Transfer Station or at an operation for which a license has been granted by an authorized authority.

(B) *Recyclable materials hauler reporting requirements.* The recyclables hauler must submit a quarterly quantity report of the recyclables collected from the city to the Solid Waste Officer within 14 days after the quarter-ending reporting period using a calendar year. The quantity report form, available from the Solid Waste Officer, will include a format to identify the weight in tons of all recyclable materials collected from the city and delivered to the recyclables processing facilities and a format to report any rejected loads for contamination.

(Ord. 703, passed 11-21-2005) Penalty, see § 50.99

**§ 50.13 REPORTING REQUIREMENTS; INDUSTRIAL, COMMERCIAL AND INSTITUTIONAL GENERATORS.**

(A) *I/C/I materials recovery and recycling reporting requirements.* To advance the goals and objectives of the city solid waste management efforts, the Solid Waste Officer will work cooperatively with industrial, commercial and institutional entities to establish annual solid waste materials recovery and recycling reporting requirements.

(B) *I/C/I disposal reporting requirements.* To advance the goals and objectives of the city solid waste management efforts, the Solid Waste Officer will work cooperatively with industrial, commercial and institutional entities to establish annual solid waste disposal reporting requirements. (Ord. 703, passed 11-21-2005) Penalty, see § 50.99

**§ 50.14 BANNED OR PROBLEM MATERIALS.**

(A) Waste Tires:

(1) *State Rules.* Minnesota Waste Tire Permit Rules 7001 and 9220 are hereby incorporated by reference, as amended.

(2) *Land disposal prohibition.* The disposal of waste tires by burying in land is prohibited (M.S. § 115A.904).

(3) *MMSW prohibition.* The disposal of waste tires in MMSW is prohibited.

(4) *Residential storage limits.* No more than 4 waste tires may be stored within the boundaries of any residential lot.

(5) *Non-residential storage limits.* No more than 100 waste tires may be stored on any non-residential lot except at a properly licensed solid waste facility.

(6) *Water retention prevention.* Waste tires within 1000 feet of a residence shall be stored or utilized in a manner that prevents water from being retained in the tires.

(7) *Violation.* The owner of the land or premises upon which waste tires are located in violation of this Ordinance, shall be obligated to remove them to a licensed solid waste facility within 10 days.

(B) White Goods:

(1) *White goods prohibition.* Pursuant to M.S. § 115A.9561, no person shall place white goods in MMSW or dispose of them in or on the land or in a solid waste processing or disposal facility.

(2) *Recycling required.* White goods must be reused or recycled including; the removal of capacitors and ballasts that may contain PCBs, the removal of chlorofluorocarbon (CFC) refrigerant gases, and, the recycling or reuse of the metals, including mercury, in accordance with M.S. § 115A.9561, Subd. 2 and § 116.731.

(3) *Storage requirements.* Loading, unloading, transporting and storing of white goods must be done in such a manner as to minimize damage to the components of the unit during handling.

(C) *Used oil prohibition.* A person may not place motor vehicle fluids or filters in MMSW or place such fluids in or on the land, unless approved by the MPCA (M.S. § 115A.916).

(D) *Yard waste prohibition.* Yard waste including, but not limited to, garden waste, lawn cuttings, weeds or prunings, shall not be disposed of in MMSW in a land disposal facility or in a resource recovery facility, except for the purpose of composting or co-composting as per MPCA Rules 7035.2835, Subd. 3, as amended (M.S. § 115A.931).

(E) Batteries:

(1) *Lead acid batteries.* A person may not dispose of a lead acid battery in MMSW or dispose of a lead acid battery (M.S. § 115A.915) in or on the land (M.S. § 17.135).

(2) *Transportation of lead acid batteries.* A person who transports used lead acid batteries from a retailer must deliver the batteries to a recycling facility (M.S. § 115A.9152, Subd. a).

(3) *Prohibition of certain dry cell batteries.* A person may not place in MMSW a dry cell containing mercuric oxide electrode, silver oxide electrode, nickel-cadmium or sealed lead acid that was purchased for use or used by a governmental agency or an industrial, communications or medical facility (M.S. § 115A.9155, Subd. 1).

(4) *Prohibition of nickel-cadmium batteries.* A person may not place in MMSW a rechargeable battery, rechargeable battery pack, product with a non-removable rechargeable battery pack or product powered by rechargeable batteries or rechargeable battery pack, from which all batteries or battery packs have not been removed (M.S. § 115.9157, Subd. 2).

(F) *Household hazardous waste.* A person may not place any household hazardous waste (HHW) in MMSW or dispose of in or on the land (M.S. § 17.135). All HHW shall be deposited at a proper HHW facility.

(Ord. 703, passed 11-21-2005) Penalty, see § 50.99

**§ 50.15 ILLEGAL DUMPING OR LITTERING.**

(A) *Litter.* Pursuant to M.S. § 115A.99, any person who unlawfully places any portion of solid waste in or on public or private lands, shorelands, roadways or waters is subject to a civil penalty of not less than twice nor more than five times the amount of cost incurred by a state or political subdivision to remove, process and dispose of the waste.

(B) *Garbage.* No person shall conduct, cause, or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food, unless specifically allowed under M.S. § 17.135.

(Ord. 703, passed 11-21-2005) Penalty, see § 50.99

**§ 50.16 OPEN BURNING.**

(A) Open burning prohibitions specified in this section are in effect at all times of the year.

(B) No person shall conduct, cause or permit open burning of oils, rubber, plastics, chemically treated materials or other materials which produce excessive or noxious smoke including, but not limited to, tires, railroad ties, chemically treated lumber, composite shingles, tar paper, insulation, composition board, sheetrock, wiring, paint or paint filters.

(C) No person shall conduct, cause or permit open burning of hazardous waste as defined in M.S. § 116.06, Subd. 11 and applicable Department of Natural Resources' rules.

(D) No person shall conduct, cause or permit open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial structure.

(E) No person shall conduct, cause or permit open burning of burnable building material generated from demolition of commercial or institutional structures.

(F) No person shall conduct, cause or permit salvage operations by open burning.

(G) No person shall conduct, cause or permit the processing of motor vehicles by open burning.

(H) Nothing in this section shall prohibit a recreational fire protected by a fire ring or other protective barrier.

(I) No person shall conduct, cause or permit open burning during a burning ban put into effect by a local authority, the city, county or a state department or agency.

(J) Fires must not be allowed to smolder with no flame present.

(Ord. 703, passed 11-21-2005) Penalty, see § 50.99



**§ 50.17 SCAVENGING PROHIBITED.**

Ownership of designated recyclable materials set out for curbside collection or placed at drop-off sites shall be vested in the hauler of recyclable materials recognized by the City Council. It shall be unlawful for any person other than the hauler or its contractors, agents, servants or employees to remove the materials.

(Ord. 703, passed 11-21-2005) Penalty, see § 50.99

**§ 50.18 ANTI-RECYCLING DISPOSAL PROHIBITED.**

All recyclable materials collected as part of a recycling collection program shall not be deposited in a manner which precludes its reuse, as defined in the recycling definition in M.S. § 115A.03, Subd. 25a and 25b.

(Ord. 703, passed 11-21-2005) Penalty, see § 50.99

**§ 50.19 VARIANCES.**

Upon written application by the applicant or operator, the City Council may grant variances from the provisions of this subchapter in order to promote the effective and reasonable application and enforcement of the provisions of this subchapter. A variance may be granted by the City Council after a public hearing where it is determined that enforcement of this subchapter would cause the applicant undue hardship, or that the subchapter cannot be complied with due to technological impossibility or economic unreasonableness. Such a variance shall not be granted for a period in excess of one year, but may be renewed upon application of the applicant and after public hearing. A variance may be revoked by the City Council at the public hearing prior to expiration of the variance. An application for a variance shall be accompanied by a plan and time schedule for achieving compliance with this subchapter. Prior to any public hearing held by the City Council under this provision, persons who may be adversely affected by the granting of the proposed variance shall be given at least 10 days' notice prior to said public hearing.

(Ord. 703, passed 11-21-2005) Penalty, see § 50.99

**§ 50.20 ADMINISTRATION AND ENFORCEMENT.**

(A) *General authority.* It shall be the duty of the City Council, through the Solid Waste Officer or such other person as the Council may designate, to enforce the provisions of this subchapter.

(B) *Specific authority.* In addition to the other duties and authority contained elsewhere in this subchapter, there shall be granted to the Solid Waste Officer the specific authority to do the following:

**Litchfield – Public Works**

(1) Upon reasonable basis to believe that a violation has occurred, the Solid Waste Officer may enter upon and inspect private or public premises to determine compliance with the provisions of this subchapter. Unless consent is given by the occupant or owner of the premises, or unless otherwise authorized by law, the Solid Waste Officer shall be restricted from entering into any buildings unless sufficient probable cause exists of a health risk, or upon order of a Court.

(2) The Solid Waste Officer may issue orders for abatement of non-complying practices.

(3) It shall be a violation of this section to refuse to permit the Solid Waste Officer to inspect any premises when authorized by the specific authority granted to the Solid Waste Officer under the provisions of this subchapter.

(C) *Enforcement procedure.* If after service of notice, the person fails to terminate the illegal practices and to come into compliance with the terms of this subchapter, the Solid Waste Officer may take such steps as are necessary to eliminate the noncompliance and to bring the activity or practice into compliance for the term of this subchapter.

(D) *Failure to terminate illegal practices.* If after service of notice to terminate illegal practices and other attempts by the Solid Waste Officer to bring the activity or practice into compliance for the term of the subchapter are exhausted, the costs incurred by the city to eliminate the non-compliance and to bring the activity or practice into compliance, may be recovered by assessing the costs of the enforcement action against the real property upon which the illegal practice or activity has occurred. The Solid Waste Officer shall certify the amount to the County Auditor on or before October 15 of each year for collection in the same manner as taxes and special assessments.  
(Ord. 703, passed 11-21-2005) Penalty, see § 50.99

***GARBAGE AND REFUSE*****§ 50.30 DEFINITIONS.**

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

***GARBAGE.*** Only organic refuse resulting from the preparation of food and decayed and spoiled food from any source.

***OTHER REFUSE.*** Ashes, crockery, tin cans, paper, boxes, rags, old clothing and all similar wastes; but does not include grass, leaves, branches and any material, such as earth, sand, brick, stone, plaster or other similar substances, that may accumulate as a result of construction operations.  
(Prior Code, § 6-6-1)

**§ 50.31 DEPOSITS RESTRICTED.**

No person shall deposit or cause to be deposited any garbage or other refuse upon any street, alley, vacant lot or upon any ground appurtenant to any building in the city, except in the manner provided by this chapter. No person except a city collector shall transport garbage or other refuse over any street or alley in the city for hire or shall disturb, collect or in any manner interfere with garbage and other refuse placed in containers for collection or interfere in any manner with containers for garbage and other refuse.

(Prior Code, § 6-6-2) Penalty, see § 50.99

### **§ 50.32 STORAGE.**

(A) Except as otherwise provided in this section, all garbage and other refuse shall be kept in rust-resistant, watertight, nonabsorbent and easily washable containers which are equipped with a ball or handles and covered with close-fitting lids. Containers shall be of a type approved by the city. Insofar as practicable, all garbage shall be drained of liquids and wrapped in paper.

(B) Containers shall have a capacity of not less than 10 nor more than 20 gallons and shall be provided in sufficient numbers to hold all garbage and other refuse accumulating between collections. The combined weight of each individual container and its contents shall not exceed 150 pounds. Insofar as practicable, boxes, paper and odd articles shall be crushed and placed outside of the containers in bundles not exceeding 3 feet in length and 50 pounds in weight. All containers shall be washed and treated with a disinfectant as often as necessary to prevent a nuisance. Containers shall be placed in an easily accessible location immediately adjacent to the alley or driveway from which collections are made.

(Prior Code, § 6-6-3)

### **§ 50.33 DISPOSAL.**

(A) The city shall provide for the disposal of garbage and other refuse collected by the city in a sanitary manner so as not to cause a public health nuisance, the attracting of rats and flies or other conditions detrimental to public health and comfort.

(B) All materials on the public disposal sites are the property of the city. No person shall separate, collect, carry off or dispose of these materials, except by direction of the city.

(Prior Code, § 6-6-4)

### **§ 50.34 SERVICE CHARGE.**

(A) The Council shall make and establish, by resolution, a system of charges for removal and disposal of garbage and other refuse under the garbage system and shall fix and declare the maximum charges, including any special charges for extra hauling or trips, to be made, and shall classify the removal and disposal according to the type of service required and given, based on the type of residence or dwelling, type of business conducted and the number of collections and removals each week, fixing and establishing the service charge for each class.

(Ord. 300, passed 11-21-1955)

(B) (1) The service charge for each building or establishment shall be entered, shown and placed on the city light or water bill for the same, and shall be indicated thereon as for garbage and refuse collection charge, except in cases where there are no light or water bills, and then separate bills shall be rendered by the Clerk. All service charges shall be due and payable at the office of the Clerk on the first day of each month or on the first day of the first, fourth, seventh and tenth month of each year, as determined by the Council. Receipts from service charges shall be credited to the General Fund when collected.

(2) Should the city contract out its solid waste disposal to private, independent contractors, it shall be discretionary with the Council to require the independent contractor to bill and collect directly from each residence, building or establishment served without any obligation therefor on the part of the city.

(Prior Code, § 6-6-5) (Ord. 300, passed 11-21-1955; Am. Ord. 409, passed 6-4-1979)

(C) Should the city enter into a contract with a private, independent solid waste hauler, for either residential or commercial pickup, and the contract provides that the private, independent solid waste hauler bill and collect directly from the customer, and the city agrees to reimburse the private, independent solid waste hauler for unpaid accounts, then the city shall have the right to levy a special assessment against the parcel receiving the service as authorized by City Charter and ordinance and in accordance with the procedures for assessment set forth in this chapter.

(Am. Ord. 592, passed 6-5-1995)

### **§ 50.35 ASSESSMENT.**

As soon as possible after September 1 of each year, the Clerk shall prepare an assessment roll for garbage and other refuse collection which shall contain a list showing each lot and parcel of ground with respect to which service charges levied under this chapter remain unpaid. The Council shall thereupon levy an assessment for the unpaid garbage and other refuse collection charges. The Clerk shall certify the assessment to the County Auditor for collection in accordance with law.

(Prior Code, § 6-6-6) (Ord. 300, passed 11-21-1955)

### **§ 50.36 CONTRACT COLLECTION AUTHORITY.**

The city shall have the authority to contract and award exclusive contracts for the collection and sanitary disposal of garbage and solid wastes within the city on terms and conditions conclusive to the public health, safety and welfare of its citizens. The contracts shall be awarded pursuant to competitive bidding submitted by independent contractors who shall agree, as a condition to acceptance of their bid, to sign and agree to be bound by a contract agreement with the city on terms and conditions set forth herein as required by the city and adopt by resolution of the City Council.

(Prior Code, § 6-6-7)

### **§ 50.37 PERMIT OR LICENSE.**

No person or corporation shall pick up or collect garbage or solid waste for hire within limits of the city without a permit or license therefor granted under terms and conditions required by the city. (Prior Code, § 6-6-8) (Ord. 409, passed 6-4-1979) Penalty, see § 50.99

**§ 50.38 UNLAWFUL DUMPING.**

(A) It shall be a petty misdemeanor for any individual to deposit garbage, refuse, rubbish or rubble in any solid waste receptacle, either privately or publicly owned, without first having obtained the permission of the owner of the receptacle or the occupant or owner of the real property on which the receptacle is located.

(B) Effective date for this section is May 19, 1987.  
(Prior Code, § 6-6-9) (Ord. 514, passed 5-4-1987) Penalty, see § 50.99

**§ 50.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person who shall violate §§ 50.06 through 50.20 or who shall fail to comply with any order made under the provisions of those sections shall be guilty of a misdemeanor. A separate offense shall be deemed committed upon the separate date during or on which a violation occurs.  
(Ord. 703, passed 11-21-2005)



## CHAPTER 51: WASTEWATER TREATMENT SYSTEM

### Section

#### *General Provisions*

- 51.01 Definitions
- 51.02 Use of public sewers required
- 51.03 Private wastewater disposal

#### *Sewer Regulations*

- 51.15 Building sewers and connections
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- 51.30 Sewer service charges
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- 51.99 Penalty

### **GENERAL PROVISIONS**

#### **§ 51.01 DEFINITIONS.**

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

**APPROVING AUTHORITY.** The City Council of the City of Litchfield or its duly authorized board, agent, or representative.

**AMMONIA NITROGEN (NH<sub>3</sub>).** The production of dissolved oxygen demand which is toxic to aquatic life. Parameters based on seasonal conditions set forth in the NPDES permit.

**BIOSOLIDS.** Sewage sludge that is accepted and beneficial for recycling on land as a soil condition and nutrient source.

**BUILDING DRAIN.** That part of the lowest horizontal piping of a drainage system which receives waste from inside the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

**BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal. (Also called house connection.)

**CBOD5 (CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND).** The quantity of oxygen expressed in parts per million by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions in 5 days at 20°C. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods".

**CITY.** The area within the corporate boundaries of the City of Litchfield as presently established or as amended by legal actions at a future time. The term **CITY** may also be used to refer to the City of Litchfield, Minnesota or any authorized person acting in its behalf.

**COD (CHEMICAL OXYGEN DEMAND).** The oxygen equivalent of that portion of the organic and inorganic matter in a sample of wastewater, expressed in parts per million by weight, that can be oxidized by a strong chemical oxidizing agent. The laboratory determinations shall be made in accordance with procedures set forth in **STANDARD METHODS**.

**COLLECTION SYSTEM.** The system of sewers and appurtenances for the collection, transportation and pumping of domestic wastewater and industrial wastes.

**COMBINED SEWER.** A sewer intended to receive both wastewater and storm or surface water. The city has no combined sewers.

**COMPATIBLE POLLUTANT.** Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the City NPDES permit, if the City treatment works is capable of removing such pollutants, and in fact does remove such pollutants to a substantial degree. Examples of such additional pollution may include: Chemical Oxygen Demand, total organic carbon, phosphorus, phosphorus compounds, nitrogen, and/or nitrogen compounds.

**CONNECTION.** Each connection to the collection system.

**CONSTRUCTION COST.** The total cost incurred in the construction of sewerage works, consisting of, but not limited to, the sums spent for the following purposes:

(1) Actual sums paid for construction of wastewater treatment facilities and for land acquisition.

(2) Actual engineering fees paid for preliminary engineering studies, plans and specifications, services during construction, construction staking, operation and maintenance manuals, and initial operator training.

(3) Actual sums paid for soils investigations, wastewater sampling, and materials testing required for such construction.



(4) Actual fees and wages paid for legal, administrative, and fiscal services required by construction of wastewater treatment facilities.

(5) Actual interest paid on the total amount financed by debt obligation for construction of wastewater treatment facilities.

**DEBT SERVICE CHARGE.** The total charge levied on users for purposes of paying construction costs (principal and associated interest) of obligations incurred to finance acquisition and/or construction of sewerage works.

**DOMESTIC WASTEWATER.** Water-borne wastes normally discharged into the sanitary conveniences of dwellings (including apartment houses and hotel), office buildings, factories and institutions, free of storm and surface water, and industrial wastes.

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

**EQUIVALENT RESIDENTIAL UNIT.** A unit of gallons per day per connection of normal strength domestic wastewater (defined herein) as established in the City of Litchfield Sewer Service Charge System, if necessary. Such assignment by the city is for the purpose of levying a charge to users that do not have a metered source of water.

**FLOATABLE OIL.** Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

**GARBAGE.** The animal and vegetable waste resulting from handling, preparation, cooking and services of foods.

**INCOMPATIBLE POLLUTANT.** Any pollutant which is not a compatible pollutant.

**INDUSTRIAL WASTES.** As distinct from domestic or sanitary wastes, shall mean the wastewater from industrial processes, trade, or business.

**INDUSTRIAL PERMIT.** A permit issued by the city to a contributor of industrial waste. The permit shall contain limits on the quality and quantity of discharges from the industry to the city wastewater collection system and/or treatment facilities, industry monitoring requirements, pretreatment requirements, compliance schedules, and reporting requirements.

**INFILTRATION.** The water entering the sanitary sewer system and service connections from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.

**INFILTRATION/INFLOW.** The total quantity of water from both infiltration and inflow without distinguishing the source.

**INFLOW.** The water discharged into the sanitary sewer system from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, cooling water discharges,

drains from springs and swampy areas, manhole covers, cross connections to storm sewers catch basins, storm waters, surface run-off, street wash waters, or drainage. Inflow does not include, and is distinguished from infiltration.

**SIGNIFICANT INDUSTRIAL USER (SIU).** Any industrial user of the City Treatment Works that:

(1) Has an equivalent wastewater flow of 25,000 gallons or more per average work day;

(2) Contributes a load of five percent or more of the capacity of the POTW; or

(3) Is designated as significant by the Permittee or the MPCA on the basis that the SIU has a reasonable potential to adversely impact the POTW, or the quality of its effluent or residuals.

**MAY.** Is permissive (see **SHALL**, defined herein).

**MPCA.** The Minnesota Pollution Control Agency, or Minnesota Pollution Control Agency staff as delegated by the Minnesota Pollution Control Agency.

**NATURAL OUTLET.** Any storm sewer or surface water which overflows into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

**NORMAL STRENGTH DOMESTIC WASTEWATER (NSDW).** Typical wastewater from the domestic population of the city in which the average concentration is approximately 240 parts per million by weight total suspended solids, 220 parts per million by weight CBOD5, 25 parts per million by weight NH3-N, 8 part per million by weight TP, and 600 part per million COD, such wastewater does not include infiltration and/or inflow, and it is composed of domestic wastewater.

**NOTICE OF NON COMPLIANCE.** A written notice by the city to such person in violation of the Industrial Permit or Sewer Use and Sewer Service Charge Ordinance. A Notice of Non Compliance may require a written response to the issues of noncompliance.

**NPDES.** The National Pollutant Discharge Elimination System which is the program for issuing, modifying, revoking, reissuing, termination, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under sections, 307, 318, 402, and 405 of the Clean Water Act, 33 U.S.C. §§ 1317, 1328, 1342 and 1345.

**OPERATION AND MAINTENANCE COST.** Annual expenditures made by the city in the operation and maintenance of its sewerage works, consisting of, but not limited to, the sums spent for each of the following purposes:

(1) Wages and salaries of all operating, maintenance, administrative, and supervisory personnel, together with all premiums paid on such wages and salaries (State of Minnesota workmen's compensation coverage, for example);

(2) Actual sums paid for electricity for light and power used for wastewater collection and treatment facilities;

- (3) Actual sums paid for chemicals, fuel and other operating supplies;
- (4) Actual sums paid for repairs to and maintenance of wastewater collection and treatment facilities and the equipment associated therewith;
- (5) Actual sums paid as premiums for hazard insurance carried on sewerage works;
- (6) Actual sums paid as premiums for insurance providing coverage against liability imposed by law for the injury to persons and/or property (including death) of any person or persons resulting from the use and maintenance of said sewerage works;
- (7) Actual sums paid for replacement of equipment within the useful life of the wastewater treatment facilities, for example the cost to replace an electric motor or pump that fails, or a broken part in a pump;
- (8) Actual sums set aside in a sinking fund established to provide a future capital amount for replacement of sewerage works equipment; and
- (9) Actual sums paid for consultant services such as testing, operation, maintenance, engineering, etc.

**PARTS PER MILLION.** A weight-to-weight ratio; the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water. Parts per million and milligrams per liter (mg/l) shall be synonymous terms.

**PERSON.** Any individual, firm, company, association, society, corporation, municipal corporation, governmental unit, or group.

**pH.** The logarithm of the reciprocal of the hydrogenion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogenion concentration of 0.000,000,1 grams/liter, or  $10^{-7}$  grams per liter.

**PHOSPHOROUS, TOTAL (TP).** A nutrient for plant growth. Measured in mg/l and determined by mass load.

**PRETREATMENT.** The process of reducing the amount of pollutants, or altering the nature of pollutants, or altering the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into the city's sanitary sewer system.

**PROPERLY SHREDDED GARBAGE.** The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

**PUBLIC SEWER.** A common sewer controlled by a governmental agency or public utility.

**PUBLICLY OWNED TREATMENT WORKS (POTW).** A wastewater treatment works owned

and operated by a municipality or sanitary district for public use, and the authority operation such a treatment works.

**RATE SCHEDULE.** A published schedule of sewer service charges.

**REPLACEMENT COST.** Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the sewerage works to maintain the capacity and performance for which the facilities were designed and constructed. As noted in this section, the term **OPERATION AND MAINTENANCE COST** includes replacement costs.

**SANITARY SEWER.** A sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters (infiltration/inflow) that are not admitted intentionally.

**SEWAGE.** The spent water of a community. The preferred term is **WASTEWATER** (Sometimes referred to as **SANITARY WASTE**.)

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

**SEWER SERVICE CHARGE.** The total charge levied on users for sewer service. Sewer service charge is the sum of **USER CHARGE** and **DEBT SERVICE CHARGE**.

**SEWERAGE WORKS.** All facilities for collecting, pumping, treating and disposing of wastewater and industrial wastes.

**SHALL.** Mandatory (see **MAY**, defined herein).

**SLUG.** Any discharge of water or wastewater which is in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

**STANDARD METHODS.** The examination and analytical procedures set forth in the latest edition at the time of the analysis of *Standard Methods for the Examination of Water and Wastewater* as prepared, approved, and published jointly by the American Public Health Association, the Water Environment Federation, and the American Water Works Association. Such **STANDARD METHODS** shall also conform to Federal Register Reprint 40 CFR 136, *Guidelines Establishing Test Procedures for Analysis of Pollutants* (Oct. 16, 1973).

**STORM DRAIN** or **STORM SEWER.** A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

**STORM WATER RUNOFF.** That portion of the rainfall that is drained into the storm sewers or storm drains.

**SUMP PUMP.** A pump for disposing of storm drainage.

**SUPERINTENDENT.** The superintendent of wastewater facilities of the city, or his authorized deputy, agent, or representative.

**SUSPENDED SOLIDS** or **TOTAL SUSPENDED SOLIDS** or **TSS.** Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in *Standard Methods for the Examination of Water and Wastewater* and referred to as **NON-FILTERABLE RESIDUE.**

**UNIT.** A unit of water is 1,000 gallons.

**USER.** Any person who discharges, causes, or permits the discharge of wastewater into the city's sanitary sewer system.

**USER CHARGE.** A charge levied on users to recover the cost of operation, maintenance, and replacement of sewerage works, pursuant to Section 204(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 *et seq.*).

**USER CLASS.** The division of the users by wastewater characteristic or discharge similarities (example: residential, commercial, industrial, institutional, and governmental).

**COMMERCIAL USER** shall mean any establishment listed in the Office of Management and Budget *Standard Industrial Classification Manual* (1972 edition) involved in a commercial enterprise, business or service which, based on a determination by the city, discharges primarily segregated domestic wastewater or wastewater from sanitary conveniences.

**GOVERNMENTAL USER** shall mean any Federal, State, or local government user of the wastewater treatment facilities.

**INDUSTRIAL USER** shall mean any non-governmental user of the publicly owned treatment facilities identified in the 1972 *Standard Industrial Classification Manual* (SICM), Office of Management and Budget as amended and supplemented under the following divisions:

- (a) Division A Agriculture, Forestry, and Fishing;
- (b) Division B Mining;
- (c) Division D Manufacturing;
- (d) Division E Transportation, Communication, Electric, Gas, and Sanitary Services;
- (e) Division F Services

An **INDUSTRIAL USER** is also defined as a user who discharges to the city sanitary sewer system any liquid wastes resulting from the processes employed in industry or manufacturing, or in the development of any natural resource.

**INSTITUTIONAL USER** shall mean any establishment listed in the SICM involved in a social, charitable, religious, or education function which, based on a determination by the city, discharges primarily segregated domestic wastewater or wastewater from sanitary conveniences.

**RESIDENTIAL USER** shall mean a user of the treatment facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached, semi-detached, and row houses, mobile homes, garden and standard apartments or permanent multi-family dwellings. (Transit lodging, considered commercial in nature, is not included.)

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

**WASTEWATER.** The spent water of a community. 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 groundwater, surface water, and stormwater that may be present.

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

**WASTEWATER TREATMENT FACILITIES.** An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with **WASTE TREATMENT PLANT** or **WASTEWATER TREATMENT PLANT** or **WATER POLLUTION CONTROL PLANT**.

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

(Prior Code, § 6-4-1) (Am. Ord. 687, passed - -; Am. Ord. 724, passed 9-4-2007)

**§ 51.02 USE OF PUBLIC SEWERS REQUIRED.**

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under city jurisdiction, any human or animal excrement, garbage or objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet within the city, or in any area under city jurisdiction, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.

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

(D) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on that part of 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 city, is hereby required at the owner(s)' expense to install a suitable service connection to the public sewer in accordance with the provisions of this subchapter, within 90 days after date of official notice

to do so.

(E) In the event an owner shall fail to connect to a public sewer in compliance with a notice given under division (D) of this section, the city may undertake to have said connection made and shall assess all costs thereof against the benefitted property. Such assessment shall be a lien against said property. Such assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the Auditor of the County of Meeker, Minnesota, and shall be collected and remitted to the city in the same manner as assessments for local improvements. The rights of the city shall be in addition to any remedial or enforcement provisions of this subchapter.

(Prior Code, § 6-4-2) (Am. Ord. 687, passed - -; Am. Ord. 724, passed 9-4-2007) Penalty, see § 51.99

### **§ 51.03 PRIVATE WASTEWATER DISPOSAL.**

(A) Where a public sanitary sewer is not available under the provisions of § 51.02(D), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of the city's on-site sewer ordinance or the State of Minnesota's on-site sewer ordinance (Minn. Rules, Ch. 7080).

(B) The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city.

(C) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the city or the State of Minnesota.

(Prior Code, § 6-4-3) (Am. Ord. 687, passed - -; Am. Ord. 724, passed 9-4-2007)

## ***SEWER REGULATIONS***

### **§ 51.15 BUILDING SEWERS AND CONNECTIONS.**

(A) No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Approving Authority.

(B) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(C) A separate and independent building sewer shall be provided for every building; unless written permission for an alternative is obtained from the city. The city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

(D) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Approving Authority, to meet all requirements of this subchapter.

(E) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city.

(F) 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, sanitary wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(G) No person(s) shall make connection of roof down spouts, foundation drains, area drains, sump pumps, cisterns, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(H) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Approving Authority before installation.

(I) The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Approving Authority.

(J) All excavations for building sewer installation shall be adequately guarded with barricades, warning markers, 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 Approving Authority.

(Prior Code, § 6-4-4) (Am. Ord. 687, passed - -; Am. Ord. 724, passed 9-4-2007)

#### **§ 51.16 USE OF PUBLIC SEWERS.**

(A) No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer. Stormwater runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewer by permission of the Approving Authority.

(B) Storm water other than that exempted under division (A), and all other unpolluted drainage shall be discharged to such sewers as are specifically designated storm sewers or to a natural outlet approved by the Approving Authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Approving Authority and in accordance with the provisions of state and federal regulations, to a storm sewer, or natural outlet.

(C) No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:



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

(2) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, which would injure or interfere with any collection system or waste treatment process, constitute a hazard to humans or animals, create a public nuisance, result in a violation of State or Federal water quality standards, or create any hazard in the collection system or wastewater treatment plant or the receiving waters. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Clean Water Act.

(3) Any waters or wastes having a pH lower than 5.0, or higher than 10.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater facilities. Exceptions may be granted (by the Approving Authority) for short duration flows where it has been, or can be shown, that high or low pH would not cause any significant wastewater facilities problems.

(4) Solid or viscous substances :in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or after passage through garbage grinders.

(5) Any wastewaters or matter that could directly or indirectly result in a violation of the city's NPDES permit.

(D) The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not violate design criteria or harm either the collection system, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Approving Authority may set limitations different than the limitations established in the regulations below if in its opinion such limitations are necessary to meet the above objectives. In forming the opinion as to the acceptability, the Approving Authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Approving Authority are as follows:

(1) Wastewater having a temperature higher than 5 lb 50° Fahrenheit (65° Celsius);

(2) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin;

(3) Wastewater from industrial plants containing floatable oil, fat, or grease, in excess of concentrations permitted by the Approving Authority;

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(4) Any garbage that has not been properly shredded (see § 51.01). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises, or consumption elsewhere when served by caterers;

(5) Any waters or wastes containing cyanide, nickel, cadmium, phenols, iron, hexavalent or trivalent chromium, copper, zinc, tin, arsenic, mercury, silver, manganese, and other objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the effluent or residuals limits established by the MPCA or Approving Authority for such materials;

(6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Approving Authority.

(7) Any radioactive materials of such half-life or concentration as may exceed limits established by the Approving Authority, or applicable State and Federal regulations;

(8) Quantities of flow, concentrations, or both, which constitute a *SLUG* as defined in § 51.01;

(9) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes;

(10) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;

(11) Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues), or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that would cause disruption with the wastewater disposal system;

(12) Any waters or wastes containing CBOD5 or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of division (O) of this section.

(13) Any water or wastes which, by interaction with other water or wastes in the public sewerage system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.

(E) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (D) of this section, and which in the judgment of the Approving Authority may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Approving Authority may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewer pursuant to Section 307(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 125 1, *et. seq.*);

(3) Require control over the quantities and rates of discharge, through a written permit or other mechanism and/or;

(4) Require payment to cover added cost of handling and treating the wastes not properly covered by existing taxes or service charges.

If the Approving Authority permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Approving Authority and shall be borne at users expense.

(F) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in division (D)(3) of this section, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Approving Authority, and shall be located as to be readily and easily accessible for cleaning, testing, and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Approving Authority. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms.

(G) Where pretreatment of flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner( s) at the owner's expense.

(H) When required by the Approving Authority, the owner of any property serviced by a building sewer carrying industrial or domestic wastewater shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be readily accessible and safely located and shall be constructed in accordance with plans approved by the Approving Authority. The structure shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times. The city shall have unrestricted access to the monitoring structure.

(I) An industrial user may, at the discretion of the city, be required to provide laboratory measurements, tests, or analysis of waters or wastes to illustrate compliance with this subchapter and any special condition for discharge established by the city or regulatory agencies having jurisdiction over the discharge. The location, number, type, and frequency of sampling and laboratory analysis to be performed by the owner shall be as stipulated by the city. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with Federal, State,

and local standards are being met. The owner shall report the results of measurements and laboratory analysis to the city at such times and in such manner as prescribed by the city. The industry shall bear the expense of all measurements, analysis, and reporting required by the city. The city reserves the right to take measurements and samples for analysis by an independent laboratory. These requirements may be stipulated in an Industrial Permit, or other formal notification issued by the city.

(J) All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.

(K) New connections to the sanitary sewer system may be prohibited unless the Approving Authority determines that sufficient capacity is available in all downstream facilities, including, but not limited to, capacity for flow, CBOD5, and suspended solids.

(L) No person, unless authorized by the Approving Authority shall uncover, make any connection with or opening into, use, alter, or disturb any sanitary or storm sewer within the city or any part of the city wastewater facilities.

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

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

(O) No statement contained in this ordinance shall be construed as preventing any special agreement or arrangement between the city and any industrial or commercial concern whereby a waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore by the industrial concern, providing that National Categorical Pretreatment Standards and the city's NPDES permit limitations are not violated, except as otherwise approved pursuant to division (C)(5) of this section.

(P) The city may, upon showing of just cause, shut off the water from a building, and/or plug the sewer for the non-payment of sewer service charges, violation of permit conditions, or the introduction of prohibited wastes identified in § 51.17.

(Prior Code, § 6-4-5) (Am. Ord. 687, passed - -; Am. Ord. 724, passed 9-4-2007)

#### **§ 51.17 DAMAGE TO WASTEWATER FACILITIES.**

No person(s) shall maliciously, willfully, or negligently enter, break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Prior Code, § 6-4-6) (Am. Ord. 687, passed - -; Am. Ord. 724, passed 9-4-2007) Penalty, see § 51.99

#### **§ 51.18 POWERS AND AUTHORITY OF INSPECTORS.**

(A) Duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to any public sewer or natural outlet in accordance with the provisions of this ordinance.

(B) Sampling pertaining to industry will reflect the number of days an industry is not operating as well as the days in operation and discharging waste to a public sewer.

(C) The Approving Authority or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(D) While performing the necessary work on private properties referred to in division (A), above, duly authorized employees of the city shall observe safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees 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 in § 51.16(H).

(E) Duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city 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 said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(F) The Approving Authority or other duly authorized employees are authorized to require industrial monitoring reports from an industrial discharger where necessary.  
(Am. Ord. 687, passed - -; Am. Ord. 724, passed 9-4-2007)

#### **§ 51.19 WASTEWATER DISCHARGE PERMITS.**

The City Council shall issue wastewater discharge permits to all significant industrial users and other industrial and commercial users as deemed legal, necessary and proper in the operation of its

wastewater collection and treatment system. These permits shall be issued by resolution of the Council and shall contain all parameters and limitations on the quality and quantity of wastewater discharges into the municipal wastewater system. The permit shall also contain wastewater fees, charges, surcharges and penalties. The city shall exercise the sole and exclusive right to monitor, regulate, control, restrict and set fee schedules for all wastewater discharges into the municipal sewer system. (Ord. 651, passed 12-4-2000)

### ***RATES AND CHARGES***

#### **§ 51.30 SEWER SERVICE CHARGES.**

(A) For non-residential users discharging normal strength domestic wastewater, billable flow shall be equal to water usage measured throughout the year. The charge shall include a user charge component (to meet all costs associated with operation, maintenance, and replacement of the wastewater collection and treatment facilities) and may contain a debt service charge.

(B) (1) As an equitable share of the expenses incurred by the city in the administration, operation, maintenance, and replacement of the sewerage works, each user discharging NDSW will pay to the city a user component amount based upon flow.

(2) The user charge component of the sewer charge for Industrial users that discharge above normal strength domestic wastewater shall be billed monthly based upon the volume of wastewater, and the pounds of BOD.

(C) (1) Average city unit costs shall be computed annually, and shall include a user charge rate attributed to operation, maintenance and replacement costs. Initial unit cost figures for the user charge will be established by City Council resolution. Computations supporting unit cost figures and service charges shall be revised annually as necessary. All users discharging normal strength domestic wastewater shall be billed a fixed rate.

(2) Each user of the city sewer system that does not have a metered source of water shall either install an accurate water or wastewater flow metering device (at user's expense) that will serve as a basis for estimating the volume of wastewater discharged, and determining the sewer service charge, or accept a formula established by the city for estimating wastewater contribution for an Equivalent Residential Unit.

(3) When a particular reading indicates concentrations less than normal domestic strength, normal domestic strength shall be entered into the average for billing purposes.

(4) All users of city water that is not discharged to the city sanitary sewer system may install a separate water system and meter (one only in the same building as the main meter) to isolate and meter non-sewered water or provide documentation for the City Council's approval estimating the flow of water for which no sewer charge is required. If at any time after this independent system is installed, water from this system enters the Sanitary Sewer System, the user will be subject to the penalties of § 51.99 and shall be ordered to eliminate the independent system if this violation is continued.

(D) To insure the required financial surveillance, the city shall annually review the cash flows associated with providing wastewater treatment service for the city. Any inequities and/or shortages of revenue shall be remedied by a City Council resolution adjusting the sewer service charge figures. Adjusted unit figures shall be computed in accordance with the principals of this section.

(E) Any additional costs caused by discharges to the treatment works of toxics or other incompatible wastes, including the cost of restoring wastewater treatment services, clean-up and restoration of the receiving waters and environs, and sludge disposal, shall be borne by the discharger(s) of said wastes, at no expense to the city.

(F) Each user shall pay operation, maintenance, and replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, with the minimum rate for loadings of BOD and TSS being the rate established for concentrations up to NDSW. Those **INDUSTRIAL USERS** discharging segregated **NORMAL DOMESTIC STRENGTH WASTEWATER** only, can be classified as **COMMERCIAL USERS** for the purpose of rate determination.

(G) Wastewater user charges provided for in this ordinance shall be included as a separate item on the regular bill for water. Charges shall be paid at the same time that the water charges of the person become due.

(H) Accounts that are not paid in full within 30 days will be charged a late payment penalty as established by the City Council and will be subject to interest charges at a rate established by the City Council. In the event a user does not pay his account in full within 90 days after billing, the city may undertake to have the water service to the property disconnected and may file a lien against the property.

(I) Sewer rates shall be as set by the City Council from time to time. A copy of the current sewer rates ordinance shall be available for public inspection during regular business hours. Rates may be adjusted periodically by an amending ordinance.

(Ord. 687, passed - -; Am. Ord. 724, passed 9-4-2007; Am. Ord. 733, passed 10-20-2008; Am. Ord. 739, passed 5-4-2009; Am. Ord. 741, passed 7-6-2009; Am. Ord. 754, passed 9-6-2011; Am. Ord. 770, passed 10-21-2013)

### § 51.31 SEWER SERVICE FUND.

(A) The city hereby establishes a **SEWER FUND** as an income fund to receive all revenues generated by the Sewer Service Charge System, and all other income dedicated to the operation, maintenance, replacement and construction of the wastewater treatment work, including taxes, special

charges, fees, and assessments intended to retire construction debt. The Assistant City Administrator will be responsible for maintaining the records for the Sewer Fund.

(B) The city also establishes the following accounts as income and expenditure accounts within the Sewer Funds:

- (1) Revenue;
  - (a) Sewer Charge.
- (2) Expenditure;
  - (a) Collection System;
  - (b) Lift Station;
  - (c) Treatment Plant;

(C) All revenue generated by the Sewer Service Charge system, and all other income pertinent to the treatment system, includes taxes and special assessments dedicated to retire construction debt, shall be held by the Assistant City Administrator separate and apart from all other funds of the city. Funds received by the Sewer Fund shall be transferred to the Operation and Maintenance Account, the Infrastructure - Sewer Account, and the Debt Retirement Account in accordance with State and Federal regulations and the provisions of this subchapter.

(D) Revenue generated by the Sewer Service Charge System sufficient to insure adequate replacement throughout the useful life of the wastewater facility shall be held separate and dedicated to affecting replacement costs. Interest income generated by the Equipment Replacement Account shall remain in the Equipment Replacement Account.

(E) Revenue generated by the Sewer Service Charge System sufficient for operation and maintenance shall be held separate and apart in the Operation and Maintenance Account. (Prior Code, § 6-4-9) (Am. Ord. 687, passed - -; Am. Ord. 724, passed 9-4-2007)

#### **§ 51.99 PENALTY.**

(A) (1) Any person found to be violating any provision of this chapter, except § 51.17, or a permit issued subsequent to this chapter, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for responding to the notice and/or performing the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, provide the written response, pay the penalty fee identified, and/or permanently cease all violations, as the city's written notice may require.

(2) Any penalty addressed under this provision not to exceed \$500 per day, with each day being a separate offense, except as provided for in division (C) of this penalty section.



(B) Any person who shall continue any violation beyond the time limit provided for in division (A) of this section shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding \$1,000 for each violation except as provided in division (C) of this section. Each day in which any such violation shall continue shall be deemed a separate offense.

(C) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, fine, penalty, loss or damage occasioned the city by reason of the violation.  
(Prior Code, § 6-4-8) (Ord. 379, passed 5-6-1974; Am. Ord. 687, passed - -; Am. Ord. 724, passed 9-4-2007)



## **CHAPTER 52: ELECTRIC**

Section

52.01 Electric rates

### **§ 52.01 ELECTRIC RATES.**

The city electric rates shall be as set by the City Council from time to time. A copy of the current electric rates ordinance shall be available for public inspection during regular business hours.

**CHAPTER 53: ILLICIT DISCHARGE AND CONNECTION**

Section

- 53.01 Purpose/Intent
- 53.02 Definitions
- 53.03 Applicability
- 53.04 Responsibility for Administration
- 53.05 Compatibility With Other Regulations
- 53.06 Severability
- 53.07 Ultimate Responsibility
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- 53.09 Watercourse Protection
- 53.10 Industrial or Construction Activity Discharges
- 53.11 Compliance Monitoring
- 53.12 Requirement to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Management Practices.
- 53.13 Notification of Spills.
- 53.14 Violations, Enforcement, and Penalties
- 53.15 Appeal of Notice of Violation
- 53.16 Enforcement Measures After Appeal
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- 53.18 Violations Deemed a Public Nuisance
- 53.19 Remedies Not Exclusive
- 53.20 Adoption of Ordinance

**§ 53.01 PURPOSE/INTENT.**

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Litchfield through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (A) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user.
- (B) To prohibit illicit connections and discharges to the MS4.
- (C) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

(Ord. 755, passed 12-05-2011)

**§ 53.02 DEFINITIONS.**

For the purposes of this ordinance, the following shall mean:  
(Ord. 755, passed 12-05-2011)

***AUTHORIZED ENFORCEMENT AGENCY.*** Employees or designees of the City of Litchfield designated to enforce this ordinance.

***BEST MANAGEMENT PRACTICES (BMPs).*** Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

***CLEAN WATER ACT.*** The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

***CONSTRUCTION ACTIVITY.*** Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

***HAZARDOUS MATERIALS.*** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

***ILLEGAL DISCHARGE.*** Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 8 of this ordinance.

***ILLICIT CONNECTIONS.*** An illicit connection is defined as either of the following:

- Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,

- Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

***INDUSTRIAL ACTIVITY.*** Activities subject to NPDES Industrial Storm Water Permits as defined in 40 CFR, Section 122.26 (b)(14).

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4).** The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City of Litchfield and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT.** Means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

**NON-STORM WATER DISCHARGE.** Any discharge to the storm drain system that is not composed entirely of storm water.

**PERSON.** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

**POLLUANT.** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**PREMISES.** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

**STORM DRAINAGE SYSTEM.** Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

**STORM WATER.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**STORM WATER MANAGEMENT PLAN.** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm Water, Storm Water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

**WASTEWATER.** Any water or other liquid, other than uncontaminated storm water, discharged from a facility.  
(Ord. 755, passed 12-05-2011)

**§ 53.03 APPLICABILITY.**

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the City of Litchfield.  
(Ord. 755, passed 12-05-2011)

**§ 53.04 RESPONSIBILITY FOR ADMINISTRATION.**

The City of Litchfield shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the City of Litchfield may be delegated in writing by the City Administrator to persons or entities acting in the beneficial interest of or in the employ of the agency.  
(Ord. 755, passed 12-05-2011)

**§ 53.05 COMPATIBILITY WITH OTHER REGULATIONS.**

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.  
(Ord. 755, passed 12-05-2011)

**§ 53.06 SEVERABILITY.**

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.  
(Ord. 755, passed 12-05-2011)

**§ 53.07 ULTIMATE RESPONSIBILITY.**

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.  
(Ord. 755, passed 12-05-2011)

**§ 53.08 DISCHARGE PROHIBITIONS.****(A) Prohibition of Illegal Discharges.**

No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water.



The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.

(2) Discharges or flow from firefighting, and other discharges specified in writing by the City of Litchfield as being necessary to protect public health and safety.

(3) Discharges associated with dye testing, however this activity requires a verbal notification to the City of Litchfield prior to the time of the test.

(4) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

**(B) Prohibition of Illicit Connections.**

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(4) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City of Litchfield.

(5) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the City of Litchfield requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system,

sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the City of Litchfield.  
(Ord. 755, passed 12-05-2011)

### § 53.09 WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.  
(Ord. 755, passed 12-05-2011)

### § 53.10 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

(A) Submission of NOI to the City of Litchfield.

(1) Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Litchfield prior to the allowing of discharges to the MS4.

(2) The operator of a facility, including construction sites, required to have an NPDES permit to discharge storm water associated with industrial activity shall submit a copy of the Notice of Intent (NOI) to the City of Litchfield at the same time the operator submits the original Notice of Intent to the EPA as applicable.

(3) The copy of the Notice of Intent may be delivered to the City of Litchfield either in person or by mailing it to:

Notice of Intent to Discharge Storm Water  
City of Litchfield  
126 Marshall Ave N  
Litchfield, MN 55355

(4) A person commits an offense if the person operates a facility that is discharging storm water associated with industrial activity without having submitted a copy of the Notice of Intent to do so to the City of Litchfield.  
(Ord. 755, passed 12-05-2011)

### § 53.11 COMPLIANCE MONITORING

(A) Right of Entry: Inspection and Sampling.

The City of Litchfield shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance.

(1) If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the City of Litchfield.

(2) Facility operators shall allow the City of Litchfield ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(3) The City of Litchfield shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the City of Litchfield to conduct monitoring and/or sampling of the facility's storm water discharge.

(4) The City of Litchfield has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City of Litchfield and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the City of Litchfield access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with an NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the City of Litchfield reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

**(B) Search Warrants.**

If the City of Litchfield has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City of Litchfield may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. 755, passed 12-05-2011)

**§ 53.12 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.**

The City of Litchfield will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental

discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs.

Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water management plan (SWMP) as necessary for compliance with requirements of the NPDES permit.

(Ord. 755, passed 12-05-2011)

### **§ 53.13 NOTIFICATION OF SPILLS.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City of Litchfield in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Litchfield within 3 business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 5 years.

Failure to provide notification of a release as provided above is a violation of this ordinance.

(Ord. 755, passed 12-05-2011)

### **§ 53.14 VIOLATIONS, ENFORCEMENT, AND PENALTIES.**

#### **(A) Violations.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the City of Litchfield is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The City of Litchfield is authorized to seek costs of the abatement as outlined in Section 17.

#### **(B) Warning Notice.**

When the City of Litchfield finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, the City of Litchfield may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this subsection shall limit the authority of the City of Litchfield to take any action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

(C) Notice of Violation.

Whenever the City of Litchfield finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the City of Litchfield may order compliance by written notice of violation to the responsible person.

The Notice of Violation shall contain:

- (1) The name and address of the alleged violator;
- (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (6) A statement that the determination of violation may be appealed to the City of Litchfield by filing a written notice of appeal within 10 days of service of notice of violation; and
- (7) A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

(D) Compensatory Action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the City of Litchfield may impose upon a violator alternative compensatory actions, such as attendance at compliance workshops, creek cleanup, etc.

(E) Suspension Of MS4 Access.

(1) Emergency Cease and Desist Orders

When the City of Litchfield finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City of Litchfield may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

(a) Immediately comply with all ordinance requirements; and

(b) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the City of Litchfield may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The City of Litchfield may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the City of Litchfield that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the City of Litchfield within 10 days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

(2) Suspension due to Illicit Discharges in Emergency Situations

The City of Litchfield may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued

in an emergency, the City of Litchfield may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

(3) Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City of Litchfield will notify a violator of the proposed termination of its MS4 access. The violator may petition the City of Litchfield for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the City of Litchfield.

(F) Civil Penalties.

In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 10 days, or such greater period as the City of Litchfield shall deem appropriate, after the City of Litchfield has taken one or more of the actions described above, the City of Litchfield may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

(G) Criminal Prosecution.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$1,000 per violation per day and/or imprisonment for a period of time not to exceed 90 days. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Ord. 755, passed 12-05-2011)

**§ 53.15 APPEAL OF NOTICE OF VIOLATION.**

Any person receiving a Notice of Violation may appeal the determination of the City of Litchfield . The notice of appeal must be received within 10 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 10 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

(Ord. 755, passed 12-05-2011)

**§ 53.16 ENFORCEMENT MEASURES AFTER APPEAL.**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 10 days of the decision of the municipal authority upholding the decision of the City of Litchfield, then representatives of the City of Litchfield shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or

person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.  
(Ord. 755, passed 12-05-2011)

#### **§ 53.17 COST OF ABATEMENT OF THE VIOLATION.**

Within 10 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 10 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the City of Litchfield by reason of such violation. The liability shall be paid in not more than 5 equal payments. Interest at the rate of 18 percent per annum shall be assessed on the balance beginning on the 10th day following discovery of the violation.  
(Ord. 755, passed 12-05-2011)

#### **§ 53.18 VIOLATIONS DEEMED A PUBLIC NUISANCE.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.  
(Ord. 755, passed 12-05-2011)

#### **§ 53.19 REMEDIES NOT EXCLUSIVE.**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City of Litchfield seek cumulative remedies.

The City of Litchfield may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.  
(Ord. 755, passed 12-05-2011)

#### **§ 53.20 ADOPTION OF ORDINANCE.**

This ordinance shall be in full force and effect 15 days after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.  
(Ord. 755, passed 12-05-2011)