

**City of Gem Lake
Municipal Water and Sanitary Sewer System
Ordinance No. 129**

Municipal Water and Sanitary Sewer System. The City's municipal systems consisting of lift stations, manholes, collection piping, service piping, force main, and associated appurtenances located within the public right-of-way and applicable easements shall be operated as a public utility and convenience from which revenue shall be derived, subject to the provisions of this chapter. This chapter shall be referred to as the City's Utility Regulations.

Compliance with Regulations. No person, firm or corporation shall connect any water or sanitary sewer service to the municipal systems or make use of the systems except in the manner provided in this chapter. All connections to or extensions of the systems shall be in accordance with relevant portions of the Minnesota Building Code, Minnesota Plumbing Code, and City of Gem Lake Standard Details for utility construction.

Sanitary Sewer and Water Fund. There is also created and the City shall maintain on the official books and records of the City a separate and special fund to be designated as the Sanitary Sewer Fund, and a special fund to be designated as the Water Fund which shall be held and administered by the City separate and apart from all other funds until the purposes for its creation have been accomplished.

Connections with Sewer Required.

- (A) **Existing Structures.** Any buildings presently used or capable of being used for human habitation or in which a toilet or other plumbing facilities for disposal of human waste is installed and located on property adjacent to a sewer main, or in the platted block through which the system extends, shall be connected to the Municipal Sanitary Sewer System within one year from the date on which a connection is available to such building. Where the property owner has failed to connect to the sanitary sewer system within ten years or within six months if the septic system fails, the following procedures shall be followed:
- (1) The property owner shall be notified that it is the intent of the City to connect the property to the sanitary sewer system and assess the cost of connection against the property owner. The notice shall be mailed by registered mail to the property address.
 - (2) The cost of the improvement shall include all costs incurred by the City in order to connect the property to the main sewer line and shall include City permit and connection charges which must be submitted to the Metropolitan Council Environmental Services.
- (B) **New Structures.** All buildings hereafter constructed within the City on property adjacent to a sewer main or in a platted block through which the Municipal Sanitary Sewer System extends, shall be provided with a connection to the sewer system for disposal of all human waste before occupancy of the building shall be allowed or a certificate of occupancy issued.
- (C) **Sewer Not Available.** Where sewer is not available to a building, the building shall be connected to and deliver waste to an individual sewage treatment system.

Municipal Sanitary Sewer System Charges. A portion of the cost of constructing and maintaining the municipal sanitary sewer system shall be recovered by the imposition of special assessments pursuant to Minnesota Statute 429, a connection charge, and a sewer availability charge (SAC) on behalf of the Metropolitan Council.

- (A) **Connection Charge.** A connection charge, as determined from time to time by City Council ordinance, shall be collected when housing units are connected to the Municipal Sanitary Sewer System. In addition, before a connection permit will be issued, the City shall determine that one of the following conditions exist:
- (1) The lot or tract of land to be served by such connection has been assessed for the cost of construction of the sanitary sewer main with which the connection is made; or
 - (2) If no special assessment has been levied for such construction cost, the proceedings for levying the special assessments have been or will be commenced and completed in due course; or

- (3) If no special assessment has been levied, and no special assessment proceedings will be completed in due course, a sum equal to the portion of the cost of construction of the sanitary sewer main which would be assessable against said lot or tract has been paid to the City; or
- (4) If none of the above conditions are met, no permit to connect to any sanitary sewer main shall be issued unless the applicant shall pay an additional connection fee which shall be equal to the portion of the cost of construction of the said sanitary sewer main which would be specially assessed against said lot or tract served by such connection. Said assessable cost is to be determined by the Engineer upon the same basis as any special assessment previously levied against other property for said main. If no special assessment has been levied, the assessable cost will be determined upon the basis of the uniform charge which may have been or which shall be charged for similar connection with said sanitary sewer main.

(B) The Metropolitan Council has established sewer service availability and connection charges (SAC) for all buildings constructed or connected to the Metropolitan Disposal System.

Connections with Water Required

(A) Existing Structures. Any buildings presently used or capable of being used for human habitation or in which a toilet or other plumbing facilities for disposal of human waste is installed and located on property adjacent to a water main, or in the platted block through which the system extends, shall be connected to the Municipal Water System within ten years from the date on which a connection is available to such building. Where the property owner has failed to connect to the s system within ten years the following procedures shall be followed:

- (1) The property owner shall be notified that it is the intent of the City to connect the property to the water system and assess the cost of connection against the property owner. The notice shall be mailed by registered mail to the property address.
- (2) The cost of the improvement shall include all costs incurred by the City in order to connect the property to the main water line and shall include City permit and connection charges which must be submitted to the Metropolitan Council Environmental Services.

(B) New Structures. All buildings hereafter constructed within the City on property adjacent to a water line or in a platted block through which the Municipal Water System extends, shall be provided with a connection to the water system before occupancy of the building shall be allowed or a certificate of occupancy issued.

Municipal Water System Charges A portion of the cost of constructing and maintaining the municipal water system shall be recovered by the imposition of special assessments pursuant to Minnesota Statutes 429, trunk water facilities charges, and connection charges.

- (A) Trunk Water Facility Charges. The trunk water facility charge shall be collected when the property is platted, subdivided or otherwise developed. These charges are required to be paid to the City prior to the City accepting the lateral water mains, pipes and appurtenances constructed by the property owner. The charge is calculated as a lump sum amount determined by multiplying a front foot charge, as determined from time to time by the City Council ordinance, times the lineal feet of all streets within or abutting the plat, subdivision or development and shall be computed by the Engineer and paid by the property owner to the City prior to the issuance of any building permit.
- (B) Connection Charge. A connection charge, as determined from time to time by City Council ordinance, shall be collected when housing units are connected to the municipal water system. In addition, before a connection permit will be issued, the City shall determine that one of the following conditions exist:
 - (1) The lot or tract of land to be served by such connection or tap has been specially assessed for the cost of constructing the water main and trunk water systems with which the connection is made; or

- (2) If no special assessment has been levied for such construction cost, the proceedings for levying special assessments have been or will be commenced in due course; or
- (3) If no special assessment has been levied, and no special assessment proceedings will be completed in due course, a sum equal to the portion of the cost of constructing the water main and trunk water system, which would be assessable against said lot or tract, has been paid to the City; or
- (4) If none of the above conditions are met, no permit to tap or connect to any water main or trunk water system shall be issued unless the applicant shall pay an additional connection fee which shall be equal to the portion of the cost of constructing the water main and trunk water system which would be assessable against said lot or tract serviced by the connection. The assessable cost is to be determined by the Engineer upon the same basis as any assessment previously levied against other property for the water main and trunk water system. If no assessment has been levied, the assessable cost will be determined upon the basis of the uniform charge which may have been or which shall be charged for similar tapping or connection with said main and trunk system, determined on the basis of the total assessable cost of the water main and trunk water system, allocated on a frontage basis, plus the cost of service or services.

Connection Permits. A permit must be obtained to connect to the municipal systems. The connection permit fee, as established by Gem Lake City Council ordinance, shall be submitted at the time of permit application. All permits for service installations shall be made by the owner of the property, or his duly authorized agent and shall state the size and location of the service connection and all other information as required. The applicant shall pay to the City prior to the issuance of the permit, the total amount of fees or deposit required for the installation of the service connection as herein provided. No permit shall be issued except to a licensed plumber, certified pipe layer, or homeowner performing work on his or her own premises. City inspections are required for all connections to, and extensions of, the municipal systems.

Statements for Water and Sanitary Sewer Use Charges

- (A) Water and Sanitary sewer use charges, as determined from time to time by City Council ordinance shall be payable quarterly. Such statements shall be due and payable on or before the first day of the second month following receipt of the billing. Where service is for less than a quarterly period, the quarterly charge shall be pro-rated on a monthly basis. . If a water meter is found to have been operating in a faulty manner, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the year.
- (B) **Penalties for Delinquent Payments.** A penalty equal to 10% of the amount due shall be added to accounts not paid in full on or before the first day of the second month following the billing period and to each quarterly billing thereafter until the amount of the delinquent account plus accrued penalty is paid in full or otherwise certified to the County Auditor as a delinquent account.
- (C) **Annual Certification of Delinquent Accounts.** Each year the City shall prepare a list of delinquent service charge accounts, including accrued penalties thereon, in the form of an assessment roll. The City Council shall annually review the delinquent service charge assessment roll and adopt an appropriate resolution directing that the assessment roll be certified to the County Auditor as a lien against the premises served and directing that the County Auditor collect the assessment as part of the ensuing year's tax levy.

Service Charges relating to Municipal Water Utility. When actions or activities of water customers require coordination with or a call out of City utility personnel (e.g. turning water supply on/off at curbs tops), a water service charge shall be assessed to the utility account. When the call out occurs outside of normal business hours, it will be deemed an emergency call out. The service charges for regular and emergency call outs will be established by Gem Lake City Council ordinance.

Discontinuance of Water Service.

- (A) Conditions. The City reserves the right to discontinue service to any consumer of the municipal water system whenever:

- (1) The owner or occupant of the premises served, or any persons working on any pipes or equipment thereon which are connected with the water system, has violated or threatens to violate or causes to be violated, any of the City's water utility regulations.
- (2) In the judgment of the City or its designee, such action is necessary to protect the purity of the municipal water supply or the safety of the water system and/or life, health, or safety of its consumers.
- (3) Any charge for water, service, meter, or other financial obligation imposed on the present or former owner or occupant of the premises served, is not paid.
- (4) The owner or occupant of the premises served has made fraudulent statements or misrepresentations in connection with an application for service.
- (5) The property is unsecured and/or vacant.

(B) Procedure. Prior to shut off, the property will be posted, and the owner and/or occupant of the property shall be mailed notice to the last address shown on the application on file with the City and current billing statements. Said notice shall advise the owner and/or occupant of the reason for the proposed shut off and that a hearing may be requested in writing within ten (10) days of the date shown on the notice given to them. It shall further provide that failure to request a hearing in writing to the City shall be deemed a waiver and that the water will be shut off upon the expiration of the ten (10) days.

Authorized Water Shut Downs. The City shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections, or from any other cause whatever. In case of fire, or alarm of fire, water may be shut off to insure a supply for firefighting. When making repairs to existing infrastructure or construction of new infrastructure, water may be shut off at any time and kept shut off as long as necessary.

Maintenance of Service Pipe. It shall be the responsibility of the consumer or owner to maintain the service pipe from the curb box into the house or building. In the case of failure upon the part of any consumer or owner to repair any leak occurring in the pipe within twenty-four (24) hours after verbal or written notice by the City thereof, the water will be shut off. When the waste of water is great, or when damage is likely to result from the leak, water may be turned off immediately pending repairs.

Treatment of Prohibited Wastes. Where it is determined that any waste discharged or to be discharged has certain characteristics or elements which are or may be harmful to the structures, processes, or operation of the sanitary sewer system or persons operating it, such discharge shall be discontinued or the waste shall be treated prior to its discharge into the system in a manner which will eliminate such characteristics or elements.

Surface or Ground Water. It shall be unlawful for any owner, occupant, or user of any premises to direct into or allow any storm water, surface water, ground water, well water, or water from industrial or commercial air conditioning systems to drain into the City's sanitary sewer system. Roof drains, foundation drains, sump pumps, and other forms of surface drainage shall not be connected to or discharged to the sanitary sewer system. The City shall periodically perform Inflow and Infiltration (I&I) inspections to verify that connections to the City's sanitary sewer system are in compliance with the provisions of this section.

Prohibited Waste Discharge

(A) No person shall discharge, cause, or allow to be discharged into the sanitary sewer system, any waste containing concentrations in excess of the following:

<u>Pollutant</u>	<u>Limitations {Maximum for any operating day}</u>
Cadmium	2.0 mg/l
Chromium, total	8.0 mg/l
Copper	6.0 mg/l
Cyanide, total	4.0 mg/l
Lead	1.0 mg/l
Mercury	0.1 mg/l
Nickel	6.0 mg/l
Zinc	8.0 mg/l
Temperature	150°F (65°C)
pH	5.00 – 10.00

(B) No person shall discharge, cause, or allow to be discharged into the sanitary sewer system any wastes which contain any of the following:

- (1) More than 100 mg/l of fats, wax, grease or oils (hexane soluble), whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit (0 and 65 degree centigrade) at the point of discharge into the sewer system.
- (2) Liquids, solids, or gases which by reason of their nature or quantity are or may be sufficient to cause fire or explosion or be injurious in any other way to the sanitary sewer system or to the operation of the system. At no time shall two successive readings on an explosimeter, at the point of discharge into the sewer system, be more than five percent nor any single reading over ten percent of the lower explosive limit (L.E.L.).
- (3) Any noxious or malodorous solids, liquids or gases, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.
- (4) Any toxic substance, chemical elements or compounds in quantities sufficient to interfere with the biological processes of efficiency of treatment works, or that will pass through a treatment works and cause the effluent therefrom or the water into which it is discharged, to fail to meet applicable state or federal standards.
- (5) Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- (6) Radioactive wastes or isotopes or such half-life of concentrations that they are in noncompliance with present or future regulations issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the system or personnel operating it.
- (7) Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or other interference with the proper operation of any disposal system, such as grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, gas, tar, asphalt, residues from refining or processing of fuel or lubricating oil, gasoline, naphtha, and similar substances.

- (8) Any waste from septic tanks or similar facilities.
- (9) Any mineral acids, waste acid pickling or plating liquors from the pickling or plating of iron, steel, brass, copper or chromium, or any other dissolved or solid substances which will or may endanger health or safety, or attack or corrode any part of the sanitary sewer system.
- (10) Liquids or vapors having a temperature higher than 150 degrees Fahrenheit immediately prior to discharge into the sewer system.
- (11) Phenols or other taste- or odor-producing substances in concentrations which will or may cause the effluent from the treatment works or the water into which it is discharged to fail to meet applicable state or federal standards.
- (12) Materials which exert or cause:
 - a) Unusually high concentrations of inelt suspended solids or of dissolved solids.
 - b) Excessive discoloration.
 - c) Unusually high volume of flow or concentration of waste exceeding five times the average daily concentration of flow during normal operation.
- (13) Unusually high concentrations of suspended solids, BOD, COD, or chlorine requirements, in such quantities as to constitute a significant load on the treatment works.
- (14) Any substance which is not amenable to treatment to reduction by the type of sewage treatment processes employed to a degree sufficient to permit the effluent from the treatment works and the water into which it is discharged to meet applicable state and federal standards. If prohibited waste is discharged into the systems the offending party shall pay for all clean up and be fined an additional 25% of the clean-up charge. If payment is not made, the Financial Officer will certify to the County Auditor as a lien against the premises served and directing that the County Auditor collect the assessment as part of the ensuing year's tax levy.

Waste Trap and Separators. Oil, grease, and sand waste traps and separators shall be installed for the proper discharge of waste water containing excessive amounts of oil, grease, sand, or flammable liquids when required by the Minnesota Plumbing Code, Minnesota Rules, Chapter 4715, the Regional Administrator of the Metropolitan Council, or when the city determines such traps or separators are necessary. Waste traps and separators shall be maintained in efficient operating conditions by the owner and at the owner's expense, through the periodic removal of any accumulated residue. If a trap or separator is not properly maintained, the city may have the system, including affected city sewers, cleaned at the owner's expense.

Tampering with Municipal Systems is Prohibited. No person shall maliciously, willfully, or negligently damage, destroy, uncover, deface, or tamper with any part of the Municipal Sewer or Water Systems.

Cross-Connection Control. Cross-connection between the municipal water system and other systems, private wells, or equipment containing water or other substances of unknown or questionable safety are prohibited, except when and where, as approved by the City, suitable backflow prevention devices are installed, tested, and maintained to ensure proper operation on a continuing basis as per the following requirements:

- (A) A backflow prevention device is to be owned, tested, and maintained by the customer/owner of the premises being served.
- (B) Installation, maintenance, and testing of backflow preventers shall be according to the State of Minnesota Plumbing Code.
 - (1) It is required that reduced pressure zone backflow preventers be tested annually and overhauled at intervals not to exceed five years. Testing shall be performed by a qualified backflow tester. A licensed plumber qualified in backflow testing shall perform all internal maintenance to the device. Test results shall be furnished to the City.

- (2) A person who is recognized by the Minnesota Department of Health as a backflow preventer tester is considered by the City to test backflow preventers and certify them to be functional.

(C) Failure to comply with the provisions of this section shall be cause to discontinue water service.

Water Use Restrictions. A sprinkling ban is adopted in order to encourage water conservation, and to insure availability of an adequate supply of City water without incurring unnecessary capital expenditures.

(A) Water Use Restriction. Except as hereinafter provided, the watering of lawns, gardens, and shrubs is prohibited from May 15 through September 15 annually.

(1) Exceptions.

- a) Property with odd numbered postal addresses may water on odd numbered days.
- b) Property with even numbered postal addresses may water on even numbered days.
- c) Private wells may be used on any day.
- d) Watering newly sodded or seeded yards is allowed upon a receipt of an exemption permit from the Public Works Department for a period of two weeks.
- e) Attended watering of plants, shrubs, and gardens may be watered by hand on any day.

(B) Enforcement. Violations of the water use restrictions will result in a warning letter for first violation, and the imposition of administrative fines that will be reflected on the next utility bill or in the issuance of a citation in accordance with adopted Council ordinance.

(C) City Council Resolution. During dry weather periods, the City Council may impose additional restrictions on the use of City water by the adoption of an appropriate resolution. Any violation of the water restriction resolution shall be referred to the City Attorney for prosecution as a misdemeanor.

Private Wells. The use of private wells may continue after connection is made to the water system, provided there is no means of cross-connection between the private well and the municipal supply at any time. Hose bibs that will enable a cross-connection of the two systems are prohibited on internal and external piping. The threads on the boiler drain of the well volume tank shall be removed or the boiler drain hose bib replaced with a sink faucet. When both private and City systems are in use, outside hose bibs shall not be installed on piping connected to the municipal system.

Operation of Fire Hydrants. No person other than authorized City employees shall operate fire hydrants or interfere in any way with the water system without first obtaining a permit to do so from the City, subject to the following conditions:

- (A) Permit. A hydrant meter permit to use a fire hydrant for the purpose of purchasing water from the City is required. The permit shall state the applicant's name and address, phone number, location of the work site, and type of work being conducted.
- (B) Deposit. The applicant shall be required to make a deposit, as determined by City ordinance, to guarantee payment for water used and to cover breakage and/or damage to the hydrant or meter. Charges will be deducted from the deposit, and a billing or refund will be generated.
- (C) Charges. The applicant shall pay rental charges for each thirty-day-period or fraction thereof, and water use charges as determined by City Council Ordinance.

Water Service Contractors. A license is required. All water service work shall be performed by certified contractors licensed by the appropriate State authority. This section shall not apply to homeowners performing work on their own premises.

Water Meters. Except for extinguishing of fire, no person except authorized City employees shall use water from the water supply system or permit water to be drawn therefrom unless the same be metered by passing through a meter supplied or approved by the City. Only persons authorized by the City shall connect, disconnect, take apart, or in any manner change or cause to be changed, or interfere with any such meter or the action thereof.

- (A) **Charge.** At the time of the initial connection to the municipal water system, a charge for water meters shall be paid to the City by customers before delivery of the water meter for installation. Said charge shall be determined by City Council ordinance.
- (B) **Maintenance.** The City shall retain ownership of water meters and shall be responsible for standard maintenance and repair. Costs associated with replacement, repair, or adjustment of a meter due to any act, carelessness, or neglect of the owner or occupants of the premises shall be charged against and collected from the water consumer. Water service may be discontinued until the cause is corrected and the amount charged is collected.
- (C) **Testing.** Upon written request, the City will re-read water meters and test the meter for accuracy, if necessary. In case a test should show an error of over five percent of the water consumed in favor of the City, a correctly registering meter will be installed and adjustments to water billing statements will be considered. In case the test shows an accurate measurement of water or an error in favor of the consumer, the expenses of making such a test, and the additional costs, if any, will be included on the next quarterly statement. The meter testing charges will be established by City Council ordinance.
- (D) **City Access.** Authorized City employees shall have access at reasonable hours of the day to all buildings and premises connected to the municipal water system for the purpose of maintenance of water meters without charge to the water consumer. In the event the water consumer denies authorized City employee access, the water consumer will, at their own cost, provide for meter replacement or maintenance by a licensed plumber, and said licensed plumber shall be required to provide documentation to City as to validity of the work performed.

Certain Connections Prohibited. No buildings located on property lying outside the limits of the City of Gem Lake shall be connected to that portion of the systems of the City discharging into the Met Council Sanitary sewer system, except that the City may permit the installation, maintenance, and operation of a sanitary sewer service connection between its public sewer system and the following described real property, lying beyond the corporate limits of the City, and situated in the City/Village of Gem Lake, County of Ramsey, State of Minnesota, to-wit:

The connection of any of the above-described areas of the sanitary sewer system of the City is dependent upon express authorization for such connection being obtained from the City Council.

Maintenance of Sewer Service.

- (A) **Liability.** The City assumes ownership of the sanitary sewer service from the main collector line to the connection. If based on an inspection by the City this portion of the sewer service requires repair the City shall assume all costs associated with the repair. The owner of the premises shall be liable for all repairs required to the portion of the sewer service from the connection point to the residence.
- (B) **Maintenance.** The owner of the premises is responsible to maintain the sewer service from the main collector to the residence in functioning condition.

City Access. Authorized City employees shall have access at reasonable hours of the day to all buildings and premises connected to the municipal sanitary sewer system for the purpose of infiltration and inflow inspections without charge to the sanitary sewer consumer. In the event the sanitary sewer consumer denies authorized City employees access, the sanitary sewer consumer will, at their own cost, provide for infiltration and inflow inspections by a licensed plumber, and said licensed plumber shall be required to provide documentation to City as to validity of the work performed.

Non-Compliance Surcharge. A quarterly surcharge, as determined by City Council ordinance, shall be added to the utility billing statement for a property where:

(A) An inspection has not been allowed or certification provided within 30 days after notice by the City.

(B) The necessary installations, inspections, and/or repairs have not been made within the time specified.

A surcharge will be added for every quarter during which the property is not in compliance, whether the non-compliance has been for the entire quarter or a portion thereof.

Water Service Lines. In order to eliminate a health or safety hazard from private property, the City is authorized to install or repair water service lines from a City water main to a private dwelling or to contract for such work. The cost of installing or repairing water service lines may be specially assessed against the benefited property and the City may issue obligations to defray the expense of such work all pursuant to the provisions of Minnesota Statutes Chapter 429 and its subdivisions.

WHEREUPON, the above ordinance was adopted at the regular City Council meeting for the City of Gem Lake, Ramsey County, Minnesota, on August 23, 2016, by a motion made by Councilmember Lindner, seconded by Councilmember Bosak.

ATTEST:

I, William Short, the duly qualified City Clerk of the City of Gem Lake, County of Ramsey, State of Minnesota, do hereby certify that the foregoing ordinance is a true and accurate representation of action taken by the City Council of the City of Gem Lake on the date first written.

William Short

William Short, City Clerk

January 30, 2016

Date