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AN ORDINANCE OF THE ALEXANDRIA LAKE AREA SANITARY DISTRICT REGULATING THE USE OF PUBLIC AND PRIVATE SEWER; REQUIRING CONNECTION OF WASTE WATER SOURCES TO THE PUBLIC SEWER SYSTEM; DEFINING PUBLIC AND PRIVATE SEWER; PROHIBITING THE DISCHARGE OF CERTAIN SUBSTANCES INTO THE PUBLIC SEWER SYSTEM AND PROVIDING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

THE SANITARY SEWER BOARD OF THE ALEXANDRIA LAKE AREAS SANITARY DISTRICT DOES ORDAIN:

Preamble: The board determines that this ordinance is necessary to carry out its responsibility under Minnesota Statutes 869, as amended. If further determines that the ordinance is necessary to protect the natural environment, the public health, and the public welfare of its citizens

Section 1.00- Sewer Use Code

Section 1.05 - Definitions.

Subd. 1. For the purpose of this ordinance, the following words and terms shall have the meaning set out below, unless the context specifically indicates otherwise.

Subd. 2. "Act" The Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, 33. U.S.C. 1251 et seq.

Subd. 3. "ALASD" is the area established by Act 869 of the laws of 1971 as amended in which the Sanitary Sewer Board of the Alexandria Lake Area Sanitary District has certain rights, powers, privileges, and duties pursuant to said Act. The term ALASD when used herein may also be used to refer to the Sanitary Sewer Board and its authorized representatives.

Subd. 4. "BOD" (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the chemical oxidation of Organic matter expressed in milligrams per liter, as determined in accordance with standard laboratory procedure as set out in the latest edition of Standard Methods for the Examination of Water and Wastewater.

Subd. 5. "Building Drain" means that part of the lower horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the

walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Subd. 6. "Building Sewer" means the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Subd. 7. "COD" (denoting chemical oxygen demand) means the quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedure as set out in the latest edition of Standard methods for the Examination of Water and Wastewater.

Subd. 8. "Combined Sewer" means a sewer originally designed and currently designated to receive both surface water runoff and sewage.

Subd. 9. "Developer" means any person wishing to install public sewer to serve a proposed subdivision for speculative purposes.

Subd. 10. "Enabling Legislation" means Chapter 869, as amended, passed by Act of the Minnesota State Legislature. This Act created and enabled the ALASD.

Subd. 11. "Executive Director" means chief administrative officer of the ALASD as defined in Subdivision 4, Section 4 of the Enabling Legislation.

Subd. 12. "Garbage" means solid wastes resulting from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage or sale of meat, fish, fowl, fruit, vegetables, condemned food.

Subd. 13. "Industrial wastes" means the solid, liquid or gaseous wastes resulting from any industrial or manufacturing processes, trade or business, or from the development, recovery or processing of natural resources.

Subd. 14. "Infiltration" - Water other than waste water that enters the sewer system from the ground or from surface runoff, as defined in Minnesota Rules.

Subd. 15. "Inflow" means water other than waste water that enters the private sewer system from ground or surface water.

Subd. 16. "Local Government Unit" means any municipal or public

corporation or governmental or political subdivision or agency located in whole or part in the ALASD, authorized by law to provide for the collection, treatment, and disposal of sewage

Subd. 17. "National Pollution Discharge Elimination System Permit" or "NPDES Permit" means the system for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone, and the oceans by the Administrator of the Environmental Protection Agency pursuant to section 402 and 405 of the Federal Water Pollution Control Act Amendment 1972.

Subd. 18. "Natural Outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

Subd. 19. "Other Wastes" shall mean garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil, tar, chemicals, offal and other substances except sewage and industrial wastes.

Subd. 20. "Person" means any individual, firm, company, association, society, corporation, municipal corporation, governmental unit, or group.

Subd. 21. "Public Sanitary Sewer" means that portion of the sewer system constructed by the Sanitary District the Alexandria Lake Area Service Region, the City of Alexandria, any other municipal corporation or public agency, or developer, except service stubs, and shall include interceptor lines and lateral sewer lines not less than 8 inches in diameter, sewage pumping stations and manholes.

Subd. 22. "Property" means the parcel of land owned by any person.

Subd. 23. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Subd. 24. "Process Water" means any water used in the manufacturing, preparation or production of goods, materials or food. Process water is an industrial waste.

Subd. 25. "Public Sewer" means any sewer defined as accepted as public sewer by ALASD board action.

Subd. 26. "Private Sewer" means sewer not owned or operated by a government or agency or accepted into the public sewer system by ALASD board action.

Subd. 27. "Public Road Right-of-Way" means road owned and dedicated to a local unit of government. The local unit of government may or may not maintain this road.

Subd. 28. "Sanitary Sewer Board" or "board" means the sanitary sewer board established for the Alexandria Lake Area Sanitary District as provided in Section 3 of the Enabling Legislation.

Subd. 29. "Sanitary Sewer" means a sewer, which carries sewage(sanitary wastes), and to which storm, surface, and ground water are not intentionally admitted.

Subd. 30. "Sanitary Wastes" means the liquid and water-carried wastes discharged from sanitary plumbing facilities and characterized by a composition typical of the waste emanating from an average residential connection.

Subd. 31. "Service stub" means that portion of the private sewer system commonly called the stub that is usually installed with the public sewer. The service stub includes only that portion of the private service located within the public road right-of-way, street, or utility easement.

Subd. 32. "Sewage" or "Wastewater" means the water carried waste products from residences, public buildings, institutions, industrial establishments or other buildings including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground water infiltration and storm and surface water as may be present.

Subd. 33. "Sewer" means a pipe or conduit for carrying sewage, industrial waste or other waste liquids.

Subd. 34. "Sewer System" means pipe lines or conduits, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes or other wastes to a point of ultimate disposal.

Subd. 35. "Shall" is mandatory; "May" is permissive.

Subd. 36. "Slug" means any discharge of water, wastewater or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty four (24) concentration of flows during the normal operation.

Subd. 37. "Storm Sewer" (sometimes termed "storm drain") means a sewer which carries storm and surface water and drainage but excludes sewage and industrial wastes, other than unpolluted cooling or process water.

Subd. 38. "Suspended Solids" means 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, in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

Subd. 39. "Unpolluted water" means clean water uncontaminated by industrial wastes, other wastes. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards.

Subd. 40. "Wastewater facilities" means the structures, equipment and processes required to collect, carry away, and treat domestic and industrial waste and dispose of the effluent.

Subd. 41. "Wastewater Treatment Works" or "Treatment Works" shall mean an arrangement of devices and structures of treatment of wastewater, industrial waste, and sludge. Sometimes used as synonymous for "waste treatment plant" or wastewater treatment plant" or "water pollution control plant" or "sewage treatment plant" or pollution control.

Section 1.10 - Use of Public Sewers.

Subd. 1. It shall be unlawful to discharge to any natural outlet within the ALASD or in any area under the jurisdiction of the ALASD any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Subd. 2. 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.

Subd. 3. No person(s) shall willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the waste water treatment facilities. Any person violating this provision shall be subject to immediate arrest and may be charged with a misdemeanor.

Subd. 4. No person shall discharge or cause to be discharged, directly or indirectly, any storm water, surface water, ground water, roof runoff, subsurface drainage, waste from onsite disposal systems, unpolluted cooling or process water to any sanitary sewer, except as permitted by the ALASD.

Subd. 5. Storm water and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or process water shall only be so discharged upon approval by the ALASD or other local units of government.

Subd. 6. No person shall discharge or cause to be discharged, directly or indirectly, any of the following described substances to any public sewer:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

(b) Any water 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 sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the wastewater treatment works.

(c) Any water or wastes having pH lower than 5.5 or greater than 9.5 or having any other corrosive property capable of causing damage hazardous to structures, equipment and personnel of the wastewater treatment works.

(d) Solid or viscous substances, either whole or ground, in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper continuation of the wastewater facilities, but not limited to ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cuttings or polishing wastes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshing, entrails and sanitary napkins, paper dishes, cups, milk containers and other paper products.

(e) Noxious or malodorous liquids, gases or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

Subd. 7. No person shall discharge or cause to be discharged,

directly or indirectly, the following described substances to any public sewer unless in the opinion of the ALASD such discharge will not harm the wastewater facilities, nor cause obstruction to the flow in sewers, nor otherwise endanger life, limb or public property, nor constitute a nuisance. In forming it's opinion as to the acceptability of these wastes, the ALASD may give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, the ALASD's NPDES Permit, and other pertinent factors. The ALASD may make such determinations either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations, which may occur.

The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F. (65 degrees C) leaving the building or in excess of one hundred three (103) degrees F. (39.4 degrees C) entering the wastewater treatment plant.

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two F. (0 degrees C) and one hundred fifty (150) degrees F. (65 degrees C).

(c) Any garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in public sewers, with no particles greater than one-half inch in any dimension.

(d) Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

(e) Any water or waste containing phenols or other waste or odor producing substances which constitute a nuisance or hazard to the structures, equipment or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the State and Federal government and any other public agency with proper authority to regulate the discharge from the sewage treatment plant.

(f) Radioactive wastes or isotopes of such half-life or concentration that they are in non-compliance with regulations issued by the appropriate authority having control over their use or which have caused or may cause damage or hazards to the treatment works or personnel operating it.

(g) Any water or wastes having a content in excess of the following: PH, 9.5; Cadmium, 2.0 mg/l; Chromium, 8.0 mg/l; Copper, 6.0 mg/l; Cyanide, 4.0 mg/l; Lead 1.0 mg/l; Mercury, 0.01 mg/l; Nickel, 6.0 mg/l; and Zinc, 8.0 mg/l.

(h) Antifreeze (Ethylene glycol). Upon approval of the ALASD discharge to sanitary sewer of antifreeze is permitted if the discharge is less than 600 gallons per year (50 gallons per month on an annual average). The antifreeze shall be free of oil and not contaminated with other substances.

(i) Materials, which exert or cause:

(1) Unusual concentration of 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, sodium chloride and sodium sulfate).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.

(4) Unusual volume of flow or concentration of wastes constituting a slug.

(5) Water or water containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the NPDES Permit or requirements of other governmental agencies having jurisdiction over discharges from the sewage treatment plant.

Subd. 7A. The Alexandria Lake Area Sanitary District shall allocate and regulate the flow and loading capacity of residential, commercial, and industrial users so as to:

(a) *Protect the public health and welfare*

- (b) *Prevent the surcharging, blockage, or overflow of sanitary sewer lines*
- (c) *Prevent the overloading of the treatment plant*
- (d) *Comply with any and all NPDES Permits*
- (e) *Ensure meeting any and all NPDES Permit and Water Quality Standards*
- (f) *Provide critical assistance to long-term planning within the District.*

The allocation and regulation of flow and loading capacity shall be reviewed annually and amended as needed. Flow and loading capacity allocations shall be specified in a resolution adopted by the Sanitary District Board from time to time. The Board has the right and authority to refuse to permit the discharge of new or expanded flow or loading for any reason listed in Subd.1. of Section 1.11.

New users of the system, and existing users whose flow and/or loading capacity has changed, shall be subject to the following limits on allocation:

- (1) *No new user shall be allocated more than 10% of reserved flow or loading*
- (2) *Any user discharging more than 10,000 gallons/day, or 5% of plant loading as of the date of application for a permit or permit renewal, or whose discharge has a reasonable potential to adversely impact the District plant, or the quality of its effluent or residuals shall apply for a permit in accordance with Subd.8. of this Section 1.10.*
- (3) *No allocation shall be made or any permit issued or renewed by the District until it has been confirmed in writing that the proposed use by the permittee, or permit applicant, is in conformance with all applicable codes, ordinances, and laws.*

Subd. 8. If any water or wastes are discharged, or are proposed to be discharged directly or indirectly to the public sewers, which water or wastes do not meet the standards set out in or promulgated under this section or which in the judgment of the ALASD may have a deleterious effect upon the treatment works,

processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the ALASD may take any or all of the following steps:

- (a) Refuse to accept the discharges, or
- (b) Require control over the quantities and rates of discharge, or
- (c) Require pretreatment to an acceptable condition for the discharge to the public sewers in accordance with Federal Pretreatment Standards, or
- (d) Require payment to cover the added cost of handling and treating the wastes.
- (e) *Require the potential discharger to apply for and be issued a permit to allow discharge into the ALASD sewer system. The permit shall be in writing and may require any or all of the items set out in subparagraphs (a), (b), (c), (d) above and such other requirements as may be determined necessary to protect the system as established by ALASD consultants and staff.*

All permits shall be for a period of 1 year. After the initial permit has been issued, subsequent permits may be applied for on or before the 1st day of the 11th month of the permit period. The application shall be in writing in such form as may be required by the ALASD.

The design and installation of plans and equipment for pre-treatment or equalization of waste flows shall be subject to the review and approval of ALASD and subject to the requirements of 40 CFR 128, entitled "Pretreatment Standards" and all applicable codes, ordinances, and laws.

Subd. 9. Grease, oil and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease, or any flammable wastes, sand or other harmful ingredients. All interceptors required under this Subdivision shall be of a type and capacity approved by the ALASD and shall be located as to be readily and easily accessible for cleaning and inspection. Such interceptors shall not be required for private living quarters or dwelling units. The owner shall be responsible for the maintenance of interceptors, including proper removal and disposal of the captured materials by appropriate means of disposal, which are subject to review by the ALASD. Any materials and hauling must be performed by the owner's personnel

or a currently licensed waste disposal firm and in compliance with all applicable laws and regulations.

Subd. 10. Where preliminary treatment, flow equalizing facilities or interceptors are provided for any water or wastes, they shall be effectively operated and maintained continuously in satisfactory and effective condition by the owner at his expense, and shall be available for inspection by the ALASD at all reasonable times.

Subd. 11. When required by the ALASD, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure, together with such necessary meters and other appurtenances in the building sewer to facilitate observation sampling, and measurement of the wastes. Such structure and equipment when required shall be constructed at the owners expense in accordance with plans approved by the ALASD and shall be maintained by the owner so as to be safe and accessible at all times.

Subd. 12. All measurements, tests, and analysis of the characteristics of water and wastes to which reference is made in this ordinance shall be determined in accordance with 40 CFR 136 (Guidelines Establishing Test Procedures for Analysis of Pollutants); the latest edition of Standard Methods for the Examination of Water and Wastewater, and shall be determined at the control structure provided, or upon suitable samples taken at said control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from 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 sewerage works and to determine the existence of hazards to life, limb, and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analysis are obtained from 24-hour composite of all outfalls whereas PH's are determined from periodic grab samples).

Subd. 13. The ALASD may conduct such tests as are necessary to enforce this ordinance, and employees of the ALASD may enter upon any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to such enforcement. Entry shall be made during operating hours unless circumstances require otherwise. In all cases where tests are conducted by the ALASD for the purpose of checking to

determine if a previously found violation of this ordinance has been corrected, the cost of such tests shall be charged to the user and added to the user sewer charge. In those cases where the ALASD determines that the nature of volume of a particular user sewage requires more frequent than normal testing, the ALASD may charge such user for the tests, after giving the user ten (10) days written notice of it's intention to do so, and the cost thereof shall be added to the user's sewer charge. In any case where industrial wastes are discharged to a public sewer, the ALASD may require the user, at his own expense, to test his discharge on a regular basis and to report the test results to the ALASD within a reasonable time. All such tests shall be as ordered by the ALASD and shall be conducted by qualified personnel and in accordance with the standards set out this section.

Subd. 14. No garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be installed in any building, which is connected directly, or indirectly to a public sewer, without prior approval of the ALASD. The ALASD Board shall not approve any garbage grinder which does not grind garbage to a degree so that no particle is greater than one-half (1/2) inch in any dimension and shall be empowered to order that any garbage grinder regardless of it's size or when it was installed, which does not grind garbage to a degree so as to make it acceptable under Subd. 7 and 8 of this section, not be used to grind garbage, which is thereafter directly or indirectly discharged into a public sewer.

Subd. 15. Accidental discharges of prohibited waste into the sewage works, directly or through another disposal system, or to any place from which such waste may enter the treatment works, shall be reported to the ALASD by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of such discharge. A notice shall be permanently posted on the users bulletin board or other prominent place advising employees of the emergency notifications procedure in the event of a slug or accidental discharges. Notifications will allow measures to be taken to minimize damage to the treatment facilities. Notification will not relieve user of liability for any expense, loss or damage to the treatment facilities, or for fines imposed on the ALASD by any state or federal agency as a result of their actions.

Subd. 16 In addition to penalties that may be imposed for violation of any provision of the Section, the ALASD may asses against the user/owner the cost of repairing or restoring sewers

and associated facilities damaged as a result of the discharge of prohibited wastes and may collect the assessment as an additional charge for the use of the public sewer system.

Subd. 17. New connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including capacity for flow, BOD, suspended solids and phosphorous.

Subd. 18. No statement contained in this subsection shall be construed as preventing any special agreement or arrangement between the ALASD and any industrial concern whereby any industrial wastes of unusual strength or character may be accepted by the ALASD for treatment, subject to payment therefore, by the industrial concern, in accordance with applicable ordinances and any supplemental agreement with the ALASD.

Subd. 19. No special agreement or arrangement between the ALASD or any industrial concern shall allow discharges which would upset the treatment plant, pass through the treatment causing water quality violations, cause problems with sludge disposal, or violate federal categorical pretreatment standards.

Section 1.15 - Removal of Prohibited Discharge and Prohibited Connections

Subd.1. The Section applies to the prohibition of discharges into the sanitary sewer system and to provide for inspection of property to determine illegal connections to the sanitary sewer system and to provide a surcharge for non-compliance with inspection and connection requirements.

Subd. 2. In this Subdivision the Sanitary Sewer Board of The Alexandria Lake Area Sanitary District (ALASD) finds that the discharge of water from any surface, groundwater sump pump, ground water pump, roof, yards, lawns, streets, alleys, footing tile, or other natural precipitation into the sanitary sewer system contributes to the flooding and overloading of the sanitary sewer system. Such overloading of the sanitary sewer system may result in sewage flowing into lower levels of residences and businesses, creating hazardous public health conditions and significant damage to properties. The ALASD, therefore, determines that Section 1.15 is necessary to protect the health, safety, and welfare of its citizens through the regulation of connections to the ALASD's sanitary sewer system.

Subd. 3 Except as otherwise expressly authorized in this Section, no water from any roof, surface, groundwater sump pump, footing tile, 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 the public 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. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge, and if connections for altering the path of discharge, and if connected to a storm sewer line, include a check valve and an air gap.

Subd. 4 Every person owning property with a structure that discharges into the sanitary sewer system shall allow an employee of the ALASD or a designated representative of the ALASD to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. The ALASD may periodically re-inspect any building or premise to determine compliance with the requirements of this Section.

Subd. 5 Any person, owner, lessee, or occupant, and any plumber or building contractor who has presently made or permitted to be made or shall make or permit to be made, any connection or installation in violation of Section 1.15, shall immediately remove such connection or correct such an installation. If not removed or corrected within 45 calendar days after notice of the violation has been delivered personally or by certified mail to such person, owner, lessee, or occupant, the ALASD may impose a surcharge in the amount provided in Subdivision 6 of Section 1.15 of this Ordinance. Such a surcharge may also be imposed upon any property owner, lessee, or occupant who, after 30 calendar day notice, refuses to allow their property to be inspected. The owner, lessee, occupant of a building or premises found to be not in conformance with this Section during periodic reinspection may be subjected to a surcharge as provided in Subdivision 6 of Section 1.15.

Subd. 6 A surcharge of One Hundred and 00/100 Dollars (\$100.00) per month is hereby imposed on every sewer bill to property owners who are not in compliance with Section 1.15 of or who have refused to allow their property to be inspected to determine if there is compliance. All properties found during yearly

reinspection to have violated this ordinance will be subject to the \$100.00 per month penalty for all months between the two most recent inspections.

Section 1.20 - Building Sewers and Connections

Subd. 1.

(a) It is unlawful for any person to engage in the work or business of installing private sewer service lines and appurtenances for others without a license therefore from ALASD.

(b) Any person desiring to engage in such work shall make application to the ALASD on forms to be supplied by the ALASD together with a fee in the amount of \$25.00 fee. All licenses issued shall be for one (1) year and each renewal shall be made by application together with a \$25.00 annual fee. A plumber licensed by the State Board of Health shall pay no fee to the ALASD, but shall show evidence of the state license before the ALASD issues a license.

(c) Each applicant for license shall sign an agreement on such form as may be delivered by the ALASD agreeing to pay the ALASD the actual cost of repair for any damage caused the ALASD Sewer System by the applicant or any of his employees or agents. This agreement shall accompany the license application.

(d) Each applicant for license shall accompany his application with a certificate of insurance in a company acceptable to the ALASD showing public liability insurance coverage with limits of at least \$250,000 per person; \$500,000 per occurrence and \$10,000 for property damage. Such certificate shall specifically state that such insurance covers underground operations and shall contain a provision that the coverage afforded under the policies will not be canceled or materially changed until at least 15 days prior written notice has been given to the ALASD.

Subd. 2. No person unless authorized shall uncover, make any connections with or opening into, use, alter, repair, or disturb any public or private sewer or appurtenance thereof, without first obtaining the written permit from the ALASD.

Subd. 3. Any person's license or permit, which is revoked or denied by the executive director of the ALASD, may appeal said revocation or denial to the board.

Subd. 4. All costs and expense incident to the installation and

connection of the building sewer shall be borne by the owner. The owner shall indemnify and hold harmless the ALASD from any loss or damage to the public sewer that may directly or indirectly be occasioned by the installation of the building sewer.

Subd. 5. A separate and independent building sewer shall be provided for every building; except where two or more buildings are situated on one parcel such that the parcel may not be subdivided; such a joint use private sewer may be extended to the rear building or buildings and the whole considered as one joint use private sewer. Special variances will be considered by the Service Region Board and the ALASD Board.

Subd. 6. Old building sewers may be used in connections with new buildings only when they are found, on examination and test by the ALASD to meet all requirements of this ordinance.

Subd. 7. Unused septic tank, cesspools, leaching pits and similar devices and structures shall be backfilled or made safe and unusable in a manner acceptable to the ALASD.

Subd. 8. The size, slope, alignment, materials of construction of a building sewer, and the method 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. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of Water Pollution Control (W.P.C.F.) manual of Practice No. 9 and applicable American Society for testing material (A.S.T.M.) Standards shall apply.

Subd. 9. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, such building drain shall be provided with a lifting device by an approved means and discharged to the building sewer.

Subd. 10. Employees of the ALASD or a designated representative of the ALASD shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the ALASD when the work is ready for final inspection and no underground portions shall be covered before the final inspection is completed. The connection shall be made under the supervision of the ALASD or its designated representative.

Subd. 11. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the ALASD and/or the local unit of government having jurisdiction.

SECTION 1.21 - Private Sanitary Sewer Responsibility and Liability

Subd.1. The ALASD is responsible and shall operate, maintain and repair the public sanitary sewer. Any property owner or person may operate, maintain, and repair the private sewer service. Any property owner is responsible for all private sewer including private sewer in the public road right-of-way or easement. Private sewer also includes the service stub and the wye connection to the public sewer.

Subd.2. When any person claims that the private sewer is operating improperly because of an obstruction or other defect in the service stub and that the obstruction or other defect was caused by defective construction or negligence on the part of the ALASD in the operation or maintenance of the public sewer system, such claims shall be investigated by the ALASD. This investigation may include roto rootering, measuring, or the steaming or any other operation that is required on the service stub. The means, method, and extent of the investigation shall be determined by the executive director. The cost of this investigation shall be born in full by the ALASD. Prior to implementing any investigation, the ALASD and the person shall enter into a written agreement whereby the person shall agree that the ALASD's investigation shall not be an admission of liability by the ALASD nor a waiver of any defenses the ALASD may exercise against any claims made by any person.

Subd.3. Should the executive director of the ALASD, upon investigation, determine that the claimed improper operation is the result of an obstruction or other defect caused by defective construction or negligence in the operation or maintenance of the public sewer system, the ALASD shall, at its own expense, make the necessary repairs to correct the improper operation of the private sewer.

Subd.4. Should the executive director, upon investigation, determine that the improper operation of the private sewer service is not the result of defective construction or the

ALASD's negligence in the operation or maintenance of the public sewer system, the cost of making repairs shall be born by the person. The cost of the investigation shall be born by the ALASD.

Subd.5. Should the executive director of the ALASD, upon investigation, be unable to ascertain the cause of the improper operation of the private sewer, the cost of repairs shall be born by the ALASD.

Section 1.22 Sanitary Sewer Backup Policy

Subd.1. Upon receiving notification that waste water is entering any person's residence or place of business, the ALASD will dispatch a crew to investigate. Should the executive director determine that the back-up was caused by a blockage of the private sanitary sewer the appropriate person will be so informed and the costs of clean-up will be born by that person. The ALASD will then provide technical assistance only.

Subd.2. Should the executive director determine that the back-up is a result of a blockage or pump failure in the public sanitary sewer, ALASD personnel will offer to immediately clean and disinfect the structure in which the back-up occurred. The cost of such cleaning shall be born by the ALASD. Prior to authorizing any cleaning or disinfection the ALASD will present the person a letter stating that the ALASD investigation and cleaning shall not be an admission of liability by the ALASD nor a waiver of any defenses which the ALASD may have to any claims for damages made by any person.

Subd.3. The ALASD's insurer will be promptly notified of any back-up that was a result of a blockage or pump failure in the public sanitary sewer. Claims arising from any back-up of the public sanitary sewer shall be forwarded to the ALASD's insurer.

Subd.4. Should the ALASD repair any defect or remove any obstruction found not to have been caused by the ALASD, the person shall pay the reasonable cost of such repair or removal to the ALASD. Should any person fail or refuse to pay such cost, the ALASD shall levy the cost of such repair against the property as a special assessment in accordance with Minnesota Statutes Chapter 429.

Section 1.24 - Mandatory Connection to Public Sewer

Subd.1. **Preface.** The Board determines Section 1.24 is necessary to accomplish the ALASD mission of protecting the public health, safety and welfare of its citizens by the prevention, control and abatement of water pollution within the ALASD. Section 1.24 will also provide for a sufficient quantity sewer customers to assure effective and efficient operation.

Subd.2. **Existing Buildings.** The owner of any building generating wastewater that is located on land that abuts upon or is adjacent to any public street, road or easement that contains a gravity sewer, shall connect all such buildings to the public sewer, if any building on such land is located within 300 feet of such gravity sanitary sewer.

Subd. 3. Future Construction. All buildings, other than buildings which generate animal or other agricultural waste, that are completed after the effective date of this ordinance that are constructed on parcels that are adjacent to or abutting upon any public street, road or easement that contains a gravity sanitary sewer, shall be required to connect to the gravity sanitary sewer.

Subd. 4. **Subdivisions.** All subdivisions, that are platted and accepted by the County Board after the effective date of this ordinance shall provide each separate parcel in said subdivision with public sanitary sewer.

Subd. 5. **Existing On-site Systems.** Any buildings generating waste water, that is on land adjacent to or abutting upon any public street, road or easement that contains a gravity sanitary sewer, and which building is within 300 feet of such road, street or easement shall not be permitted to do corrective work on any on-site sewage disposal system if, in the opinion of the executive director or Douglas County, the system is failed or is not ~~to~~ performing properly. The owner of such building shall be required to make connection to the public gravity sanitary sewer within 30 days following receipt of written notice from the executive director or Douglas County.

Subd. 6. **Connection Date.** All buildings required to be connected to the public sanitary sewer pursuant to this ordinance, shall make such connection on or before the following dates:

(a) Newly constructed buildings shall connect prior to

commencement of use of the building.

- (b) Existing buildings not previously governed by this ordinance shall connect within ± five (5) years from the date public sanitary sewer becomes available for connection.

Subd. 7. **90-Day Notice**. Should any sewer connection as required in Subdivision 6 of this ordinance not be made by the required time limit, the executive director shall serve the property owner with a written notice giving such property owner 90 days within which to make the necessary connections. The property owner so served shall make the required connection within 90 days of the receipt of such written notice.

Subd. 8. **Connection by the ALASD**. Should any property owner fail to make the connection as required by this ordinance in a timely manner, whether by the date required by this ordinance or within the 90 days following written notice of the executive director, the board may make connection of that property owner's building to the public sewer and levy the cost of such connection against the property as a special assessment in accordance with Minnesota Statutes Chapter 429.

Subd. 9. **User Charge**. Any property owner who has not made the required connection to the public sewer by the date specified in this ordinance, or within the 90 day period following notification by the executive director, shall be levied the regular user charge for the property and building involved as specified in User Charge Ordinance No. 3. Such levy and user charge to be collected from the date of the required connection to public sewer.

Section 1.25 - Public Interceptor and Lateral(local) Sewer Construction

Subd. 1. No person unless authorized shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the ALASD.

Subd. 2. No sanitary or storm sewers shall be constructed in the ALASD (except house or building or private service sewers) except by the ALASD or an approved contractor in accordance with plans and specifications prepared by a professional engineer and approved by the ALASD. No such sewers shall be considered to be

a part of the public sewer system unless approved by the appropriate local unit of government and accepted by the ALASD.

Subd. 3. The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling, and other work connected with the construction of sewers shall conform to the requirements of the ALASD.

Section 1.27 - Developer's Construction of Public Sewer

Subd. 1. Developer's may install public sewer as defined in Section 1.22

Subd. 2. The developer and/or contractor shall be responsible for obtaining all permits and approvals that may be required by the ALASD and other agencies and provide a copy of such approvals to the ALASD.

Subd. 3. The developer and/or contractor shall receive preliminary approval of the plat by the Douglas County Commissioners prior to consideration by the ALASD.

Subd. 4. In accordance with Section 18 of the ALASD's Enabling Legislation Chapter 869, as amended, the developer and/or contractor shall receive approval of the project by the affected local unit of government in which the public sewer is to be located prior to any consideration by the ALASD.

Subd. 5. The developer and/or contractor will engage a duly registered engineer authorized to practice in the State of Minnesota to prepare detailed plans and specifications for public sewer.

Subd. 6. All plans and specifications prepared by the developer's engineer must meet with the approval of the ALASD. The ALASD reserves the right to hire an independent consulting engineer to review these plans and specifications at the developer's expense. The estimated cost of this review will be submitted to the contractor and/or developer prior to submitting these plans to the consulting engineer.

Subd. 7. Any general contractor or subcontractor selected by the developer to construct and install sanitary sewer shall be subject to the approval of the ALASD. The ALASD reserves the right to require evidence of competency good financial status in any such contractor.

Subd. 8. All construction and materials shall be in accordance with the ALASD approved plans and specifications.

Subd. 9. The contractor and/or developer shall provide to the ALASD exclusive permanent and temporary easements necessary for the installation and maintenance of the public sewer.

Subd. 10. The developer and/or contractor will cause each person with whom the developer contracts for construction and installation of any sanitary sewer to furnish the ALASD evidence of complete insurance coverage. The contractor will provide a certificate of insurance to the ALASD with the coverage established administratively by the executive director. The certificate shall list the ALASD as an additional insured.

Subd.11 By bond and written agreement the developer and contractor shall warrant all work for one year from the date of acceptance by the ALASD from defective material and workmanship.

Subd.12 The developer shall pay for the cost of general construction inspection. The ALASD shall select the firm or individual to perform resident inspection and construction staking. Prior to final acceptance and use the ALASD staff will conduct a final project inspection. Any workmanship or materials found not to meet the requirements of the specifications shall be removed by and at the expense of the contractor and/or developer and good and satisfactory materials and workmanship and substituted therefore. Settlement of debts and wages for any other work shall be remedied and made good by the contractor and/or developer.

Subd. 13 Project as-built drawings shall be submitted to the ALASD by March 1 of the year following project acceptance by the ALASD. These drawings shall be in electronic format. The drawings shall show I actual horizontal and vertical location of the completed facilities. Provide ties on the plans with which to locate manholes and service stubs and otherwise record the project as constructed. The drawings shall show I actual horizontal and vertical location of the completed facilities. Provide ties on the plans with which to locate manholes and service stubs and otherwise record the project as constructed. The as-built drawings shall consist of one complete set reproducible drawings and three copies of the same.

Subd. 14 All costs of install public sewer and meeting the requirements of this section shall be borne by the developer

and/or contractor at no expense to the ALASD.

Subd.15 By resolution the board of the ALASD will accept into the ALASD public sewer system all sewer meeting the above listed requirements. By this acceptance the ALASD assumes all operational and maintenance responsibilities for this public sewer in accordance with the maintenance agreement between the ALASD and the respective local unit of government.

Section 1.35 - Authority of Inspectors

Subd. 1. Duly authorized employees of the ALASD or a designated representative of the ALASD bearing proper credentials and identification shall be permitted to enter all properties and buildings for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. Those employees shall have no authority in inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries except as is necessary to determine the kind and source of discharge to the ALASD.

Subd. 2. While performing the necessary work on private properties referred to in Subd. 1 of this subsection, the authorized employees of the ALASD shall observe all safety rules applicable to the premises.

Subd. 3. Duly authorized employees of the ALASD, or a designated representative, bearing proper credentials and identification shall be permitted to enter all private properties through which the ALASD holds an easement for the purpose of, but not limited to inspection, observation, repairs, and maintenance.

Section 1.40 - Penalties

Subd. 1. Any person found to be violating any provisions of this ordinance shall be served by the ALASD with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The person shall within the period of time stated in such notice permanently cease all violation.

Subd. 2. Any person who shall continue any violation beyond the time limit provided for in section 1.40 Subd. 1, shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not exceeding \$750 for each violation. Each day in which any such violation shall continue shall be deemed a separate

offense.

Subd. 3. Any person violating any of the provisions of this ordinance shall become liable to the ALASD for any expense, loss or damage occasioned by the ALASD by reason of such violation.

Subd. 4. Violations of Section 1.15 shall be subject to a surcharge in accordance with Subdivision 5 of that Section. Continued violation of Section 1.15 may result in the imposition of penalty under this Section.

Section 1.45 - Validity

Subd. 1. The validity of any section, subdivision, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance, which can be given effect without such invalid part or parts.

Subd. 2 Developer's Ordinance No. 3, Mandatory Connection Ordinance No. 4 and Ordinance No. 7 are hereby expressly repealed and rescinded.

Subd. 3. All other ordinances and parts of ordinances or resolutions inconsistent or in conflict with any part of this ordinance are hereby repealed to the extent of such inconsistency.

Section 1.50 - Effective date

Subd. I. This ordinance shall be in full force and in effect from and after it's passage, approval, recording and publication as provided by law.

Sewer Use Ordinance No. 1 is hereby passed, adopted, and ordained by the Sanitary Sewer Board of the Alexandria Lake Area Sanitary District on this 10th day of March 1999 by the following vote:

Carlberg:Yes; Flesner:Yes; Nelson:Yes; Nolting:Yes;
Rasmussen:Yes; Tewes:Yes; Waldorf:Yes; Welton:Yes

Paul Nelson, Chairman

Don Nolting, Secretary

Amendments are shown in *italics*.

Section 1.10 Subdivision 8, Paragraph (e) was added by amendment

on March 8, 2000.

Section 1.20 Subdivision 7A was added by amendment on December 10, 2001.

Section 1.24 was amended on November 8, 2006