

TITLE V: PUBLIC WORKS

Chapter

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CHAPTER 50: GARBAGE AND REFUSE

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DUMPSTERS

' 50.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

REFUSE DUMPSTER* or *DUMPSTER*.** Any portable container used or designated for collection of, transporting of or disposal of refuse, waste, construction/demolition materials or the like. ***REFUSE DUMPSTER shall include, but is not limited to, roll off boxes or containers, collection bins, tubs and portable storage containers.

(Ord. 2009-02, passed 11-9-2009)

' 50.02 APPLICATION REQUIREMENTS.

(A) The company owning and emptying the dumpster within city limits or the user of the dumpster must complete a dumpster application before placing the dumpster within the city.

(B) Applications shall be required to be completed each time a dumpster is placed at a location within the city.

(C) Commercial and residential dumpsters placed within the city for daily use must complete a

dumpster application annually.

(D) Dumpsters placed in the city by non-profit organizations for special events or a city recognized disaster are exempt from the application requirement; however, the responsible organization or property owner are still subject to the rules of this subchapter.

(Ord. 2009-02, passed 11-9-2009) Penalty, see ' 50.99

' 50.03 RULES.

(A) Dumpsters must be well maintained and in good working condition, displaying the name or logo and telephone number of the owner of the dumpster, and be suitably supported at each contact point to prevent damage to paved surfaces.

(B) Dumpsters must be covered when materials inside are easily airborne, pose a hazard, emit an odor or are otherwise offensive.

(C) Debris must be placed inside the dumpster, not alongside or on top of it.

(D) All dumpsters are required to be emptied when full. For the purpose of this section, *FULL* is defined as when the contents of the dumpster reach an average level of one foot below the top edge of the dumpster sides. Any dumpster which has reached the full status and is not emptied within seven calendar days shall be considered in violation of this subchapter.

(E) Cleaning dumpsters on the street or sidewalk is not permitted.

(Ord. 2009-02, passed 11-9-2009) Penalty, see ' 50.99

' 50.04 DUMPSTERS IN THE PUBLIC RIGHT-OF-WAY.

(A) A dumpster placed in the public right-of-way must have a flasher or reflector on the outside corner facing traffic at all times. Where traffic may approach from either side, the dumpster must have a flasher or reflector on the outside corner on both sides. Type I or Type II barricades can be used as an alternate to flashers or reflectors.

(B) Dumpsters shall not block a public sidewalk or be placed in a location that restricts the sight lines of an intersection. Sight lines will be determined by the Public Works Director.

(C) Dumpsters placed in the public right-of-way for construction, remodeling or demolition projects shall be removed immediately upon the completion of the project. No dumpster shall be placed in the public right-of-way for more than 30 days. An extension of the 30-day rule may be allowed with written permission from the city.

(D) No dumpster shall be placed on streets, sides of streets or areas designated as ANo Parking@. Dumpsters shall not be placed in public parking lots or parks without prior written permission from the city.

(E) The owner and/or the user of a dumpster on a public right-of-way is/are responsible for any public property, street, curb and gutter or public infrastructure damage.

(F) No dumpster shall be placed in the public right-of-way during the **WINTER SNOW SEASON**, defined for the purpose of this subchapter, as the period from November 1 to the next following April 1. (Ord. 2009-02, passed 11-9-2009) Penalty, see ' 50.99

' 50.05 DENIAL OF USE.

(A) The city may deny the use of dumpsters in the public right-of-way if the dumpster is too wide to allow public safety vehicles through or due to any other traffic concerns.

(B) The city may also deny the use of dumpsters to protect public health or safety concerns. (Ord. 2009-02, passed 11-9-2009)

' 50.06 VIOLATIONS.

(A) The city may remove or have a container removed from the public right-of-way or private property, if the container is in violation of this subchapter.

(B) (1) The owner of the container or, if the owner cannot be determined, the person placing it in the public right-of-way shall pay all costs, fees, penalties or other expenses incurred by the city in removal, storage fees and disposal of any container and its contents.

(2) If payment is not received by the city, the unreimbursed cost may be assessed against the property.

(C) If the container is not claimed within 30 days by its owner or person responsible for placing it in the public right-of-way, it may be disposed of as abandoned property, but disposal shall not diminish the responsibility of the owner or the person responsible for placing the container in the public right-of-way to pay all amounts due.

(D) The city shall not release a container from storage until all amounts due under this section have been paid. (Ord. 2009-02, passed 11-9-2009)

' 50.99 PENALTY.

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(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99 of this code of ordinances.

(B) Any violation of ' ' 50.01 through 50.06 of this chapter is a misdemeanor.
(Ord. 2009-02, passed 11-9-2009)

CHAPTER 51: STORM DRAINAGE

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- 51.01 Storm Drainage Utility
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- 51.03 Storm Drainage Utility Fund
- 51.04 Storm sewer utility fee
- 51.05 Exemptions
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' 51.01 STORM DRAINAGE UTILITY.

Pursuant to M.S. ' 444.075, as it may be amended from time to time, the city establishes a Storm Drainage Utility and authorizes the imposition of just and reasonable charges for use and availability of storm drainage facilities. The Storm Drainage Utility operation shall be a part of the Street Department and under the administration of the city=s Administrator-Clerk.
(Ord. 2003-2, passed 8-11-2003)

' 51.02 FINDINGS AND DETERMINATIONS.

(A) 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. This chapter is adopted in the further exercise of the authority and for the same purposes.

(B) The system, as constructed heretofore, has been financed and paid through the imposition of special assessments and ad valorem taxes. It is now necessary and desirable to provide an additional method of recovering some or all of the future costs of improving, establishing, enlarging, replacing repairing, maintaining and operating the system through the imposition of charges as provided in this chapter.

(C) 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 improving, establishing, enlarging, replacing, repairing, maintaining and operating the system to the property owners of the city.

(Ord. 2003-2, passed 8-11-2003)

‘ 51.03 STORM DRAINAGE UTILITY FUND.

There is hereby created a Storm Drainage Utility Fund into which all charges, when collected, and all moneys received from the sale of any related facilities or equipment or any by products shall be placed. The moneys shall be used first to pay the normal, reasonable and current costs of operating and maintaining the facilities.

(Ord. 2003-2, passed 8-11-2003)

‘ 51.04 STORM SEWER UTILITY FEE.

A storm sewer utility fee for the connection and availability of the storm sewer facilities shall be charged by resolution of the City Council and shall be just and equitable. The charge for the availability of the storm sewer service may be imposed for all premises abutting on streets or other places where municipal storm sewers are located.

(Ord. 2003-2, passed 8-11-2003)

‘ 51.05 EXEMPTIONS.

Public rights-of-way, unimproved land and city-owned land are exempt from storm drainage charges.

(Ord. 2003-2, passed 8-11-2003)

‘ 51.06 PAYMENT OF CHARGES.

Storm water utility charges shall be made a part of the present building system invoiced through the city's Public Utilities office on a monthly basis.

(Ord. 2003-2, passed 8-11-2003)

‘ 51.07 TAX LIEN ESTABLISHED.

Any past due storm water drainage charges will be certified to the County Auditor for collection with the real estate taxes against the property served by the utility established in this chapter for collection, as other taxes are collected in the following year pursuant to M.S. ' 444.075 subd. 3, as it may be amended from time to time. In addition, the city shall have the right to bring a civil action or take other legal remedies to collect unpaid charges.

(Ord. 2003-2, passed 8-11-2003)

CHAPTER 52: SEWERS

Section

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- 52.02 Public sewers required
- 52.03 Private wastewater disposal
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- 52.05 Use of public sewers
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52.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVING AUTHORITY. The City Council of the City of Blooming Prairie or its duly authorized board, agent or representative.

BOD or BIOCHEMICAL OXYGEN DEMAND. The quantity of oxygen expressed in parts per million by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions in five days at 20°C. The laboratory determinations shall be made in accordance with procedures set forth in *Standard Methods*.

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives waste from inside the building and conveys it to the building sewer, beginning five feet (one and one-half meters) outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal. (Also called **HOUSE CONNECTION**.)

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CITY. The area within the corporate boundaries of the City of Blooming Prairie, as presently established or as amended by legal actions at a future time. The term **CITY** may also be used to refer to the City of Blooming Prairie, Minnesota, or any authorized person acting in its behalf.

COD or **CHEMICAL OXYGEN DEMAND.** The oxygen equivalent of that portion of the organic and inorganic matter in a sample of wastewater, expressed in parts per million by weight, that can be oxidized by a strong chemical oxidizing agent. The laboratory determinations shall be made in accordance with procedures set forth in *Standard Methods*.

COLLECTION SYSTEM. The system of sewers and appurtenances for the collection, transportation and pumping of domestic wastewater and industrial wastes.

COMBINED SEWER. A sewer intended to receive both wastewater and storm or surface water. The city has no **COMBINED SEWERS**.

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the city NPDES permit, if the city treatment works is capable of removing the pollutants and, in fact, does remove such pollutants to a substantial degree. Examples of such additional pollutions may include: chemical oxygen demand; total organic carbon; phosphorus; phosphorus compounds; nitrogen; and/or nitrogen compounds.

CONNECTION. Each connection to the collection system.

CONSTRUCTION COST. The total cost incurred in the construction of sewerage works, consisting of, but not limited to, the sums spent for the following purposes:

(1) Actual sums paid for construction of wastewater treatment facilities and for land acquisition;

(2) Actual engineering fees paid for preliminary engineering studies, plans and specifications, services during construction, construction staking, operation and maintenance manuals and initial operator training;

(3) Actual sums paid for soils investigations, wastewater sampling and materials testing required for the construction;

(4) Actual fees and wages paid for legal, administrative and fiscal services required by construction of wastewater treatment facilities; and

(5) Actual interest paid on the total amount financed by debt obligation for construction of wastewater treatment facilities.

DEBT SERVICE CHARGE. The total charge levied on users for purposes of paying construction costs (principal and associated interest) of obligations incurred to finance acquisition and/or construction of sewerage works.

DOMESTIC WASTEWATER. Water-borne wastes normally discharged into the sanitary conveniences of dwellings (including apartment houses and hotel), office buildings, factories and institutions, free of storm and surface water and industrial wastes.

EASEMENT. An acquired legal right for the specific use of land owned by others.

FLOATABLE OIL. Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE. The animal and vegetable waste resulting from handling, preparation, cooking and services of foods.

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

INDUSTRIAL WASTES. As distinct from domestic or sanitary wastes, shall mean the wastewater from industrial processes, trade or business.

INFILTRATION. The water entering the sanitary sewer system and service connections from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. **INFILTRATION** does not include, and is distinguished from, inflow.

INFILTRATION/INFLOW. The total quantity of water from both infiltration and inflow without distinguishing the source.

INFLOW. The water discharged into the sanitary sewer system from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections to storm sewers, catch basins, storm waters, surface run-off, street wash waters or drainage. **INFLOW** does not include, and is distinguished from, infiltration.

MAJOR CONTRIBUTING INDUSTRY. An industrial user of the city treatment works that: has an equivalent wastewater flow of 50,000 gallons or more per average work day; has a wastewater flow greater than 5% of the flow carried by the city system receiving the wastewater; has in its wastewater a toxic pollutant in toxic amounts as defined in standards issued under ' 307(a) of Pub. Law No. 92-500; or is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the city treatment works receiving the wastewater, to have significant impact, either singly or in combination with other contributing industries, on the city treatment works or upon the quality of effluent from the city treatment works.

MAY. The act referred to is permissive.

NATURAL OUTLET. Any storm sewer or surface water which overflows into a watercourse, pond, ditch, lake or other body of surface or ground water.

NORMAL DOMESTIC STRENGTH WASTEWATER or **NDSW.** Wastewater that is primarily produced by residential users, with BOD5 and suspended solids concentrations up to 250 mg/l.

NPDES PERMIT. The National Pollutant Discharge Elimination System permit held by the city. This permit, which establishes limits on quality and quantity of discharges from the city treatment works, was issued by the state and federal governments in accordance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. ' ' 1251 et seq.; the Act, ' ' 402 and 405).

OPERATION AND MAINTENANCE COST. Annual expenditures made by the city in the operation and maintenance of its sewerage works, consisting of, but not limited to, the sums spent for each of the following purposes:

(1) Wages and salaries of all operating, maintenance, administrative and supervisory personnel, together with all premiums paid on the wages and salaries (state worker=s compensation coverage, for example);

(2) Actual sums paid for electricity for light and power used for wastewater collection and treatment facilities;

(3) Actual sums paid for chemicals, fuel and other operating supplies;

(4) Actual sums paid for repairs to and maintenance of wastewater collection and treatment facilities and the equipment associated therewith;

(5) Actual sums paid as premiums for hazard insurance carried on sewerage works;

(6) Actual sums paid as premiums for insurance providing coverage against liability imposed by law for the injury to persons and/or property (including death) of any person or persons resulting from the use and maintenance of the sewerage works;

(7) Actual sums paid for replacement of equipment within the useful life of the wastewater treatment facilities, for example the cost to replace an electric motor or pump that fails, or a broken part in a pump; and

(8) Actual sums set aside in a sinking fund established to provide a future capital amount for replacement of sewerage works equipment.

PARTS PER MILLION. A weight-to-weight ratio; the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water. **PARTS PER MILLION** and **MILLIGRAMS PER LITER (mg/l)** shall be synonymous terms.

PERSON. Any individual, firm, company, association, society, corporation, municipal corporation, governmental unit or group.

pH. The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 0.000,000, one gram/liter or 10^{-7} grams per liter.

PRETREATMENT. The process of reducing the amount of pollutants, eliminating pollutants or altering the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the (city=s) wastewater disposal system.

PRETREATMENT ORDINANCE. A municipal ordinance containing rules and regulations relating to pretreatment.

PRETREATMENT PROGRAM. A formulated plan for the implementation of pretreatment within the city.

PROPERLY SHREDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

PUBLIC SEWER. A common sewer controlled by a governmental agency or public utility.

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the design life, or useful life, whichever is longer of the sewerage works to maintain the capacity and performance for which the facilities were designed and constructed. As noted herein, the term "Operation and maintenance cost" includes **REPLACEMENT** costs.

SANITARY SEWER. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters (infiltration/inflow) that are not admitted intentionally.

SEWAGE. The spent water of a community. The preferred term is **WASTEWATER**. Sometimes referred to as **SANITARY WASTE**.

SEWER. A pipe or conduit that carries wastewater or drainage water.

SEWER SERVICE CHARGE. The total charge levied on users for sewer service. **SEWER SERVICE CHARGE** is the sum of "user charge" and "debt service charge".

SEWER SERVICE FUND. A fund comprised of revenues generated by the sewer service charges.

SEWERAGE WORKS. All facilities for collecting, pumping, treating and disposing of wastewater and industrial wastes.

SHALL. The act referred to is mandatory.

SLUG. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STANDARD METHODS. The examination and analytical procedures set forth in the latest edition at the time of the analysis of *Standard Methods for the Examination of Water and Wastewater*, as prepared, approved and published jointly by the American Public Health Association, the Water Pollution Control Federation and the American Water Works Association. The **STANDARD METHODS** shall also conform to Federal Register Reprint 40 C.F.R. part 136, A Guidelines Establishing Test Procedures for Analysis of Pollutants@ (10-16-1973).

STORM DRAIN. (Sometimes termed **STORM SEWER.**) A drain or sewer for conveying water, ground water, subsurface water or unpolluted water from any source.

STORM WATER RUNOFF. The portion of the rainfall that it drained into the storm sewers or storm drains.

SUMP PUMP. A pump for disposing of storm drainage.

SUPERINTENDENT. The superintendent of wastewater facilities of the city or his or her authorized deputy, agent or representative.

SUSPENDED SOLIDS or **TOTAL SUSPENDED SOLIDS** or **TSS.** Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in *Standard Methods for the Examination of Water and Wastewater* and referred to as non-filterable residue.

UNIT. A unit of water is 1,000 gallons.

UNPOLLUTED WATER. 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 and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

USER. Any person who discharges, causes or permits the discharge of wastewater into the city=s sanitary sewer system.

USER CHARGE. A charge levied on users to recover each user=s proportionate share of operation, maintenance and replacement of sewerage works, pursuant to ' 204(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. ' ' 1251 et seq).

USER CLASS. The division of the users by wastewater characteristic or discharge similarities (example: residential; commercial; industrial; institutional; and governmental).

(1) **COMMERCIAL USER.** Any establishment listed in the Office of Management and Budget *Standard Industrial Classification Manual* (1972 edition) involved in a commercial enterprise, business or service which, based on a determination by the city, discharges primarily segregated domestic wastewater or wastewater from sanitary conveniences.

(2) **GOVERNMENTAL USER.** Any federal, state or local government user of the wastewater treatment facilities.

(3) **INDUSTRIAL USER.**

(a) Any non-governmental user of the publicly owned treatment facilities identified in the 1972 *Standard Industrial Classification Manual (SICM)*, Office of Management and Budget, as amended and supplemented under the following divisions:

1. Division A: Agriculture, Forestry and Fishing;
 2. Division B: Mining;
 3. Division D: Manufacturing;
 4. Division E: Transportation, Communication, Electric, Gas and Sanitary Services;
- and
5. Division I: Services.

(b) An **INDUSTRIAL USER** is also defined as a user who discharges to the city sanitary sewer system any liquid wastes resulting from the processes employed in industry or manufacturing or in the development of any natural resource.

(c) **INDUSTRIAL USER** shall also mean any non-governmental user of a publicly-owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

(4) **INSTITUTIONAL USER** shall mean any establishment listed in the *SICM* involved in a social, charitable, religious or education function which, base on a determination by the city, discharges primarily segregated domestic wastewater or wastewater from sanitary conveniences.

(5) **RESIDENTIAL USER.** A user of the treatment facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached, semi-detached and rowhouses, mobile homes, garden and standard apartments or permanent multi-family dwellings. (Transit lodging, considered commercial in nature, is not included.)

WASTEWATER. The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water and storm water that may be present.

WASTEWATER FACILITIES. The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT FACILITIES. An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with **WASTE TREATMENT PLANT** or **WASTEWATER TREATMENT PLANT** or **WATER POLLUTION CONTROL PLANT**.

WATERCOURSE. A natural or artificial channel for the passage of water either continuously or intermittently.
(Ord. 89-1, passed 5-1-1989)

' 52.02 PUBLIC SEWERS REQUIRED.

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

(B) It shall be unlawful to discharge to any natural outlet within the city, or in any area under city jurisdiction, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(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 wastewater.

(D) The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on that part of 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 city, is hereby required at the owner(s)= expense to install suitable toilet facilities and service connection to the public sewer in accordance with the provisions of this chapter, within 90 days after date of mailing or delivery of official notice to do so. The notice shall be so given to the owner or occupant in writing by the Administrator-Clerk on order of the City Council.

(E) (1) In the event an owner or occupant shall fail to comply with written notice given under ' 52.02 of this chapter, the city shall, by resolution, direct that toilet facilities and service connection be

made with the water and sewer system and shall assess the cost thereof against the benefitted property. After the installation and connection have been completed pursuant to Council resolution, the city=s Administrator-Clerk shall serve a written notice of the assessment upon the owner directing him or her to pay the assessment to the city=s Administrator-Clerk within ten days after the service of notice. If the assessment is not paid within ten days, the city=s Administrator-Clerk shall certify the amount to the County Auditor for collection in the same manner as other special assessments. The City Council may, by resolution, spread the assessment over a three-year period. The assessment shall be a lien against the property. The assessment, when levied, shall bear interest at the rate determined by the City Council.

(2) The rights of the city shall be in addition to any remedial or enforcement provisions of this chapter.

(Ord. 89-1, passed 5-1-1989) Penalty, see ' 52.99

' 52.03 PRIVATE WASTEWATER DISPOSAL.

(A) Where a public sanitary sewer is not available under the provisions of ' 52.02 of this chapter, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of the state=s on-site sewer ordinance.

(B) The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner, at all times, at no expense to the city.

(C) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the city or the state.

(D) (1) At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 90 days in compliance with this chapter and within 120 days any septic tanks, cesspools and similar private wastewater disposal systems shall be cleaned of sludge.

(2) The bottom shall be broken to permit drainage and the tank or pit filled with suitable material.

(Ord. 89-1, passed 5-1-1989) Penalty, see ' 52.99

' 52.04 BUILDING SEWERS AND CONNECTIONS.

(A) No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance without first obtaining a written permit from the City Council and otherwise complying with the provisions of this chapter.

(B) A permit for construction of the building sewer, and for connecting it to the public sewer, shall be obtained from the City Council; a bond in an amount appropriate to secure compliance with the provisions of this section may be required by the Council.

(C) Before undertaking the construction work authorized by the permit, the plumber shall secure and maintain a policy of insurance against damages to property or injury or death to persons. The policy shall indemnify and save harmless the city and its personnel against any claim, damages or cause of action arising out of the work and from any expense defending the same. The property damage insurance coverage shall be in the amount of at least \$50,000 and the public liability damage for injury or death shall be in the amount of at least \$250,000. Proof of insurance shall be filed with the city prior to construction work. If the insurance coverage be inadequate in amount, the contractor shall himself or herself indemnify and save harmless the city and its personnel in like manner.

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

(E) A separate and independent building sewer shall be provided for every building, unless written permission for an alternative is obtained from the city. The city does not and will not assume any obligation or responsibility for damage caused by or resulting from any single connection aforementioned.

(F) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the approving authority, to meet all requirements of this chapter.

(G) The size, slope, alignment, materials of construction of a building sewer, 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. Cast iron pipe shall be used for a building sewer laid within 50 feet of any well per Public Health Department requirements.

(H) 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, sanitary wastewater carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

(I) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(J) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city. All such connections shall be made gas-tight and water-tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the approving authority before installation.

(K) The applicant for the building sewer permit shall notify the approving authority when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the approving authority. No backfill shall be placed until the work has been inspected and approved.

(L) All excavations for building sewer installation 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 approving authority. (Ord. 89-1, passed 5-1-1989) Penalty, see ' 52.99

' 52.05 USE OF PUBLIC SEWERS.

(A) No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, ground water, roof runoff, subsurface drainage or cooling water to any sanitary sewer. Storm water runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewer by permission of the approving authority.

(B) Storm water, other than that exempted under division (A) above, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated storm sewers or to a natural outlet approved by the approving authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the approving authority and in accordance with the provisions of state and federal regulations, to a storm sewer or natural outlet.

(C) No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

(2) Any waters 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 waste treatment process, constitute a hazard to humans or animals, create a public nuisance, result in a violation of state or federal water quality standards, or create any hazard in the wastewater treatment plant or the receiving waters. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to ' 307(a) of the Clean Water Act;

(3) Any waters or wastes having a pH lower than 5.5, or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater facilities. Exceptions may be granted (by the approving authority) for short duration flows where it has been, or can be shown that high or low pH would not cause any significant wastewater facilities problems;

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers and the like, either whole or after passage through garbage grinders; and

(5) Any wastewaters or matter that would directly or indirectly result in a violation of the

city=s NPDES permit.

(D) (1) The following described substances, materials, waters or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not violate design criteria or harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The approving authority may set limitations lower than the limitations established in the regulations below if, in its opinion, more severe limitations are necessary to meet the above objectives. In forming the opinion as to the acceptability, the approving authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant and other pertinent factors.

(2) The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the approving authority are as follows:

(a) Wastewater having a temperature higher than 150°F (65°C);

(b) Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils or product of mineral oil origin or containing substances that may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65.6°C);

(c) Wastewater from industrial plants containing floatable oil, fat or grease, in excess of concentrations permitted by the approving authority;

(d) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or consumption elsewhere when served by caterers;

(e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to a degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the approving authority for the materials;

(f) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the approving authority;

(g) Any radioactive materials of a half-life or concentration as may exceed limits established by the approving authority or applicable state and federal regulations;

(h) Quantities of flow, concentrations or both which constitute a slug, as defined herein;

(i) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system

or create a condition deleterious to structures and treatment processes;

(j) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;

(k) Wastewater containing 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, sodium chloride and sodium sulfate) in quantities that would cause disruption with the wastewater disposal system; and

(l) Any waters or wastes containing BOD or suspended solids of a character and quantity that unusual attention or expense is required to handle the materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions hereof.

(3) 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 characteristics enumerated in division (D)(1) above and which, in the judgment of the approving authority, may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the approving authority may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewer, pursuant to ' 307(b) of the Clean Water Act, as amended 33 U.S.C. ' ' 1251 et seq., and in compliance with the city=s Municipal Pretreatment Ordinance;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or service charges.

(4) If the approving authority permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the approving authority and costs shall be borne at the user=s expense.

(E) Grease, oil and sand interceptors shall be provided when, in the opinion of the approving authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified herein, 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 approving authority, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the approving authority. Any removal and hauling of the collected materials not performed by the owner(s)= personnel must be performed by currently licensed waste disposal firms.

(F) Where pretreatment or flow-equalizing facilities are provided or required for any waters or

wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his or her expense.

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

(H) An industrial user may, at the discretion of the city, be required to provide laboratory measurements, tests or analyses of waters or wastes to illustrate compliance with this chapter and any special condition for discharge established by the city or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the city. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with federal, state and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the city at the times and in a manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses and reporting required by the city. At such times as deemed necessary, the city reserves the right to take measurements and samples for analysis by an independent laboratory.

(I) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter 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. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the approving authority.

(J) New connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including, but not limited to, capacity for flow, BOD and suspended solids.

(K) No person, unless authorized, shall uncover, make any connection with or opening into, use, alter or disturb any sanitary or storm sewer within the city or any part of the city wastewater facilities.

(L) No sanitary or storm sewers shall be constructed in the city (except house or building service sewers), except by the city or by others in accordance with plans and specifications approved by a professional engineer. No sewers shall be constructed or considered to be part of the public sewer system unless accepted by the city.

(M) 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 city.

(N) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby all industrial waste of unusual strength

or character may be accepted by the city for treatment, when the city treatment can be provided in compliance with the requirements of the NPDES permit and subject to payment therefor by the industrial concern and providing that national categorical pretreatment standards are not violated.

(O) A separate and independent building sewer shall be provided for every building unless written permission for an alternative is obtained from the city. The city does not and will not assume any obligation or responsibility for damage caused by or resulting from any single connection aforementioned.

(Ord. 89-1, passed 5-1-1989) Penalty, see ' 52.99

' 52.06 PROTECTION FROM DAMAGE.

No person(s) shall maliciously, willfully or negligently enter, break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Ord. 89-1, passed 5-1-1989) Penalty, see ' 52.99

' 52.07 INSPECTORS; POWERS AND AUTHORITIES.

(A) (1) Duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to any public sewer or natural outlet in accordance with the provisions of this chapter.

(2) Sampling pertaining to industry will reflect the number of days an industry is not operating as well as the days in operation and discharging waste to a public sewer.

(B) The approving authority or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(C) While performing the necessary work on private properties referred to in division (A) above, duly authorized employees of the city shall observe safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city 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 such may be caused by negligence or failure of the company to maintain safe conditions as required in ' 52.05 of this chapter.

(D) Duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city 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 wastewater facilities lying within the easement. 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. 89-1, passed 5-1-1989) Penalty, see ' 52.99

' 52.08 SEWER SERVICE CHARGES; TAXES.

(A) (1) The billable volume or normal strength domestic waste will be calculated from the volume of metered water usage. For residential users, the per quarter billable flow shall be equal to quarterly metered water usage in the first quarter of the calendar year. For non-residential users discharging normal strength domestic wastewater, billable flow shall be equal to quarterly water usage measured throughout the year. The quarterly service charge will include a user charge component (to meet all costs associated with operation, maintenance and replacement of the wastewater collection and treatment facilities) and a debt retirement component (to meet facility construction costs).

(2) Any additional costs caused by discharges to the treatment works of toxics or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs, and sludge disposal, shall be borne by the discharger(s) of the wastes.

(3) As an equitable share of the expenses incurred by the city in the construction, administration, operation, maintenance and replacement of the sewerage works, each user will pay to the city a quarterly amount based upon the following formulae:

(a) *Normal domestic strength waste (NDSW).*

$$A = V(F) + Q$$

Where:

A = Sewer service charge to user, with units of \$/quarter.

Y = Unit cost of wastewater collection and treatment, with units of \$/1,000 gallons of normal strength domestic wastewater

F = Volume of wastewater from user with units of 1,000 gallons per quarter (according to the method set forth herein)

Q = Quarterly infiltration/inflow and administrative cost

(b) *Industrial waste.* Industrial users shall be billed quarterly, at either the rate of NDSW or a rate based upon the volume of wastewater, pounds of BOD and pounds of suspended solids discharged, whichever is greater. Quarterly sewer service charges based on volume, BOD and suspended solids data from the industry shall be computed as follows:

$$\text{Sewer service charge} = f (\text{quarterly flow}) + b (\text{lb BOD/quarter}) + SS (\text{lb SS/quarter}) + Q$$

Where:

f = Unit cost of wastewater collection and treatment chargeable to flow, with units of \$/1,000 gallons

b = Unit cost of wastewater collection and treatment chargeable to BOD, with units of \$/lb of BOD

SS = Unit cost of wastewater collection and treatment chargeable to suspended solids, with units of \$/lb suspended solids

Q = Quarterly infiltration/inflow and administrative cost

(4) (a) Unit costs shall be computed annually and shall include a user charge rate attributed to operation, maintenance and replacement costs and debt service charge rate attributed to retirement of debt costs for construction. Costs shall be distributed in the manner demonstrated in the *Sewer Service Charge System, for Blooming Prairie, Minnesota*, dated 1988. Cost data will be maintained at the City Hall.

(b) Initial unit cost figures for the service charge will be established by City Council resolution. Computations supporting unit cost figures (f, b, and SS) and sewer service charges shall be revised annually as necessary. All users discharging normal strength domestic wastewater shall be billed a fixed rate per 1,000 gallons of metered water used.

(c) Each user of the city sewer system that does not have a metered source of water must install an accurate water or wastewater flow metering device (at user=s expense) that will serve as a basis for estimating the volume of wastewater discharged and determining the sewer service charge.

(d) All users of city water that is not discharged to the city sanitary sewer system may install a separate water system and meter (one only in the same building as the main meter) to isolate and meter non-sewered water for which no sewer charge is required. If at any time after this independent system is installed, water from this system enters the sanitary sewer system, the user will be subject to the penalties of ' 52.99 of this chapter and shall be ordered to eliminate the independent system if this violation is continued.

(5) To ensure the required financial surveillance, the city shall annually review the cash flows associated with providing wastewater treatment service for the city. Any inequities and/or shortages of revenue caused by unforeseen changes in the cost revenue pattern of the wastewater treatment facilities shall be remedied by a City Council resolution adjusting the unit cost figures. Adjusted unit figures shall be computed in accordance with the principals of this division (A)(5).

(6) Sewer service charges provided for in this chapter shall be included as a separate item on the regular bill for water. Charges shall be paid at the same time that the water charges of the person become due. The city shall annually notify all users what portion of the service charge is necessary to meet the operation, maintenance and replacement costs (user charge) and what portion is necessary to meet long-term debt (debt service charge).

(7) Accounts that are not paid in full within 30 days will be charged a late payment penalty as established by the City Council and will be subject to interest charges at a rate established by the City Council. In the event a user does not pay his or her account in full within 90 days after billing, the city may undertake to have the water service to the property disconnected and may file a lien against the

property.

(8) Delinquent sewer, water and electric accounts shall be certified to the city's Administrator-Clerk who shall prepare an assessment role each year providing for assessment of the delinquent amounts against the respective properties served. The assessment role shall be delivered to the City Council for adoption at the regularly scheduled November City Council meeting each year. Upon the adoption, the Administrator-Clerk shall certify the assessment role to the County Auditor for collection along with taxes.

(B) (1) The City Council intends to establish a sewer access charge on new connections to the sanitary sewer system of the city in order to help pay for the additional usage of the sewer treatment facilities, lift stations, force mains and trunk sewers created by these new connections.

(a) *New connections.* New connections shall be any new lateral connection to the sanitary sewer main. Rehabilitation of an old connection or the reconnection of an old connection will not be considered a new connection. Any net increase in sewer connections from any one parcel of property will be considered new connections, whether directly to the main or the existing lateral.

(b) *Unit.* A unit shall be each dwelling unit, each tenant in a commercial building or each industrial customer making use of sewer services and separate structures on the same property was the primary unit.

(2) This division (B) establishes a sewer access charge of \$300 per unit, subject to periodic review by the City Council.

(3) This fee shall be collected by the City Administrator before the property owner is given access to the sanitary sewer system. The property owner must also have the connection inspected and approved by city personnel. If the property owner makes connection to the sanitary sewer system prior to paying the sewer access charge and/or without the proper inspections, the property owner shall pay double the sewer access charge.

(Ord. 89-1, passed 5-1-1989; Ord. 93-3, passed 10-4-1993; Ord. 99-1, passed 3-8-1999; Ord. 2006-1, passed 10-9-2006)

' 52.09 SEWER SERVICE FUND.

(A) The city hereby establishes a ASewer Service Fund@ as an income fund to receive all revenues generated by the sewer service charge system, and all other income dedicated to the operation, maintenance, replacement and construction of the wastewater treatment work, including taxes, special charges, fees and assessments intended to retire construction debt.

(B) The city also establishes the following accounts as income and expenditure accounts within the Sewer Service Fund:

(1) Operation and Maintenance Account;

(2) Equipment Replacement Account; and

(3) Debt Retirement Account.

(C) All revenue generated by the sewer service charge system, and all other income pertinent to the treatment system, includes taxes and special assessments dedicated to retire construction debt, shall be separate and apart from all other funds of the city. Funds received by the Sewer Service Fund shall be transferred to the Operation and Maintenance Account, the Equipment Replacement Account and the Debt Retirement Account in accordance with state and federal regulations and the provisions of this chapter.

(D) Revenue generated by the sewer service charge system sufficient to ensure adequate replacement throughout the design or useful life, whichever is longer, of the wastewater facility shall be held separate and apart in the Equipment Replacement Account and dedicated to affecting replacement costs. Interest income generated by the Equipment Replacement Account shall remain in the Equipment Replacement Account.

(E) Revenue generated by the sewer service charge system sufficient for operation and maintenance shall be held separate and apart in the Operation and Maintenance Account.

(Ord. 89-1, passed 5-1-1989)

52.99 PENALTY.

(A) The city will notify property owners of its intent to inspect their premises for violations of this chapter and requiring that the property owners make arrangements with the city within 30 days for the inspection to be scheduled and requiring that the inspection be conducted within 90 days. In the event the inspection discloses a violation of this chapter, the property owner will be notified to correct the violation and have the property reinspected within 180 days. Any property owner failing to timely comply with the provisions of this chapter will be assessed \$50 per month surcharge to be collected with monthly utility charges until the property owner comes into compliance with this chapter.

(B) Any person who shall continue any violation beyond the time limit provided for in division (A) above shall be guilty of a misdemeanor. Each day in which any violation shall continue shall be deemed a separate offense.

(C) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of the violation.

(D) Any person desiring to transfer ownership of property within the city by deed, contract for deed or in any other manner shall, within 60 days prior to the transfer of ownership, have an inspection conducted of the property to determine if the property is in violation of this chapter by having a connection of roof downspouts, foundation drains, areaway drains, sump pumps or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

If the structure on the property being transferred is slab-on-grade a visual inspection is required by city personnel. If the inspection identifies drains, a sump pump, or other sources of surface runoff collection and disposal, or questions arise in determining the endpoint of where drainage from roof downspouts occurs, an inspection conducted by use of dye, smoke or camera, or other method acceptable to the city to establish that the property is not in violation of this chapter is required. All structures that have any sort of construction below grade are required to have an inspection conducted by use of dye, smoke, or camera, or other method acceptable to the city to establish that the property is not in violation of this chapter. This includes but is not limited to, split level units, basements, crawl spaces, cellars, storm shelters and more.

(Ord. 89-1, passed 5-1-1989; Ord. 99-4, passed 9-13-1999; Ord. 01-2, passed 9-10-2001; Ord. 05-2, passed 12-12-2005, Ord. 52.99 amended 02-22-22