

**CITY OF OLIVIA, MINNESOTA**  
**Ordinance 2020-02**

**AN ORDINANCE AMENDING CITY CODE TITLE 5: PUBLIC WORKS**

WHEREAS, the City of Olivia has adopted Ordinances regulating Public Works; and

WHEREAS, City Staff and the City Council have found certain sections of existing Code that need to be updated to fit the current needs and best interests of the City,

THE CITY COUNCIL OF THE CITY OF OLIVIA ORDAINS that City Code Title 5 shall be amended to the document attached as Attachment 1.

Passed and adopted by the City Council of the City of Olivia, Minnesota, on this 6th day of January, 2020 and effective upon publication.

  
Suzanne Hilgert, Mayor

ATTEST:

  
Dan Coughlin, City Administrator



**Ordinance 2020-02 Attachment 1**

**General Provisions**

I

**TITLE V: PUBLIC WORKS**

Chapter

- 50. GENERAL PROVISIONS**
- 51. SEWERS**
- 52. ELECTRIC UTILITY**
- 53. GARBAGE AND REFUSE**
- 54. WATER**

**CHAPTER 50: GENERAL PROVISIONS**

Section

- 50.01 Utility base charges
- 50.02 Adjustment to utility charges
- 50.03 Disconnection and/or discontinuance of utility service
- 50.04 Delinquent accounts and collection procedure
- 50.05 Certification of Delinquent Utility Accounts
- 50.06 Radio Frequency Meters

**§ 50.01 UTILITY BASE CHARGES.**

Monthly base charges will be charged as follows:

(A) Unoccupied rental property shall be subject to the base charge unless the services are disconnected.

(B) When services are disconnected at the customer's request, there shall be no monthly base charges applied to the account for the services disconnected.

**§ 50.02 ADJUSTMENT TO UTILITY CHARGES.**

(A) *Reasons for adjustment.* The City Administrator or Utility Accounts Manager is given authority to consider adjustments in customer utility charges for the following reasons:

(1) *Electrical charges.*

- (a) Meter malfunction.
- (b) Meter over read or under read.

(2) *Water and sewer charges.*

- (a) Meter malfunction.
- (b) Meter over read or under read.

(3) *Late penalty adjustment.*

- (a) Failure to receive billing at the fault of the city.

(b) Error in billing on part of the city.

(B) *Method of adjustment.*

(1) *Electrical charges.*

(a) An estimate will be made by the city staff to determine estimated actual usage. This estimate will be based on previous usage by the customer.

(b) The City Administrator or Utility Accounts Manager will determine if the estimate is accurate, if he or she questions the estimate, he or she may order a test reading to be taken.

(2) *Water/sewer charges.* If the City Administrator or Utility Accounts Manager determines a test reading is necessary, a 15-day test reading will be made by the city staff to determine the approximate amount used in a full month. The City Administrator or Utility Accounts Manager will determine if the test reading is accurate. If he or she questions the test reading he or she may extend the test an additional 15 days.

(3) *Refuse charge.* The City Administrator will determine if the adjustment is justified based on the change in family size or in the case of a business whether the amount of refuse disposed of has changed substantially.

(C) *Meter tests.* The City Administrator or Utility Accounts Manager at any time may order a meter tested if he or she feels by current or past reading the meter has malfunctioned. If he or she feels based on previous readings that the meter is not malfunctioning but the customer insists on having the meter tested, the customer will be required to pay a deposit fee in an amount set by the City Council from time to time, and the city will have the meter tested. If the meter tests out properly the deposit will not be refunded. If it tests out faulty, the deposit will be refunded. (See Appendix A).

(D) *Effective date of change.* The City Administrator or Utility Accounts Manager will determine the effective date of a utility rate adjustment, however, he or she does not have the authority to adjust the rate in any closed fiscal year. If he or she decides that the request must go to City Council for further action he or she will establish a reasonable temporary change until final action is taken by the Council.

(E) *Appeal of Administrator's decision.*

(1) If a customer is unsatisfied with the adjustment made by the City Administrator, he or she may appeal the decision to the City Council within 30 days after receiving the City Administrator's decision. The rate will remain as adjusted by the Administrator until a final decision is made by the Council.

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(2) The Council may readjust the rate and also make the adjustment retroactive to a previous time period.

(F) *Other utility charge adjustment requests.* If a request is made to the Administrator which does not meet the criteria outlined in division (A), the request will be referred to the City Council for action. (Res. 88-15, passed 5-16-1988, Am. Ord. 2020-02, passed 1/6/2020)

### § 50.03 DISCONNECTION AND/OR DISCONTINUANCE OF UTILITY SERVICE.

#### (A) WATER SERVICE

(1) *Water Disconnect/Water Shutoff.* A water service disconnect/shutoff will be done upon the lawful request of the owner or by the City of Olivia if payment is not properly made. There will be no fee if the disconnect/shutoff is made during the business hours of 8:00 a.m. to 3:00 p.m. If the request is made after 3:00 p.m. during the week, or on the weekend, or on a holiday, a \$100.00 disconnect/shutoff fee will need to be paid in full for each service, or the customer will have to wait until the next business day for the disconnect/shutoff to be done.

(2) *Water Reconnect.* There will be no fee if the disconnect/shutoff is made during the business hours of 8:00 a.m. to 3:00 p.m. If the reconnect request is made after 3:00 p.m. during the week, or on the weekend, or on a holiday, a \$100.00 reconnect fee will need to be paid in full for each service, or the customer will have to wait until the next business day for the reconnect to be done and pay the appropriate fee.

(3) *Water Reconnect Due to Lack of Payment on Account.* If a water service reconnect needs to be done due to a lack of payment on account, a fee of \$ 100.00 will be paid in full prior to re-establishing service during the business hours of 8:00 a.m. to 3:00 p.m. If the reconnect is to be done after 3:00 p.m. during the week, or on the weekend, or on a holiday, a \$150.00 reconnect fee will need to be paid in full for each service, or the customer will have to wait until the next business day for the reconnect to be done and pay the appropriate fee.

(4) *Water Service Charges.* Once the water service has been disconnected/shutoff there will be no water, water treatment and sewer charges related to this service. These charges will be billed up to the time of disconnect/shutoff with the next regular billing period. The water, water treatment and sewer charges will resume when the water service has been reconnected.

(5) *Continuation of Charges.* If the water service is not disconnected/shutoff, but the property is vacant, all charges will continue to be billed. If the owner does not request a water service disconnect/shut off, or if because of the type of hookup the City of Olivia is unable to accomplish the disconnect/shut off, the charges will continue to be billed.

(B) *ELECTRIC SERVICE*

(1) *Electric Disconnect/Termination.* An electrical service disconnect/termination will be done upon the lawful request of the owner or by the City of Olivia if payment is not properly made. There will be no fee if the disconnect/termination is during the business hours of 8:00 a.m. and 3:00 p.m. If the request is made after 3:00 p.m. during the week, or on the weekend, or on a holiday, a \$150.00 disconnect/termination fee will be paid in full for each service, or the customer will have to wait until the next business day for the disconnect/termination to be done.

(2) *Electric Reconnect.* There will be no fee if the disconnect/shutoff is made during the business hours of 8:00 a.m. to 3:00 p.m. If the reconnect request is made after 3:00 p.m. during the week, or on the weekend, or on a holiday, a \$150.00 reconnect fee will need to be paid in full for each service, or the customer will have to wait until the next business day for the reconnect to be done and pay the appropriate fee.

(3) *Electric Reconnect Due To Lack of Payment on the Account.* If an electrical service reconnect needs to be done due to a lack of payment on account, a fee of \$100.00 will be paid in full prior to re-establishing service during the business hours of 8:00 a.m. to 3:00 p.m. If the reconnect/turn-on is to be done after 3:00 p.m. during the week, or on the weekend, or on a holiday, a \$150.00 reconnect fee will be need to be paid in full for each service, or the customer will have to wait until the next business day for the reconnect to be done and pay the appropriate fee.

(4) *Electric Service Charges.* Once the electrical service has been disconnected/terminated there will be no charges made related to this service. The charges will be billed up to the time of the disconnect/termination with the next regular billing period. The electrical charges will resume when the electrical service has been reconnected.

(5) *Continuation of Charges.* If the electrical service is not disconnected/terminated, but the property is vacant, all charges will continue to be billed. If the owner does not request an electrical disconnect/termination, or if because of the type of hookup the City of Olivia is unable to accomplish the disconnect/termination, the charges will continue to be billed.

(C) *III. RENTAL PROPERTY*

*A. Final Readings.* An owner can request a water disconnect/shutoff or an electric disconnect/termination of service for rental property, however, a renter shall notify the City of Olivia when leaving rental property. If a disagreement arises between the owner and renter concerning the final reading date, the owner shall be responsible for the disputed time period.

*(D) Refuse service.*

(1) *Discontinuing service and billing.* Refuse service and the accompanying charge will be continued to customers unless:

(a) *Commercial/industrial customers.* The business is discontinued permanently or the business owner or operator is absent from the business for a minimum of 30 days and absolutely no business will be transacted at this building for a minimum of 30 days. The refuse charge will be prorated as describe in division (B)(2), and also the responsibility of the business owner to notify the city will be the same as described in division (B)(2).  
(Am. Res. 89-4, passed 1-3-1989)

(b) *Residential customers.* The customer moves out of the city limits or on a temporary basis as described in division (B)(2).

(c) *Exception.* An exception to this policy will exist the same as other utilities as stated in division (A)(4). Refuse charges will be discontinued under those circumstances.

*(2) Temporary absence.*

(a) A residential customer may request a temporary discontinuance of refuse service if they are going to be absent from their place of residence for a minimum of 30 days. The refuse service charge will be discontinued for the period the customer is gone prorated to the nearest 30-day billing cycle (examples: 44-day absence billing, discontinued for 30 days; 46-days-absence, billing discontinued for 60 days.) A customer must notify the city office in advance when they will be absent and also the date of return. If they return prior to the expected date, they are responsible for notifying the city office.

(b) If they fail to notify the city's contracted agent of their early arrival, the city reserves the right to charge them a penalty fee. (See Appendix A).

(c)  
(Res. 87-24, passed 7-20-1987, amended by Res. 2003-50 passed 7-10-2003, Am. Ord 2020-02, passed 1/6/2020)

**§ 50.04 DELINQUENT ACCOUNTS AND COLLECTION PROCEDURE**

(A) *Definition.* An account shall be declared delinquent if not paid the twentieth of each month. (Res. 2004-52, passed 10-7-2004)

*(B) Process of collection.*

(1) (a) All past due customers will receive notice that their account is delinquent and arrears must be paid within 10 days of notice. If the customer is a renter, the owner and/or manager will also be sent a copy of the notice if the renter has provided written release



authorization for the City.

(b) During the cold weather rule period of October 15 through April 15, if a residential account is delinquent, the cold weather disconnect policy will then be followed.

(2) If the arrears are not paid by the date as stated in the notice, the customers utility service may be discontinued on the following business day unless the arrears are paid in full. If the service(s) is terminated, and will remain disconnected overnight, the owner and/or manager will be notified.

(3) If service(s) has been terminated, the customer must make payment of the past due balance due on the account prior to the utility service being re-established. However, a reconnect fee will also need to be paid per service before re-establishing service.  
(Res. 2004-52, passed 10-7-2004, Am. Ord 2020-02, passed 1/6/2020)

(C) Repealed by Ord. 2014-02.

(D) Repealed by Ord. 2014-02.

#### § 50.05 CERTIFICATION OF DELINQUENT UTILITY ACCOUNTS

(A) Definitions and meanings.

(1) "Severely delinquent account" means any utility account that has received two consecutive months service without full payment to the City for the service.

(2) "Rental Property" means any building or parcel of real property, either residential or non- residential, or both, the principal occupant(s) of which is a person or persons other than the owners of said property or parcel as reflected in the records of the Renville County Recorder. Rental Property shall include property occupied by single or multiple manufactured homes and property containing manufactured home parks.

(3) "Utility Service" shall include any and all electric service, water service, sewer service, storm sewer service, related reserve accounts, and similar items provided by the City to its customers.

(B) Accounts.

(1) New Accounts.

All new accounts (contracts) for utility service shall be between the City, and the respective property owners. The utility customer must be the property owner regardless of who occupies the property or who receives the bill for utility service.

(2) Existing Accounts.

For all existing accounts, the property owner must be the utility customer regardless of who occupies the property or who receives the bill, as between a property owner and a tenant, notwithstanding any agreement to the contrary between an owner and a tenant of Rental Property, except as provided in Section (B)(2)(b). The property owner is responsible for all utility account charges to the property, and the City will ensure that all utility accounts are in the property owner's name.

(3) Account Billing.

(a) The City will send the bill for utility services to the property owner unless the property is Rental Property, and the owner agrees to have the City send a copy of the bill to the Tenant, and the owner provides a written authorization for the City to send bills for that property to the Tenant.

(b) A property owner may assign, and a tenant may agree to assume the duty to pay for utility services, however the property owner shall remain ultimately responsible to the City for all utility account charges notwithstanding any agreement between the owner and Tenant.

(C) Certification.

(1) The City hereby establishes a procedure to certify severely delinquent utility accounts to the County Auditor for collection with the subsequent year's property taxes due against the parcel for which said past due billing is owed.

(2) Procedure.

(a) After August 1st of each year the City shall prepare a list of severely delinquent accounts.

(b) Prior to August 8th of each year, the City Council shall select a date and time for a public hearing at which the Council will hear disputes on severely delinquent utility accounts. The date of the public hearing shall be during the month of September.

(c) Prior to August 10th of each year, the City shall send a letter to the severely delinquent account property owner advising the owner of the following:

- (i) That the account is severely delinquent;
- (ii) That the owner must make full payment on the severely delinquent account, and that the payment must be made in cash, or cash equivalent;
- (iii) That if the balance is not paid in full by the specified due date in the month of October of that year, then the amount due on that date, (which will include any

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accrued late fees, interest, and/or a certification fee) will be certified to the County Auditor for collection with the following year's property taxes; and

(iv) That the owner has the right to dispute the account only at the public hearing on the date and time specified in the Resolution.

(d) The Council shall hold a public hearing on the date selected to hear account disputes. Any property owner who has a utility account that is severely delinquent, and disputes the delinquent amount shall be entitled to be heard by the City on the matter in dispute before the delinquent amount is certified. The Council may accept relevant evidence during the hearing, and shall make and announce their decision prior to the deadline for certification.

(e) After the public hearing, and before October 31st, the City Council may adopt a Resolution certifying said unpaid accounts, including any accrued late fees, interest, and/or a certification fee, to the County Auditor for collection with the following year's property taxes.

(D) Amendments to prior Resolutions and Code.

(1) City Code sections 50.04 (C) and (D), and Resolutions 2004-53, 2001-53, and 98-08 are hereby Repealed.

(2) This Ordinance shall be incorporated into Olivia City Code as Section 50.05.

(Ord. 2014-02, passed 5-19-2014, Amended by Ord. 2017-03, passed 9-5-2017)

### § 50.06 RADIO FREQUENCY METERS

- (A) A current occupant may refuse the use of Radio Frequency Meters by signing a Refusal to Accept Wireless Meter Reading Form provided by the city.
- (B) If an occupant refuses the use of Radio Frequency Meters, they shall allow clear, safe, and direct monthly access to the meter(s). Meters shall be read at a minimum once a month on the 20<sup>th</sup> or the next business day if the 20<sup>th</sup> falls on a weekend or holiday and when maintenance or replacement is needed.
- (C) If the current occupant does not give access to the meter(s) for any given month, the reading shall be estimated. If access is not given for more than one consecutive month, or the monthly meter reading fee is past due, the account shall be subject to disconnection or AMI meter(s) may be installed.
- (D) The occupant shall be charged a meter reading fee on their monthly bill. This fee shall be set by the council from time to time as a part of the fee schedule.
- (E) The occupant may not be able to receive the benefits of a wireless meter reading

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system including but not limited to instant outage notification, consumption alerts, interval meter reading data, net metering, future time of use pricing, etc.

(Ord. 2020-02, passed 01-06-2020)

**CHAPTER 51:  
SEWERS**

Section

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- 51.03 Storm Sewer Improvement Tax District
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**GENERAL  
PROVISIONS**

**§ 51.01 PROHIBITED DISCHARGES.**

(A) *Discharge prohibited.* Except as otherwise expressly authorized in this section, no ponds, water fountains, water from any roof, surface, groundwater sump pump, swimming pool, or other natural precipitation shall be discharged into the sanitary sewer system. Dwellings and other buildings and structures which require, because of infiltration of water into basements, crawl spaces, and the like, a sump pump discharge system shall have a permanently installed discharge line which shall not at any time discharge water into a sanitary sewer system. A permanent installation shall be one which provides for year-round discharge capability to either the outside of the dwelling, building, or structure, or is connected to a storm sewer or discharge through the curb and gutter to the street. Within the home or business, the sump pump discharge pipe shall consist of a rigid discharge line, without valves or quick connections, that would alter the path of discharge. However, if the line is directly connected to a storm sewer line or catch basin, a check valve and an air gap are required.

(B) *Inspections.* Property owners shall allow an employee of the city or a designated representative of the city to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. The city may periodically re-inspect any building or premise to determine compliance with the requirements of this section. In lieu of having the city inspect the property, a person may furnish an inspection report in a form acceptable to the public works director from a licensed plumber approved by the public works director. If a city inspector is on a property for the purpose of inspecting for compliance with a building permit, the city inspector has the authority to also inspect the property for compliance with this section.

(C) *Removal of connections.* Any property owner who previously made any connection or installation in violation of this section shall immediately remove the connection or correct the installation. If not removed or corrected within 30 calendar days after notice of the violation has been delivered personally or by certified mail to the owner, the city may impose a surcharge in the amount provided in division (E) below. The surcharge may also be imposed upon any property owner, after a 30-calendar-day notice has been delivered, and if the owner refuses to allow their property to be inspected. The owner of a building or premises found to be not in conformance with this division (C) during periodic reinspection may be subjected to a surcharge as provided in division (E) below.

(D) *Foundation drain tile.*

(1) *Future homes and businesses.* Groundwater from foundation drain tile for future homes and businesses shall not discharge to the sanitary sewer system. The groundwater shall

flow through the tile and drain to a sump basket and shall then be pumped and discharged to the exterior of the structure with the use of a sump pump.

(2) *Existing homes and businesses.* Some existing homes and businesses may have been constructed with groundwater from foundation drain tile discharging to the sanitary sewer. If the connection of the foundation drain tile to the sanitary sewer pipe is on the exterior of the home, the connection will be considered grand-fathered and disconnection will not be required. If the connection of the foundation drain tile to the sanitary sewer pipe system is on the interior of the home or business, the connection is considered not in compliance and the owner is required to correct the improper connection. Any connection considered not in compliance shall abide by the provisions contained in this section.

(E) *Surcharge.* A surcharge in an amount set by Council from time to time is hereby imposed on every sewer bill to property owners for the following conditions:

- (1) Not in compliance with this section; and/or
- (2) Refusal of property inspection.

(F) *Nonpayment of surcharge.* If the surcharge is not received by the City of Olivia, the city reserves the right to assess the property owner the unpaid balance.

(G) *Effective date.* This section shall be in full force and effect from and after its passage and publication.

(Ord. 269, passed 5-30-2002) Penalty, see § 10.99

## § 51.02 STORM WATER DRAINAGE UTILITY.

(A) *Establishment of storm water drainage utility.* The municipal storm sewer system shall be conducted as a public utility pursuant to M.S. 444.075, as it may be amended from time to time, from which revenues will be derived subject to the provisions of this section and the Minnesota Statutes. The storm water drainage utility shall be a part of the Water/Wastewater Department. Just and reasonable charges for use, access, connection, and availability of storm sewer drainage facilities shall be calculated and determined based on land use description and lot size as defined in division (D) below.

(B) *Findings, determinations, and purpose.*

(1) In the exercise of its governmental authority and in order to promote the public health, safety, convenience, and general welfare, the city has constructed, operated, and maintained a storm drainage system (the system). This section is adopted in the further exercise of that authority and for the same purpose.

(2) The system, as constructed, heretofore has been financed and paid for through the imposition of ad valorem taxes. It is now necessary and desirable to provide an alternative method

of recovering some or all of the future costs of improving, maintaining, and operating the system through the imposition of charges as provided in this section.

(3) In imposing charges, it is necessary to establish a methodology that undertakes to make them just and equitable. Taking into account the status of completion of the system, past methods of recovering system costs, the topography of the city, and other relevant factors, it is determined that it would be just and equitable to assign responsibility for some or all of the future costs of operating, maintaining, and improving the system on the basis of the expected storm water runoff from the various parcels of land within the city.

(C) *Payments and Storm Drainage Utility Fund.* There is hereby created a Storm Drainage Utility Fund, into which all charges, when collected, and all monies received from the sale of any facilities, equipment, or any byproduct shall be placed. The monies shall be used first to pay the normal, reasonable, and current costs of operating and maintaining the facilities. Storm drainage charges shall be included on the monthly utility bill. Payment shall be due and payable in full upon receipt of the bill. Each billing for storm water drainage fees for use and availability which are not paid within 20 days of receipt shall incur a late fee. Late fees established by the City Council for other utilities shall apply to storm water utility bills.

(D) *Rates and charges.*

(1) The City Council shall by ordinance, from time to time, establish rates and charges for connection of new or improved facilities to the storm drainage system and the use of the storm drainage system. For the purposes of this section and resolution adopted under the provisions of this section, all parcels or properties within the city shall be grouped together by land use description and size according to the following table. Each property within each rate classification shall be charged a monthly rate according to a separate resolution adopted by the City Council.

<i>Storm Water Drainage Utility, Rate Class, and Land Use Charge</i>		
<i>Rate Classification</i>	<i>Land Use Description</i>	<i>Monthly Rate</i>
1	Residential, 0 to 0.9 Acres (0.33-Acre Average)	(see current utility schedule of rates)
1	Multi-family, 2 Units (duplexes)	(see current utility schedule of rates)
2	Residential, 1.0+ Acres	(see current utility schedule of rates)
2	Multi-family, 3 to 15 Units	(see current utility schedule of rates)



<i>Storm Water Drainage Utility, Rate Class, and Land Use Charge</i>		
<i>Rate Classification</i>	<i>Land Use Description</i>	<i>Monthly Rate</i>
2	Schools and Churches, 0 to 4.9 Acres	(see current utility schedule of rates)
2	Commercial, Business, Industrial, 0 to 4.9 Acres	(see current utility schedule of rates)
3	Multi-family, 16+ Units	(see current utility schedule of rates)
3	Schools and Churches, 5.0 to 9.9 Acres	(see current utility schedule of rates)
3	Commercial, Business, Industrial, 5.0 to 9.9 Acres	(see current utility schedule of rates)
4	Schools and Churches, 10.0+ Acres	(see current utility schedule of rates)
4	Commercial, Business, Industrial, 10.0+ Acres	(see current utility schedule of rates)
4	Golf Course, 10.0+ Acres	(see current utility schedule of rates)
5	Extra-Territorial Agricultural Tile Hookup	(see current utility schedule of rates)

(2) The monthly charge is not forgivable even if property is vacant.

(E) *Other land uses.* Other land uses not listed in the foregoing table shall be classified by the City Administrator by assigning them to classes most nearly like the listed uses. An appeal of the City Administrator's determination of the property classification may be made to the City Council.

(F) *Adjustment of charges.* The City Council may by resolution adopt policies providing for the adjustment of charges for parcels or groups of parcels, based upon land use data supplied by affected property owners. The data must show calculations showing the difference in area substantially different from the rate classification originally determined. The adjustment shall be considered by the City Council.

(G) *Exemptions.* Public rights-of-way; unimproved land; or city-owned land, are exempt

from storm drainage charges.

(H) *Payment of charges and collections.* All fees are charges against the respective property owners lessees, and occupants and are due on the due date specified by the city for the respective account, and shall be delinquent 21 days thereafter. It is the duty of the city to endeavor to promptly collect delinquent accounts, and in all cases where satisfactory arrangements for payments have not been made, all the delinquent accounts shall be forwarded to the City Administrator who shall prepare and send a past due notice to the customer. The action may be optional or subsequent to taking legal action to collect delinquent accounts.

(I) *Recalculation of charges.* If a property owner or person responsible for paying the storm water drainage charge questions the correctness of the charge, the person may have the determination of the charge recomputed by written request to the City Administrator. The request shall be made within 20 days of the mailing of the billing in question.

(J) *Effective date.* This section shall become effective 10-17-2016, upon its passage and publication according to law.

(Ord. 259, passed 2-1-1999, Amended by Ordinance 2016-07, passed 10-17-2016)

### **§ 51.03 STORM SEWER IMPROVEMENT TAX DISTRICT.**

(A) A Storm Sewer Improvement Tax District is hereby established for the entire area of lands within the city limits of the City of Olivia as of the date of this section.

(B) The above-described Storm Sewer Improvement Tax District is hereby established pursuant to M.S. Chapter 444, as it may be amended from time to time, and shall remain in effect for all purposes authorized by the statute until and unless it is dissolved pursuant to M.S. § 444.21, as it may be amended from time to time.

(C) The City Clerk of the City of Olivia is hereby directed to file a copy of this section with the Renville County Auditor and the Renville County Recorder.

(D) This section shall be effective from and after the date of its official publication. (Ord. 205, passed 7-24-1985)

### **§ 51.04 SEWER DISTRICTS.**

(A) *Sewer districts established.* There are hereby created in and for the City of Olivia, Renville County, Minnesota, 2 sewer districts to be hereafter known and numbered as Sewer District No. 1 and Sewer District No. 2.  
(1957 Code, § 215:00)

(B) *Sewer District No. 1.* Sewer District No. 1 shall include all the lots, pieces, and parcels of land within the city lying south of the following described line, to wit: "Commencing at the intersection of the center line of Lincoln Street and the easterly city limits and running thence westerly along the center line of said Lincoln Street to the westerly city limits."  
(1957 Code, § 215:01)

(C) *Sewer District No. 2.* Sewer District No. 2 shall include all the lots, pieces, and parcels of land within the city lying north of the following described line, to wit: "Commencing at the intersection of the center line of Lincoln Street and the easterly city limits and running thence westerly along the center line of said Lincoln Street to the westerly city limits."  
(1957 Code, § 215:02)

### ***SEWER SERVICE CHARGES***

#### **§ 51.15 DECLARATION OF INTENT.**

These rules, regulations, and rates are declared to be necessary for the efficient, economic, and safe operation of the city's wastewater treatment works, and for the protection of the health, safety, and general welfare of the public. The rates and charges hereby imposed are intended to distribute the costs of operation and maintenance of the treatment works in the most proportionate manner possible upon all users of the treatment works and in compliance with applicable standards and regulations of the Minnesota Pollution Control Agency and the United States Environmental Protection Agency.  
(Ord. 180, passed 12-21-1981)

#### **§ 51.16 DEFINITIONS.**

For the purpose of §§ 51.15 *et seq.*, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***CAPITAL CHARGE.*** The portion of the sewer service charge associated with the capital cost.

***CAPITAL COSTS.*** The city's portion of the capital cost of the treatment works.

***COMMERCIAL UNIT OF SERVICE.*** For the purposes of sewer service charges, is any aggregation of space or area occupied for a distinct purpose such as a retail store, office, laundry, restaurant, or other like units, which is equipped with 1 or more water fixtures draining into the treatment works, separate and distinct from other units of service. In office buildings or other

premises containing more than 1 tenant, only those tenants shall be classified as users of service who occupy space or area equipped with a distinct opening or fixture or set of fixtures for the use of water separately from other tenants and with waste draining into the treatment works.

**COMMERCIAL WASTE.** Normal domestic sewage discharged by a nonresidential or non-industrial unit of service into the treatment works.

**CONNECTION.** A residential, commercial, or industrial establishment served by a water or sewage meter, public or private, the metered flow of which is subsequently discharged to the treatment works. Establishments with more than 1 meter, the metered flow of which is subsequently discharged to the treatment works, are hereby determined to have 1 connection for each the meter.

**INDUSTRIAL UNIT OF SERVICE.** For the purposes of sewer service charges, is any aggregation of space or area occupied for a distinct purpose such as manufacturing which results in the discharge of industrial wastes as defined in this section into the treatment works.

**INDUSTRIAL WASTE.** Trade or process waste or non-domestic wastewater discharged from a unit of service which exceeds 25 gallons per employee per day or whose wastewater characteristics exceed 250 milligrams per liter BOD, exceed 300 milligrams per liter suspended solids, or whose wastewater characteristics are significantly different from normal domestic sewage.

**NORMAL DOMESTIC SEWAGE.** Wastewater characterized by wastes created in the preparation of foods, bathing, laundry facilities, and sanitary facilities, i.e., resulting from normal living functions.

**OPERATION AND MAINTENANCE COSTS.** The current, reasonable, and necessary costs of operation and maintenance of the treatment works, paid or incurred, determined in accordance with generally accepted accounting principles, including replacement costs, but excluding payments of principal and interest on obligations issued to finance the costs of acquisition and construction of the treatment works.

**REPLACEMENT COSTS.** Those costs incurred in obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which the treatment works were designed and constructed.

**RESIDENTIAL UNIT OF SERVICE.** For the purposes of sewer service charges, is any aggregation of space or area occupied as a single residence, and any apartment or flat which is equipped with 1 or more fixtures for supplying sewer service separate and distinct from the other users on the premises. In multi-unit dwellings, only those divisions of the building will be considered as units of service where the suite or apartment has facilities for cooking.

**SANITARY SEWAGE.** The water and water borne domestic wastes discharged into the

sewerage system from the premises on which any structure has been erected.

***SEWER SERVICE CHARGE.*** The fee imposed by § 51.17 upon all units of service of the treatment works in a total amount sufficient to pay the costs associated with the user charge and the capital charge.

***SEWERAGE SYSTEM.*** Includes all lateral, main, and intercepting sewers, lift stations, pumps, sewage treatment and disposal plant or system, and structures and other appurtenances for the collection, transportation, treatment, and disposition of sanitary sewage. This shall not include plumbing inside or in connection with buildings services or service sewers from a building to the street lateral.

***TREATMENT WORKS.*** Includes all facilities used by the city in the storage, treatment, recycling, and reclamation of sanitary sewage to remove pollutants, including the recycling, reusing, or other ultimate disposal of the treated wastewaters and residues resulting from the treatment process.

***USER CHARGE.*** The portion of the sewer service charge associated with the costs of operation and maintenance, including costs of replacement of the treatment works.

***WASTEWATER.*** Water carrying both sanitary sewage and industrial wastes. (Ord. 180, passed 12-21-1981)

#### **§ 51.17 SEWER SERVICE CHARGE.**

(A) A sewer service charge is hereby imposed upon all units of service in a total amount sufficient to pay the costs of operation and maintenance (user charge) and capital cost (capital charge) of the treatment works. The sewer service charge shall be composed of a minimum charge and a unit charge.

(B) The minimum sewer service charge shall be in an amount necessary to recover the nonvariable costs associated with the treatment works including, but not limited to: capital costs, costs of administration, sewer billings, salaries, and the like. The minimum charge, in an amount set by Council from time to time, shall be levied against each and every residential, commercial, and industrial connection. Connections which include more than 1 unit of service shall be charged a minimum, in an amount set by Council from time to time, per unit of service per month.

(C) The unit service charge for residential and commercial connections shall be based upon the estimated flow and load characteristics of sewage discharged by each user, as estimated by water meter readings pursuant to § 51.20, and shall be collected in a total amount sufficient to recover the annual operation and maintenance costs and the capital costs of the treatment plant and sanitary sewerage system. The unit sewer service charge for the residential and commercial connections shall be, in an amount set by Council from time to time, per 100 cubic feet of water usage.

(1) *Lawn meters.* There shall be no sewer service charge imposed for units of service where a second water meter is connected only to exterior water faucets and not discharging from that second meter into the sewage system.

(D) Each industrial unit of service shall be subject to appropriate metering and monitoring. The capital charge and user charge for each industrial connection are contained in § 51.27. Under no circumstances shall a sewer service charge to an industrial connection be less than the variable sewer service charge imposed under division (C) above for residential and commercial connections.

(Ord. 180, passed 12-21-1981; Am. Ord. 211, passed 2-17-1987)

### **§ 51.18 BILLING AND PAYMENTS.**

(A) Statements for all sewer service charges shall be rendered monthly for services of the sewage system.

(B) The amounts duly billed for sewer service shall be payable on or before the twentieth day of the month of billing. Upon failure to pay the sewer charges duly billed, the City Clerk is hereby authorized to add a penalty of 10% of the amount of the unpaid sewer service charge. If the charges remain unpaid after penalties have been issued, the City Council may certify to the County Auditor of Renville County the sums due and owing for sewer service furnished, including penalties, to the premises, which premises shall be described in the certificate with directions for collection for the city with other taxes levied against the premises. The sewer charges shall be payable in 1 annual installment with 1-year's interest at the rate per the C.P.I. to be added to the sewer charges. Sewer charges shall be an obligation of the owner, lessee, and occupant of the premises served and all of them. In the alternative, the city may, by its Council, bring an action in any court of competent jurisdiction against the owner, the lessee, or the occupant of the premises served or all of them for collection of delinquent sewer charges together with reasonable attorney's fees and penalties.

(Ord. 180, passed 12-21-1981)

### **§ 51.19 REVIEW AND AMENDMENT OF CHARGES.**

(A) An annual audit shall be made of the treatment works, including the detail as is necessary and appropriate to determine the annual fixed costs thereof and annual operation and maintenance costs.

(B) As soon as practicable following receipt of the report of audit, the City Council shall review the sewer service charges for sewage service imposed hereby and review the same as necessary to ensure their continuing compliance with all applicable state and federal regulations.

(Ord. 180, passed 12-21-1981)

**§ 51.20 METERING AND REPORTING REQUIREMENTS.**

The city shall have the right at all times to measure the characteristics and volume of sewage discharged by any unit of service, by installing meters or conducting tests, or by any other systems or techniques considered appropriate and necessary under the circumstances. Each residential, commercial, and industrial unit of service may be required to meter and sample its wastes, and to conduct tests and provide the additional information as necessary to enable the city to conform to requirements of the Minnesota Pollution Control Agency and the United States Environmental Protection Agency. Water meters will be used as a basis for determining the flow of sanitary sewage from residential connections. Flow from all other connections shall be determined on the basis of actual monthly water or wastewater meter readings.  
(Ord. 180, passed 12-21-1981)

**§ 51.21 NEW CONNECTIONS TO SEWERAGE SYSTEM.**

No premise shall be connected to the sewerage system unless properly designed and constructed. No connections shall be permitted from the sources as roof leaders, yards, area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage.  
(Ord. 180, passed 12-21-1981) Penalty, see § 10.99

**§ 51.22 PRETREATMENT OF INDUSTRIAL SEWAGE.**

Each industrial unit of service or commercial unit of service discharging industrial waste shall conform to the pretreatment standards established by the Minnesota Pollution Control Agency and the United States Environmental Protection Agency. No sewage, including commercial and industrial waste, shall contain any substance which is determined to be in violation of any state or federal pretreatment standards incorporated above, in violation of §§ 51.40 *et seq.*, or which may otherwise be determined by the city to be unduly deleterious or harmful to the operation of the sewerage system or treatment works.  
(Ord. 180, passed 12-21-1981) Penalty, see § 10.99

**§ 51.23 EXCLUSION FROM USE OF TREATMENT WORKS.**

Any unit of service discharging wastes in violation of § 51.22 or otherwise detrimental to the treatment works shall be required to discontinue the discharge of the substance or substances. If, after 10-days' notice in writing, delivered to the owner or occupant at the premise receiving service, the user continues to discharge the substances into the sewer system, that user shall be subject to immediate exclusion from further use of the treatment works and to any other legal remedy or sanction permitted bylaw.

(Ord. 180, passed 12-21-1981) Penalty, see § 10.99

#### **§ 51.24 DISPOSITION OF REVENUE.**

(A) All amounts received from collection of sewer service charges shall be credited upon receipt to a special fund, separate from all other funds of the city, and used solely for the payment of the costs of operation, maintenance, repairs, and replacement of the treatment works.

(B) Nothing contained herein shall prevent the City Council from appropriating money from the General Fund to the Sewer Fund when and to the extent permitted by law.

(Ord. 180, passed 12-21-1981)

#### **§ 51.25 INTERPRETATION.**

The provisions of §§ 51.15 *et seq.* shall be interpreted whenever possible as being in conformity with applicable federal, state, and local regulations, and with other ordinances that may be adopted from time to time by the City Council of the City of Olivia prescribing additional terms and conditions for users of the treatment works.

(Ord. 180, passed 12-21-1981)

#### **§ 51.26 PUBLICATION AND EFFECTIVE DATE.**

Sections 51.15 *et seq.* shall be published once in the official city newspaper and shall be in force on and after its passage and publication, provided that the charges herein set forth be effective from and after 3-1-1982.

(Ord. 180, passed 12-21-1981)

#### **§ 51.27 CAPITAL AND USER CHARGES FOR INDUSTRIAL UNITS OF SERVICE.**

Industrial User Costs = [Volume (per 100 CF) x Unit Costs (0, M & R + Capital) per 100 CF] + [BOD (lbs) x Unit Costs (0, M & R + Capital) per lb] + [TSS (lbs) x Unit Costs (0, M & R + Capital) per lb] + [Equivalent Residential Connections x Cost per Equivalent Residential Unit]

- (1) Volume - Wastewater measured or water meter usage
- (2) BOD - quantity in pounds calculated over domestic concentrations (250 mgIL)
- (3) TSS - quantity in pounds calculated over domestic concentrations (300 mgIL)
- (4) All units' costs (Volume, BOD, TSS and Residential Equivalent Unit) will be calculated yearly for 0, M & R and capital costs and set by City Council resolution.

#### **§ 51.28 RATES TO BE ESTABLISHED BY COUNCIL RESOLUTION.**



From and after the effective date of §§ 51.15 *et seq.*, future sewer rates will be established by resolution duly passed by the City Council.  
(Ord. 211, passed 2-17-1987)

### ***SEWER USE***

#### **§ 51.40 DECLARATION OF INTENT.**

These rules and regulations are declared to be necessary for the efficient, economic, and safe operation of the city's wastewater treatment works, and for the protection of the health, safety, and general welfare of the public.

(Ord. 181, passed 12-21-1981)

#### **§ 51.41 DEFINITIONS.**

For the purpose of §§ 51.40 *et seq.*, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BOD (BIOCHEMICAL OXYGEN DEMAND).*** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C, expressed in milligrams per liter (mg/l).

***BUILDING DRAIN.*** The part of the lowest horizontal piping of a drainage system which receives the discharge from the soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning outside the inner face of the building wall.

***BUILDING SEWER.*** The extension from the building drain to the municipal sewer or other place of disposal.

***COMPATIBLE POLLUTANT.*** For purposes of establishing federal requirements for pretreatment, the term ***COMPATIBLE POLLUTANT*** means biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly-owned treatment works was designed to treat the pollutants, and in fact does remove the pollutants to a substantial degree. Examples of the additional pollutants may include: chemical oxygen demand; total organic carbon; and fats, oils, and greases of animal or vegetable origin except as prohibited under § 51.46.

***GARBAGE.*** Solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

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

***INDUSTRIAL WASTE.*** Trade or process waste or non-domestic wastewater discharged from a unit of service which exceeds 25 gallons per employee per day or whose wastewater characteristics exceed 250 milligrams per liter BOD, 300 milligrams per liter suspended solids where wastewater characteristics are significantly different from normal domestic sewage.

***MAY.*** Permissive.

***NATURAL OUTLET.*** Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

***NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)***

***PERMIT.*** Any permit or equivalent document or requirements issued by the Environmental Protection Agency or where appropriate by the Minnesota Pollution Control Agency to regulate the discharge of pollutants.

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

***pH.*** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

***PRETREATMENT.*** Treatment of wastewaters from sources before introduction into the treatment works.

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

***SANITARY SEWAGE.*** Water and water-borne domestic wastes discharged into the sewerage system from residences, business buildings, institutions, and industrial establishments.

***SANITARY SEWER.*** A pipe or conduit designed and operated to carry sanitary sewage and industrial wastes.

***SEWERAGE SYSTEM.*** All facilities for collection, pumping, treating, and disposing of sewage, except plumbing inside or in connection with buildings or service sewers from a building to the public sewer.

***SHALL.*** Mandatory.

***SLUG.*** Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15

minutes more than 5 times the average 24-hour concentration of flows during a normal operation.

**STORM SEWER.** A pipe or conduit designed and operated to carry water and/or surface runoff but not sanitary sewage.

**SUSPENDED SOLIDS.** Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.

**TREATMENT WORKS.** All facilities used by the city in the storage, treatment, recycling, and reclamation of sanitary sewage to remove pollutants, including the recycling, reusing, or other ultimate disposal of the treated wastewaters and residues resulting from the treatment process.

**WASTEWATER.** Water carrying both sanitary sewage and industrial wastes.

**WATERCOURSE.** A channel in which a flow of water occurs, either continuously or intermittently. (Ord. 181, passed 12-21-1981)

#### **§ 51.42 USE OF MUNICIPAL SEWERS REQUIRED.**

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

(B) It shall be unlawful to discharge to any natural outlet within the municipality, or in any area under the jurisdiction of the municipality, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of §§ 51.40 *et seq.* and where the discharge is in compliance with a currently in force NPDES permit issued by the State of Minnesota.

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

(D) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the municipality and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the municipality, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper municipal sewer in accordance with the provisions of §§ 51.40 *et seq.* within 90 days after date of official notice to do so, provided that the municipal sewer is within 300 feet of the property line; provided, however, that buildings used for human occupancy at the time of passage of §§ 51.40 *et seq.* and located more than 100 feet from a municipal sewer shall not be affected by this division (D).

(Ord. 181, passed 12-21-1981) Penalty, see § 10.99

**§ 51.43 PRIVATE SEWAGE DISPOSAL.**

(A) Where a municipal sanitary sewer is not available under the provisions of § 51.42, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Building Inspector. The application for the permit shall be made on a form furnished by the Building Inspector and the applicant shall supplement the requested information by plans, specifications, and other information as are deemed pertinent or necessary. A permit and inspection fee, in an amount set by Council from time to time, shall be paid to the Building Inspector at the time the application is filed.

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Building Inspector. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Building Inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Building Inspector.

(D) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of Minnesota. No permit shall be issued for any private sewage disposal system employing sub-surface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any municipal sewer or natural outlet unless the discharge is approved by State Board of Health and/or is in compliance with a currently in force NPDES permit issued by the Minnesota Pollution Control Agency.

(E) At the time as a municipal sewer becomes available to a property served by a private sewage disposal system, as provided in this section, a direct connection shall be made to the municipal sewer in compliance with §§ 51.40 *et seq.*, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable materials, to the satisfaction of the Building Inspector.

(F) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the municipality.

(G) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

(Ord. 181, passed 12-21-1981) Penalty, see § 10.99

**§ 51.44 DISPOSAL OF SEPTIC TANK SLUDGE.**

(A) No person shall discharge material originating from septic tanks, sewage holding tanks, vaults, storage compartments, or other similar facilities without prior issuance of an annual special use permit from the City of Olivia. Application for the permit shall be made to the City Administrator on forms provided. A septic permit fee in an amount set by the Council from time to time, shall be paid to the Administrator at the time application is filed. (See Appendix A). Evaluation and approval of special use permits shall be made by the city including any special conditions that it may deem appropriate.

(B) Special use permits as described in division (A) above shall be renewable on an annual basis, at the discretion of the city, on January 1 of each year. Failure to renew a special use permit and/or failure to pay the annual renewal fee shall invalidate the permit as of the renewal date.

(C) Discharge of material described in division (A) above and sanctioned by a valid special use permit shall be made to the sewerage system only during normal working hours. A minimum of 1 hour prior notification shall be given to the City Administrator to enable the presence of city personnel during the discharge operation.

(D) No discharge of waste material described in division (A) above shall be made to the sewerage system unless the discharge is made at the Olivia Wastewater Treatment Plant or other site within the system previously approved by the city.

(E) No discharge of waste material described in division (A) above shall be made to the system in a quantity greater than 1,200 gallons at any 1 time unless specifically allowed by a valid special use permit or the City Administrator.

(F) A charge shall be levied to the holder of a valid permit for each discharge made in the following manner: In an amount set by Council from time to time. (Ord. 181, passed 12-21-1981) Penalty, see § 10.99

**§ 51.45 BUILDING SEWERS AND CONNECTION.**

(A) No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any municipal sewer or appurtenance thereof without first obtaining a written permit from the Building Inspector.

(B) Any person desiring sewer service from the municipal sewer system for premises not theretofore connected with the system shall apply to the Building Inspector for a permit. There shall be 2 classes of building sewer permits: for residential and commercial service; and for service to establishments producing industrial wastes. The owner or his or her agent shall make application on a special form furnished by the municipality. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Building Inspector. The applicant shall pay the applicable permit and inspection

fee (residential and commercial or industrial) to the Building Inspector when the application is filed. (See Appendix A for fee amounts).

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

(D) A separate and independent building sewer shall be provided for every building; except where 1 building stands at the rear of another 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 sewer from the front building may be extended to the rear building and the whole considered as 1 building sewer. Under exceptional circumstances where an industrial or institutional establishment maintains its own internal sewer system serving a multiplicity of buildings, the city may waive the provisions of this section.

(E) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Building Inspector, to meet all requirements of §§ 51.40 *et seq.*

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

(G) The size and slope of the building sewer shall be subject to the approval of the Building Inspector, but in no event shall the diameter be less than 4 inches. The slope of the 4-inch pipe shall not be less than 1/4 inch per foot. It shall be required that the service stub or wye connection and the building drain shall be uncovered and the differential elevation shall be determined before construction is begun. Where practicable, the building connection shall be laid on a uniform grade between those 2 points.

(H) Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within 3 feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

(I) In all buildings in which any building drain is too low to permit gravity flow to the municipal sewer, sanitary sewage carried by the drain shall be lifted by approved artificial means and discharged to the building sewer.

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

(K) The connection of the building sewer into the municipal sewer shall be made at the "Y" branch, if the branch is available at a suitable location. If the public sewer is 12 inches in diameter or less, and no properly located "Y" branch is available, the owner shall at his or her expense install a "Y" branch in the municipal sewer at the location specified by the city.

(L) The applicant for the building sewer permit shall notify the Building Inspector when the building sewer is ready for inspection and connection to the municipal sewer. The connection shall be made under the supervision of the city representative.

(M) All excavation for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the municipality.

(N) No permit shall be issued for sewer connection unless there is capacity available in the downstream sewers, lift stations, force mains, and the sewage treatment plant including biochemical oxygen demand and suspended solids capacity.  
(Ord. 181, passed 12-21-1981) Penalty, see § 10.99

#### **§ 51.46 USE OF THE MUNICIPAL SEWERS.**

(A) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(B) Storm water and surface runoff shall be directed to inlets of sewers as are specifically designated storm sewers, or to a natural outlet approved by the city.

(C) No person shall discharge or cause to be discharged any waters or wastes that do not conform to the pretreatment standards established by the Minnesota Pollution Control Agency and the United States Environmental Protection Agency. No sewage, water, or waste, including commercial and industrial waste, shall contain any substance which is determined to be in violation of any state or federal pretreatment standards, the NPDES permit requirements or which may otherwise be determined by the city to be unduly deleterious or harmful to the sewerage system or operation of the sewerage system. All major contributing industries discharging incompatible pollutants shall comply with applicable pretreatment requirements and standards.

(D) In addition to the requirements of division (C) above, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the

system. At no time shall 2 successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system, be more than 5% nor any single reading over 10% of the Lower Explosive Limit (LEL) of the meter. 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;

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant, including but not limited to the following concentrations of materials in the wastes as received at the influent of the wastewater treatment plant:

Copper	1.0 mg/l
Zinc	5.0 mg/l
Lead	0.1 mg/l
Chromium +6	1.0 mg/l
Chromium +3	2.0 mg/l
Total Chromium	3.0 mg/l
Nickel	1.0 mg/l
Cyanide (HCN)	1.0 mg/l
Chloroform	10.0 mg/l
Free Oil	50.0 mg/l

(3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewerage system; and/or

(4) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than 1/2 inch in any dimension, 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, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(E) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the city that the wastes can harm



either the sewers, wastewater treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the city will give consideration to the factors as the quantities of subject wastes in relation to flows and velocities in the sewers, material of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors. The substances prohibited are:

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

(2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 50 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65°C);

(3) Any garbage that has not been properly shredded;

(4) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not;

(5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to the degree that the material received in the composite sewage at the wastewater treatment works exceeds the limits established by the city for the materials;

(6) Any waters or wastes containing phenols or other taste or odor producing substances, in the concentrations exceeding limits which may be established by the city as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for the discharge to the receiving waters;

(7) Any radioactive wastes or isotopes of the half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations;

(8) Any waters or wastes having a pH in excess of 9.5;

(9) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids such as, but not limited to, Fullers earth, lime slurries, and lime residues or of dissolved solids (such as, but not limited to, dye wastes and vegetable tanning solutions);

(b) Unusual BOD, chemical oxygen demand, or chlorine requirements in the quantities as to constitute a significant load on the sewage treatment works; and/or

- (c) Unusual volume of flow or concentration of wastes constituting slugs as defined in §51.41

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to a degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(F) (1) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristic enumerated in this section, and which in the judgment of the city may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge; and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

(2) If the city permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to review and approval of the city, and subject to the requirements of all applicable codes, ordinances, and laws.

(G) Grease, oil, and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the city, and shall be located as to be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

(H) Where preliminary treatment of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(I) When required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with the necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. The manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the city. The manhole shall be

installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

(J) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in §§ 51.40 *et seq.* shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and the Environmental Protection Agency's *Test Procedures for Analysis of Pollutants* found in the Federal Register Issue of 10-16-1973 (40 C.F.R. pt. 136), as it may be amended from time to time, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pHs are determined from periodic grab samples.)

(K) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City of Olivia and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City of Olivia for treatment, subject to payment therefore, by the industrial concern. The contracts will be governed by all provisions and rates set forth in applicable ordinances.  
(Ord. 181, passed 12-21-1981) Penalty, see § 10.99

#### **§ 51.47 PROTECTION FROM DAMAGE.**

No unauthorized 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 seweragesystem. (Ord. 181, passed 12-21-1981) Penalty, see § 10.99

#### **§ 51.48 POWERS AND AUTHORITY OF INSPECTIONS.**

(A) Duly authorized employees of the City of Olivia bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of §§ 51.40 *et seq.* The city shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. Instead of having a city employee inspect the property, a person may furnish an inspection report as described in § 51.01(B).

(B) While performing the necessary work on private properties referred to in division (A)

above, the duly authorized employees of the City of Olivia shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City of Olivia employees and the City of Olivia shall indemnify the company against loss or damage to its property by City of Olivia employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as may be caused by negligence or failure of the company to maintain safe conditions as required in § 51.46(I).

(C) (1) The duly authorized employees of the City of Olivia bearing proper credentials and identification shall be permitted to enter all private properties through which the City of Olivia holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement.

(2) All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 181, passed 12-21-1981)

#### **§ 51.49 EFFECTIVE DATE.**

Sections 51.40 *et seq.* shall be in force on and after its passage and publication as provided by law. (Ord. 181, passed 12-21-1981)

#### **§ 51.98 VIOLATIONS.**

Any person violating any of the provisions of §§ 51.40 *et seq.* shall be liable to the municipality for any expense, loss, or damage occasioned by the municipality by reason of the violation.

(Ord. 181, passed 12-21-1981) Penalty, see § 10.99

**CHAPTER 52: ELECTRIC UTILITY**

## Section

- 52.01 Electrical energy franchise required
- 52.02 Load Management
- 52.03 Street Lights
- 52.04 Electrical Tampering
- 52.05 Electrical Requirements

**§ 52.01 ELECTRICAL ENERGY FRANCHISE REQUIRED.**

(A) *Franchise required.* Except as otherwise provided by law, no persons, firm, or corporation shall transmit, furnish, deliver, or receive, or cause to be transmitted, furnished, delivered, or received electric energy for light, power, heat, and other purposes for public and/or private use within and through the limits of the city, or place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or transmitting, furnishing, delivering, or receiving, or causing to be transmitted, furnished, delivered, or received electric energy or for any other purpose, except pursuant to a franchise from the city. A franchise shall be granted only by ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the City Clerk to guarantee publication before the ordinance is passed.

(B) *Term.* No perpetual franchise or privilege shall ever be created, nor shall any exclusive franchise or privilege be granted for a period of more than 25 years.

(C) *Franchise fee.*

(1) As a part of any franchise ordinance adopted, the city may impose upon the grantee a franchise fee.

(2) The franchise fee shall be expressed as a specified charge per kilowatt hour of electric energy transmitted, furnished, delivered, or received, which fee shall be calculated by the City Council and imposed upon each kilowatt hour of electric energy transmitted, furnished, delivered, or received within the city.

(3) The franchise fee may be changed by ordinance from time to time; however, no change shall be adopted until at least 3 days after written notice enclosing the proposed ordinance has been served upon the grantee by certified mail. The franchise fee may not be changed more often than once in each calendar year.

(Ord. 244, passed 2-22-1995) Penalty, see § 10.99

**§ 52.02 LOAD MANAGEMENT.**

(A) *Electric water heaters and central air conditioners.* Electric water heaters and central air conditioners, serviced by the city's electrical system, may be controlled by the city's Electrical Load Management System at the customer's option.

(B) *Electric heat.* Electric heat served by the city's electric system may be controlled by the city's Electrical Load Management System at the customer's option if the City's requirements are met.

- (1) Electric heat must be "permanently connected electric space heat with a 7,500-watt minimum capacity as their primary heating source." A secondary heating source that is capable of continuous, automatic operation must also be available to provide total heating requirements during controlled periods.
- (2) Qualifying customers will be required to have an additional meter to measure dual heating electric energy used. The City of Olivia's service meter and the dual heat meter must be mounted on the outside of the building.
- (3) The dual heating meter and controller will be furnished by the City of Olivia. The customer shall furnish all other equipment necessary to permit switching of controlled electric loads.

(C) *Permissible electric heat.* The following systems or a combination of these systems are permissible electric heating systems if it is used to heat over 60% of the total floor area for the heating season:

- (1) Baseboard electric heating units;
- (2) Cove electric heating units;
- (3) Ceiling radiant heat;
- (4) Under-floor cable heat;
- (5) Electric furnace;
- (6) Electric plenum unit heater;
- (7) Electric boiler; and
- (8) Heat pump.

(D) *Permissible back-up heat.* The following systems or a combination of these systems are permissible back-up heat sources, with the customer signing an alternate fuel agreement:

- (1) Fuel oil furnace;
- (2) Natural gas furnace;
- (3) L.P. gas furnace; and,
- (4) Wood fired heating system (only allowable for systems already grandfathered in, and at a lower reimbursement rate).

(E) *Rates.* See Appendix A.

(Ord. 172, passed 11-5-1979; Am. Ord. 184, passed 7-19-1982; Am. Ord. 204, passed 4-1-1985, Am. Res 2004-17, Amended by Ord 2020-02, passed 1/6/2020) Penalty, see § 10.99

### § 52.03 STREET LIGHTS.

(A) *Purpose.* The purpose of this section is to establish a consistent practice for placement, installation, type, and maintenance of street lights.

(B) *General Criteria.* The following factors shall be considered when determining the location of existing or new street light installations:

- (1) Streetlights shall typically be installed at street intersections unless other factors (see below) are found to supersede this general rule.
- (2) Lights are *not* usually installed at alley /street intersections unless additional criteria are met (see below).
- (3) Unless otherwise called for due to mitigating factors, street lights shall not be installed mid- block.
- (4) City does not pay for or install alley lights.
- (5) High crime / traffic accident areas (as determined by the Police Chief) can be criteria for placement of lights in areas that would otherwise not be considered for street light placement.
- (6) Street lights can be installed at school & bus stop locations if a public safety need is identified by the Police Chief.
- (7) Mid-block streetlights will be allowed if a developed residential block is longer than 550 feet in length.
- (8) Streetlights may be installed at the end of cul-de-sacs.
- (9) Developed streets may have continuous street Lighting spaced at a minimum of 275 feet and a maximum of 550 feet between each light.
- (10) Downtown and commercial zoned lighting will be determined by the City Engineer and Police Chief based on pedestrian need and safety.
- (11) Private lighting provided by the City will be at the full cost of the customer and shall be subject to the terms of the City's lighting

rental program.

*(C) Process and Other Requirements.*

- (1) All Street lighting shall meet a minimum 4000 lumen output.
- (2) Requests for streetlight installation shall be handled on a case by case basis.
- (3) The Electric Utility Superintendent shall review all lighting requests and will make a determination if the request meets the criteria set forth in this policy.
- (4) In the event that an applicant's request is denied by the Superintendent, the applicant shall have the right to appeal the decision to the Public Utilities Commission (PUC).
- (5) If the PUC elects to overturn the decision of the Superintendent, the streetlight shall be installed in accordance with standard installation practices and requirements.
- (6) If the PUC denies the appeal, the applicant may further appeal to the City Council for consideration of their request.

**§ 52.04 ELECTRICAL TAMPERING.**

- (A) No person, except an agent/employee of the city's electrical department, shall alter, remove, or make any connections to the city's meter or service equipment without the prior consent and/or presence of an agent/employee of the city's electrical department. Those items include the meter, meter seal, service wire, or any such items owned by the city.
- (B) Customers desiring to have meters, meter seals, or other city owned equipment removed for electrical work must notify the city's electrical department no less than 24 hours in advance. A representative of the City will remove or authorize the removal of the seal, meter, or equipment. Upon completion of the work by the customer or electrician, the party shall notify the city to install a new seal.
- (C) Meter seals are not to be tampered with unless in the case of dire emergency (endangerment of life or property).
- (D) Load management controllers and devices shall be reconnected promptly upon completion of any electrical work done by the customer or electrician. If a load management device/controller is disconnected or bypassed by a customer or electrician, the disconnecting party shall be responsible to notify the city of the disconnection. A tampering charge, to be set by the council, will be imposed on the customer and/or electrician if a load management device is disconnected and the city is not notified.
- (E) A tampering charge, to be set by the council, shall be imposed on the customer and/or electrician in violation of §52.04 (A) through (D). The tampering fee shall consist of a minimum charge to be set by the council from time to time. The city reserves the right to collect all actual costs above the minimum that may be associated with electrical



tampering including all legal, personnel, material and other costs.

(Ord. 2020-02, passed 01-06-2020)

**§ 52.04 ELECTRICAL REQUIREMENTS**

(A) *Meter Socket Location.* The meter socket shall be mounted at a height between five and six feet above finished grade (ground level). At no time shall a meter socket be installed inside a building or structure. If an addition or remodeling to a structure is done which would cause the meter to be enclosed or located inside the addition, the owner/contractor must relocate it to the outside at the Owner's expense. (Ord. 2020-02, passed 1/6/2020)

(B) *Meter Bypass Socket.* The electrical meter bypass socket is required on all new residential, commercial and industrial connections. Also, the electrical meter bypass socket shall be installed on any existing residential, commercial and industrial services as part of a customer upgrade/update. (Res. 2000-08, passed 2-7-2000)

(C) *Electrical Undergrounding.*

- a. *New Subdivisions.* When a developer requests electrical service to be extended into a newly developed area, the city will design the distribution system appropriate to the number of residential dwelling units. The distribution system installed throughout the development area will likely be installed by underground wiring. It will be the responsibility of the developer or property owner to install the electrical meter directly on the home. Also, the developer or property owner will be responsible for connecting to the city's distribution system. Thus, they will bear the financial burden to install underground wire to the City's transformer or other determined source point. The City's responsibility for future maintenance ends at the secondary distribution source point, which is typically the transformer.
- b. *Customer initiated conversion- Overhead to Underground.* If a resident/property owner has existing overhead wire and requests to install underground wiring, the City will provide up to 125 feet of 200-amp wire. Additional wire and all other costs associated with the conversion will be paid by the resident/property owner. As part of the conversion, the City will require the resident/property owner is responsible for the costs to install the wire to the City's secondary distribution source point, which is typically the transformer. The resident/customer will be responsible for future maintenance from the secondary distribution point.
- c. *City initiated conversion – Overhead to Underground.* If the City initiates a project that involves overhead to underground conversions, the City shall bear the entire cost of the conversion. As part of the conversion, the City will require the meters to be placed directly on the home or business. The City will not allow meters to be placed on distribution or light poles. Future maintenance will be the customer's responsibility from the secondary distribution source point. (Approved by Motion, passed 12/17/2012)

**CHAPTER 53: GARBAGE AND REFUSE**

Section

*General Provisions*

- 53.01 Refuse collection rates
- 53.02 City compost site
- 53.03 Brush pick up

*Collection and Disposal*

- 53.15 Definition
- 53.16 Purpose
- 53.17 Collection by the city
- 53.18 Garbage and rubbish containers
- 53.19 Storage of containers
- 53.20 Collection practices
- 53.21 Storage of refuse
- 53.22 Imposition of fees
- 53.23 Refuse collection service to be considered a public utility
- 53.24 Grievances
- 53.25 Effective date
  
- 53.98 Violations

**GENERAL  
PROVISIONS**

**§ 53.01 REFUSE COLLECTION RATES.**

From and after the publication of this section, refuse collection rates shall be determined and set by the City Council as a policy matter. (See Appendix A).  
(Ord. 167, passed 2-5-1979)

**§ 53.02 CITY COMPOST SITE.**

(A) Commercial businesses in the tree trimming and lawn care profession can pay an annual fee in an amount set by the Council from time to time. (See Appendix A). This fee entitles the business to a key for use of the site.

(B) The key will be revoked and access will be denied if the following restrictions are violated with no exceptions:

- (1) Making any duplicate copies of the key.
- (2) Leaving the gate open while unattended.
- (3) Allowing other people or businesses to use the key.
- (4) Discarding unallowable items (i.e. plastic bags, tree limbs larger than 3 inches, tree stumps, animal waste, garbage, etc.)
- (5) Leaving gate unlocked. (Res. 99-39, passed 5-3-1999)

**§ 53.03 BRUSH PICK UP.**

(A) *Definition.* **BRUSH** for the purpose of this section, shall include branches or limbs smaller than 3 inches in diameter and clippings from hedges, bushes or other plants. **BRUSH** constitutes those materials taken during trimming or pruning of vegetation from private property and/or boulevard areas.

(B) *Brush pick up.* On the last Friday of the month, the City Street Department will pick up free of charge brush which is piled either at the curb of a property or near an alley adjacent to the property. The brush must be piled neatly and no branches or tree trunks should be in the pile with diameters of more than 3 inches. If the pile is of greater quantity than 1 truck load, the city will charge for additional loads.

(C) *Special pick-ups.* If the property owner requests the pickup occur before or after the last Friday of the month, the city will pick up the load(s) of brush at the convenience of the Street Department. The property owner will be charged a per load fee for special pick-ups.

(D) *Personal tree and shrub/bush removal.* If a property owner removes (cuts down), either by themselves or by private contractor, a tree located on private property; the City Street Department will not pick up any branches, limbs, trunks or stumps associated with the removal. Nor will the city pick up whole shrubs/bushes removed from private property. These types of removal are considered to be personal property and it is the responsibility of the property owner to dispose of those items. However, the city will pick up these materials for a per load charge.

(E) *Charges.* The city will set by separate resolution a fee schedule to address the fees to be collected in divisions (B), (C), and (D).  
(Res. 02-48, passed 10-3-2002)

***COLLECTION AND  
DISPOSAL***

**§ 53.15 DEFINITION.**

For the purpose of §§ 53.15 *et seq.*, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***GARBAGE AND RUBBISH.*** Include refuse of all kinds, both organic and inorganic, which accumulate in the ordinary operation of a household, including all putrescible wastes, animal offal, the carcasses of dead animals, and other refuse, but specifically excluding human excreta, sewage, and other water-carried wastes. Also excluded are all nonputrescible wastes such as rocks, earth, sand, gravel, brick, stone, plaster, wood, and other similar substances which may accumulate as a result of construction or demolition operations.  
(Ord. 238, passed 12-7-1993)

**§ 53.16 PURPOSE.**

The purpose of §§ 53.15 *et seq.* is to maintain and protect the public health and sanitation of the residents of the city by the removal of garbage and rubbish from the residences and business places in the City of Olivia and to prevent the unregulated and unrestricted hauling of garbage and rubbish by other means than through the garbage and rubbish collection system established by §§ 53.15 *et seq.* so as to eliminate the dispersal of garbage and rubbish along the streets, roads, and other properties in and near the City of Olivia.  
(Ord. 238, passed 12-7-1993)

**§ 53.17 COLLECTION BY THE CITY.**

(A) All garbage and rubbish accumulated in residences in the city shall be collected, conveyed, and disposed of by the city or by its duly authorized contractor.

(B) No person shall collect or dispose of any garbage or rubbish accumulated from any residential premises in the city other than his or her own except the city or its designated contractor.

(Ord. 238, passed 12-7-1993) Penalty, see § 10.99

**§ 53.18 GARBAGE AND RUBBISH CONTAINERS.**

All occupants and owners of households in the city shall use city approved volume based bags or containers. Collection of refuse for commercial refuse generators shall be negotiated between the contractor and the commercial refuse generator on an individual basis regarding the frequency of collection, containers, location, and materials collected. Bags will be sold in Olivia at a minimum of 2 locations convenient to citizens.

(Ord. 238, passed 12-7-1993) Penalty, see § 10.99

**§ 53.19 STORAGE OF CONTAINERS.**

Except on days scheduled for collection, garbage and rubbish containers shall be stored out of view of the public street and on the day of collection shall be made readily accessible to the collector, within 10 feet of the curb line of the public street.

(Ord. 238, passed 12-7-1993) Penalty, see § 10.99

**§ 53.20 COLLECTION PRACTICES.**

(A) *Frequency of collection.* Garbage and rubbish shall be collected at least once each week, according to a schedule to be determined and notice shall be given by the contractor from time to time.

(B) *Limits on Quantity.* There shall be no limits as to the quantity, so long as all garbage and rubbish is placed in appropriate containers.

(Ord. 238, passed 12-7-1993)

**§ 53.21 STORAGE OF REFUSE.**

It is unlawful for any person to place any refuse in any street, alley, or other public place, or upon any private property whether owned by the person or not, unless it is in a proper container for collection. It is also unlawful for any person to throw or deposit any refuse in any stream or other body of water. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. It is also unlawful for any person to cast, place, or deposit any refuse in a manner so that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or other public place or into the occupied premises or onto the premises of another person.

(Ord. 238, passed 12-7-1993) Penalty, see § 10.99

**§ 53.22 IMPOSITION OF FEES.**

A charge will be imposed upon the owners of residential property regardless of whether or not the service is utilized by the residents thereof. The city or its designated contractor may levy a larger fee against residential structures containing 2 or more dwelling units, as the city may deem commensurate with the volume of refuse and the degree of difficulty of collection involved for each multiple dwelling unit. (See § 53.01 and Appendix A for rates).  
(Ord. 238, passed 12-7-1993)

**§ 53.23 REFUSE COLLECTION SERVICE TO BE CONSIDERED A PUBLIC UTILITY.**

The refuse collection service shall be considered a public utility furnished to the residents of the city either by direct city involvement or by contract, and in the event of nonpayment of charges which have been properly billed and are more than 30 days delinquent, the city may certify the charge to the County Auditor for collection with other real estate taxes. The owners of rental property and apartments shall be responsible for charges made for the refuse collection service to each rental unit served and charges which become delinquent shall be certified by the City Administrator to the County Auditor for collection with other real estate taxes.  
(Ord. 238, passed 12-7-1993)

**§ 53.24 GRIEVANCES.**

Any resident having a grievance relating to refuse collection service and wishing to be heard shall state his or her grievance in writing and submit a copy to the City Administrator, addressed to the Council, who shall pass upon it at its earliest meeting date.  
(Ord. 238, passed 12-7-1993)

**§ 53.25 EFFECTIVE DATE.**

Sections 53.15 *et seq.* shall be in full force and effect from and after its passage and publication according to law.  
(Ord. 238, passed 12-7-1993)

**§ 53.98 VIOLATIONS.**

Any person, firm, or corporation violating any provision of §§ 53.15 *et seq.* shall be guilty of a misdemeanor.

**Garbage and Refuse**

(Ord. 238, passed 12-7-1993) Penalty, see § 10.99

**CHAPTER 54:  
WATER**

Section

*General Provisions*

- 54.01 Mobile homes required to have water meters
- 54.02 Water conservation
- 54.03 Water rates

*Water Department  
Regulations*

- 54.15 City Water and Waste Water Systems
- 54.16 Hydrants
- 54.17 Wrenches
- 54.18 Excavation in winter
- 54.19 Permit to tap; street excavations
- 54.20 Fountains to be clear
- 54.21 Damage to equipment
- 54.22 Police Chief duties
- 54.23 Superintendent duties
- 54.26 Contract of users
- 54.27 Application for service
- 54.271 Private Wells for Domestic Use
- 54.28 Permits to tap
- 54.29 Waste of water
- 54.30 User duties
- 54.31 Unauthorized use
- 54.32 Inspection
- 54.33 Service interruptions
- 54.34 Turn on
- 54.35 Plumbers turn on
- 54.36 Hydrant and fountain restrictions
- 54.37 Private fire hydrants
- 54.38 Meters
- 54.39 Rates, rents, and payments
- 54.40 Discontinuance
- 54.41 Rebates
- 54.42 Charges in arrears



**§ 54.01 MOBILE HOMES REQUIRED TO HAVE WATER METERS.**

- (A) All mobile and manufactured homes in the City of Olivia shall have individual water meters.
- (B) The City of Olivia will pay for the labor to install the meters, but will require a payment for the meter itself.
- (C) If a mobile home is moved out of Olivia, a partial refund may be given depending on the usage. (Ord. 241, passed 10-17-1994) Penalty, see § 10.99

**§ 54.02 WATER CONSERVATION.**

- (A) When the City Council of the City of Olivia determines after consultation with staff members that a possibility of a shortage of water exists or may exist in the municipal water system and that certain nonessential uses of water must be restricted to conserve the existing supply of water, the City Council may by resolution impose restrictions on the use of water consistent with this section.
- (B) When it is determined by the City Council that there is or that there may be a potential shortage of water, the City Council may restrict the use of water for watering lawns, trees, gardens, and shrubbery, for washing motor vehicles and equipment, for filling swimming pools, air conditioning, and the other nonessential use as the City Council may indicate in its resolution. The City Council may also limit the hours water may be used for these purposes.
- (C) After publication of the resolution or 2 days after mailing the resolution to each customer, no customer shall use or permit water to be used in violation of the resolution. If the City Council determines that an emergency situation exists which requires immediate compliance with the terms of the resolution, the City Council may provide for the delivery of a copy of the resolution to the premises of each customer and any use of water by a customer after delivery of the resolution to his or her premises which is inconsistent with the resolution shall be a violation of the resolution.
- (D) It shall be a petty misdemeanor for any customer to use, water or to permit any other person to use water in violation of the resolution. Each day that water is used contrary to the terms of the resolution shall be a separate violation. Repeated violations may also be cause for discontinuance of water service.
- (E) (1) If conditions change, the City Council may amend its resolution from time to time to change the restrictions or to lift the restrictions imposed by the resolution.

(2) Notice of the changes shall be given in accordance with this section.

(F) This section shall be effective upon publication. (Ord. 217, passed 8-1-1988)  
Penalty, see § 10.99

**§ 54.03 WATER RATES.**

From and after the publication of this section, water rates shall be determined and set by the City Council as a policy matter. (See Appendix A).  
(Ord. 170, passed 7-2-1979)

***WATER DEPARTMENT REGULATIONS***

**§ 54.15 CITY WATER AND WASTE WATER SYSTEMS.**

The water systems of this city shall be known and designated as the City Water and Waste Water Systems of the City of Olivia.  
(1957 Code, § 225:01)

**§ 54.16 HYDRANTS.**

(A) All hydrants erected within the City of Olivia and by the city for fire extinguishing purposes are hereby declared to be public hydrants and, excepting the City Council or its duly authorized agent or officer, no person or persons other than members of the Fire Department of the city, and then only for the uses and purposes of the Department, shall open any hydrant or draw any water therefrom, nor shall any person or persons at any time use any hydrant, or remove or attempt to remove therefrom any matter or thing designated or intended for the protection thereof or in any manner intermeddle with any hydrant.

(B) The City Council or its authorized agent or officer may grant to suitable person or persons, permission to open any hydrant or hydrants, and draw water thereupon in which event the person or persons shall not open the hydrants to any greater length of time nor draw water therefrom for any other purpose or use them as specified in and by the permission.  
(1957 Code, § 225:02) Penalty, see § 10.99

**§ 54.17 WRENCHES.**

No person authorized to open hydrants shall delegate his or her authority to another nor let out or suffer any person to take the wrenches furnished him or her nor suffer the same to be taken from

any house of the city except for purposes strictly connected with the Fire Department or as then may accompany hose carts on occasion of fires.  
(1957 Code, § 225:03) Penalty, see § 10.99

**§ 54.18 EXCAVATION IN WINTER.**

No person shall make an excavation in any street or highway within 10 feet of any laid water pipe while the ground is frozen, or dig up or uncover so as to expose to the frost, any water pipe or sewer of the city except by permission of the City Council of the city.  
(1957 Code, § 225:04) Penalty, see § 10.99

**§ 54.19 PERMIT TO TAP; STREET EXCAVATIONS.**

No person shall make an excavation in any street or highway for the purpose of laying water pipe or tap any water or service pipe laid down without the written permission from the City Council or its officer or agent, and all plumbing work required in a building or for other purposes must be completed to the lines of the streets before any excavation shall be made in the street for the purpose of connecting with the mains. (1957 Code, § 225:05) Penalty, see § 10.99

**§ 54.20 FOUNTAINS TO BE CLEAR.**

No person shall place in, near, or around any drinking fountains any watering trough, any dirt filth, or any impurities whatever, or any substances or fluid by which the water in the fountain or trough shall be rendered impure or unpalatable. No person shall hitch or tie any team or other animal to any hydrant or other fixture of the Water and Waste Water Systems of the city.  
(1957 Code, § 225:06) Penalty, see § 10.99

**§ 54.21 DAMAGE TO EQUIPMENT.**

No person shall willfully or carelessly break, injure, mar, or disturb any building, machinery, apparatus, fixture, attachment, or apparatus of the Water and Waste Water Systems of the city or any public place, or private hydrant or water trough or stop-cock meter water supply or service pipe or any part thereof nor shall any person deposit anything in any valve or stop-cock box, or commit any act tending to obstruct or impure the intended use of any of the above mentioned property without the permission of the City Council or except in case hereinafter mentioned or otherwise regulated by ordinance of the city.  
(1957 Code, § 225:07) Penalty, see § 10.99

**§ 54.22 POLICE CHIEF DUTIES.**

It shall be the duty of the Police Chief or police officer of the city to report to the Mayor of the city or the City Clerk all cases of leakage, waste, or unnecessary profusion in the use of water and each and every violation of any ordinance of the city relative to the Water and Waste Water Systems thereof, which may come to his or her knowledge or notice, and the Police Chief or police officer shall each enforce the observation of §§ 54.15 *et seq.*, so far as they or any of them have authority, under the ordinance of this city.

(1957 Code, § 225:08)

#### **§ 54.23 SUPERINTENDENT DUTIES.**

There shall be appointed by the City Council of the city one Superintendent who may also be required to perform other duties in connection with the operation and management of the Water and Waste Water Systems as may be directed by the City Council. The Superintendent shall keep himself or herself prepared for duty at all times. He or she shall have charge of the engine pumps, boilers, and machine-shop, and the care and supervision of the running of the engine and all machinery connected therewith. He or she shall visit all hydrants and valves at least once a month or sooner as may be necessary and see that they are in proper order. He or she shall not leave the City of Olivia without a qualified and responsible person who will be on duty or on call in his or her absence. He or she shall not allow the quantity of water in the tank to be diminished more than 1/3, and shall see that all valves and every part of the Water and Waste Water Systems are in perfect running order, and in case of breakage or defect to same to give immediate notice to the City Council. He or she shall also perform the other duties as deemed necessary by the City Council for the proper management of the City Water and Waste Water Systems. His or her salary shall be fixed by the City Council and paid monthly. The City Council may require the Superintendent to give a bond in an amount to be set by Council from time to time conditioned for the faithful discharges of the duty.

(1957 Code, § 225:09)

#### **§ 54.26 CONTRACT OF USERS.**

(A) This subchapter rules and regulates and water rates hereafter mentioned named shall be considered a part of the contract with every person, company, or corporation who is supplied with water through the water system of the City of Olivia and every person, company, or corporation by taking water shall be duly considered as expressing his or her or their consent to be bound thereby.

(B) When any of the rules or regulations or such others as the City Council shall adopt are violated, the water shall be shut off from the building or premises, or place of the violation (even though 2 or more parties are receiving water through the same pipe) and shall not be let on again except by order of the City Council, or its duly authorized officer, or agent and the payment of all arrearages of rent. The expense of shutting off and letting on for which a charge, in an amount set by Council from time to time, shall be charged unless digging shall be done in which case charges shall be proportional to the cost and the other terms as the City Council shall determine,

and a satisfactory understanding with the party that no future causes or complaints shall arise. In case of the violation the City Council furthermore may declare any payment for the water by the party or parties committing the violation to be forfeited and the same shall thereon be forfeited the right is reserved to the City Council to change the rules, regulations, and water rents and rates from time to time as it may deem advisable and to make special rates and contracts in all proper cases not therein provided for.

(1957 Code, § 225:12)

**§ 54.27 APPLICATION FOR SERVICE.**

Every person, persons, or company, or corporation desiring as supply of water, must make application in writing therefor to the City Administrator in the form as may be prescribed for that purpose. Blanks for the application will be furnished at the office of the City Administrator. The application must fully and truly state all the uses to which the water is to be applied or no different or additional use will be allowed except upon further application from the City Council as hereinbefore prescribed if the applicant is not the owner of the premises, the written consent of the owner must accompany the application when more than 1 tenant is supplied through 1 service pipe the application for supplying the building or premises shall be made by 1 person and the person shall be held responsible for all supplies through the service pipe, as but 1 bill will be made and the rate for each tenant will be the same as for separate house or premises. No permit will be granted for bath or wash basins when the water is not taken for household, store, or office purposes. (1957 Code, § 225:13)

**§ 54.271 PRIVATE WELLS FOR DOMESTIC USE.**

(A) The installation of new Private Wells for Domestic Use on any property to which City Water Utility Service is available is prohibited, subject to the exceptions set forth in Section (C).

(B) Private Wells for Domestic Use in existence on February 3, 2014 may remain in use provided they comply with all applicable regulations, including but not limited to 42 U.S.C. sections 300f to 300j-26, and Minn. Stat. §§144.381 to 144.387.

(C) "Private Wells for Domestic Use" shall mean any well not owned by the City Water Utility which is drilled or installed for potable water or irrigation purposes. "Private Wells for Domestic Use" shall not include wells drilled for such purposes as dewatering, groundwater monitoring, closed loop heating or cooling, elevator borings or environmental bore holes. (Ord. 2014-01, passed 2-3-2014)

#### **§ 54.28 PERMITS TO TAP.**

After the water has been introduced into any building and upon any premises, no plumber shall make any taps or connections with the pipe upon the premises for alteration, extension, or attachment unless the party ordering the tapping or other work shall exhibit the proper permit for the same from the City Council. (1957 Code, § 225:14) Penalty, see § 10.99

#### **§ 54.29 WASTE OF WATER.**

(A) All persons using water shall keep the hydrant, taps, hose, water closets, urinals, baths, or other fixtures allotted to their use closed, except when obtaining water for use, and shall be responsible for any damages or injury that may result to others from the improper use of the water.

(B) All the expense relating to the introduction of water into buildings or private premises shall be paid for by the applicant. (1957 Code, § 225:15) Penalty, see § 10.99

#### **§ 54.30 USER DUTIES.**

All persons taking water shall keep their own service pipes, stop-cocks, and apparatus in good repair and protected from frost, at their own risk and expense, and shall prevent the unnecessary waste of water. (1957 Code, § 225:16) Penalty, see § 10.99

#### **§ 54.31 UNAUTHORIZED USE.**

No consumer shall supply water to others nor suffer others to take water of his or her premises. This does not however apply where meters are used. (1957 Code, § 225:17) Penalty, see § 10.99

#### **§ 54.32 INSPECTION.**

Every person, company, or corporation taking water shall permit the members of the City Council or its duly authorized officer or agent at all reasonable hours to enter on their premises or

building to examine the pipes and fixtures and the manner in which the water is used and they must at all times frankly and without concealment answer all questions put to them relative to its consumption.

(1957 Code, § 225:18) Penalty, see § 10.99

#### **§ 54.33 SERVICE INTERRUPTIONS.**

It is expressly stipulated by the city that no claim shall be made against it, by reason of breaking or freezing of any service pipe or service-cocks, nor if from any cause the supply of water should fail nor from damage arising from shutting off water to repair the mains, making connections or extension nor for other purpose that may be deemed necessary. And the right is hereby reserved to cut off the supply at any time for the purpose of repair or other necessary purpose any permits granted, or regulations to the contrary notwithstanding whenever it shall become necessary to shut off water supply within any district of the city. The City Council or its duly authorized officer or agent shall, if practicable, give notice to each consumer within the district of the time when the supply shall be shut off.

(1957 Code, § 225:19)

#### **§ 54.34 TURN ON.**

Water will not be turned into any building or private service pipe except upon the order in writing of the City Council or its duly authorized officer or agent nor until the applicant shall have paid for the connection from the street mains to the street line and also the water rent for the current term.

(1957 Code, § 225:20)

#### **§ 54.35 PLUMBERS TURN ON.**

All plumbers are strictly prohibited from turning water into any service pipe, except upon the order or permission of the City Council or its agent. This rule shall not be constructed to prevent any licensed plumber from admitting water into pipes for the purpose of testing the same.

(1957 Code, § 225:21) Penalty, see § 10.99

#### **§ 54.36 HYDRANT AND FOUNTAIN RESTRICTIONS.**

No hydrants, except public drinking fountains, shall be placed within the limits of any street, unless they are securely closed, and protected against general use and no drinking fountain shall be erected for public use which has openings by which it can be used as a source of domestic supply.

(1957 Code, § 225:24) Penalty, see § 10.99

**§ 54.37 PRIVATE FIRE HYDRANTS.**

If the proprietors of lumber yards, manufacturers, halls, stores, elevators, warehouses, hotel or public buildings, being regular customers and users of water from the Water and Waste Water Systems, wish to lay pipes with hydrants and hose coupling to be used only in case of fire, they may be permitted to do so and connect with the street mains at their expense, upon the application to the City Council and under their direction and will be allowed the use of water for fire purposes only, free of charge, but all valves admitting water to the pipes must be sealed for which a charge, in an amount set from time to time, will be made. If the seal is broken or defaced, the City Council must be notified thereof immediately, provided, however, that the right is hereby reserved, that in case of fire, the Fire Department of the city shall have at all times the right to draw water from the hydrants.

(1957 Code, § 225:25)

**§ 54.38 METERS.**

In all cases where meters are required, the meter shall remain the property of the City and shall be sized according to City policy. No restriction is placed upon the use of water taken through a meter, as to purpose, manner, or quantity, except as provided in § 54.35, and that wanton waste is hereby prohibited. All meters must be approved by the City Council, or its duly authorized officer or agent, and must be set, and at all times under the supervision and direction thereof. The meters must be set so that they may be easily examined and read and be provided with suitable protection so that they are made safe from frost or other damages. In case of refusal or neglect to set or protect a meter as herein required, the City Council or its duly authorized officer or agent shall refuse to turn on water or if the water has been turned on it shall be turned off until the consumer shall have complied with the above requirements. All expense of attaching meters and of protecting them from frost or other damage shall be paid by the consumer and any meter found at any time frozen, damaged, or registering incorrectly must be repaired or replaced upon the order of the City Council or its duly authorized officer or agent, at the expense of the consumer, and no meter shall be replaced or removed except upon permission of the City Council or its duly authorized officer or agent. The City Council may order any consumer to apply a meter to his or her service pipe, and pay meter rates for his or her water; whenever it shall seem advisable. The City Council shall furthermore have the right to attach a meter to any service pipe whenever it shall deem it expedient to ascertain the amount of water being delivered through the pipe. The expense in that case is to be borne by the city.

(1957 Code, § 225:26) Penalty, see § 10.99

**§ 54.39 RATES, RENTS, AND PAYMENTS.**



(A) All rates and rents must be paid promptly when due at the office of the City Administrator which the officer shall deliver to the payer a receipt for the same. (1957 Code, § 225:27)

(B) Rates and rents for building purposes will be payable on demand. When water is measured by meter, the estimated amount must be payable quarterly in advance subject to the meter measurements, which however shall not be less than the minimum rate charge pro rata of the flat rates hereafter prescribed or which may be hereafter changed or modified by ordinances or which may be by order of the City Council. Rates for fountains, hose, or sprinkling will be payable on the first day of May for every season. All rents or rates other than specified above will be paid quarterly in advance at the office of the City Administrator on the first day of November, June, September, and December of each and every year. (1957 Code, § 225:28) Penalty, see § 10.99

#### **§ 54.40 DISCONTINUANCE.**

Any person wishing to discontinue the use of the water from the City Water and Waste Water Systems or desiring a change in his or her applications as to the use of water must give notice thereof at the office of the City Administrator at least 5 days prior to the day of which the water rents have been paid, or water rents will be charged as before for the next ensuing quarter. (1957 Code, § 225:29)

#### **§ 54.41 REBATES.**

No rebate from rates will be allowed for partial use of water from wells, cisterns, or from any other source for any portions of a quarter during which water is used. All fixtures for the supply of water for which there are regular rates must be paid for whether in use or not. (1957 Code, § 225:30)

#### **§ 54.42 CHARGES IN ARREARS.**

If the rates and rents are not paid within 10 days after the same shall become due, the City Council may order the water shut off forthwith, and it shall not be turned on again except by the order of the City Council or its duly authorized officer or agent, and the payments of all arrears of rent together with the expenses of shutting off and letting on of the water, for which a late fee will be charged unless digging shall be done, in which case charges shall be proportional to the cost and the other terms as the City Council by its order shall prescribe and determine. (See Appendix A for late fee). (1957 Code, § 225:31)

