

**CITY OF GEM LAKE, RAMSEY COUNTY, MINNESOTA  
ORDINANCE NO. 64E**

**AN ORDINANCE REGULATING THE OPERATION OF THE MUNICIPAL SANITARY SEWER SYSTEM; REQUIRING CONNECTIONS TO BE MADE TO THE MUNICIPAL SANITARY SEWER SYSTEM; ESTABLISHING REGULATIONS AS TO TYPE AND KINDS OF WASTE THAT MAY BE DISPOSED OF IN THE MUNICIPAL SANITARY SEWER SYSTEM; PROHIBITING THE DISCHARGE OF ANY TYPE OR KIND OF SURFACE WATERS INTO THE MUNICIPAL SANITARY SEWER SYSTEM; PRESCRIBING RATES AND CHARGES FOR SEWAGE DISPOSAL SERVICES; PROVIDING FOR THE ISSUANCE OF PERMITS FOR AND SUPERVISION OF ALL CONNECTIONS TO THE MUNICIPAL SANITARY SEWER SYSTEM; PRESCRIBING CERTAIN MATERIALS AND METHODS TO BE USED FOR SAID CONNECTIONS; PROVIDING FOR LICENSING OF SEWER CONTRACTORS; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.**

The City Council of the City of Gem Lake does ordain:

**Section 1 Repeal Of Other City Ordinances**

**Section 1.1** This Ordinance shall replace Ordinances # 18, 25 and 32A of the City of Gem Lake.

**Section 2 Separability**

**Section 2.1** It is hereby declared to be the intention of the City Council that the several provisions of this Ordinance are separable and that if any court of competent jurisdiction shall adjudge any provision of this Ordinance or application thereof to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

**Section 3 Rules And Definitions**

**Section 3.1 Rules of Construction**

**Section 3.1.1** The word "shall" is mandatory, and the word "may" is permissive.

**Section 3.1.2** The masculine gender includes the feminine and neuter genders.

**Section 3.1.3** Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition thereof.

**Section 3.1.4** The present tense includes the past and future tenses and the future the present.

**Section 3.2 Definitions Of Terms:** The following words and terms, whenever they occur in this Ordinance, are defined as follows:

**Assessment.** A charge made to affected property owners for improvements that increases or maintains their property's value or enhances the health and safety of their neighborhood.

**Connection.** The physical connection between the sewer piping in a residence or building and the Municipal sanitary sewer system.

**Connection Permit.** A permit, issued by the City of Gem Lake, which allows connection to the Municipal sanitary sewer system.

**Extension.** An addition to the Municipal Sanitary Sewer System determined to be added by petition, decree or for health and safety reasons.

**Industrial Strength Charge.** An additional charge levied to the City of Gem Lake by the MCES to treat certain industrial wastes.

**Inspection Fee.** A fee paid to the City of Gem Lake to cover the costs of inspecting the new connection to the Municipal Sanitary Sewer System.

**ISTS.** Individual Sewage Treatment System

**Maintenance.** The scheduled inspection, flushing and minor repairs to the Municipal Sanitary Sewer System done on a regular basis.

**MCES.** Metropolitan Council Environmental Services, the primary operator of the regional sewer system and its successors and assigns.

**Municipal Sanitary Sewer System (MSSS).** The sanitary sewer system owned and operated by the City of Gem Lake as a public utility and convenience from which revenues will be derived.

**Permit, Changeover.** A permit that allows changing from an on-site individual sewage treatment system (ISTS) to the Municipal Sanitary Sewer System. This permit requires that the on-site system be properly disconnected and sealed.

**Replacement.** Replacing or rebuilding of sections of the sanitary sewer system, that may be found necessary due to age, damage or changing surface conditions.

**SAC Charge, Gem Lake.** A charge levied to each new user of the Municipal Sanitary Sewer System to help pay for continued maintenance of the system.

**SAC Charge, MCES.** A charge levied to the City of Gem Lake by MCES to reserve unused capacity in the sewage treatment and metro collection system.

**Sewer Contractor.** A person engaged in the business of Contractor building or repairing that portion of the house or building sewer extending from the house or building to the main sewer or other outlet.

**Surface Water.** Roof, storm, surface, ground water or water discharged from an air conditioning unit or system.

**Unit.** A method of measuring the sewage put into the sanitary sewer system as well as a method for calculating the costs for use of the system.

### **Section 3.3 Title**

**Section 3.3.1** This Ordinance shall be known as the "Municipal Sanitary Sewer System Ordinance" of the City of Gem Lake.

## **SECTION 4 DESCRIPTION AND OPERATION OF THE MUNICIPAL SANITARY SEWER SYSTEM.**

### **Section 4.1 General Operation**

**Section 4.1.1** The entire Municipal Sanitary Sewer System , operated by the City of Gem Lake shall be operated as a public utility and convenience from which revenues will be derived. It is recognized that this sewer system might be available to only portions of the city, and that it will serve only where individual sewage treatment systems are unavailable or impractical. The Municipal Sanitary Sewer System operated by the City of Gem Lake exists to serve the users of the system who have connected to this system. As defined by the State Auditor, the accounting will be as an Enterprise Fund separate from the General Fund of the City of Gem Lake. It is expected that the users of the system shall pay for its construction, maintenance, any rebuilding or repairing needed and its operation.

### **Section 4.2 Connection Required**

**Section 4.2.1** Any buildings used for human habitation or use and located on property adjacent to a municipal sewer main, or in an area through which the system extends, shall be connected to the Municipal Sanitary Sewer System within one (1) year if buildings are commercial or ten (10) years if buildings are residential from the time a connection is available to any such property.

**Section 4.2.2** Any buildings used for human habitation or use and located on property adjacent to a municipal sewer main, or in an area through which the system extends, which have an IST S determined to be failing shall be connected to the Municipal Sanitary Sewer System within six (6) months from the date said ISTS is determined to be failing.

**Section 4.2.3** All buildings constructed on property adjacent to a municipal sewer main or in an area through which such system extends, shall be provided with a connection to the Municipal Sanitary Sewer System for the disposal of all human wastes.

### **Section 4.3 Use Of Certain Buildings Restricted**

**Section 4.3(1)** No person, firm or corporation shall use any building, nor allow any other person to use such building, which building is not connected to the Municipal Sanitary Sewer System as required by Section 4.2 of the Ordinance.

### **Section 4.4 Types Of Wastes Prohibited**

**Section 4.4.1** Except as herein provided, it shall be unlawful to discharge any of the following described materials into the Municipal Sanitary Sewer System.

- a) Any liquid or vapor having a temperature higher than one-hundred fifty (150°F) degrees Fahrenheit.
- b) Any water or waste containing more than 100 parts per million of weight of fat, oil or grease.
- c) Any gasoline, benzene, naphtha, fuel oil or other inflammable or explosive liquid, solid or gas.
- d) Any garbage that is not properly shredded.
- e) Any ashes, cinders, sand, mud, straw, shaving, metal, glass, rags, feathers, plastic, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage system.
- f) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or which constitutes a hazard to humans or animals or creates any hazard in the receiving water of the sewage treatment plant.
- g) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- h) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- i) A grease, oil and sand interceptor shall be provided when, in the opinion of the City Engineer, that it is necessary for the proper handling of liquid wastes containing grease in excessive amount, or any inflammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for residential dwelling units which discharge only normal wastes therefrom. Such grease and oil interceptors shall be of substantial construction, water-tight and equipped with easily removable covers which when bolted in place, shall be gas-tight and water-tight. All grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

## **Section 4.5 Industrial Wastes**

**Section 4.5.1** It shall be unlawful to discharge, in the City of Gem Lake Municipal Sanitary Sewer System, any industrial wastes unless the prior approval of the City Council is obtained. The City Council may allow the discharge of industrial wastes if it finds that the proposed wastes will not be of an unusual amount or character.

## **Section 4.6 Discharge of Surface Wastes Prohibited**

**Section 4.6.1** No person shall cause to be discharged into the Municipal Sanitary Sewer System, either directly or indirectly, any roof, storm, surface or ground water of any type or kind. No water discharged from an air conditioning unit or system shall be allowed.

## **Section 4.7 Tampering With The Municipal Sanitary Sewer System**

**Section 4.7.1** No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Municipal Sanitary Sewer System.

## **Section 4.8 Certain Connections Prohibited**

**Section 4.8.1** No buildings located on property lying outside the City limits of the City of Gem Lake shall be connected to the Municipal Sanitary Sewer System unless express authorization for such connections is obtained from the City Council of the City of Gem Lake.

## **Section 4.9 Entry Upon Private Property**

**Section 4.9.1** The officials and duly authorized agents of the City of Gem Lake, bearing proper credentials and identification, shall at reasonable times be permitted to enter upon all properties in the city for the purpose of inspection, observation, measurement, sampling and testing in connection with the operation of the Municipal Sanitary Sewer System.

## **Section 4.10 Rates and Charges**

**Section 4.10.1** The annual charge for the use of the Municipal Sanitary Sewer System for residential users shall be the amount established by resolution of the City Council at its first meeting in January of each year.

**Section 4.10.2** The annual charge for use of the Municipal Sanitary Sewer System for commercial, industrial, institutional and all other users who are not residential users shall be that amount established by resolution of the City Council at its first meeting of each year.

**Section 4.10.3** The annual charge for use of the Municipal Sanitary Sewer System shall be based upon a UNIT system, with one unit being equal to 100,000 gallons of flow or part thereof. The following types of structures or business shall have UNIT ratings based as shown in Table 4.10(3) and as follows:

**Section 4.10(3)****TABLE I**

<b>TYPE OF STRUCTURE OR BUSINESS</b>	<b>UNIT BASIS</b>
Single Family Residence	1 Unit(s)
Multi Family Residence (Each Living Unit)	1 Unit (s)
Multi Family Assisted Living (Each Living Unit)	1.25 Unit(s)
Store	6 Unit(s)
Take-Out Food Store	7 Unit(s)
Shopping Center	7 Unit(s)
Office	½ per 1,000 sq. ft., minimum 3 Unit(s)
Bar-Restaurant	8 Unit(s)
Hospital/Medical Office	12 Unit(s)
Hotel/Motel	1.75 units per room, minimum 6 Unit(s)
Gas Station	6 Unit(s)
Auto Dealer (1-5 Employees)	1 Unit(s)
Auto Dealer (6-50 Employees)	6 Unit(s)
Auto Dealer (51 or more Employees)	12 Unit(s)
Auto Wash Rack (Per Wash Rack)	10 Unit(s)
Laundromat	10 Unit(s)
School	6 Unit(s)

\* Table based upon information provided by the U. S. Department of Energy

**Section 4.10.4** The sewer rates for commercial, industrial, institutional and all other users not covered in the rate table above shall be as follows:

**a)** For users who have municipal water, the sewer charge will be based on each one thousand (1,000) gallons, or part thereof of water consumption. The sewer use rate, per each 1,000 gallons of water, will be set by resolution of the City Council at its first meeting in January. A minimum charge for each quarter also will be set by resolution of the City Council at its first meeting in January.

**b)** For a commercial, industrial, institutional or other user that does not have municipal water, the charges shall be as follows:

**1)** The user may, at his own expense, install a meter, approved by the City Plumbing Inspector, to measure the amount of water consumption. This meter shall be installed by a Licensed Plumber and inspected by the Plumbing Inspector before any use is allowed. The rate for each 1,000

gallons will be set by resolution of the City Council at its first meeting in January.

c) If the commercial, industrial, institutional or other user has more than one source of water for one building or use, each of the sources must be metered and the total amount of water metered be used for calculating sewer rates.

**Section 4.10.5** If the industrial or commercial user does not discharge considerable waste, as a part of its essential operation, then the requirement for metering may be waived upon recommendation of the City Engineer and approval of the City Council. In such event, the charge for waste discharge of this user, shall be established by resolution of the City Council establishing the number of units to be charged for this type of user.

#### **4.11 Strength Charges For Industrial Users.**

**Section 4.11.1** The MCES has imposed an industrial user sewer strength charge upon users of the Metropolitan disposal system. The City of Gem Lake Municipal Sanitary Sewer System feeds into this disposal system. In order for the City to pay such costs, based upon strength of industrial discharge that are allocated to it by the MCES each year, it is necessary to establish a City system sewer strength charge and a formula for computation of that charge for all industrial users using the City of Gem Lake Municipal Sanitary Sewer System.

**Section 4.11.2** There is established, in addition to sewer charges based upon the volume of discharge, a sewer charge upon each person receiving waste treatment services within or served by the City, based upon strength of industrial waste discharged into the Municipal Sanitary Sewer System operated by the City of Gem Lake.

**Section 4.11.3** For the purpose of computation of the strength charge, the same strength charge formula designated by the governing body of MCES on June 15, 1976 and as amended from time to time, shall be used by the City of Gem Lake.

**Section 4.11.4** The strength charge established by this section of this Ordinance shall be paid by each industrial user receiving waste treatment services from the system operated by the City of Gem Lake. It will be billed in the same manner as the regular use charge for sewer service and be subject to the same penalties for late payment.

#### **Section 4.12 Payment Of Sewer System Charges**

**Section 4.12.1** Sewer use charges shall be billed quarterly. Statements for sewer charges, for the preceding quarterly period, shall be mailed to each user of the system on or before the 10th of January, April, July and October of each year. Such statements shall be due and payable to the City Treasurer on or before the last day of the month following the quarterly period covered by such statement.

**Section 4.12.2** If the sewer charge is not paid when due, then the following penalty shall be added to the next billing:

a) For residential sewer users, a penalty charge for each billing period of four dollars (\$4.00) or ten (10) percent of the amount due, whichever is greater.

b) For all other sewer users, a penalty charge for each billing period of ten (10) percent if paid within the first month of arrearage. After one month of arrears, the penalty charge will be twenty (20) percent of the amount due.

### **Section 4.13 Action To Collect Late Charges**

**Section 4.13.1** If any two quarters of sewer charges have not been paid when due, or if over one hundred dollars (\$100.00) of sewer charges are overdue, then a penalty charge in addition to that on Section 4.12, in the sum of twenty five dollars (\$25.00) for arrearage up to \$250.00 and fifty dollars (\$50.00) for arrearage above \$ 250.00 shall be added to the amount due.

**Section 4.13.2** All charges may be collected by action brought for that purpose in the name of the City of Gem Lake, or the City Clerk may certify to Ramsey County the amounts due (with penalties) together with a legal description of the premises served and the County shall thereupon enter such amount as part of the tax levy on said premises to be collected during the ensuing year.

### **Section 4.14 Starting Of Sewer Charges**

**Section 4.14.1** The sewer charges, described in this Ordinance, shall start thirty (30) days after a sewer connection is applied for.

## **SECTION 5 CONNECTIONS TO THE MUNICIPAL SANITARY SEWER SYSTEM**

### **Section 5.1 Connection Permit**

**Section 5.1.1** Any person desiring to connect to the City of Gem Lake Municipal sanitary sewer system, shall request such connection on a Connection Permit Application Form provided by the City Clerk. This request shall be accompanied by the required fee, plus plans, specifications and any such information as might be necessary to identify how and by whom the connection will be made.

### **Section 5.2 Connection And Inspection Fees**

**Section 5.2.1** Each Connection Permit application shall be accompanied by a Connection Fee and an Inspection Fee payable to the City of Gem Lake. The fee rate for a Connection Permit and Inspection shall be set annually by resolution of the City Council at its first meeting in January. If re-inspection of a connection is necessary after the initial inspection, a Re-inspection Fee will be charged. As provided for by Minnesota Statutes, § 444.075, subd. 3e, any unpaid connection charge or fee shall be certified to the county auditor for collection as other taxes are collected.



**Section 5.3 Need for Changeover Permit**

**Section 5.3.1** When a request is made for a residential sewer Connection Permit, where an Individual Sewage Treatment System (IST S) is now being used, a Changeover Permit shall also be required. Both the Connection Permit and the Changeover Permit shall be issued at the same time. This Changeover Permit is to ascertain that the existing Individual Sewage Treatment System is properly disconnected and sealed. The Changeover Permit Fee shall be as set annually by resolution of the City Council at its first meeting in January.

**Section 5.4 Additional Requirements For Connection Permits**

**Section 5.4.1** The following conditions shall also be certified by the City Clerk for each connection request, before a Connection permit is issued:

- a) That the lot or tract of land to which the connection will be made has been assessed for the cost of construction of the Municipal sanitary sewer system; and
- b) If no assessment has been levied for such construction costs, the proceedings of levying such assessment have been or will be completed in due course; or
- c) If no assessment has been levied and no assessment proceedings will be completed in due course, that a sum equal to the portion of the cost of constructing said sanitary sewer main, which would be assessable against said lot or tract, has been paid to the City; or
- d) If an assessment for the construction cost of the sewer has been levied, which included a UNIT connection charge for each structure then in existence, that a monetary sum equal to such unit connection charge has been paid for structures not in existence at the time of the assessment. The amount of the UNIT assessment charge shall be as established in the assessment proceedings, or if not so established for any particular type of structure, the UNIT connection charge shall be based on the following formula, using a single family residential dwelling as one UNIT.

**Section 5.4.1 d)**

**TABLE II**

<b>TYPE OF STRUCTURE</b>	<b># UNITS</b>
Each Single Family Dwelling	1 Unit(s)
Each Hotel Or Motel Unit	1/3 Unit(s)
One Mobile Home Unit Or Apartment Unit	1/2 Unit(s)
Industrial Or Commercial structures (per 1,000 s.f. area)	1/2 Unit(s) Minimum 2 Unit(s)

**Section 5.4.2** If no certification can be issued by the City Clerk, no permit to connect to the Municipal Sanitary Sewer System shall be issued, unless the applicant agrees to pay

an assessable cost, to be determined by the City Engineer, upon the same basis as any assessment previously levied against other properties for said sanitary sewer construction. If no such assessment has been levied, the assessable cost will be determined upon the basis of the uniform charge which may have been or which would be charged for similar construction of such a sewer main, determined on the basis of total assessable cost of such main allocated using one of the following basis or combination thereof as determined by the City Council:

a) Front Footage basis whereby the total cost of the project is divided by the total front footage of the project (each side of the street for frontage) to yield a per front foot charge which is then multiplied by the front footage of each benefitted property to determine the benefitted real property owner's share of the cost; or

b) Acreage basis whereby the total cost of the project is divided by the total acreage served to yield a per acre charge which is then multiplied by the acreage of each benefitted property to determine the benefitted property owner's share of the cost; or

c) Benefitted Property basis where the total cost of the project is divided by the total number of benefitted properties times their sewer unit basis from Section 4.10(3), Table I to determine the benefitted property owner's share of the cost.

## **Section 5.5 Restrictions On Connection Permits**

**Section 5.5.1** Connection permits shall be issued only to property owners or to such persons, who are duly licensed by the City of Gem Lake, to engage in the business as Sewer Contractors and who have filed bonds and insurance as required by section 9.4 of this Ordinance.

## **Section 5.6 Expiration Of Connection Permits**

**Section 5.6.1** All connection permits shall expire ninety (90) days after the date of issuance, and any and all fees forfeited, unless the work planned and authorized is in actual progress.

## **Section 5.7 Supervision And Inspections Of Connections**

**Section 5.7.1** The Senior Building Official or Plumbing Inspector shall supervise all connections made to the Municipal Sanitary Sewer System. The Plumbing Inspector shall approve all plans, specifications and materials and be responsible for checking all excavations made for the purpose of installing or repairing these connections.

**Section 5.7.2** The inspection of all sewer connections will be done by the Plumbing Inspector.

## **SECTION 6 SAC CHARGES**

### **Section 6.1 Definition Of SAC Charge**

**Section 6.1.1** The MCES has determined a need to reserve extra capacity in the Metropolitan sewage treatment system. The City of Gem Lake sewage collection system connects to this system. A Service Availability Charge (SAC) shall be charged to the City of Gem Lake by the MCES for each new building that will be connected to the sewage collection system or for each building connected to newly constructed sewage collection systems.

**Section 6.1.2** The City of Gem Lake has determined a need to reserve additional maintenance charges for future maintenance of the Municipal Sanitary Sewer System. A City Service Availability Charge (SAC) shall be charged by the City of Gem Lake for each new building that will be connected to the sewage collection system or for each building connected to newly constructed sewage collection systems.

### **Section 6.2 How The SAC Charge Is Paid**

**Section 6.2.1** Both the MCES and the Gem Lake SAC charges shall be payable to the City of Gem Lake upon the issuance of a Building Permit for a new building that will connect to the sewage collection system or for a Connection Permit, but no charge need be paid upon the issuance of a Connection Permit if a charge was paid upon issuance of a Building Permit. SAC charges will only be made once per building, but additional SAC charges may occur if building use changes.

### **Section 6.3 Definition Of A SAC Unit**

**Section 6.3.1** One SAC unit equals two-hundred seventy-four (274) gallons of maximum potential daily wastewater flow volume. Single family houses, townhouses and each unit of a multi-family dwelling equal one (1) SAC unit. Public housing units equal 75% of one unit.

**Section 6.3.2** Apartment buildings, without potential laundry facilities in each unit, may apply for a reduction of 20%.

**Section 6.3.3** Commercial buildings are assessed SAC units based on maximum potential daily wastewater flow. The minimum capacity for such a building is one (1) SAC unit.

**Section 6.3.4** Industrial buildings are assessed SAC units based on maximum normal daily wastewater flow volume. The number of SAC units is based on the completed Industrial Sewer Connection Application (MCES 90-B).

## **Section 6.4 Administration**

**Section 6.4.1** The City Council shall annually, by resolution at its first meeting in January, determine the SAC charge for each building or connection and shall order the City Clerk or Treasurer to collect the applicable charge before issuance of a permit. The MCES will help determine SAC units if necessary and will make the final decisions regarding the correct number of units to assess.

**Section 6.4.2** The number of SAC unit charges collected each year shall be recorded by the City Clerk, and shall be made available to the MCES upon request. If after filing the required yearly report to the MCES, it is determined that a greater number of SAC units should have been assigned to a building, any additional amount of cost shall be paid by the person or company to whom the permit for that building was granted.

## **SECTION 7 MAINTENANCE AND INSPECTION, MAJOR MAINTENANCE AND/OR REPLACEMENT OF THE EXISTING MUNICIPAL SANITARY SEWER SYSTEM**

### **Section 7.1 Maintenance And Inspection Responsibilities**

**Section 7.1.1** The City of Gem Lake City Council shall be responsible for the cost and scheduling of minor maintenance, flushing and inspection of all of the Municipal Sanitary Sewer System to include:

- a) Bi-annual flushing of sewer mains.
- b) Maintaining necessary records to determine location, age and condition of all of the existing sewer mains.
- c) Video or other means of inspection of the Municipal sanitary sewer system, at least once every 15 years, or as determined by system problems or reports from flushing operations.

**Section 7.1.2** The costs of the maintenance and inspection operations shall be paid from the revenues collected from the billings for the Municipal Sanitary Sewer System operations. As this system is operated as a public utility, all costs must be paid from funds collected from user fees and accounted for in a separate Enterprise Fund for the utility and not from the General Fund of the City of Gem Lake. Rates for system users shall be set with the costs of these maintenance and inspection operations in mind.

### **Section 7.2 Costs For Major Repairs Or Replacement**

**Section 7.2.1** The costs for major repairs or replacement of portions or all of the existing Municipal Sanitary Sewer System shall be borne by the end users of the system. The system is operated as a public utility and exists to serve its users.

**Section 7.2.2** If a major repair or replacement of the existing system is necessary, all costs of replacement or major repair of any and all parts of the system shall be assessed against the properties served and buildings connected to the existing system. Whenever possible, a project for major repair or replacement will be initiated by the City Council, the City Engineer will prepare specifications, bids taken, and public hearings will occur before major repair or replacement would start.

**Section 7.2.3** In cases of emergency replacement or repair of the system, the City Council will initially arrange for payment for such replacement or repair and then assess all costs of such repairs or replacement to the system users.

## **SECTION 8 METHODS TO DETERMINE IF EXTENSIONS OF THE MUNICIPAL SANITARY SEWER SYSTEM ARE NEEDED OR NECESSARY**

### **Section 8.1 Capabilities To Expand System**

**Section 8.1.1** The City of Gem Lake Municipal Sanitary Sewer System may be expanded to serve additional areas of the City and may be expanded to collect the amounts of sewage flow as provided to the Metro Council and the MCES in the Comprehensive Municipal Plan of the City. The values of current flow and expected flow and the areas of the city served by the Municipal Sanitary Sewer System are updated to the MCES regularly.

### **Section 8.2 Methods To Do Extension Projects**

**Section 8.2.1** If any of the following events occur, the City of Gem Lake City Council may start a project for an expansion or extension of the Municipal sanitary sewer system:

- a) A legal petition, signed by two-thirds (2/3) majority of the residents of a defined area in the City of Gem Lake, is received by the City Council. The "defined area" shall be the smallest practical area in which an extension may be installed, as determined by the City Engineer.

**Section 8.2.2** The results of the Bi-Annual inspection of the Individual Sewage Treatment Systems, as outlined in Ordinance No. 67 of the City of Gem Lake, indicates that the Municipal sanitary sewer system must be extended into a defined area due to health or pollution problems.

**Section 8.2.3** Receipt of a binding decree from the County, Regional, State or Federal authorities that an extension must be made.

### **Section 8.3 Methods Used To Start An Extension Project**

**Section 8.3.1** If a valid request or requirement for a system extension is received by the City of Gem Lake City Council, the City Engineer will be instructed to estimate the costs

of a sewer extension project for the defined area. These costs and the extent of the project will be presented to the affected property owners at public hearings.

**Section 8.3.2** All costs of sewer extension projects shall be assessed to the properties that will be affected and gain or retain value by this project. The health and welfare of the affected parties and their neighborhoods should also be considered. The assessment may be done using one of the following basis or combination thereof as determined by the City Council:

a) Front Footage basis whereby the total cost of the project is divided by the total front footage of the project (each side of the street for frontage) to yield a per front foot charge which is then multiplied by the front footage of each benefitted property to determine the benefitted property owner's share of the cost; or

b) Acreage basis whereby the total cost of the project is divided by the total acreage served to yield a per acre charge which is then multiplied by the acreage of each benefitted property to determine the benefitted property owner's share of the cost; or

c) Benefitted Property basis where the total cost of the project is divided by the total number of benefitted properties times their sewer unit basis from Section 4.10(3), Table I to determine the benefitted property owner's share of the cost.

**Section 8.3.3** As this sanitary sewer system is operated as a public utility from which revenues will be derived, no City of Gem Lake funds, other than sewer system funds, shall be used for such projects.

## **SECTION 9 LICENSING OF SEWER CONTRACTORS**

### **Section 9.1 Eligibility**

**Section 9.1.1** Any person who has had at least three (3) years of experience in responsible charge of minor sewer work involving a knowledge of trenching, bracing, tunnel work, pipe laying in public streets and all other matters pertaining to and incidental to such sewer work and is a Licensed Plumber or an Unlicensed Plumber who has received and provides copies of a contractor's bond in the amount of \$25,000 issued by the State of Minnesota Department of Health for doing sewer work is eligible to receive a license as a Sewer Contractor in the City of Gem Lake.

### **Section 9.2 Application For License**

**Section 9.2.1** Any person desiring to become a sewer contractor shall make application to the City Clerk and shall, if necessary, be required to submit himself to an examination as to his qualifications before the City Engineer or Plumbing Inspector.

### **Section 9.3 Examination And Licensing**

**Section 9.3.1** The City Council may approve or reject said application, or may refer the same to the City Engineer or the Plumbing Inspector, for examination as to the applicant's qualifications. If the City Council approves the application, a license authorizing the applicant to engage in the business of sewer contracting shall be issued, but only after the execution and filing of the bond and insurance requirements and payment of the fee is accomplished.

### **Section 9.4 Bond And Insurance**

**Section 9.4.1** Before the Sewer Contractor's License is issued, the licensee shall file, with the City Clerk, the following Bond and Insurance certificate:

a) A bond in favor of the City of Gem Lake, as obligee, with an approved Corporate Surety, in the penal sum of five thousand dollars (\$5,000.00), the conditions of which bond shall be that the licensee shall keep the obligee harmless from all costs and charges that may accrue on account of the doing of any work authorized or permitted in making sewer connections in the City of Gem Lake per this Ordinance, that the licensee shall save the obligee harmless from any loss or damage by reason of improper or inadequate work performed by the licensee on projects done per this Ordinance and further that the licensee shall save the obligee harmless from any damage to utility lines, curbs, street, street surfaces or sidewalks.

b) A certificate that insurance is in force covering the licensee for the period covered by the licensee in the following minimum amounts: Property damage, one hundred thousand dollars (\$ 100,000.00); Public Liability, two-hundred fifty thousand dollars (\$ 250,000.00) each person; and five-hundred thousand dollars (\$500,000.00) for each accident. The certificate shall state that the policies covering the licensee shall not be canceled without ten (10) days written notice to the City of Gem Lake. 3) A certificate that worker's compensation insurance is in force covering any employee of the licensee for the period covered by the insurance.

### **Section 9.5 Re-examination**

**Section 9.5.1** Should the applicant not be approved by the City Council, he may file a second application for subsequent consideration by the City Council, with such examination as to qualifications as the City Council may require, but no applicant shall file more than two (2) applications with a period of one (1) year.

### **Section 9.6 Fees**

**Section 9.6.1** The annual license fee shall be that set annually by the City Council at its first meeting in January. Any person allowing his license to expire shall not be permitted

to do any of the work authorized under said license during the time between expiration and the issuance of a new license.

**Section 9.7 License Not Transferable**

**Section 9.7.1** A Sewer Contractor's license shall not be transferable. No person holding a license shall allow his name to be used by any other person for the purpose of obtaining permits or to do any of the work for which said license is issued.

**Section 9.8 Revocation Of License**

**Section 9.8.1** The City Council shall have the power to revoke any license upon satisfactory proof that the holder of said license has willfully violated any of the provisions of this Ordinance. A revoked license shall not be re-instated in any manner for a period of six (6) months. The failure to pay, within sixty (60) days, any legitimate claim the City of Gem Lake may have against a sewer contractor shall constitute cause for revocation of a license.

**Section 9.9 Connection To The Municipal Sanitary Sewer System**

**Section 9.9.1 License Required.** Only contractors who are licensed as Sewer Contractors by the City of Gem Lake may install sewer pipe materials for commercial/industrial structures and make final connections to the municipal sanitary sewer system for all types of structures.

**Section 9.9.2 No License Required.** No license shall be required of contractors or homeowners installing the sewer pipe materials from residential structures to the connection point.

**SECTION 10 MATERIALS TO BE USED**

**Section 10.1** The materials and construction methods described in this section of this Ordinance shall be exclusively used in making sewer connections to the Municipal Sanitary Sewer System of the City of Gem Lake:

**Section 10.1 (1)**

**TABLE III**

<b>DESCRIPTION</b>	<b>CLASS</b>	<b>SPECIFICATION</b>	<b>JOINT</b>
Polyvinyl Chloride (PVC) Sewer Pipe	SDR 35	ASTM D3034	Elastomeric Gasket
Vitrified Clay Sewer Pipe	Extra Strength	ASTM D1785	ASTM C425
Polyvinyl Chloride (PVC) Sewer Service Pipe	Schedule 40	ASTM D1785	Gasket
Cast Iron Soil Service Pipe	Service Weight	ASTM A-74	Gasket



**Section 10.1.2** Unless otherwise stated, a sanitary sewer main of eight (8 ") inch diameter shall be expected as the minimum size and service connection pipe shall be at least four (4") inches in diameter. The service connection pipe shall be installed at grades approved by the City Engineer.

## **Section 10.2 Joints And Connections**

**Section 10.2.1** Joints for cast iron pipe and vitrified clay sewer pipe or for joints or connections between different types of pipe shall be in the manner and of a kind prescribed by the City Engineer. The City shall provide a list of various types and kinds of joints and connections which are approved by the City Engineer and the types and kinds of joints that are prohibited.

## **Section 10.3 Grades**

**Section 10.3.1** Unless otherwise authorized, all house sewers shall have a grade of not less than one-eighth (1/8") inch per foot. A grade of one-quarter (1/4") inch should be used whenever practical. The contractor shall check grades before construction proceeds and he shall install the house sewer by exposing the wye at the sewer main or the service stub and at the property line. He shall connect to the wye or service stub and shall lay the house sewer line from the wye or service stub to the building. Whenever possible the connecting sewer shall joint the building at an elevation which is below the basement floor of such building.

## **Section 10.4 Alignment**

**Section 10.4.1** No connecting sewer shall contain bends or a combination of bends which at any point shall be greater than forty-five (45°) degrees and no more than two (2) bends, regardless of angle, shall be permitted in any single house connection except where manholes or clean-outs are constructed at such points and in the manner as directed by the City Engineer. No connecting sewer shall be laid parallel to any bearing wall or footing unless it is placed at least three (3') feet from any such bearing wall or footing. No connecting sewer shall be laid within twenty (20') feet of any existing well unless cast iron soil pipe is used.

## **Section 10.5 Trenching And Backfilling**

**Section 10.5.1** All excavations shall be open trench work unless otherwise authorized by the City Engineer. The foundation of the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good and firm earth, the earth shall be pared and molded to give a full support to the lower third (1/3) of the pipe. Bell holes shall be dug to provide sample space for bells. Care must be exercised in back filling below the center line of the pipe in order to give it proper support. Back filling shall be placed in layers and solidly tamped or packed to two (2') feet above the pipe. Back filling shall not be done until the section to be back filled has been inspected by the City Engineer, his representative and the Plumbing Inspector.

## **Section 10.6 Use Of Old House Sewers**

**Section 10.6.1** Old house sewers or portions thereof may be approved for use by the City Engineer. The City Engineer may request that the old sewer be excavated for the purpose of facilitating inspection.

## **Section 10.7 Existing Individual Sewage Treatment System**

**Section 10.7.1** No house sewer shall be laid across or over any existing cesspool or septic tank unless the existing cesspool or septic tank shall first be pumped clean and filled with earth to the surrounding ground level. Where a sewer connection is laid across or over an existing cesspool or septic tank, only cast iron solid pipe, conforming to ASTM Standard Specifications shall be used for that portion of the connecting sewer.

**Section 10.7.2** The contents of the existing cesspool or septic tank shall not be discharged into the City of Gem Lake Municipal Sanitary Sewer System, but must be disposed of outside the City Limits.

## **Section 10.8 Connections At Wye only**

**Section 10.8.1** Every connecting sewer shall be connected to the Municipal Sanitary Sewer System at the wye designated for the property served by the connection, except where otherwise expressly authorized by the City Engineer. All connections made at point other than the designated wye shall be made only under the direct supervision of the City Engineer and in such a manner as he may direct.

## **Section 10.9 Tunneling**

**Section 10.9.1** Tunneling for a distance of not more than six (6) feet is permissible in yards, courts or driveways of any building site. When pipes are driven, the drive pipe shall be at least one size larger than the pipe to be laid.

## **Section 10.10 Independent System Required**

**Section 10.10.1** The drainage and plumbing system of each new building and of new work installed in an existing building shall be separate from and independent of that of any other building except where provide for in Section 10.11 of this Ordinance. Every Building shall have an independent connection with the sanitary sewer system when such is available.

## **Section 10.11 Exception To Requirement Of Independent System**

**Section 10.11.1** Where one building stands to the rear of another building on an interior lot, and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building drain from the front building may be extended to the rear building and the whole will be considered as one building drain.

Where such a building is extended, a clean out shall be provided immediately inside the rear wall of the front building.

### **Section 10.12 Repair Of Public Right-Of-Way**

**Section 10.12.1** For each connection permit issued, a deposit of five hundred dollars (\$500.00) shall be paid to the City Clerk, for restoration of public right-of-way before starting of the project. This deposit will be returned upon satisfactory completion of the connection. Forfeiture of the deposit does not exonerate the permit holder from satisfactory completion of the work.

### **Section 10.13 Costs And Expenses For Installation And Connection**

**Section 10.13.1** All costs and expenses incident to the installation and connection to the Municipal Sanitary Sewer System shall be borne by the owner. The owner shall indemnify the City of Gem Lake for any loss or damage that may directly or indirectly be occasioned by the installation of the sewer connection, including the restoring of streets and street surface.

## **SECTION 11 VIOLATIONS AND PENALTIES**

**Section 11.1** The City of Gem Lake shall have the right to enforce all sections of this Ordinance by injunction or by any other legal remedy, including the right to prohibit the use of the Municipal Sanitary Sewer System by a person violating or operating contrary to these provisions.

**Section 11.2** Any person, firm, corporation or voluntary association which violates or refuses to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof be subject to a fine of not more than One Hundred Dollars ( \$100.00) and cost for every offense or to imprisonment not exceeding ninety (90) days. Each day that a violation is permitted to exist shall constitute a separate offense.

## **SECTION 12 APPEALS**

**Section 12.1** Application. Application to appeal a sewer bill shall be made on forms provided by the City Clerk, who shall forward completed applications that include the required information to the City Council, which shall act as the Board of Appeals for review.

**Section 12.2** Deadline for Application. Appeals must be made in writing and submitted to the City Clerk within 15 business days of the date the sewer bill was placed in the United States Mail by the City.

**Section 12.3** Review Process. The City Clerk shall refer the Applications to the City Council and establish a date for hearing on the Application. All Applications shall be processed within 30 days of receipt of the Application by the City Clerk.

**Section 12.4** Notice. Notice of the purpose, time and place of a hearing shall be mailed at least 10 days before the date of the hearing to the Applicant.

**Section 12.5** Decision. The decision of the City Council acting as Board of Appeals to grant or deny the appeal requires majority vote of the members present. Decisions of the City Council on appeals shall be final.

### **SECTION 13 ADOPTION, AMENDMENT AND ENACTMENT**

**Section 13.1** Adopted by the City of Gem Lake City Council this 28th day of March, in the year 1994 and placed in effect on the 28th day of March in the year 1994.

**Section 13.2** Amended by the City of Gem Lake City Council this 21st day of January, in the year 2003 and placed in effect on the 12th day of February in the year 2003.

**Section 13.3** Amended by the City of Gem Lake City Council this 14th day of July, in the year 2004 and placed in effect on the 28th day of July in the year 2004.

**Section 13.4** Amended by the City of Gem Lake City Council this \_\_\_\_ day of \_\_\_\_\_, in the year 2013 and placed in effect on the \_\_\_\_ day of \_\_\_\_\_ in the year 2013.

ENACTED:

**Robert Uzpen**

Robert Uzpen, Mayor

ATTEST:

**William Short**

William Short, City Clerk

**CITY OF GEM LAKE  
ORDINANCE NO. 64 LEGEND**

The Sanitary Sewer System Ordinance of the City of Gem Lake was originally enacted by the City Council as City of Gem Lake Ordinance No. 64 on 28 March 1994. Since that time, the City Council has adopted several changes in keeping with the changing times and needs and wishes of the community. The following table is added to Ordinance No. 64 as an historic reference to those changes. All changes shown below have been incorporated into Ordinance No. 64 and placed in the public domain or made available to the public following the dates shown.

<b>ORDINANCE</b>	<b>ORDINANCE TITLE &amp; DESCRIPTION</b>	<b>REVISED</b>
64	An Ordinance Regulating The Operation Of The Municipal Sanitary Sewer System; Requiring Connections To Be Made To The Municipal Sanitary Sewer System; Establishing Regulations As To Type And Kinds Of Waste That May Be Disposed Of In The Municipal Sanitary Sewer System; Prohibiting The Discharge Of Any type Or Kind Of Surface Waters Into The Municipal Sanitary Sewer System; Prescribing Rates And Charges For Sewage Disposal Services; Providing For The Issuance Of Permits For and Supervision Of All Connections To The Municipal Sanitary Sewer System; Prescribing Certain Materials And Methods To Be Used For Said Connections; Providing For Licensing Of Sewer Contractors; and, Prescribing Penalties For The Violation Of The Provisions Of This Ordinance	03/28/1994
81	An Ordinance Amending Ordinance No. 64 By Recodifying And Expanding Section 3.2 Definitions, Upgrading References To The Metropolitan Council Environmental Services, Recodifying Table 5.41(4)d, and Providing For Administration Of The Ordinance.	01/21/2003
64D	City Clerk Magnuson recodified by adding the word Section to each section and subsection consistent with other ordinances and amended section numbering of Section 13 to properly reflect codification. Section 12 was added for purposes of codification only. No words, language or content were amended in any way that would affect the content of this ordinance.	04/06/2004
64E	64E An Ordinance Amending Ordinance No. 64 By Adding and Amending Definitions, Connection Requirements, Rates and Charges, Contractor Licensing and Cost Assessment and incorporating changes into Ordinance No. 64 as Ordinance No. 64E.	07/14/2004
93	An Ordinance amending Ordinance 64E by adding a provision to the existing text of Section 5.2.1 providing for the certification of unpaid connection charges to the County Auditor.	02/10/2009