

ORDINANCE AMENDING MANKATO CITY CODE CHAPTER 3 RELATING TO UTILITIES IN ITS ENTIRETY

WHEREAS, city staff have conducted a thorough review of Mankato City Code, Chapter 3 relating to utilities and have identified amendments that are needed to provide clarity and consistency throughout; and

WHEREAS, additional revisions have also been included to ensure that best practices are reflected relating to utility billing, utility operations, and environmental impacts; and

WHEREAS, the Council received a high-level overview of the proposed amendments at a Work Session on July 25, 2022; and

WHEREAS, Mankato City Code, Chapter 3 relating to utilities has been rewritten in its entirety.

NOW THEREFORE BE IT ORDAINED by the City Council for the City of Mankato that Mankato City Code, Chapter 3 be and hereby is repealed in its entirety and rewritten as follows:

CHAPTER 3 – UTILITIES – GENERAL PROVISIONS

Sec. 3.01. Definitions. The following terms, as used in this chapter, shall have the meanings stated:

Subd. 1. Authority. The City of Mankato, Minnesota, or its representative thereof.

Subd. 2. Biosolids. The nutrient rich organic, treated, and tested residuals from the wastewater treatment process that meet federal and state standards for beneficial reuse as a fertilizer and as a soil conditioner

Subd. 3. Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning immediately outside the building wall.

Subd. 4. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.

Subd. 5. Capital Expense. An expense that takes place that is greater than \$10,000 and has a life expectancy of greater than five (5) years.

Subd. 6. Carbonaceous Biochemical Oxygen Demand (CBOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter, in the presence of a nitrification inhibitor, under standard laboratory procedures in five (5) days at 20 degrees Centigrade expressed in terms of weight and concentration (milligrams per liter-mg/L).

Subd. 7. CFR. The Code of Federal Regulations, which is the codification of general and permanent rules of departments and agencies of the federal government.

Subd. 8. City. The City of Mankato, Minnesota.

Subd. 9. Compatible Pollutant. Pollutants identified through testing by the public utility deemed capable of being treated at the WRRF based on the treatment facilities design to treat such pollutants to a degree which complies with effluent concentration limits imposed by the NPDES/SDS permit.

Subd. 10. Consumer. Refers to any user of a utility.

Subd. 11. Control Authority. The City of Mankato.

Subd. 12. Debt Service. Revenue to be used solely for retirement of outstanding debts of the City's works.

Subd. 13. Domestic Strength Wastewater. Wastewater that is primarily introduced by residential users with a BOD₅ concentration not greater than two hundred sixty (260) mg/l and a suspended solids (TSS) concentration not greater than two hundred eighty (280) mg/l.

Subd. 14. Easement. An acquired legal right for the specific use of land owned by others.

Subd. 15. EPA. The United States Environmental Protection Agency.

Subd. 16. Garbage. Includes every accumulation of animal, vegetable or other matter that attends the preparation, consumption, display, dealing in or storage of meat, fish, fowl, birds, etc., including the cans, containers, or wrappers wasted along with such materials, and all other wastes resulting from the handling, storage, and sale of produce.

Subd. 17. General Municipal Flow. Wastes from residential users and from the sanitary conveniences of multiple dwellings, commercial buildings, institutions, and industrial facilities. General Municipal Flow based on the design of the wastewater treatment facility is further defined as flows containing 5-day cBOD₅ concentrations no greater than 260 milligrams per liter (mg/L) and Total Suspended Solids (TSS) concentrations no greater than 280 milligrams per liter (mg/L).

Subd. 18. General Pretreatment Regulations. The general pretreatment regulations for existing and new sources of pollution promulgated by the EPA under Section 307(b) and (c) of the Act and found at 40 CFR Part 403.

Subd. 19. Household Refuse. Includes such items as garbage, swill, sweepings, cleanings, trash litter, solid wastes, combustible trash, including but not limited to paper, cartons, boxes, barrels, wood, furniture, bedding, noncombustible trash, including but not limited to metals, tin cans, metal furniture, dirt, small quantities of rock and concrete, glass, crockery, and other mineral wastes; provided, refuse shall not include earth and waste from building operations, nor shall it include wastes from industrial processes and manufacturing operations.

Subd. 20. Illicit Discharge. Any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.

Subd. 21. Indirect Discharge. The introduction of pollutants or wastes into the WRRF from any nondomestic source regulated under Section 301 (b), (c), or (d) of the Act.

Subd. 22. Industry. Any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, which is categorized in Divisions A, B, D, E, and I.

Subd. 23. Industrial Wastewater Discharge Permit or Permit. A permit issued by the City of Mankato to an Industrial User authorizing them to use the WRRF as established herein.

Subd. 24. Industrial Waste. Solid, liquid, or gaseous wastes, excluding domestic waste, resulting from any industrial, manufacturing, commercial, institutional, or business activity, or from the development, recovery, or processing of a natural resource.

Subd. 25. Infiltration. Water entering the wastewater system (including building drains and pipes) from the ground through such means as defective pipes, pipe joints, connections, and manhole walls.

Subd. 26. Inflow. Water, other than wastewater, that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm drains, catch basins, surface runoff, street wash waters or drainage.

Subd. 27. Industrial User. Any person who discharges industrial waste into the WRRF.

Subd. 28. Interference (Wastewater). A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the WRRF, its treatment processes, operations, or solids processes, use or disposal and, therefore, is a cause of a violation of any requirement of the Mankato WRRF's NPDES Permit or of the prevention of beneficial biosolids reuse.

Subd. 29. MPCA. Minnesota Pollution Control Agency.

Subd. 30. Municipal separate stormwater system or MS4. A conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains:

A. owned or operated by a state, City, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district, or drainage district or similar entity, or an Indian tribe or an authorized Indian tribe organization, or a designated and approved management Agency under Section 208 of the federal Clean Water Act, United States Code, Title 33, Section 1288, that discharges into waters of the state;

B. designed or used for collecting or conveying stormwater; and

C. that is not a combined sewer; and that is not part of a publicly owned treatment works as defined in 40 CFR § 122.2; and

D. Municipal separate stormwater systems do not include separate stormwater in very discrete areas, such as individual buildings. (Minn. R. 7090.0080, Subp. 8).

Subd. 31. Municipal Utility. Refers to any municipally owned utility system.

Subd. 32. National Categorical Pretreatment Standards. Federal regulations establishing pretreatment standards for introduction of pollutants in publicly owned wastewater treatment facilities which are determined to be not susceptible to treatment by such treatment facilities or would interfere with the operation of such treatment facilities, pursuant to Section 307 (b) of the Act.

Subd. 33. National Pollutant Discharge Elimination System (NPDES) Permit. Any permit or requirements issued by the Minnesota Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq); for the purpose of regulating the discharge of wastewater, industrial wastes, or other wastes under the authority of Section 402 of the Act.

Subd. 34. Natural Outlet. Any outlet, including storm drains and combined sewers, which overflow into a, pond, ditch, lake or other body of surface water or ground water.

Subd. 35. Non-Contact Cooling Water. The water discharged from any use such as air conditioning, cooling, or refrigeration, which the only pollutant added to the water, is heat.

Subd. 36. Non-Stormwater Discharge. Any discharge not composed entirely of stormwater.

Subd. 37. Operation and Maintenance. Those variable expenditures and costs which are directly attributable the operations and maintenance of a waste treatment works. The term "O & M" includes "replacement."

Subd. 38. Permit holder. An Industrial User authorized to discharge industrial waste into the WRRF pursuant to an Industrial Wastewater Discharge Permit.

Subd. 39. PH. The logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of a solution. It is a measure of the acidity or basicity of a waste.

Subd. 40. Pretreatment. The process of reducing the amount of pollutants, eliminating 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 WRRF. The reduction, elimination, or alteration may be obtained by physical, chemical, or biological processes, process changes or other means, except as prohibited by this ordinance.

Subd. 41. Pretreatment Standards. The standards for industrial groups (categories) promulgated by the EPA pursuant to the Act which regulates the quality of effluent discharge to the WRRF and must be met by all users subject to such standards.

Subd. 42. Public Utility. The unit of municipal government and its people responsible for the WRRF and this ordinance.

Subd. 43. Receiving Body. Body of water, be it a holding pond, stream, intermittent waterway, or the Minnesota or Blue Earth Rivers, into which the storm drain system for the City empties.

Subd. 44. Recyclables. All items that can be separated from the waste stream for making or manufacturing new products.

Subd. 45. Refuse. Garbage, household refuse.

Subd. 46. Replacement. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

Subd. 47. Residuals Solids. Solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment facility.

Subd. 48. Service. Refers to providing a particular utility to a consumer.

Subd. 49. Sewer Service Charge System. The system of charges by which revenue is generated to offset the cost of operation and maintenance plus replacement, administration, and debt service.

Subd. 50. Sewer. A pipe or conduit that carries wastewater or drainage water.

A. **Collection Sewer.** Pipelines or conduits, pumping stations, force mains, and all other devices and appurtenances, used for collecting or conducting wastewater.

B. **Combined Sewer.** A sewer intended to serve as a sanitary sewer and a storm drain.

C. **Public Sewer.** A sewer owned, maintained, and controlled by a public authority.

D. **Sanitary Sewer.** A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.

E. **Storm Drain.** A drain intended to carry storm waters, surface runoff, ground water, sub-surface water, street wash water, drainage, and unpolluted water from any source.

Subd. 51. Significant Industrial User. Any industrial user of the City's wastewater treatment system which:

A. All Industrial Users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, and any other Industrial User that:

B. Discharges an average of 25,000 gallons per day or more of process wastewater to the WRRF (excluding sanitary, noncontact cooling and boiler blow down wastewater).

C. Contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the WRRF.

D. Is designated as such by the control authority as defined in 40 CFR 403.12 (a) on the basis that the Industrial User has a reasonable potential for adversely affecting the WRRF operation.

E. For violating any pretreatment standard or requirement in accordance with 40 CFR 403.8 (f)(6).

Subd. 52. Slug. Any waste discharge which, in concentration of any given constituent or in quantity of flow, exceeds four (4) times the average twenty-four (24) hour concentration or flow during normal operation which may by itself or in combination with other wastes cause an interference within the WRRF.

Subd. 53. State. State of Minnesota.

Subd. 54. State Disposal System Permit. Any permit (including any terms, conditions, and requirements thereof), issued by the MPCS pursuant to Minnesota Statutes 115.07 for a treatment system as defined by Minnesota Statutes 115.01, Subdivision 8.

Subd. 55. Stormwater. Water runoff, snow melt runoff, and surface runoff and drainage. (Minn. R. 7090.0080, Subp.12.).

Subd. 56. Storm Water System. Consists of streets, curb, and gutters, catch basins, manholes, water courses and all other structures, appurtenances and facilities that store and/or convey storm water.

Subd. 57. Strength Surcharge. A treatment charge assessed by the City of Mankato to industrial users based on wastewater volume and CBOD and/or TSS exceeding base concentrations and other parameters designated by the City of Mankato.

Subd. 58. Total Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by a standard glass fiber filter.

Subd. 59. Total Phosphorus (TP). Total phosphorus is chemically defined as the measurement of condensed orthophosphate and organically bound phosphates. It is analytically defined as the measurement of reactive phosphates, hydrolysable phosphates, and organically bound phosphates. Based on current Standard Methods.

Subd. 60. Toxic Pollutant. The concentration of any pollutant or combination of pollutants which, upon exposure to or assimilation into any organism, will cause adverse effects as defined in standards issued pursuant to Section 307(a) of the Act.

Subd. 61. Unpolluted Water. Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities (see "non-contact cooling water", Subd. 35).

Subd. 62. User Charge. A charge levied on users of the treatment works for the general operation and maintenance, capital improvement, and debt service of such works.

Subd. 63. Utility. Refers to all utility services, whether the same be municipal facilities or furnished by public or private utility companies, as defined under Minnesota Statute 216B.02, Subd. 4, except those the regulation of which has been placed under the exclusive authority of the State or Federal government.

Subd. 64. Utility Account Codes.

A. **Residential User.** A principal family residence or habitation classed as a single-family or duplex that discharges domestic sanitary wastewater having characteristics of two hundred sixty (260) mg/l CBOD5 and two hundred eighty (280) mg/l suspended solids, into the public wastewater treatment system, works, and facility.

B. **Commercial User.** Retail or wholesale type establishments, i.e., restaurants, hotels, motels, stores, filling station, commercial laundry, etc., and multiple family units and apartments not meeting the "Residential" classification, that discharge wastewater into the public wastewater treatment system, works and facility.

C. **Governmental/Institutional-Hospital User.** Nursing homes; schools; City, County, State or Federal industrial buildings; or facilities that discharge wastewater into the public wastewater treatment system, works and facility.

D. **Industrial User.** An "industry", as defined elsewhere in this ordinance which discharges wastewater into the public treatment, works, and facility.

Subd. 65. Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the City's wastewater treatment system.

Subd. 66. Wastewater Treatment System or System. Any devices, facilities, structures, equipment or works owned or used by the City for the purpose of the transmission, storage or treatment of industrial and domestic wastewater including intercepting sewer, outfall sewers, wastewater collection system, pumping, and other equipment, and their appurtenances, extensions, improvements, remodeling, additions, and alterations thereof, and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

Subd. 67. Waters of the State. All streams, lakes, ponds, marshes, aquifers, irrigation systems, drainage 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.

Subd. 68. WRRF. Water Resource Recovery Facility, Mankato's wastewater treatment facility.

Subd. 69. Yard Debris. Vegetative and woody material generated from residential property from landscaping activities, to include grass clippings, leaves, hedge trimmings, and similar vegetative waste but does not include stumps or similar bulky wood materials.

Sec. 3.02. Fixing Rates and Charges. All rates and charges for municipal utilities shall be established by resolution of the City Council. Private utility companies, desiring changes of rates or charges may petition the Council for such changes.

Sec. 3.03. Rules and Regulations relating to Municipal Utilities.

Subd. 1. Accounts. All accounts shall be carried in the name of the owner who personally, or by his or her authorized agent, applied for such service. Rentals/Leases may be exempt from this if the Tenants sign the City's "New Utility Service Agreement". Regardless of tenancy, the owner shall be liable for water and sewer services supplied to the property, whether he or she is occupying the property or not, and any unpaid charges shall be a lien upon the property.

Subd. 2. Application, Connection and Sale of Service. Application for municipal utility services shall be made upon forms supplied by the City, and strictly in accordance therewith. No connection shall be made until consent has been received from the City to make the same. All municipal utilities shall be sold and delivered to consumers as established by resolution of the City Council.

Subd. 3. Billing. Municipal utility charges shall be billed on one bill as applicable to each account. Property owners are ultimately responsible for all municipal utility charges. Municipal utility accounts established under the new utility service agreement and subject to a landlord tenant agreement shall have bills sent to the tenant with copies of the bill sent via email to property owners. All charges for municipal utilities shall be due upon receipt and considered delinquent if not paid on or before the due date set forth on a utility statement, provided that in the event such due date is a Saturday, Sunday or legal holiday, utility charges shall not be delinquent until the following business day. All bills shall contain the title, address, and telephone number of the official in charge of billing; the title, address and phone number shall be clearly visible and easily readable.

Subd. 4. Utility Rate Schedule. Charges for all municipal utilities shall be made in utility statements forwarded to the property owner at such intervals as the Council may determine or as set forth herein. Property owners are ultimately responsible for all municipal utility charges. Charges are established by resolution of the City Council.

The City Council utility rate schedule shall also establish the number of certification cycles per year. At least one certification cycle will be timed each year to coincide with Blue Earth County's requirements for certification to the following year's taxes. Additional certification cycles may be set in the annual rate schedule ordinance. Each year, the Council shall establish one or more certification cut-off dates. All City utility accounts, unless exempt for other legal reason, which have been billed a delinquent bill and remain unpaid as of the certification cut-off date shall have the balance on the account including in a preliminary certification list.

A fee is established by resolution of the City Council for any check not honored by a customer's bank or financial institution. Customers may also be charged a fee for insufficient funds in an amount that is reasonably related to costs incurred by City as a result of insufficient funds.

Subd. 5. Delinquent Accounts.

A. A late payment penalty on any unpaid balance, as established by resolution of the City Council, shall be assessed on all accounts with a past due balance.

B. Shut-off for Nonpayment. Water shall not be shut-off until notice and an opportunity for a hearing have been provided to the occupant and owner of the premises involved.

1. If any bill is not paid by the due date listed on the bill and if payments of such amounts are not made after three (3) consecutive billing cycles following the determination of delinquency, the City may terminate or suspend the utility service to any property where the utility charge has become delinquent, in which event such utility service shall not be restored until a service reconnection charge has been paid in such amount as established by resolution of the City Council.

2. Prior to the termination or suspension of any utility, the City shall forward to the owner and consumer a notice of termination, the cause for the termination or suspension, and that utility service to the property will be terminated or suspended in ten (10) days unless such owner/consumer shall remedy the cause for termination or suspension or request an appeal hearing. The notice shall state the owner and consumer may, within ten (10) days after service of termination notice, request, in writing, a hearing under Chapter 19 before a hearing officer to be selected by the City for the purpose of determining whether the termination or suspension is proper.

3. In the event the owner and/or consumer make such a request, in writing, upon the City Clerk, the City shall not terminate or suspend utility service until such time as the hearing officer has determined the matter.

4. If a customer fails to pay and fails to request a hearing, service will be shut off at the time specified in the notice within 10 days unless the charges have not been due and unpaid for at least 30 days in which case the City would wait until the 30 day timeframe for payment has lapsed.

C. Certification for Collection with Taxes. Unpaid charges on sewer and water accounts shall not be certified to the county auditor until notice and an opportunity for a hearing, per Chapter 19 Administrative Hearings Procedures, have been provided to the owner of the premises involved. The notice shall be sent by first class mail to the property owner, and if a New Utility Service Agreement is on file with the City for the Property, then notice shall be sent by first class mail to the Tenant as well. The notice shall state that if payment is not made before the date for certification, the entire amount unpaid plus penalties will be certified to the county auditor for collection as other taxes are collected. The notice shall also state that the occupant may, before such certification date, request a hearing on the matter to object to certification of unpaid utility charges.

D. Optional Payment before Certification. The owner of the property shall have the option of paying the balance due on the account until the date the notice of the certification hearing is mailed. After the date the notice of certification hearing is mailed, payments will still be accepted but will include unpaid penalties.

E. Hearing. A hearing, if requested, shall be held on the matter following Chapter 19 Administrative Hearings Procedures. Property owners with unpaid utility charges shall have the opportunity to object to the certification of unpaid charges to be collected as taxes are collected. If, after the hearing, the Hearing Officer finds that the amounts claimed as delinquent are due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this ordinance, the City may certify the unpaid charges to the county auditor for collection as other taxes are collected.

F. Hearing Options. For each certification sustained, the property owner shall have the following options after the hearing.

1. To pay the delinquent amount listed on the preliminary roll, but without additional interest within twenty (20) days up to and after the hearing date.

2. To pay the certified delinquent amount after the hearing date, but before the county certification deadline, a late fee equal to ten percent (10%) of the amount of the original fine shall be imposed, accrued beginning on twenty-first day following the hearing date through the date of payment.

3. To pay the certified charges as billed to them by Blue Earth County on their property tax statement with a collection term of one year.

4. Fifteen days after the hearing, the certified roll, minus any payments, shall be delivered to Blue Earth County.

G. Tenant Protection. Tenants have the right under state law, Minnesota Statute § 504B.215 Subd. 3, to continue or restore service. If the City issues a final notice proposing to disconnect or discontinue the service to a building because a landlord who has contracted for the service has failed to pay for it or because a landlord is required by law or contract to pay for the service and fails to do so, the City will provide notice to the residents of the impending disconnection by posting the building. The posting will be placed in at least one conspicuous location in or on the building and provide tenants with, at a minimum, the following information

1. the date the service will be discontinued; and
2. the telephone number to call at the utility to obtain further information; and
3. a brief description of the rights of tenants under this section to continue or restore service; and

4. advice to consider seeking assistance from legal aid, a private attorney, or a housing organization in exercising the rights of tenants under Minnesota law to maintain their utility service.

A tenant or group of tenants may pay to have the service continued or reconnected as provided under this section. Before paying for the service, the tenant or group of tenants shall give oral or written notice to the landlord of the tenant's intention to pay after 48 hours, or a shorter period that is reasonable under the circumstances, if the landlord has not already paid for the service. In the case of oral notification, written notice shall be mailed or delivered to the landlord within 24 hours after oral notice is given.

In the case of water, if the landlord has not paid the bill by the time of the tenant's intended payment or if the service remains discontinued, upon request from a tenant, a municipality must provide a copy of each bill the landlord fails to pay. The tenant:

- a. has a continuing right to pay the current charges for the most recent billing period and retain service; and
- b. has the period of time provided by the governing ordinance, policy, or practice within which to pay the charges; and
- c. is not subject to any deposit requirements; and
- d. is entitled to reasonable notice of any disconnection.

H. Military Service Personnel. City will not disconnect the utility service of a residential customer if a member of the household has been issued orders into active duty, for deployment, or for a permanent change in duty station during the period of active duty, deployment, or change in duty station if such a residential customer subject to the requirements of Minnesota Statute 325E.028.

I. Extreme Heat Conditions. Any residential utility will not be involuntarily disconnected when an excessive heat watch, heat advisor, or excessive heat warning issued by the National Weather Service is in effect per Minn. Stat. 216B.0975.

J. Cold Weather Rule. A residential utility will not be disconnected and will be reconnected during the period between October 1 and April 30 if the disconnects affects the primary heat source for the residential unit and all the conditions of Minnesota Statute 216B.097 are met.

Subd. 6. Other Remedies. In addition to any procedures or penalties provided for this ordinance if any person, firm or corporation fails to comply with any provision of this ordinance, the Council, or any City official designated by it may institute appropriate proceedings at law or at equity to procure payment and or enforce the provisions of this ordinance.

Subd. 7. Grounds for Termination or Suspension.

- A. Any municipal utility may be terminated, discontinued, or suspended whenever:
 - 1. The owner or occupant of the property served, or any person working on any connection with a municipal utility has violated any requirement of the City Code relative thereto; or
 - 2. There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges; therefore, or
 - 3. The owner or occupant has permitted a person to sub connect another building or property to the owner or occupant's utility service.
 - 4. The owner or occupant of the property is in violation of a section of the Mankato City Code and termination of service is listed under Enforcement Authority for violations of the applicable section.
 - 5. The owner fails to submit proof of well sealing within one (1) year of the occurrence.

B. Procedure.

1. Prior to the termination or suspension of any utility, residential or nonresidential, the City shall forward to the owner and/or consumer a notice of termination, the cause for the termination or suspension, and that utility service to the property will be terminated or suspended ten (10) days from notice, unless such owner/consumer shall remedy the cause for termination or suspension or request an appeal. The notice shall state the owner and consumer may, within ten (10) days after service of termination notice, request, in writing, a hearing under Chapter 19 Administrative Hearings Procedures.

2. In the event the owner and/or consumer make such a request, in writing, upon the City Clerk, the City shall not terminate or suspend utility service until such time as the hearing officer has determined the matter.

3. If an owner/consumer fails to remedy the cause for the termination or suspension and fails to request a hearing, service will be shut off at the time specified in the notice, which is generally 10 days, unless the charges have not been noticed for at least 30 days, which, in that case, will be in 30 days from time of notice.

Subd. 8. Change in Ownership. When there is a change of property ownership or other change in responsibility for paying the charges, the property owner, or in the case when a New Utility Service Agreement has been executed, the consumer must notify the City. The meter will be read at that time to determine the final bill. If a final utility statement, due to a change of ownership on a property, remains unpaid for thirty (30) days, that account is subject to being turned over to a collection agency with an additional fee added to the final billed amount, as established by resolution of the City Council.

Subd. 9. Temporary Service Interruption at Owner's Request. Property owners wishing to temporarily discontinue the use of utilities at a property shall notify the City to that effect. The utilities shall be then turned off at the curb shutoff box, and the charges for consumption shall cease however the monthly cost of service for water, wastewater, streetlights, and storm water will remain in effect.

Subd. 10. Ownership of Municipal Utilities. Ownership of all municipal utilities, plants, lines, mains, extensions, and appurtenances thereto, except for service lines connected to City mains and service line accessories, shall be and remain in the City and no person shall own any part or portion thereof.

Subd. 11. Right of Entry. The City has the right to enter in and upon private property, including buildings and dwelling houses and easements, in or upon which is installed a municipal utility, or connection therewith, always reasonable under the circumstances, for the purpose of reading utility meters, and for the purpose of inspection and/or repair of meters or a utility system, or any part thereof.

Subd. 12. Meters. All water and wastewater shall be measured by meters, and such meters shall be installed by or under the direction of the City. Meters shall be in basements or utility rooms whenever possible, and all locations of meters shall be subject to the approval of the City. All meters shall be obtained from the City. Whenever a consumer shall request the City to test any utility meter in use such request shall be accompanied by a cash deposit, established by resolution of the City Council, for each meter to be tested. If any such meter is found to be inaccurate, the same shall be replaced with an accurate meter, and the deposit thereon refunded. If the meter shall be found to be accurate in its recordings or calculations, it shall be reinstalled and the deposit shall be retained by the City to defray the cost of such test, and the consumer shall pay any additional cost of removal and testing by the City provided, however, that the City water meters of two (2) inches or more in size shall be tested by the City or authorized contractor, and the consumer shall pay for such, inspection, and the cost of repairs, or cost of a new meter. The owner or consumer shall be held responsible for the care of the meter and will pay for all damage caused to meters.

Subd. 13. Unlawful Acts.

A. It is unlawful for any person to willfully or carelessly break, injure, mar, deface, disturb, or in any way interfere with any buildings, attachments, machinery, apparatus, equipment, fixture, or appurtenance of any municipal utility or municipal utility system, or commit any act tending to obstruct or impair the use of any municipal utility.

B. It is unlawful for any person to make any connection with any municipal utility without first having applied for and received permission from the City to make the same.

C. It is unlawful for any person to turn on or connect a utility when the same has been turned off or disconnected by the City for nonpayment of a bill, or for any other reason, without first having obtained permission to do so from the City.

D. It is unlawful for any person to "jumper" or by the means or device fully or partially circumvent a municipal utility meter, or to knowingly use or consume unmetered utilities or use the services of any utility system, the use of which the proper billing authorities have no knowledge.

E. It is unlawful for any person to construct a private water well for domestic, commercial, industrial, institutional, or governmental water use inside the corporate limits of the City after the effective date of this ordinance. Private wells in existence within the City limits as of the effective date of this ordinance are excluded from this provision.

F. It is unlawful for a sanitary sewer connection to allow unpolluted water to enter the sanitary sewer system.

G. Cross connections between the municipal water system and other systems, or equipment containing water or other substances of unknown or questionable safety are prohibited, except when and where suitable protective devices such as break tanks, reduced pressure zone backflow preventers, or their equal, are installed, tested, and maintained, to insure proper operation on a continuing basis. Prior to installation of a reduced pressure backflow preventer, the installer shall apply for a permit, furnish plans of the installation, and receive approval from the Plumbing Inspector. The City designee shall be notified prior to the installation of any backflow prevention device. Owners of such devices shall have them tested in accordance with the Minnesota State Plumbing Code. Records of this testing shall be submitted to the Plumbing Inspector within 30 days of the test for its permanent record.

H. When a street, boulevard, avenue, lane, or any designated public thoroughfare is scheduled for improvement, an investigation of residential, commercial, industrial, institutional, and governmental properties along the route shall be conducted for the purpose of identifying illegal discharges through defective sanitary sewer services, roof leaders, sump pump connections, footing drains, etc., of rainfall inflow or ground water infiltration into the sanitary sewer system. The property owners shall be put on notice by the Plumbing Inspector to correct such inflow or infiltration connections to conform to current ordinances prior to completion of the street project.

I. Water services made of lead when discovered shall be replaced. The entire length of the water service line, from the water main to the water meter, shall in conformance with the Minnesota Plumbing Code standards, and shall be one (1) inch in diameter. An exception shall be made for existing copper water service lines provided the service line complies with all other plumbing code standards. The Plumbing Inspector shall notify the City Engineer when each property has been properly plumbed.

Subd. 14. Services. Each parcel shall have one connection to the City utilities. In the case of multiple dwellings or commercial units where the owner desires more than one meter installed on a service, written request shall be made to the City for an inspection and approval of such multiple metering. All modular home communities shall utilize one service line for each utility and be provided with approved metering, which shall be located at the point of connection with the City main.

Subd. 15. Municipal Utility Services to Consumers Outside the City. No portion of the cost of extending municipal utility services to consumers outside of the corporate limits of the City shall be paid for by the City. Persons outside of the City limits requesting utility service shall make application therefore to the City, thereupon the City Manager shall submit such application to the City Council for approval or rejection. Only water and wastewater service shall be provided outside of the corporate limits of the City and only to jurisdictions where the jurisdictions' comprehensive plan guides for sewer. Water service shall not be supplied without wastewater service, nor shall wastewater service be supplied without water service. Utility rates to water service consumers outside of the City Limits shall be the regular rates plus two hundred (200) percent, which the City has deemed reasonable, just, and equitable. Utility rates to wastewater service consumers outside of the City limits shall be the regular rates. All utility mains, pipes and accessories for such connections shall be installed by the consumer at his own expense and shall conform to the established standards for material and installation methods as provided for and determined upon by the City from time to time. All utility mains, pipes and accessories installed and laid out on City streets or public property within the City shall become the property of the City after the same has been installed, but such installation shall be maintained and kept up by the consumer under the direction and in accordance with the regulations of the City, and after obtaining a permit from the City. Failure on the part of the consumer to repair or maintain any such utility service, pipes or accessories shall be deemed grounds for shutting off the utility, and in such case the utility shall not be turned on again until the utility service, pipes and accessories both in the City and outside the City are in good repair and conform to all regulations of the City and the Water Department, and a fee of twenty-five (\$25.00) has been paid to the City. The City Council may grant utility service to consumers outside the City on such conditions as it may deem reasonable in the public interest. Such consumers would be within a special service district, orderly annexation area, or a municipality. Such rights may be granted for a definite period, and if not granted for a definite period of time, such extension outside of the City limits may be terminated when deemed for the best interests of the City, upon one year's written notice from the City to the consumer.

In the event annexation proceedings have been commenced by petition of the owners filed with the Municipal Board or by resolution or ordinance of the City affected township filed with the Municipal Board, a rebate of two hundred (200) percent of the water charges paid from the date the annexation proceedings were commenced shall be made upon the actual final annexation of the customer's property to the City.

Subd. 16. Connection Charge. No permit shall be granted for a connection to a utility for service to properties not assessed for such utility line, unless the applicant for the permit shall pay to the City connection fees or service fees as established by resolution of the City Council. Such connection or service fee shall be in lieu of any assessment and shall be considered a reasonable fee, comparable to assessments made for similar service connections at the time of the construction of said wastewater and water mains.

Subd. 17. Abandoned Service. In the case of a utility service being abandoned, service will be cut off at a point determined by the City Manager or designee. If the owner neglects or refuses to complete the required work the City shall cause said work to be done and bill the cost for said work to the owner.

Subd. 18. Service Connection Prior to Paving and Repaving. Prior to street construction the City shall determine where new services are required or where existing services need replacement or repair and shall notify the owner of the property affected that such construction or repair must be done within a specified time. If not made by such time, the City may cause said construction or repair made and assess the cost for the same against the benefited property.

Subd. 19. Water Meter Reading Device – ERT/HRE (Encoder, Receiver, Transmitter). All water meters shall be equipped with an ERT/HRE device. The ERT/HRE meter reading device shall be securely attached to the highest vertical unobstructed location from the water meter, in an upright position, facing the street in front of the property. The wire from the water meter to the ERT/HRE must be secured with plastic ties every 6 to 8 inches to prevent accidental damage. If the water meter has an Integral ERT (the ERT is attached to the meter), no other installation procedures are required. The final decision on location of the remote outside meter reading device shall be the City's.

Subd. 20. Water Service Line Construction. All water service lines and appurtenances connected to municipal utilities shall conform to the requirements of the City's Standard Utilities Specifications for watermain installation and the State Plumbing Code.

Subd. 21. Water Service Pipe and Fittings. Water service pipe or fittings located on either side of the water meter shall be in accordance with Minnesota Plumbing Code.

Subd. 22. Financial Responsibility of Service Lines. All cost for maintenance and abandonment of utility service lines is the responsibility of the property owner, from the water main including the corporation and from the sewer main including the wye connection to a point of connection to the owner's building.

Sec. 3.04. Curb Stops and Service Line Location and Maintenance.

The City determines where to locate curb stops and service lines or pipes from the City's main to the consumer's meter, and they shall at all times be maintained in good repair by the consumer, and if the City finds any leaks or defects therein which remains unrepaired for a period of time determined by the City designee based on the severity of the repair/leak, and placed on the notice, the City may terminate service to the consumer's premises, or issue administrative fees as established by resolution of the City Council, or shall cause repairs to be made and the cost thereof to be billed to the consumer.

Sec. 3.05. Private Wells.

Subd. 1. Wells which were previously allowed to remain within the City limits prior to December 31st, 2022, will have the following requirements when identified.

A. If there is not a definite termination between the City supplied water and the private well, a RPZ (Reduced Pressure Zone/Backflow Preventer) will be installed by a Minnesota licensed plumbing contractor. The RPZ will be inspected annually by a Minnesota licensed contractor and documentation will be supplied to the plumbing inspector within 30 days. Failure to complete the inspection and submit the documentation will result in well condemnation.

B. If there is a definite termination between the City water supply plumbing and the private well supply, annual inspection of the well, piping, and verification that the well has a functional source of power and is being used (as per Minnesota Statutes, Chapter 103I.301, Subdivision 1b) will be completed by a Minnesota Licensed Plumbing Contractor. Failure to complete the annual inspection of the well will result in condemnation of the well. The annual inspections will continue until documentation of the well sealing has been submitted to the City of Mankato as well as Blue Earth County within thirty (30) days of the dated inspection.

Subd. 2. Private well sealing required upon connection to Municipal Utilities. The purpose of this private well sealing requirement within the City limits is to protect ground water and human health as well prevent the possibility of cross contamination. All private/shared wells within City limits must be sealed upon utility service connection.

A. The City inspector will verify there are no cross connections prior to utilities being turned on.

B. All private wells located within City limits must be sealed within one year of utility service connection.

C. Well sealing records must be turned into Blue Earth County as well as the City of Mankato Plumbing Inspector within 30 days of sealing.

D. Failure to seal wells within one year of utility service connection along with supporting documentation submitted to the Plumbing Inspector may result in the City causing the well to be sealed and billed to the property owner and termination or suspension of service.

Subd. 3. Penalties.

A. Administrative Penalties. See Chapter 19 regarding Administrative Hearings Procedures. Administrative penalty amounts established by resolution of the City Council.

B. Criminal Penalties. Any person violating any of the provisions of this ordinance may be guilty of a misdemeanor under state law and upon conviction thereof shall be furnished by a fine or by imprisonment for not to exceed 90 days, or both.

Sec. 3.06. Fire Suppression System. Any person, firm or corporation desiring to connect to any City water main any fire suppression system, shall make a written application to the City accompanied by a complete plan of all pipes, apparatus and fixtures proposed to be connected, together with a plan of the building in which such system is to be installed. Such plan must meet the requirements of the Uniform Building Code to be in accordance with the Standards of the National Fire Protection Association. The City, in its discretion, may grant permission to make such connections, the expense of which shall be of the applicant, provided that such installation shall be made in accordance with any applicable City requirements.

Subd. 1. Should any modification or an addition in or to any existing fire protection or fire suppression system be desired by the applicant, application to such effect shall be made to the City. The application shall include complete plans for the proposed modification or addition. No modification or addition shall be made without the written permission of the City and any such modification or addition shall conform to the Uniform Building Code and the Standards of the National Fire Protection Association.

Subd. 2. Any person, firm or corporation making application hereunder to connect to any City water main any fire protection or fire suppression system, or any person, firm or corporation having or utilizing, as owner or lessee, any existing fire protection or fire extinguishing system connected to any City water main, shall provide to the City a release-indemnity agreement, in such form as the City may prescribe and executed by such person or the officers of such firm or corporation. Such release-indemnity agreement shall release and discharge the City from any and all actions, causes of action, costs, damages, claims and demands which such person, firm or corporation has or shall have arising out of or related to any loss, damage or injury, including death, that may be sustained by such person, firm or corporation, by reason of such connection to or utilization of City water mains, and shall provide that such person, firm or corporation shall indemnify and hold harmless the City from any and all actions, causes of action, costs, damages, claims and demands to which the City may be subjected by reasons of such connection filed with the City before permission may be granted hereunder to connect any fire protection or fire extinguishing system to any City water main, and the continued use or utilization of any such system shall be permitted only in the event such release-indemnity agreement has been so filed.

Sec. 3.07. Potable Water Unlawful Acts.

Subd. 1. It is unlawful for any person, not expressly authorized by the City, to connect to a water distribution main.

Subd. 2. It is unlawful for any person, other than duly authorized City personnel, in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the same or in any manner interfere therewith.

Subd. 3. It is unlawful for any person authorized to open hydrants or service valves to supply a key or a wrench, used for opening such hydrants or valves, to unauthorized persons.

Subd. 4. Water Meter Seals. It is unlawful for any person, not expressly authorized by the City, to remove, damage, deface or tamper with a City water meter or remote meter reading device or any seal placed upon a water meter by the City. In addition to any other penalties, civil or criminal, the user shall be charged according to the fee established by resolution of the City Council and.

Subd. 5. Water Meter Access. It is unlawful for any person to conceal a water meter in any manner which limits reasonable access to that water meter by water utility personnel. If water utility personnel cannot remove, replace, or perform required water meter maintenance due to concealment of the water meter, the water meter owner shall be given written notice by the Plumbing Inspector to remove said obstructions by the time specified in the notice and in no instance longer than 30 days.

Sec. 3.08. Water During Construction. A connection may be granted and installed to supply water for construction by special approval from the City. Upon the issuance of the water meter, the contractor or property owner will have a utility billing account established and be billed the cost of service for water, wastewater, stormwater, streetlights, and any water and wastewater that has flowed through the water meter. If a construction meter for water onsite is needed, a contract will be applied for with City staff and construction rates for water will apply. Rates established by resolution of the City Council.

Sec. 3.09. Water Conservation. To conserve and maintain the quality of the available water supply and protect the integrity of water supply facilities the City Council has adopted the most current version of the City of Mankato's Water Supply Plan. To further promote water conservation the following use requirements are in effect with respect to irrigation for lawn areas, grass, or turf.

Subd. 1. A person may irrigate or otherwise use water from the City's Municipal Water System for lawn areas, grass, or turf only on alternating days.

Subd. 2. Alternating days means that a property with an address ending in an odd number may irrigate only on odd numbered days of the month and a property with an address ending in an even number may irrigate only on even numbered days of the month.

Subd. 3. No person may irrigate or otherwise use water from the City's Municipal Water System for lawn areas, grass, or turn between the hours of 11:00 A.M. through 6:00 P.M. of any day.

Subd. 4. Upon written request and approval by the City Manager, or their designee, and subject to such terms and conditions imposed by the City Manager, or their designee, with respect to such approval, the following persons may be authorized to irrigate or otherwise utilize water from the City's Municipal Water System for lawn areas, grass, or turf at times other than as permitted in Subd. 2 and 3 hereof:

A. Any person owning or operating an educational institution, a commercial property, or business enterprise whose economic well-being is dependent upon irrigation of a lawn, grass or turf owned, leased or operated by it;

B. Employees and agents of the City, in such instances wherein lawn, grass or turf used for playfields or areas owned and operated by the City require more frequent irrigation to prevent unreasonable damage thereto;

C. Owners and lessees (their employees and agents) of lands newly sodded or grass seeded which requires irrigation to prevent loss of new sod, seed or immature turf or grasses for a period of thirty (30) days with a City issued temporary watering permit.

Subd. 5. Restrictions of Water Usage. Whenever it is determined by the City Manager or designee that a shortage of water supply may be imminent, they are authorized to limit the uses of municipal water and times and hours during which water from the Municipal Water Supply may be used.

Subd. 6. Action by the City Manager or designee. The City Manager or designee may act by filing with the City Clerk a written certification that there is an imminent shortage of water supply. The certification shall specify the appropriate response step in the Water Supply Plan emergency plan sequence. This will become effective 24 hours after being filed. The City Clerk shall endorse on each filing the time and date of the filing. The City Manager shall take such action as is reasonably practical to inform the public of the imposition of restrictions on water usage and the charges and other penalties or violation of such restrictions.

Subd. 7. For each instance on noncompliance with water usage restrictions imposed by this section, a charge, as established by resolution of the City Council, shall be assessed against the property on which the violations occurred. Failure to comply with water usage restrictions shall be a misdemeanor.

Sec. 3.10. Wastewater Collection System Prohibitive Discharge. No person shall discharge or cause to be discharged, directly or indirectly, into the WRRF any of the following:

Subd. 1. Any combustible, flammable or explosive solids, liquids, or gases which by their nature or quantity will or are likely to cause either alone or by interaction with other substances a fire or explosion or be injurious to the treatment facility operation. At no time shall two (2) successive readings on an explosimeter, or photo-ionizing detector, at the point of discharge into the sewer system, be more than five percent (5%) nor shall there be any single reading over ten percent (10%) of the Lower Explosive Limit (LEL). Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, fuel oil, lubricating oil, benzene, toluene, xylene, ethers, alcohols, and ketones or any such compound able to be read by local chemical assessment teams.

Subd. 2. Any solids or viscous substances which will or are likely to cause obstruction to the flow in a sewer, interference with the operation of the wastewater treatment or pass through to the receiving waters. These include garbage with particles greater than one-half inch (1/2") in any dimension, grease, animal guts or tissues, bones, hair, hides or fleshings, entrails, feathers, ashes, sand, spent lime, stone or marble dust, metal, glass, grass clippings, rags, spent grains, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, glass grinding, polishing wastes, non-dispersible wipes, or pharmaceuticals.

Subd. 3. Any wastewater having a pH less than 6.0 or greater than 10.0 or having any corrosive property that will or is likely to cause damage or hazard to structures, equipment, or employee of the Public Utility.

Subd. 4. Any alkaline wastewater which alone or with others will or is likely to cause an elevated pH in the WRRF so as to result in an inhibiting effect on the biological process or encrustation to the sewer.

Subd. 5. Any wastewater containing toxic or poisonous pollutants in sufficient quantity, either by itself or by interaction with other pollutants that will or is likely to cause interference or constitute a hazard to humans. (A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.)

Subd. 6. Any noxious or malodorous solids, liquids, or gases, at the industry location, municipal collection system or WRRF, which either singly or by interaction with other wastes, will or are likely to create a public nuisance or hazard to life or prevent the entry of Utility employees into a sewer for monitoring, maintenance, and repair.

Subd. 7. Any wastewater which will or is likely to cause excessive discoloration in treatment facility effluent or cause effluent turbidity at the WRRF to be above two (2) nephelometric turbidity units at the tertiary step of the treatment process.

Subd. 8. Wastes, other than Domestic Wastes, that are infectious prior to discharging.

Subd. 9. Any solids residual from an industrial pretreatment facility except as provided in Subd. 12 of this section.

Subd. 10. Heat in amounts which will or is likely to inhibit biological activity in the treatment facility resulting in interference or causing damage to the treatment facility, but in no case heat in such quantities that the Industrial User's waste temperature is greater than 65 C (150 F) at its point of discharge to the sewer system, or heat causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 40 C (104 F).

Subd. 11. Any wastewater containing fat, wax, grease, or oil in excess of 50 mg/L that will or is likely to solidify or become viscous at temperatures between 0 and 65 Centigrade and which will or is likely to cause interference at the WRRF including petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin.

Subd. 12. Any slug discharged in such volume or strength which a person knows or has reason to know will or is likely to cause interference to the WRRF.

Subd. 13. Any substance including nutrients which will cause the WRRF to violate the NPDES and/or State Disposal System Permit or the receiving water quality standards or goals.

Subd. 14. Any substance which may cause the WRRF's effluent or any other product of the wastewater treatment process such as residues, biosolids, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the WRRF cause the system to be in noncompliance with biosolids use or disposal criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State standards applicable to the biosolids management method being used.

Subd. 15. Any wastewater containing inert suspended solids (including lime slurries and lime residues) or dissolved solids (including sodium chloride) in such quantities that will or is likely to cause interference or pass through at the WRRF.

Subd. 16. Radioactive wastes or isotopes of such a half-life or concentration that they are in noncompliance with standards issued by the appropriate authority having control over their use and which will or are likely to cause damage or hazards to the WRRF or utility employees or create noncompliance with NPDES or beneficial reuse of biosolids

Subd. 17. Any hazardous waste unless prior approval has been issued from the City Manager or their designee.

Subd. 18. Any waste generated outside the municipal collection system by the WRRF without prior approval of the City designee.

Subd. 19. Any unpolluted water, including cooling water, rainwater, stormwater, or groundwater.

Subd. 20. Any trucked or hauled wastes or pollutants, except those approved by the City Manager or their designee. at discharge points designated by the City.

Subd. 21. Nutrients that exceed acceptable limits as set by the WRRF.

Sec. 3.11. Wastewater Collection System Rules and Regulations. Any customer who discharges wastewater or industrial waste into the wastewater collection system, must be metered, with a City approved wastewater meter or be obtained from an approved City water meter reading system.

Subd. 1. Any customer who shall discharge wastewater or industrial waste into the wastewater collection system of the City of Mankato which shall be deemed harmful to said wastewater collection system or wastewater treatment process may be required to pre-treat such waste to an acceptable standard as defined by said ordinance.

Subd. 2. Whenever any customer discharges industrial waste wastewater into the wastewater system of the City of Mankato which does not meet the established requirements for industrial waste, the City may terminate service to said customers. However, the City of Mankato reserves the right to exclude any or all industrial wastes, regardless of strength.

Subd. 3. 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.

Subd. 4. Grease, oil and sand interceptors shall be provided when, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, any flammable wastes, sand, or other harmful substances. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal of the captured materials by appropriate means and shall maintain a record of dates and means of disposal. Any removal and hauling of the collecting materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm.

Subd. 5. All measurements, tests, and analyses 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, duration, and frequencies are to be determined on an individual basis subject to approval by the City Manager or designee.

Subd. 6. Installation of Sanitary Facilities. It is the duty of every owner or occupant of any property within the City, having a dwelling house or business building situated thereon, which property is within three hundred fifty (350) feet of any municipal water and sewer mains, to install sanitary facilities in such dwelling or business building and make connections thereof with such water and sewer mains. Whenever the noncompliance of the owner or occupant of such property is reported to the City, an investigation shall be made and a written report presented to the Council, and if the City finds that the lack of sanitary facilities is an unhealthful or unsanitary condition, the City shall forthwith serve written notice upon said owner or occupant requiring the installation upon premises described in said notice and connection thereof with the sewer and water mains, all of which shall be done within thirty (30) days after the service of such written notice. Whenever any owner or occupant shall default in compliance with such written notice, the Council may, by resolution, direct that a sanitary facility be installed, and connection be made with the water and sewer mains. The actual cost of such installations shall be assessed against the benefiting property.

Subd. 7. Sanitary Sewer Service Line Construction. All sanitary sewer service lines and appurtenances connected to municipal utilities shall conform to the established requirements of the City's Standard Utilities Specifications for Sanitary Sewer Installation and State Plumbing Code.

Subd. 8. Unlawful Acts.

A. It is unlawful for any person not expressly authorized by the City to connect to a wastewater collection main.

B. It is unlawful for any person to make or maintain a connection between eaves trough, rainspouts, footing drains, sump pump line, or any other conductor used to carry stormwater or ground water, and the wastewater system or any part thereof. Administrative penalties will apply and are established by resolution of the City Council.

C. It is unlawful for any person to construct, alter or extend any sewer connected or proposed to be connected to the wastewater system without first having the plans and specifications therefore approved by the City.

D. It is unlawful for any owner, tenant, agent, occupant, or other person having charge of any premises to maintain thereon any drain or sewer connected with the wastewater collection system in a clogged, obstructed, broken or damaged condition, or not in conformance with the existing Plumbing Code.

E. It is unlawful for any person to discharge or caused to be discharged any wastewater or water not categorized as "unpolluted" to a location other than wastewater collection system.

F. It is unlawful to discharge storm water or any other unpolluted drainage anywhere other than a specifically designed as storm drains or to a natural outlet approved by the City and other regulatory agencies.

Subd. 9. Limitations on Wastewater Strength.

A. Federal Pretreatment Standards. Federal Pretreatment Standards and General Regulations promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users which are subject to such standards in any instance where they are more stringent than the limitations in this ordinance. In all other respects, Industrial Users subject to Pretreatment Standards shall comply with all provisions of these rules and any permit issued thereunder, notwithstanding less stringent provisions of the General Pretreatment Regulations or any applicable Pretreatment Standard.

B. State Requirements. State requirements and limitations on discharges shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this ordinance.

C. City's Right of Revision. The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the WRRF if deemed necessary to comply with the objectives presented in Subd. 12 of the section.

D. Dilution. No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in any local or State requirements or Federal pretreatment standards.

Subd. 10. Accidental and Slug Discharges.

A. Prevention of Accidental and Slug Discharges. All Industrial Users shall provide adequate protective procedures to prevent the accidental discharge of any prohibited waste, any waste more than the permit limits or any waste in violation of an applicable pretreatment standard.

B. Accidental Discharge. Accidental discharges of prohibited waste into the WRRF, directly or through another disposal system, or to any place from which such waste may enter the WRRF, shall be reported to the City designee by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of such discharge. Such notification will not relieve users of liability for any expense, loss or damage to the wastewater disposal system or treatment process, or for any fines imposed on the City on account thereof under any State or Federal law. The responsible person shall take immediate action as is reasonably possible to minimize or abate the prohibited discharge.

C. The responsible person may be required to submit a letter describing the prohibited discharge to the City designee within seven (7) days of obtaining knowledge of the discharge. The letter is required to include the following information:

1. the time and location of the spill; and
2. description of the accidentally discharged waste, including estimate of pollutant concentrations; and
3. time period and volume of wastewater discharged; and
4. actions taken to correct or control the spill; and
5. a schedule of corrective measures to prevent further spill occurrences; and
6. the time City staff was notified, and person contacted.

D. Slug Discharge. In the event that an Industrial User discharges a slug in such volume or strength that the Industrial User knows or has reason to know it will cause interference in the WRRF, the Industrial User shall immediately report the same to the City Manager or their designee. The User may be required to, within seven (7)

days thereafter, submit a letter to the City Manager or their designee describing the slug as specified under Accidental Discharge. The letter will be required to provide the information as listed in Subd. 10, C.

E. Spill Containment Program Requirement. Any Industrial User with a significant potential to discharge materials listed in the prohibited discharge section of this ordinance is required to install and maintain an adequate spill containment system. General spill containment requirements are listed below:

1. Process, storage, holding, or treatment tanks containing materials listed in the prohibitive discharge section of this ordinance as well as the associated piping, pumps and other appurtenances must be contained if a spill or leak could enter the sewer. This includes tanks used for short-duration mixing, processing, or storage.

2. The City prohibits floor drains with direct connections to the public sewer in facilities that store toxic or flammable materials.

3. The spill containment system may be required to be capable of containing 100 percent of the volume of the largest tank of restricted material.

4. Acceptable Containment Systems Include:

- a. Diking may be used to spill contain single shell tanks. Diking usually consists of concrete blocks, concrete berming or other materials that form a permanent structural barrier. Portable spill containment trays/pallets are also acceptable.

- b. Self-Containment. Tanks of double shell construction are self-contained and do not require additional spill containment features unless there is a significant likelihood of overflowing. These tanks consist of two independent structural shells with the outer shell capable of containing any leakage from the inner one. An air gap of at least one inch must be provided between the inner and outer shell.

- c. Pits constructed under or around tanks are acceptable as spill containment. No openings, manual or electric gates or valves are allowed.

F. Slug Discharge Control Plan. Any User designated by the City designee as a Significant Industrial User (SIU) must complete and implement a Slug Discharge Control Plan. Slug Discharge Control Plans must contain the following elements:

1. Description of discharge practices, including non-routine batch discharges.

2. Description of stored chemicals.

3. Procedure for promptly notifying the WRRF of slug discharges as defined under Section 403.5(b) of the Code of Federal Regulations Title 40 and herein in Subd. 10, D.

4. Procedures necessary to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling, and transfer of materials, loading, and unloading operations, control of site runoff, and employee training. Include drawings that show spill containment dimensions and the locations of all floor drains, wastewater piping and pretreatment equipment.

5. The Slug Discharge Control Plan must be maintained at the discharge location and be available on request to staff from the City, MPCA or EPA.

Subd. 11. Industrial Wastewater Discharge Permit.

A. Permit Requirement. Industrial Users discharging wastewater to the WRRF shall apply for an Industrial Wastewater Discharge Permit in accordance with these rules unless the City Manager or their designee determines the wastewater has an insignificant impact to the WRRF. No Industrial User requiring a permit shall

discharge to the WRRF until the Industrial User has been issued a permit. Issuance of an Industrial Wastewater Discharge Permit shall not relieve the Industrial User from any obligation to obtain any hazardous waste license required by other authorities or to comply with any other local, state, or federal requirements regarding waste disposal.

B. Permit Application.

1. An existing Significant Industrial User (SIU) that has already been issued an Industrial Wastewater Discharge permit that is soon to expire, shall re-apply for a new permit 180 days prior to the expiration date of the existing permit.

2. New Significant Industrial Users proposing to connect or to commence a new discharge to the WRRF shall apply for an Industrial Wastewater Discharge Permit prior to connection to or discharging into the WRRF. No discharge into the WRRF can commence until an Industrial Wastewater Discharge Permit application form is received unless the City Manager or their designee has ruled that:

- a. an Industrial Wastewater Discharge Permit is not required or
- b. a discharge waiver is granted to commence discharge pending final action by the City Manager or their designee.

C. Incomplete or Deficient Application. An Industrial Wastewater Discharge Permit shall not be issued until an application has been satisfactorily completed and submitted to the City Manager or their designee.

D. Issuance of Industrial Wastewater Discharge Permit. Within sixty (60) days of receiving a completed application form, the City Manager or their designee shall, upon a determination that the applicant is capable of compliance with the Industrial Wastewater Discharge Permit conditions and these rules, issue an Industrial Wastewater Discharge Permit subject to the terms and conditions provided herein.

E. Permit Conditions. Industrial Wastewater Discharge Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges, and fees established by the City Council. Permits issued to qualifying industries are varied and may contain the following:

- 1. A summary of the penalties and charges applicable for violations of the terms of permit.
- 2. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the WRRF.
- 3. Limits on the average and/or maximum wastewater constituents and characteristics, either in terms of concentrations, mass limitations, or other appropriate limits.
- 4. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- 5. Requirements for installation and maintenance on inspection and sampling facilities.
- 6. Requirements for access to the permit holder's premises and records.
- 7. Requirements for installation, operation, and maintenance of pretreatment facilities; (see Subd. 12 of this section.
- 8. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and self-reporting schedule.
- 9. Requirements for maintaining and retaining records relating to wastewater discharge as specified by the City Manager or their designee.

10. Requirements for notification to the City Manager or their designee of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the WRRF.

11. Requirements for notification of slug discharges as provided in Subd. 10 of this section.

F. The requirement for Industrial Wastewater Discharge Permit transfer as stated herein; and

G. Permit Modification, Suspension, and Revocation. An Industrial Wastewater Discharge Permit may be modified, suspended, or revoked, in whole or in part, by the City Manager or their designee during its term for cause, including:

1. Violation of these rules:

a. Violation of any terms or conditions of the Industrial Wastewater Discharge Permit.

b. Obtaining an Industrial Wastewater Discharge Permit by misrepresentation or failure to fully disclose all relevant facts

2. Amendment of these rules:

a. A change in the wastewater treatment process which results in the permit holder's discharge having a significantly different and/or negative impact on the process.

b. A change in the permit holder's industrial waste volume or characteristics which the permit holder knows or has reason to know will or is likely to have, either by itself or by interaction with other wastes, a negative impact on the treatment process.

c. A change in the WRRF's NPDES or SDS permit requirements, any other changes made by local, state and/or federal rules; and/or

d. A determination by the City Manager or their designee that the permit holder's discharge reasonably appears to present an imminent endangerment to the health or welfare of persons, present an endangerment to the environment, or threaten interference with the operation of the WRRF.

H. Time Schedule for Compliance. Any modifications in the Industrial Wastewater Discharge Permit shall specify a reasonable time schedule for compliance.

I. Permit Duration. Permits shall be issued for a specified time period, not to exceed five (5) years. The user shall apply for permit reissuance a minimum of 180 days prior to the permit's expiration date by filing with the City an Industrial Wastewater Discharge Permit Application form. If an industrial user fails to submit an Industrial Wastewater Discharge Permit Application form, the City may administratively extend the Industrial User Permit. The terms and conditions of the permit may be subject to modification by the City Manager or their designee during the term of the permit as limitations or requirements as identified in Subd. 11 of this section are modified or other just cause exists. The user shall be informed prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

J. Permit Transfer. Industrial Wastewater Discharge Permits are issued to a specific user at a specific location, for a specific operation. An Industrial Wastewater Discharge Permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the City Manager or their designee. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. In the event of a change in the entity owning the industrial discharge facilities for which there is an Industrial Wastewater Discharge Permit, the prior owner, shall notify the City and the succeeding owner of said change in ownership and of the provisions of the Industrial Wastewater Discharge Permit and these rules. The new owner shall submit a new permit application or shall submit to the City an executed statement agreeing to be bound

by the terms and conditions of the existing Industrial Wastewater Discharge Permit for the facility, in which case, upon consent of the City, the permit shall continue in effect until its expiration date.

K. Other conditions as deemed appropriate by the City to ensure compliance with this ordinance.

Subd. 12. Pretreatment Compliance with Standards.

A. Where pretreatment, flow equalizing facilities or interceptors are provided for any water or wastes, they shall be effectively operated and maintained in satisfactory and effective condition by the owner, at the owner's expense, and available for inspection by City employees at all reasonable times.

B. Industrial Users shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Industrial Users as required by their Industrial Wastewater Discharge Permit shall submit to the City Manager or their designee for review, detailed plans showing the pretreatment facilities at least sixty (60) days prior to initiation of construction. The City Manager or their designee may approve the Industrial User's pretreatment plans if it appears that the proposed pretreatment facility is capable of meeting all applicable limitations.

C. The City designee review and approval shall in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of these rules. Any subsequent modifications in the pretreatment facilities which will result in a substantial change in discharge shall be reported for approval by the City Manager or their designee upon a determination that the modified facility is capable of meeting all applicable limitations, prior to the modification of the existing facility.

D. Residual solids from a pretreatment facility shall not be disposed, directly or indirectly, into the WRRF without prior written approval from the City Manager or their designee. The disposal method shall be in accordance with local, State and Federal requirements. The City Manager or their designee shall be notified in writing within ten (10) days of any substantial changes in such residual solids disposal procedures and/or characteristics.

E. Separator and Trap Installations: Grease, oil, and sand separators and traps shall be provided at the owner's expense for the proper collection of waste containing excessive amounts of grease, oil, or sand. All trap installations shall be regularly cleaned and maintained for adequate performance. All records of separators and traps must be available for review by City personnel. The distance between the inlet and outlet of the separator or trap must be sufficient to allow gravity separation of solids. To prevent overloading, flow control baffles and any necessary inlet flow, control fitting shall be provided.

Subd. 13. Confidential Information.

A. User information obtained from reports, questionnaires, permit applications, permits, monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets.

B. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this ordinance, the NPDES Permit, State Disposal System Permit, and/or the Pretreatment Programs, provided that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Subd. 14. Severability and Conflicts.

A. Severability. If the provisions of any section, paragraph, or sentence of these rules shall for any reason be held to be unconstitutional or invalid by any court of competent jurisdiction, the provisions of the remaining sections, paragraphs, and sentences shall nevertheless continue in full force and effect.

B. Conflicts. If conflicts arise between these rules or regulations previously adopted by the City, these rules, and the interpretations thereof, shall take precedence.

Sec. 3.12. Wastewater Collection Enforcement.

Subd. 1. Remedies Available. The City designee may suspend the sewer system service and/or an Industrial Wastewater Discharge Permit when such suspension is necessary, in the opinion of the City Manager or their designee, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, the environment, or the WRRF, or would cause the City to violate any condition of its NPDES or State Disposal System Permit. Any user notified of a suspension of the sewer system service and/or the Industrial Wastewater Discharge Permit shall immediately stop the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the City Manager or their designee shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WRRF or endangerment to any individuals. The City Manager or their designee shall reinstate the Industrial Wastewater Discharge Permit and/or the sewer system service upon proof of the elimination of the noncomplying discharge.

Subd. 2. Revocation of Permit. The City Manager or their designee may revoke the permit of any user which fails to factually report the wastewater constituents and characteristics of its discharge; which fails to report significant changes in wastewater constituents or characteristics; which refuses reasonable access to the user's premises for the purpose of inspection or monitoring; or for violation of conditions of its permit, this ordinance, or applicable State and Federal regulations.

Subd. 3. Notification of Violation. Whenever the City Manager or their designee finds that any person has violated or is violating this ordinance, Industrial Wastewater Discharge Permit, Phosphorus Management Plan or any prohibition, limitation or requirement contained herein, the City Manager or their designee may serve upon such person a written notice stating the nature of the violation. Within ten (10) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user.

Subd. 4. Show Cause Hearing.

A. Notice of Hearing. If the violation is not corrected by timely compliance, the City Manager or their designee may order any user which caused or allowed an unauthorized discharge to show cause in front of an administrative hearing officer pursuant to Chapter 19 why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Administrative Hearing Officer why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) in the manner set forth in Chapter 19. Service may be made on any agent or officer of a corporation. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

Subd. 5. Legal Action. If any person discharges wastewater, industrial wastes, or other wastes into the City's wastewater disposal system contrary to the provisions of this ordinance, Federal or State pretreatment requirements or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief.

Subd. 6. Enforcement Response Plan (ERP). The ERP describes violations and indicates a range of appropriate enforcement options. An enforcement action can be issued in no particular order for each violation to ensure compliance with City, state and federal regulations and the Pretreatment Program.

Subd. 7. Penalties.

A. Administrative Penalties. See Chapter 19 regarding Administrative Hearings Procedures. Administrative penalty amounts are established by resolution of the City Council.

B. Criminal Penalties. Any person violating any of the provisions of this ordinance may also be guilty of a misdemeanor under and upon conviction thereof shall be furnished by a fine or by imprisonment for not to exceed 90 days, or both.

Subd. 8. Publication of Significant Noncompliance. Public notification will occur at least annually in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the WRRF of Industrial Users which, at any time during the previous twelve (12) months, were in significant violation of applicable Pretreatment Standards or Pretreatment Requirements. For the purpose of this provision, an Industrial User is in significant violation if its violations meet one or more of the following:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or requirement, including instantaneous limits.

B. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all the measurements taken for the same pollutant parameter during a six (6) month period equal or exceed the product of a numeric Pretreatment Standard or requirement, including instantaneous limits times the applicable TRC (TRC = 1.4 for CBOD, SS, fats, oil, and grease and TRC = 1.2 for all other pollutants except pH).

C. Any other violation of a pretreatment (daily maximum or longer-term average, instantaneous limit or narrative standard) that the City Manager or their designee determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City employees or the general public).

D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment and has resulted in the necessity for the City to exercise its emergency authority under 40 CFR 403.8 (F)(1)(vii)(b) to halt or prevent such a discharge.

E. Violation, by ninety (90) days or more after the schedule date, of a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance.

F. Failure to provide required reports such as baseline monitoring reports, self-monitoring reports, and reports on compliance with compliance schedules, within forty-five (45) days of the due date.

G. Failure to accurately report noncompliance; or

H. Any other violation or group of violations, which may include a violation of Best Management Practices which the City Manager or their designee determines will adversely affect the operation or implementation of the local Pretreatment.

Sec. 3.13. Storm Drainage Utility Connections.

Subd. 1. Installation of Drainage Connections. All properties are required to be connected to the storm drainage system, except for properties zoned R-1 and R-2 that are used for residential dwelling purpose. All drainage systems that are connected to the municipal storm drainage system must be designed, installed, and maintained in conformance with the current drainage policy as found in the City of Mankato Grading and Drainage Manual or similar document.

Subd. 2. Noncompliance. Whenever the noncompliance of the owner or occupant of such property is reported to the City, an investigation shall be made, and a written report presented to the City Manager or designee. If the City finds that the drainage system fails to meet the requirements of Section 3.12, Subd. 1, the City shall forthwith serve written notice upon said owner or occupant requiring the drainage system to be in conformance with Section 3.32, Subd. 1, within sixty (60) days after the service of such notice. Whenever any owner or occupant

shall default in compliance with such written notice, the City Manager or designee may, direct that drainage system be brought into conformance. The actual cost of such connection shall be assessed against the benefited property.

Subd. 3. Sump Pump Discharge Connection Requirements. All sump pump discharge connections to the City storm drainage system shall conform to the following requirements as well as those in the current version of the adopted building and plumbing code:

A. New Structure Construction. The builder is required to extend the discharge line from the stormwater drainage system to the structure foundation, at minimum, one (1) foot above final grade. The interior sump pump shall be connected to this discharge line. The entire sump pump discharge system shall remain operable and continuously connected to the storm water drainage system while the structure remains on the property.

B. Existing Structures. When an adequate storm water drainage system is installed in a public right-of-way, the sump pump discharge line from an existing structure shall be connected to said system within one (1) year completion of the improvement. The entire sump pump discharge system shall remain operable and continuously connected to the stormwater drainage system while the structure remains on the property.

Subd. 4. Public Nuisance.

A. The following actions related to sump pump discharges and storm water drainage are deemed to be public nuisances:

1. Discharging sump/storm water onto a public street or curb and gutter system.
2. Discharging sump/storm water onto an impervious surface that conveys water to a City right-of-way.
3. Discharging sump/storm water conveyance line over a public sidewalk.
4. Placing a sump/storm water conveyance line over a public sidewalk.
5. Allowing sump/storm water discharges to leave the property of origin on a course that is not a natural drainage course.
6. Discharging sump/storm water into facilities and to locations not approved by the City.

B. Upon determination that a public nuisance exists upon the property, the property owner shall be ordered to bring the property into compliance by:

1. Connecting drainage discharge to a City storm water facility, if present, within the time that is specified in the order notifying the property owner of the nuisance
2. Retaining discharge water on property of origin and or City boulevard area within the time that is specified in the order notifying the property owner of the nuisance

C. Failure to comply with an enforcement order may result in the City abating the nuisance under Mankato City Code, Section 9.77, Subd. 12 and making the connection at the property owner's expense.

Sec. 3.14. Municipal Separate Stormwater System or MS4.

Subd. 1. Unlawful Acts. It is unlawful for any person to directly or indirectly discharge, place or cause an Illicit Discharge of any substance that is not composed entirely of stormwater into the City of Mankato's storm water system, except as described as follows:

- A. Those authorized in Part 1. A.2. of the City of Mankato's MS4 Permit:

1. Authorized Non-Stormwater Discharges

B. The following categories of non-stormwater discharges or flows are authorized under this permit to enter the permittee's small MS4 only if the permittee does not identify them as significant contributors of pollutants (i.e., illicit discharges), in which case the discharges or flows shall be addressed in the permittee's SWPPP: water line flushing, landscape irrigation, diverted stream flows, rising groundwater's, uncontaminated groundwater infiltration (as defined at 40 CFR § 35.2005(b)(20)), uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential non-commercial car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and discharges or flows from firefighting activities.

C. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

D. Dye testing is an allowable discharge but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

E. 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 Federal Environmental Protection Agency, 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.

Subd. 2. Violations and Enforcement. The City shall use the following procedure to notify property owners of violations and corrective measures

A. Stop Work Orders. The City Manager or their designee may issue stop work orders for any violation of this ordinance.

B. Public Nuisance. A violation of this section is declared to be a public nuisance, and which may be abated according to the provisions for Section 9.77.

Subd. 3. Legal Action. If any person directly or indirectly causes an illicit discharge into the City's storm water system or MS4 contrary to the provisions of this section, Federal or State regulations or any order of the City, in addition to any criminal prosecution for violation of this section, the City Attorney may commence an action for appropriate legal and/or equitable relief to terminate violation and recover all expenses as allowed in Chapter 3 and Chapter 19 of this code.

Sec. 3.15. Refuse Collection.

Subd. 1. Service Established. There is hereby established a City collection service, a municipal utility, and all residential households within the City shall dispose of collectable refuse by the City collection service only and shall not transport or dispose of refuse by any other means. This service will be provided based on the use code of the property determined by the county regulations, R1 through R-4, all other use codes will contract such services with a separate refuse hauler. (Insert language that permits services based on land use – R1-R4)

Subd. 2. Rules and Regulations.

A. **Containers Required.** The customer shall keep on their premises City owned and provided containers for the storage of all refuse and recycling accumulated between collections. Each such container shall be watertight, having a tight-fitting lid, be impervious to insects, rodents, vermin and nonabsorbent of moisture, and shall not exceed the size of the container either supplied or approved by the City for refuse collection. Containers shall not be stored in the required front yard setback. The recycling container shall be the same size or larger than the refuse container that is provided, to encourage recycling.

1. Single Family: standard size containers are 65-gallon refuse and 95-gallon recycling, customers may choose the size, recycling container must be the same size or larger than the refuse cart.

2. Duplexes: may choose to have one (1) 95-gallon refuse and one (1) 95-gallon recycling containers at a minimum or may choose one (1) set of carts per unit, ensuring the recycling is the same size or larger than the refuse cart.

3. Triplex/Four-plex: only properties that are individually metered (each unit has its own water meter) may opt into the cities refuse, the property will be required to have a minimum of two (2) 95-gallon refuse and two (2) 95-gallon recycling containers. These properties may opt out of City refuse services and be allowed to enter a contractual arrangement with a private waste hauler regardless of the number of metered utility units on their property.

B. Placing of Containers - City/Private Collection Service. If the sanitation truck makes the collection from the alley, containers supplied by the City or other hauler for collection shall be placed at the alley line. If street collections are made, containers supplied by the City or other hauler for collection shall be placed at the curb line. Containers shall not be placed in the public right-of-way prior to 6:00 P.M. the night before collection. Collection days for private pickup shall be on the same route day as the City pickup in that zone. All containers shall be removed from the right-of-way before 12:00 P.M. (noon) the day after collection and shall be stored in the manner conforming to Subd. 2 of this section.

C. Screening of Containers - Private Collection Service. Containers provided for private refuse service, as approved by the City, shall be stored, and screened in compliance with Mankato City Code, Section 10.88, Subd. 8.

D. Household refuse or recycling. Contents of containers must only contain household refuse and recycling.

E. City owned Containers. Containers will be the responsibility of the property owner and be cared for properly. Containers may be exchanged for different sizes based on consumer's needs, or if damaged, intentionally damaged, lost, stolen, overfilled, or inappropriate disposal of refuse or recycling will be subject to fees. Fees relating to the exchange of containers and care are established by resolution of the City Council.

F. Violations. A violation of this section may result in the City administering penalties as established by resolution of the City Council.

Sec. 3.16. Utility Rates and Charges.

In accordance with State Statute 462.353, Subdivision 5, the City has the official control to place any permit, in a hold status if there are any delinquent property taxes, special assessments, penalties, interest, and municipal utility fees due on a parcel to which the application relates.

Subd. 1. General Water Rates; Costs of Service and User Charges. The water rates for water supplied by the City for all uses, except construction uses, shall be established by resolution of the City Council.

Subd. 2. Fire Inspection and Connection Fee. In addition to any water rate paid pursuant to the provisions of Subd. 1 of this section, any party connecting a private fire system to the City water system shall pay a fire connection inspection and maintenance fee as established by resolution of the City Council.

Subd. 3. Water Connection Fee. Every applicant for a permit to place a connection to a City water line, where such connection is to serve property not previously assessed for the cost of the line to which the connection is to be made, shall pay connection fee as established by resolution of the City Council in addition to all other applicable permit, meter, street repair, trunk line usage, and plumbing fees. No such permit for such connection shall be issued until all fees have been paid through the permit process.

Subd. 4. Wastewater Rates; Cost of Service and User Service Charges. These charges shall be established by resolution of the City Council.

A. The wastewater service charge for the use of and for service supplied by the City shall consist of a user charge for billing administration, operation, maintenance and replacement, and a debt service charge.

B. For users discharging into the wastewater collection system having a BOD strength greater than two hundred (260) mg/l and/or TSS concentration greater than two hundred eighty (280) mg/l, a surcharge per pound of each shall be levied in addition to the normal domestic strength rate charge.

C. The wastewater service charges levied for all residential, commercial, industrial, or governmental/institutional discharges which are determined on the basis of flow shall be based on actual water meter readings, as applicable, unless the user proves that the established quantities of water as metered do not enter the wastewater system.

D. Each water meter shall be considered as a separate billing unit or connection for the purpose of determining wastewater service charges and rates.

E. Customers may be eligible for a one-time wastewater credit for an unforeseen circumstance if it is water that is disposed of or does not need treating (i.e., leaking toilet, water heater leak, etc.). Exception to this is water meters that are not charged for wastewater. The City will not credit usage from a domestic water meter for irrigation or outdoor usage, as a water meter can be installed for such purpose, see Subd. 9 Outside Water Exempt from Wastewater Charge. Request for a credit will be directed to the City designee for review.

Subd. 5. Review of User Charge System for Other Jurisdictions. The user charge system shall be adjusted annually to reflect changes in debt service requirements, operation, and maintenance costs and, replacement costs.

Subd. 6. Wastewater Connection Fee. Every applicant for a permit to place a connection to a City wastewater line, where such connection is to serve property not previously assessed for the cost of the line to which the connection is to be made, shall pay connection fee as established by resolution of the City Council in addition to all other applicable permit, meter, street repair, trunk line usage, and plumbing fees. No such permit for such connection shall be issued until all fees have been paid through the permit process.

Subd. 7. Notification. Once each year, the City shall either publish in the official newspaper or send to each user in conjunction with the regular bill a list of the sewer service charge rates being utilized. The listing shall separate rates for user charges (CUT/M), debt service for treatment (CDNT) and (CDET), collection system charges (CCS/M), and extra strength surcharge (CET) for BOD and TSS if applicable.

Subd. 8. Wastewater Pretreatment Program.

A. In addition to sewer service charges, an industrial pretreatment charge is hereby imposed upon all industrial units of service subject to any of the requirements of the industrial pretreatment program established by the City of Mankato.

B. The industrial pretreatment charge shall be in the amount necessary to recover the administrative costs associated with permitting and monitoring the discharge of industrial wastewater into the treatment system.

C. Charges to individual industrial permittees shall be based on a man-hour and materials basis for time required under the industrial pretreatment program, at the employee cost rate, including fringe benefits, or shall be based on an established schedule of charges and fees.

D. The Council shall adopt industrial pretreatment charges and fees as established by resolution of the City Council.

E. All costs of laboratory analyses of wastewater constituents for an individual discharge permittee shall be borne by that individual industrial permittee.

Subd. 9. Outside Water Exempt from Wastewater Charge. A water user may apply to have water line metered for irrigation use only in addition to water service metered within a building. Such application shall be applied for with a water meter permit.

Subd. 10. Refuse Collection Charges.

A. **Residential Charge.** The residential refuse collection charge shall be established by resolution of the City Council. The monthly refuse collection charge shall be for removal of refuse and recycling from such dwelling once a week for refuse and every other week for recycling. A set of City owned containers will be provided for refuse and recycling, based on the property description (single family dwelling, duplex, tri-plex, or four-plex).

B. **Commercial Charges.** Commercial refuse collection charges shall be determined by negotiations between the owner or occupancy of the premises served and the licensed refuse hauler.

C. **Billing Determination.** Each single-family residential unit and each duplex unit receiving water meter service shall be charged for refuse collection during each month water service is provided.

D. **Temporary Service Interruption at Owner's Request.** Property owners wishing to temporarily discontinue the use of refuse collection shall notify the City to that effect. Monthly fees for this service will be suspended until reinstatement of the services is requested. The period of temporary suspension of refuse collection shall not exceed six (6) months in any twelve (12) consecutive months.

Subd. 11. Storm Water Drainage Utility. There is hereby established a public utility which shall be known as the Storm Water Drainage Utility in and for the City of Mankato. The storm water drainage utility shall be operated as a public utility pursuant to the City Charter, City Code, and applicable statutes. The revenues therefrom shall be derived subject to provisions of this section and Chapter 444, Minnesota Statutes.

A. **Storm Water Drainage Charges.** Storm water drainage surcharges shall be established as follows:

1. A residential unit charge shall be considered one metered unit.
2. A duplex unit charge shall be considered two metered units.
3. The storm water drainage utility rate will be established by resolution of the City Council.
4. All other properties shall be charged at a rate established by resolution of the City Council.

B. **Exemptions.** The following land uses are exempt from storm water drainage utility surcharges:

1. Public rights-of-way.
2. Lakes, wetlands, rivers.
3. Dedicated cemeteries.

C. **Recalculation of Charge.** If the property owner or person responsible for paying the storm water drainage utility charge questions the correctness of, such person may have the determination of the charge recomputed by filing a written request to the City and shall be finally resolved by vote of the City Council.

Subd. 12. Street Lighting System Utility. There is hereby established a public utility which shall be known as the Street Lighting System Utility for the City of Mankato. The Street Lighting System Utility shall be operated as a public utility pursuant to City Charter, City Code, and applicable statutes. The use of revenues generated by the fees imposed by this utility shall be subject to provisions of this section and Minnesota Statutes Chapter 429. The system consists of all street lighting facilities, whether owned by the City or other, for which the City purchases and supplies electrical energy. The district includes all property within the City.

A. **Streetlight Charges.** The street lighting charges imposed by this Chapter will be based on land use. A flat rate fee will be imposed for single, two (2), and three (3) unit family residential properties and commercial/industrial properties with under seventy-five-foot (75 ft) frontage. All residential, commercial, industrial, and other property categories will be subject to a per unit or per total frontage rate within the City billing system.

B. **Calculation of Charges.** The fee to be billed each billing unit shall be a fair and equitable share of the total costs of the system. Further, service charges shall be apportioned to similar classes of property similarly. From time to time the City Council shall adopt a resolution establishing a class charge rate calculation table for all billing units.

C. **Billings and collections.** Streetlighting service charges shall be included on the utility bill.

D. **Adjustment of charges.** If an owner or person responsible for paying the street lighting charge questions the correctness of such a charge, such person may have the determination of the charge recomputed by filing a written request to the City and shall be finally resolved by vote of the City Council.

Sec. 3.17. Franchise Agreements.

Provisions of this chapter relating to municipal utilities shall constitute portions of the contract between the City and all consumers of municipal utility services, and every such consumer shall be deemed to assent to the same. All contracts between franchisees and consumers of utility services other than municipal shall be in strict accord with the provisions of this chapter.

Subd. 1. Franchises Required. A person or legal entity must obtain a City franchise before installing or maintaining a fixture in, on, over, or under a City street or public way for a public utility or other purpose, except when otherwise permitted by law. A franchise must be granted by an ordinance that is not an emergency ordinance. The ordinance will contain the franchise conditions. The person or legal entity obtaining the franchise must pay for publication of the franchise ordinance and must deposit sufficient funds for that purpose with the City clerk before ordinance adoption.

Subd. 2. Public Hearing. The Council must hold a public hearing before a franchise ordinance is adopted or amended. Notice of the hearing must be published in the official means of publication at least 10 days before the hearing.

Subd. 3. Further Regulation; Franchise Value. The Council may by ordinance reasonably regulate and control the exercise of a franchise, to the extent permitted by law. The value of the franchise may not be included in the valuation of the grantee's property for any purpose, including municipal acquisition of the grantee's property by purchase or eminent domain.

Subd. 4. Term. The Council may not grant an exclusive or perpetual franchise. If a franchise is proposed for a term exceeding 20 years, the issue must be submitted to the voters for approval or disapproval.

Subd. 5. Renewals. An extension, renewal or modification of a franchise is subject to the same limitations and procedures as a new franchise.

Sec. 3.18. Special Ordinance.

An ordinance not included in this code is a special ordinance. Examples of special ordinances are grant franchises. The Council may direct that a special ordinance be included in an appendix to this code.

Table of Special Ordinances

Ord. No.	Date Passed	Description
O-14-0922-10	9-22-2014	Granting a franchise to CenterPoint Energy Resources Corp.
O-15-0526-6	5-26-2015	Granting a franchise to Charter Cable Communications.
O-15-0526-7	5-26-2015	Granting a franchise to Enventis Cable Communications.
O-14-1027-16	10-27-2014	Granting a franchise to Northern States Power Company.
O-14-0922-9	9-22-14	Granting a franchise to Blue Earth-Nicollet-Faribault Cooperative Electric Association.

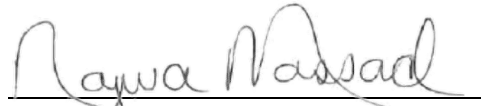
NOW THEREFORE BE IT FURTHER ORDERED by the City Council for the City of Mankato that Mankato City Code, Chapter 19, Section 19.05. City Code Violations, be amended accordingly as follows:


Subd. 1. Property Violations.

~~Section 3.0331~~ — Utilities; Rules and Regulations relating to Municipal Utilities

This Ordinance shall, in accordance with the provisions of Section 2.14 and 5.06 of the Mankato City Charter, become effective thirty (30) days after publication of notice of its adoption.

Adopted this 26th day of September, 2022.


Najwa Massad, Mayor

Attest: 
Renae Kopischke, City Clerk, MMC