

CHAPTER 27

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SEWER AND SEWER SERVICE

27.00 PURPOSE AND POLICY. This section sets forth uniform requirements for discharges into the City's wastewater disposal system and enables the City to comply with all State and Federal laws.

The objectives of this section are:

- (a) to prevent the introduction of pollutants into the wastewater disposal system which will interfere with the operation of the system or the use or disposal of sludge;
- (b) to prevent the introduction of pollutants into the wastewater disposal system which will pass through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system; and
- (c) to improve the opportunity to recycle and reclaim wastewater and sludge from the system.

This section provides for the regulation of discharges into the City's wastewater disposal system through enforcement of the requirements, authorized monitoring and enforcement activities, and requires user reporting.

27.01 DEFINITIONS. For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

- (a) City Manager: The city manager or his designated representative.
- (b) Notice: A written notification sent by first class or certified mail from the city manager to a person.
- (c) Sanitary Sewerage System or Sewerage System: The city system of pipes and appurtenances collecting and transferring sanitary sewage, not including surface run-off waters.
- (d) Property: A lot, parcel or land, or real estate, building or premise in the city.
- (e) Sanitary Sewer: A public sewer or other wastewater conveyance device which is part of the sanitary sewerage system.
- (f) Owner: Owner, lessee, occupant or agent.
- (g) Sewage Service Charge or Service Charge: The charge made by the city for the purposes of providing funds as provided in Section 27.19.
- (h) Domestic Sewage: The waste from water closets, lavatories, sinks, bathtubs, showers, household laundries, cellar floor drains, soda fountains, cuspidors, refrigerator drips and drinking fountains.
- (i) Wastewater Disposal System: The combined sanitary sewerage system and wastewater treatment plant, including sludge treatment and disposal facilities.
- (j) Wastewater Treatment Plant (Sewage Treatment Plant): The facilities which process the wastewater discharged to the sanitary sewer system.
- (k) Single and Two-Family Dwellings: Single and two-family dwellings are those dwellings meeting the definition given in Section 43.01.
- (l) Agreement: Agreement is a written contract between the city and a person.

- (m) Industrial User: A person who discharges or intends to discharge non-domestic wastewater into the sanitary sewer system.
- (n) 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 City's sanitary sewerage system. The reduction, elimination, or alteration may be obtained by physical, chemical, or biological processes, process changes, or other means, except as prohibited by Section 27.23.
- (o) Sludge: The solids removed from the waste waters and treated at the wastewater treatment plant.
- (p) Wastewater (Sewage): The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is discharged into or permitted to enter the city's sanitary sewerage system. Ord. No. 3452 05/15/00
- (q) NPDES or National Pollution Discharge Elimination System: Permit issued through Minnesota Pollution Control Agency to the city's wastewater treatment plant for discharge to the Mississippi River.
- (r) Biochemical Oxygen Demand (BOD₅): The quality of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° Centigrade expressed in terms of weight and concentration.
- (s) Milligrams per liter: mg/l.
- (t) Interference: The inhibition or disruption of the city's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the city's NPDES Permit. The term includes prevention of sewage sludge or disposal by the city.
- (u) Non-Contact Cooling Water: The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added to the water is heat.
- (v) pH: The logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.
- (w) Suspended Solids: 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.
- (x) Composite Sample: A combination of individual samples, taken based on time or flow, which represents the wastewater discharged over the sample period.
- (y) Grab Sample: A single sample of wastewater.
- (z) Person: Includes any person, firm, association, organization, partnership, business trust, corporation or company, and where appropriate "owner" as herein defined.
- (aa) Significant Industrial User: A significant industrial user shall include:
- (i) all categorical industrial users;
 - (ii) any noncategorical industrial user that discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excludes sanitary noncontact cooling and boiler blowdown wastewaters) or contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant or has a reasonable potential, in the opinion of the city manager, to adversely affect the wastewater treatment

plant (inhibition, pass-through of pollutants, sludge contamination, or endangerment of wastewater treatment plant workers). Ord. No. 3021 06/04/90.

27.02 SUPERVISION BY CITY ENGINEER. The city engineer shall have the control of the sewers and drains of the city and their connections, and shall take charge of the buildings and repairs of the same and all matters in connection with the sewers and drains of the city except in cases where the city council shall, by resolution in writing, employ some other person to perform certain duties definitely defined in such resolution relating to sewers and drains.

27.03 CONNECTIONS BY LICENSEES ONLY. No connection shall be made with any sewer or drain, except by persons regularly licensed to perform that description of work and no permit shall be granted to any person except such regularly licensed person.

27.04 WATER, SEWER AND DRAIN LAYERS LICENSE. (a) Application. Any persons desiring a license to make connections with water, sewers and drains in the city shall make application in writing therefor to the city engineer, and furnish the city engineer satisfactory evidence that he is, or has in his employ, a person regularly trained and skilled in the business and qualified to receive a license. If satisfied that the applicant is properly qualified, the city engineer may issue a license to him on his complying with the requirements contained in this section. Ord. No. 3452 05/15/00

(b) Bond Required. No license shall be issued to any person to make water, sewer or drain connections until he shall have executed and deposited in the office of the city engineer a bond to the city in the sum of \$10,000, executed by himself and a corporate surety or two sufficient sureties and approved by the city attorney, conditioned that he will indemnify and save harmless the city from all suits, accidents and damages consequent thereupon, for or by reason of any opening in any street, alley or public ground, made by him or by those in his employment, for making any connection to any public or private sewer or drain, or for any other purpose or object whatever, and that he will also replace and restore the street over such opening to as good a state and condition as he found it, keep guard by day and red lights by night and keep and maintain the same in good order, to the satisfaction of the city engineer for his acceptance, and shall conform in all respects to the ordinances relative to the streets, sewers and drains, and pay fine that may be imposed upon him by law. Ord. No. 3452 05/15/00

(c) Allowing Others to Use License. No person licensed to make connection with sewers, etc., shall allow his name to be used by any other person, either for the purpose of obtaining permits, or doing any work under the license.

(d) Record of License. Every person licensed shall have recorded in the city engineer's office his place of business, the name under which the business is transacted, and shall immediately notify the city engineer of any changes.

27.05 SEWER CONNECTION PERMIT. (a) Required. No connection shall be made with any sewers without a permit from the city engineer. No opening or connection shall be made into any sewer in any manner different from the specifications prescribed for such opening or connection by this chapter.

No permit shall be granted to any person to tap or connect with any sewer when the property sought to be drained is situated without the boundary lines of the sewer district as established by the city council.

A significant industrial user, as defined above, shall obtain a wastewater discharge permit from the city.

A new industrial user or a new significant industrial user shall submit a statement to the city providing typical wastewater discharges anticipated. All industrial users shall promptly notify the city manager in advance of any substantial change in the volume or character of pollutants in their discharge.

Any existing industrial user intending to alter its wastewater shall obtain a new permit from the city.
Ord. No. 3021 06/04/90.

(b) Payment of Fee. No permit required by this section shall be granted until the person applying for such permit has paid to the city treasurer a fee for such permit.

(c) Assessment or Access Fee. The City engineer shall issue a permit for a sanitary sewer connection if the property has been assessed for a sanitary sewer or if an access fee is paid in lieu of assessment. Ord. No. 3501 09/04/01. Ord. No. 3698 6/19/06

The access fee shall be established annually by the City Council and shall be set forth in Section 51.01 of this Code. The fee shall be paid to the City treasurer. Ord. No. 3501 09/04/01
Ord. No. 3698 6/19/06

If the person requesting the permit must construct a sewer lateral past the frontage of another person's property, he shall receive a removal credit to be deducted from the access fee. The removal credit shall be calculated by multiplying the frontage in feet of the other person's property by \$6; provided, however, that the removal credit shall not exceed the access fee. Ord. No. 3452 05/15/00.
Ord. No. 3698 6/19/06

(d) Work Authorized by Permit. An application for a permit to perform work under this chapter shall be made by the person employed to do the work, and shall state the location, name of the owner, number of buildings to be connected, and how occupied. No person shall extend any private drain beyond the limits of the building or property for which the permit has been given.
Ord. No. 2793 03/17/86.

27.06 SPECIFICATIONS FOR SEWER CONNECTIONS. (a) All connections with the public sewers shall be made with ductile iron or PVC schedule 40 pipe having a minimum internal diameter of 4 inches. No sewer pipe connecting with any public sewer shall have a fall of less than 6 inches per hundred feet for 6 inch pipe and 12 inches per hundred feet for 4 inch pipe. All drains and soil pipes within a building and where the same passes through the walls of a building shall be of iron. Ord. No. 3452 05/15/00

(b) All pipe shall be inspected by the city engineer before the same is laid and be subject to his approval. Subject to the above limitations all pipe shall be laid and all joints shall be made as directed by the city engineer, and all work thereon shall be done only by a licensed person as provided in this chapter. All connections with public mains, whether they are sanitary, storm, or water, shall be left uncovered until they are inspected and approved. The Engineering Department must be notified at least two hours prior to time of inspection. Notification must be made during normal business hours. Inspections will be done during normal business hours. Normal business hours are 7:00 a.m. to 4:00 p.m. Monday through Friday, except holidays. Property owners are fully responsible for any problems that occur after inspection. Ord. No. 3452 05/15/00 Ord. No. 3497 07/02/01.

(c) The street shall be opened and the paving and earth deposited in such a manner that will occasion the least inconvenience to the public, and provide for the passage of water along the gutters; one half of the street shall be left clear for the passage of vehicles and bridge-ways provided on sidewalks for foot passengers; in refilling the trench, the earth shall be laid in layers not more than 12 inches in depth, and each layer thoroughly tamped to prevent settlement. The paving, flagging and sidewalks shall be restored to at least as good condition as previous to the excavation, and all rubbish and surplus earth shall be immediately removed. Ord. No. 3452 05/15/00

27.07 STANDARDS FOR EXTENDING DRAINS INTO OR UNDER BUILDINGS. No person shall construct or extend any drain for the reception of sewerage or waste water under or into any dwelling or any building, or to connect the same with any public sewer, unless the drain shall in its plan and construction, conform to the following requirements and be approved by the city engineer;

(a) There shall be in the drain a trap, so constructed as to bar the passage of air from beyond the trap into the house, by an obstacle equal to at least one inch in depth of water.

(b) Between the trap and the foot of the soil pipe, there shall be connected with the drain, an inlet pipe of the same diameter as the drain for the admission of fresh air and the soil pipe within the house shall be continued above the roof and undiminished in size to such height as may be directed by the city engineer, not less than two feet, and left open so that the whole drain may be thoroughly and constantly ventilated.

27.08 DRAIN COURSE PLAN. When a person desires to construct a house drain or make any addition to any drain which may be already laid as far as the property line, or make any extension or alteration of the drainage in any building, intended to be connected with or discharge into any sewer, he shall, before beginning work upon the same, give the city engineer a plan thereof, which shall show the whole course of the drain, from its connection with the sewer to its terminus within the house, with the location of all branches, traps and fixtures connected therewith; such plan or copy thereof to be left on file in the office of the city engineer. If, upon inspection of the plan, the city engineer shall find that the plan does not conform to the requirements of this chapter, he shall not issue any permit for its construction, extension or alteration or connection with any sewer.

27.09 RIGHT TO ENTER PREMISES. The city manager, the city engineer and their authorized agents shall have the right to enter upon the premises drained by any house drain and connected with any public sewer, at all reasonable hours, to ascertain whether the provisions of this code or any other ordinances in regard to house drains have been complied with, and if he shall find that the drain or its attachments do not conform to the provisions of law in regard thereto, he shall notify the owner of the premises of this fact. It shall thereupon be the duty of the owner to cause the drain or its attachments to be altered, repaired, or reconstructed so as to make them conform to the requirements of law in regard thereto, within 15 days from the time of receiving such notice.

27.10 NOTICE TO INSPECT. Notice in writing must be given to the city engineer at his office, by the person who is to make the connection with any sewer or drain when such work will be ready for inspection, at such stages during the progress of such work as the city engineer may direct.

27.11 CONNECTING BUILDINGS ON LOTS ABUTTING STREETS WITH PUBLIC SEWERS.

(a) Duty to Connect. Every owner of a building constructed after October 1, 2001, and located upon a lot or parcel of land in the city, which lot or parcel of land abuts a street or alley in which there is located a public sanitary sewer, shall properly connect such building or cause such building to be connected with such public sanitary sewer in the manner set forth in this chapter so that all sewage from such building may thereafter be carried into the public sanitary sewers of the city; provided, that the use for which such building is to be put requires or makes necessary a provision for the disposal of sewage or human excrement. Ord. No. 3501 09/04/01.

(b) Ordering Connection with Sewer. The city manager is empowered, whenever there is a sanitary sewer in the public highway or public ground upon which any property abuts, to cause the owner to connect such property with such sanitary sewer by a sufficient sanitary sewer whenever in his judgment the same may be necessary for the preservation of the public health. He shall give notice to the owner specifying the date when such sewer connection or connections must be completed, and if such owner neglects to complete the same within the time specified, the city council may cause the same to be done and may either recover the whole amount of the expense thereof by an action against the owner in the name of the city before any court having jurisdiction thereof or certify the same to the county auditor pursuant to Minnesota Statutes, Section 444.075.

(c) Every owner of a property containing an individual sewage treatment system shall submit to the City Engineering Department a certificate of compliance with State standards, prepared by an individual licensed and registered by the State to perform inspections. The certificate shall be valid for three years following the date of its issuance. A new certificate of compliance shall be obtained and be filed with the City every 3 years thereafter until such time as hookup to the public sanitary sewer system occurs. Ord. 3501 09/04/01.

27.12 CONNECTION OF STEAM EXHAUST TO SEWERS. No steam exhaust or blowoff shall be connected with any soil or waste plant, or drain which communicates with a public sewer.

27.13 CESSPOOLS PROHIBITED WHERE SEWERS AVAILABLE. All privy vaults and all cesspools and other arrangements for the reception of human excrement and sewage, not connected with a public sanitary sewer and located on lots or parcels of land in the city abutting a street or alley in which there is located a public sanitary sewer, are declared to be a health nuisance and the building, maintenance or permitting such structure to remain is prohibited. Existing individual sewage treatment systems meeting State standards are not included in this prohibition. Every such vault, cesspool and other arrangement for the reception of human excrement and sewage located in the city upon premises not capable of being connected with a public sanitary sewer shall be destroyed and the contents thereof disposed of within 30 days after a public sanitary sewer shall have been fully constructed in a public street or alley, adjacent to such premises. Ord. 3501 09/04/01.

27.14 LEAKY OR UNUSED SEWERS. No owner of real estate served with a sanitary or storm sewer connected to a public sewer shall:

(a) Permit his sewer to leak after a leak has been discovered.

(b) Keep his sewer connected to the public sewer when there is no need for the connection. It shall be presumed there is no need if no sewage or water is carried through the owner's sewer for a period of 300 consecutive days.

27.15 INDIVIDUAL SEWAGE TREATMENT SYSTEMS AND HAULED WASTEWATER.

(a) Definitions. For the purpose of this section the following words and phrases shall have the meanings respectively ascribed to them by this section:

Empty: Empty, clean or removed.

Individual Sewage Treatment System: A sewage treatment system, or part thereof, serving a dwelling that uses subsurface soil treatment and disposal, or a holding tank.

Hauled Wastewater: Liquid or water-carried industrial or domestic sewage which is transported from the place of origin to the place of discharge.

(b) Offensive or Hazardous. No person shall suffer or permit an individual sewage treatment system upon any premises belonging to him or occupied by him to overflow, become uncovered, become foul, emit odors offensive to any person in the neighborhood or become hazardous to the public health.

(c) Declaration of Nuisance and Abatement. An individual sewage treatment system is a nuisance if it overflows, becomes uncovered, becomes foul, emits odors offensive to any person in the neighborhood or if it becomes hazardous to the public health. The owner of such individual sewage treatment system shall abate the same on order of the city council and in the manner directed by the city council.

(d) License to Provide Service to Individual Sewage Treatment Systems. No person shall maintain, pump, inspect or provide service to an individual sewage treatment system unless licensed to do so by the State of Minnesota.

(e) Permit Required for Discharge to City's Wastewater Treatment System. No person shall discharge hauled wastewater, septage or any other wastewater, material or substance, obtained from an individual sewage treatment system or any other source, into the City's wastewater system without first obtaining a Permit to Discharge Hauled Wastewater for the City of Winona Wastewater Treatment Plant (WWTP). The application for a Permit to Discharge Hauled Wastewater may be obtained from the city clerk.

Ord. No. 3885 11/7/2011

27.16 **EMPTYING HOLDING TANKS ON TRAVEL TRAILERS.** A person who owns or operates a travel trailer or self-contained vehicle which has a holding tank on board may empty the contents thereof into the city facility at Prairie Island.

27.17 **DISCHARGE OF WASTES INTO PUBLIC WATERS.** No person shall discharge or place or permit to be discharged or placed into any public water or waterway within the corporate limits any nauseous or dangerous substance or object or any substance which will pollute or tend to pollute water, including, but not limited to, garbage, offal, rubbish, body of a dead animal, oil or an oil derivative, sewage, a chemical, metal, plastic, mortar, brick, rock, stone or glass.

27.18 **PRIVY VAULTS OUTSIDE CITY.** No licensee shall dump the contents of a privy vault, which contents have been taken from a privy vault outside the city, unless specific written consent to so dump has been given by the city.

27.19 **SEWER SERVICE CHARGES.** (a) **Purpose.** For the purpose of providing funds to meet the costs of operating the sewerage system and sewage treatment plant, the facilities connected therewith and the payment of capital charges represented by bonds, certificates of indebtedness or otherwise which may be issued to finance the cost of such treatment facilities and the payment of all other costs allowed by law, there is hereby imposed upon each owner of the property a sewer service charge as hereinafter provided. The sewer service charge is a charge against the owner, lessee and occupant; a sewer service charge unpaid and delinquent on August 15 of each year may be certified to the county auditor with taxes against the property served for collection pursuant to law. Where a sanitary sewer is available and written notice has been given to an owner to eliminate a private sanitary sewerage system which does not comply with the ordinances of the city or laws or regulations of the state and to connect to the sanitary sewer, a sewer service charge may be made at the next billing period even though physical connection is not immediately made to the sanitary sewer. Prior to submission of the assessment to the county on the date the assessment is confirmed by the city council, the council shall add an administrative fee of 15 percent of the amount then due.

Ord. No. 3851 9/20/2010

(b) **Basis of Service Charge.** Except as otherwise herein provided, the service charge shall be based upon the quantity of water used at the property as the water is measured by the water meter or water meters there in use. The minimum sewage service charge to a property owner using a private water supply shall be the same as charged to a person using city water.

(c) **Industrial User.** A property with water meters of two inch or over shall be considered an industrial user, regardless of the use of property. Ord. 3538 07-01-02

(d) **Property Outside City.** Property outside the city which is served by and uses the sewerage system and which produces domestic or class 1 industrial sewage shall pay double the amount of the service charge prescribed in the above schedule for a property inside the city. A service charge for a property outside the city limits which is served by a collection system maintained by another governmental subdivision shall be the subject of an agreement between the city and such other governmental subdivision. A charge for a property outside the city limits which is served by and uses the sewerage system and which produces class 2 industrial sewage shall be based on the amount and strength of sewage contributed to the system and shall be the subject of an agreement between the city and the owner.

(e) **Computation of Amount of Charge.** The amount due for the service charge shall be computed in accordance with the provisions of city ordinances and statements rendered at the same time and on the same bill with the city water statement. A sewer service charge statement is rendered under the same conditions as a water statement and the items are not separable in payment. If a property supplies its own water, a bill will be rendered for sewer service only.

(f) **Deposit of Funds.** The monies received from the charges herein established shall be deposited in a separate fund of the city.

27.20 METERING WATER SOURCES. In the event any property discharging sanitary sewage, industrial wastes, water or other liquids into the sewerage system of the city, either directly or indirectly, is supplied in whole or in part with water not obtained from the city, the owner of such property shall cause to be installed necessary metering equipment approved by the city manager to measure the quantity of water pumped or used, and sewer service charge shall be based on the quantity of water so measured. The owner shall install and maintain such metering equipment in good working condition at his own expense. Whenever the owner fails to install such metering equipment or where it is not practicable to measure the water consumed on the property by a meter or meters, the city manager shall cause to be determined in such manner and by such methods as may be practicable, considering conditions and attendant circumstances in each case, the estimated volume of water from private sources which discharge into the sewerage system and such estimates shall be used in lieu of the meter volume of water from private sources to determine the service charge.

The city manager may authorize sale of meters purchased by the city, and such sales may be made at cost to the city. The city manager may authorize payment for a meter to be spread over equal, or nearly equal, payments, the same to be added to the water bill; provided, however, that the purchaser authorizes billing in the manner prescribed at the time the meter is purchased.

27.21 TESTING STRENGTH OF INDUSTRIAL SEWAGE. (a) In determining the strength of industrial sewage, actual tests shall be conducted as directed by the city manager, the cost to be paid by the owner requesting or required to have such test. Each test shall be performed in accordance with methods described in the current edition of "Standard Methods Examination of Water and Waste Water" published by the American Public Health Assoc., the American Water Works Association and the Water Pollution Control Federation latest edition, or as approved by the U.S. Environmental Protection Agency and/or the Minnesota Pollution Control Agency.

(b) If directed by the city manager, the owner shall conduct routine analyses of the sewage and shall submit the results in periodic reports as required by the Federal Pretreatment regulations and/or as required by the city manager.

27.22 ENTERING MANHOLE. No person shall enter a sewer manhole or open the same for any person whatever unless authorized by the city manager or the city council.

27.23 PROHIBITED DISCHARGES. No person shall deposit or discharge any pollutant which would cause the city to violate its NPDES Permit, any pollutant in concentrations exceeding State or Federal limitations, or any of the following, whichever is more stringent:

(a) Any waste which will physically damage the sewerage system, sewage treatment plant or facilities connected therewith, or interfere with the treatment process standards required by the Minnesota Pollution Control Agency.

(b) Any wastewater having a temperature greater than 150 degrees F. or 65.6 degrees C. or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104 degrees F. or 40 degrees C.

(c) Water or waste containing more than 100 parts per million by weight of fat, oil or grease.

(d) Pollutants which create a fire or explosion hazard in the Wastewater Disposal System, including but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21, July 24, 1990. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides. Ord. No. 3042 11/05/90.

(e) Garbage, either household or commercial, that has not been shredded, so that the garbage particles are smaller than 3/8 inch in their largest dimension. Adequate water flow volume to wash such garbage through the sewers shall be provided.

(f) Ashes, hair, peelings, refuse, rages, sticks, cinders, earth, mortar or concrete, feathers, glass, metal, animal or poultry solids, plastics, or any solid or viscous matter capable of causing obstruction in the flow of a sanitary sewer reduction in the capacity of a sanitary sewer, or interference with the proper operation of the sewerage system.

(g) Water or waste containing an acid of toxic or radioactive or poisonous substance in sufficient quantity to injure or interfere with the treatment process or cause a hazard to humans, animals or aquatic life, in the receiving waters of the sewerage system.

(h) Waste containing suspended solids of such character and quantity that special attention or expense is required to handle such materials through the sewerage system.

(i) Noxious or malodorous gas or substance capable of creating a nuisance.

(j) Any wastewater having a pH less than 5.0, or higher than 11.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sanitary sewerage system. Ord. 3488 04/02/01

(k) Roof, ground or surface water, non-contact cooling water or means of introducing such water into the sewerage system.

(l) Any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge of such volume or strength as to cause inhibition or disruption in the sanitary sewerage system. In no case shall a slug load have a flow rate or contain concentrations or quantities or pollutants that exceed for any time period longer than fifteen minutes more than five times the average twenty-four hour concentrations, quantities, or flow of the user during normal operation.

(m) Any wastewater having a BOD-5 greater than 210 mg/l or having a suspended solids concentration greater than 180 mg/l. Sewage with greater concentrations may be discharged only through a special use permit. Charges will be levied for wastewater having a strength greater than 210 mg/1 BOD-5 or 180 mg/l suspended solids. Ord. No. 3291 05/20/96.

(n) Any wastewater having a concentration greater than:

Zinc	(Total)	6.0 mg/l
Chromium	(Total)	8.0 mg/l
Cadmium	(Total)	2.0 mg/l
Copper	(Total)	3.5 mg/l
Lead	(Total)	1.0 mg/l
Nickel	(Total)	6.0 mg/l
Cyanide	(Total)	1.8 mg/l
Mercury	(Total)	0.040 mg/l
Silver	(Total)	10.0 mg/l

Ord. 3544 9/03/02

(o) Any wastewater having total toxic organics (TTO) exceeding 2.13 mg/l for any one day. TTO is defined in the Federal Register 40 CFR 433.11(e) of Vol. 48, No. 137/Friday July 15, 1983/Rules and Regulations as "the summation of all quantifiable values greater than 0.01 milligrams per liter in the above cited Federal Register". Ord. No. 2978 06/19/89.

(p) Garbage, discarded material and grease from non-domestic sources which results from the handling, processing, storage, preparation, serving and consumption of food, when the effect of such disposal into public sewers is the avoidance of off-site solid waste disposal. Ord. No. 3138 07/20/92.

(q) Waste antifreeze or coolant. This prohibition shall not apply to the small amount of antifreeze or coolant that may be in the water used to flush a heating/cooling system after the antifreeze or coolant has been drained down and captured. Ord. No. 3368 07/06/98.

(r) The City may develop Best Management Practices by ordinance, in general permits, in individual wastewater permits, or to establish standard practice, to implement local limits and the requirements of Chapter 27.

Ord. No. 3833 3/15/2010

27.24 GREASE TRAPS. No owner of a hotel, restaurant, school, food handling establishment, processing plant or manufacturing plant handling foodstuff or greasy materials shall have a sewer connection that is not equipped with a grease trap of standard and adequate design. Each grease trap shall be properly constructed and maintained to function properly at the expense of the owner.

27.25 NOTIFICATION OF SPILLAGE OR NONCOMPLIANCE. (a) In the event of a spillage into the sanitary sewer system of any waste which could be harmful to persons or the wastewater disposal system, the person responsible for the spillage shall immediately, on becoming aware of the spillage, notify the city manager of the quantity and characteristics of the spilled material. The person responsible for the spillage shall also repeat sampling and analysis and submit the result of the repeat analysis to the city manager within 30 days after becoming aware of the spillage.

(b) In the event of noncompliance with the requirements of Section 27.23, any person, upon becoming aware of the noncompliance, shall notify the city manager within 24 hours of becoming aware of the noncompliance. The person responsible for the noncompliance shall also repeat sampling and analysis and submit the results of the repeat analysis to the city manager within 30 days after becoming aware of the noncompliance.

(c) The person responsible for the spillage or noncompliance shall submit, in writing, to the city manager the description, cause, period of occurrence, correction procedures, and procedures for prevention of reoccurrence of the spillage or noncompliance. Ord. No. 3021 06/04/90.

27.26 PRETREATMENT FACILITIES. Pretreatment facilities shall be provided where required to meet the discharge limitations addressed under Section 27.23. An owner, discharging waste, shall submit to the city manager a schedule outlining the steps to be taken to provide the required pretreatment facilities. Pretreatment facilities shall be properly constructed and maintained at the owner's expense.

(a) Grease, Oil and/or Sand Interceptors. Grease, oil and sand interceptors shall be provided when, in the opinion of the City Manager, they are necessary for the proper handling of liquid wastes containing floatable oil or grease in an excessive amount, or sand or other harmful ingredients. All interceptors shall be of a type and capacity approved by the City Manager, and shall be located so as to be readily accessible for cleaning and inspection. The user shall clean and maintain these interceptors as required to maintain efficient removal of grease, oil and/or sand. In maintaining these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material, and shall maintain records, which are subject to review by the City Manager, or the dates and means of disposal, including manifests, if used. Ord. No. 3368 07/06/98.

27.27 SLUDGE ETC. No person shall dispose of sludge, floats, skimmings, etc., generated by a pretreatment system into the city's sanitary sewerage system. Such sludge shall be contained, transported, and disposed of in accordance with all Federal, State and local regulations.

27.28 CONTROL MANHOLES. The city may require a control manhole to be built on the building sewer at the owner's expense to facilitate observation, sampling, inspection and measurement of wastes; when required, such manhole shall be accessible, safely located and built in accordance with city standards for sewer manholes. The necessity for a control manhole will be based on sewage volume, whether it is a processing waste or an industrial waste and whether the waste requires control within the operation to meet acceptable conditions for discharge to the sewerage system.

27.29 SPECIAL AGREEMENTS WITH CITY FOR HANDLING OF CERTAIN WASTES. Nothing in this chapter requires the city to provide sewer service at published rates when an owner deposits waste in the sewerage system or causes a higher than normal expense in the operation of the sewerage system. Nothing in this chapter prohibits the city from the handling of deleterious wastes, requiring pretreatments or setting a service charge higher than the published rates on an agreement

basis. Such an agreement shall be made by the city and the owner after considering the problems in handling the effect on the sewerage system and the cost of handling the waste, among other things, but not limited to, fees for industrial discharge and pretreatment monitoring, inspections, and surveillance procedures.

27.30 DAMAGE TO SEWERAGE SYSTEM. No person shall cause damage to the sewerage system. A contractor employed on a city contract or a plumber or other person engaged in work where there is a possibility of damage to the sewerage system, shall exercise particular care to prevent such damage and the entrance of foreign material into the system and shall perform all work in a workmanlike and neat manner. Upon a failure to comply, the city manager may cause the damage to be repaired, the material to be removed or the work to be redone at the expense of the person responsible; provided, that the city manager shall give a 5-day written notice to the person of the city's intention to proceed before acting, except in an emergency situation when he may proceed without such notice.

27.31 DISCHARGE OF SURFACE WATER. (a) No person shall connect a roof, ground water or surface water drain to the sanitary sewerage system. Water used for cooling and condenser purposes which does not exceed 25 parts per million BOD and other industrial or domestic water which does not contain discoloration, harmful chemicals, sediment, solids, noxious odors and does not exceed 25 parts per million BOD may be discharged directly into the storm sewer system, and if metered, shall be deducted from any service charge.

(b) Within 30 days after notice given by the city manager, the owner having a roof, ground water or surface water drain connected with the sewerage system shall disconnect the same. The opening in the sewerage system shall be closed in a neat and workmanlike manner.

(c) The owner of a building without a yard reasonably adequate to absorb surface water on the property shall equip the building with a proper metallic leader or leaders to conduct such water to the street or alley gutter and shall connect such leader or leaders to a storm sewer whenever there is such a sewer within 50 feet of such building.

(d) If a residential dwelling unit has a sump pit in the basement, a sump pump shall be installed. The discharge from the sump pump shall be to the outside of the building. The discharge shall not be to the sanitary sewer. Ord. No. 2946 10/17/88.

27.32 ADDITIONAL REMEDIES. In addition to any other remedy provided by law, the city manager is authorized to do one or more of the following:

(a) To cause collection of a delinquent sewer charge by civil action in a court of competent jurisdiction;

(b) To cause the water supply and/or sewer service furnished to a property to be closed off until the expense of closing off the water and/or sewer service and restoring it is paid and compliance with this chapter is assured;

(c) To cause to be done whatever is required by this chapter and is not done by an owner and to cause collection of the cost thereof in the same manner use for collection of a sewer charge as provided for in this chapter.

(d) Slug or Accidental Discharges. The city manager may immediately suspend the sanitary sewerage service of a person using the service when such suspension is necessary, in the opinion of the city manager, 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 city manager may suspend the sanitary sewer service of a person using the service after written notice, in order to stop a discharge which could be a threat to the environment, the sanitary sewer system, the wastewater treatment plant, or would cause the city to violate any condition of its NPDES or State Disposal System Permit.

(e) Legal Action. If any person discharges sewage, industrial wastes, or other wastes into the city's sanitary sewerage 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, including injunctive relief.

(f) Annual Publication. A list of persons who were significantly violating applicable pretreatment requirements or national categorical pretreatment standards during the twelve (12) previous months, which resulted in the city manager exercising his emergency enforcement authority under this ordinance, may be annually published by the city in a local newspaper. The notification shall summarize any enforcement actions taken against the user during the same twelve months. For the purposes of this provision, significant violations would be those violations which remain uncorrected 45 days after notification of noncompliance, which are part of a pattern of noncompliance over a twelve month period, or which involve a failure to accurately report noncompliance.

27.33 NATIONAL CATEGORICAL PRETREATMENT STANDARDS. National Categorical Pretreatment Standards promulgated by the U.S. Environmental Protection Agency, incorporated herein by reference, shall be met by all persons who are subject to such standard, as they go into effect, unless the city manager has obtained approval to modify the standards from the Minnesota Pollution Control Agency. The city manager shall deny any new, changed or increased discharge which does not meet the requirements of any national categorical pretreatment standard. Schedules for installation of pretreatment treatment facilities, where required, will be submitted for approval by the city manager.

27.34 DILUTION. No person 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 herein, contained in the National Categorical Pretreatment Standards, or contained in any State requirements.

27.35 INSPECTION AND SAMPLING. The city manager shall inspect the facilities of any person to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. An owner of premises where wastewater is created or discharged shall allow the city manager ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties.

27.36 CONFIDENTIAL INFORMATION. Information and data on a person obtained from applications, permits, monitoring programs and inspections shall be available to the public or other government agencies without restriction unless the person specifically requests and is able to demonstrate to the satisfaction of the city manager that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the person. When requested by the person furnishing a report and until such time as the information is determined not to be confidential, 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, however, that such portions of a report shall be available for use by the State and 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. Information accepted by the city manager as confidential shall not be transmitted to any governmental agency or to the general public by the city manager until and unless a ten-day notification is given to the person providing the information.

27.37 NOTIFICATION OF VIOLATION. Whenever the city manager finds that any person has violated or is violating any prohibition, limitation or requirements contained herein, the city manager may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, unless a shorter time frame is necessary due to the nature of the violation, a plan for the satisfactory correction thereof shall be submitted to the city by the user.

27.38 FALSIFYING INFORMATION. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance or Wastewater Discharge Permit, or who falsifies, tampers with,

or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon conviction, be punished by a fine or by imprisonment or by both.

27.39 PENALTIES. Any user who has failed to comply with any provision of this chapter and the orders, rules, regulations and permits issued hereunder, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by an appropriate action against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

Ord. No. 3138 07/20/92

Ord. No. 3833 03/15/2010

27.40 PORTABLE RESTROOM UNITS AND HAULED WASTEWATER.

(a) License Required for Placement. No person, contractor or organization shall place a portable restroom (a unit that is temporary, mobile and above ground) on city-owned property or right-of-way, unless said person, contractor or organization has been granted a license to do so from the city.

(b) Application for License. An application for a license under this chapter shall be made to the city clerk on a form provided by the city. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name and nature of the business for which the license is sought, and any additional information the city deems necessary. Upon receipt of the application, the city clerk shall forward the application to the Public Works Department for review and approval. If the application is found to be incomplete, the city clerk shall return the application to the applicant with notice of the information necessary to make the application complete.

(c) Approval or Denial. The City Council may either approve or deny the license required under this chapter. If the City Council approves the license, the applicant shall enter into a license agreement with the City which shall set forth the terms and conditions of the license including, but not limited to, required insurance coverage, indemnification provisions, and site approval. If the City Council denies the license, notice of the denial shall be given to the applicant by the city clerk.

(d) Fees. No license shall be issued under this chapter until the appropriate license fee shall be paid in full. The license fee shall be the amount duly established by ordinance of the city council from time to time. The license fee shall not be prorated for licenses issued for less than a full year.

(e) Term. All licenses issued under this chapter shall be valid until December 31 of the year of issue.

(f) Renewal. The renewal of a license issued under this chapter shall be handled in the same manner as the original application. The request for a renewal shall be made at least 30 days but not more than 60 days before the expiration of the current license. The issuance of a license under this chapter shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

(g) Transferability. Every license issued under this chapter shall be valid only for the person, contractor or organization to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior written approval of the City of Winona.

(h) Revocation or Suspension. Any license issued under this chapter may be revoked or suspended as provided in chapter 51 of this code.

(i) Payment of Real Estate Taxes, Assessments and Other Charges. All real estate taxes due and payable in the calendar year preceding the term of the license, and assessments payable therewith and applicable to the location of the applicant's business to whom the license is sought, as well as all pending assessments for unpaid municipal charges, and all other unpaid municipal charges applicable to the location of the applicant's business to whom the license is sought, shall be paid in full prior to issuance to the applicant of any license or renewal license pursuant to this chapter.

(j) Notice of Violation. No license pursuant to this chapter or a Permit to Discharge Hauled Wastewater shall be issued to a person, contractor or organization who has an outstanding and incomplete notice of violation issued by the city and the terms of which have not been released in writing by the city.

(k) Permit Required for Discharge. No person, contractor or organization shall discharge hauled wastewater obtained from a portable restroom unit or any other source into the city's wastewater treatment system without first obtaining a Permit to Discharge Hauled Wastewater from the Winona Wastewater Treatment Plant (WWTP). A license to place a portable restroom unit on city owned property or right-of-way as provided in this chapter does not constitute a permit to discharge into the city's wastewater treatment system, unless the license includes as an attachment the permit required hereby. An application for a Permit to Discharge Hauled Wastewater may be obtained from the city clerk.

(l) Basis of Denial. The following shall be grounds for denying the issuance or renewal of a license or permit required under this chapter, provided that, except as may otherwise be required by law, the existence of any particular ground for denial does not mean that the city must deny the license or permit:

- (1) The applicant is under the age of 18 years.
- (2) The applicant has been convicted of a crime within the past five years of any violation of a federal, state, or local law, ordinance, or other regulation relating to the purpose for which the license or permit is sought.
- (3) The applicant has had a license or permit under this chapter revoked, or suspended for more than 30 days, within the preceding 12 months of the date of application.
- (4) The applicant fails to provide any information required on the application or provides false or misleading information.
- (5) The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding such a license or permit.
- (6) The applicant fails to take corrective action as required by the city for the city to complete and release an outstanding notice of violation issued by the city to the applicant.

Ord. No. 3885 11/07/2011