

**CHAPTER 4.  
MUNICIPAL UTILITIES**

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4.01. **Definitions.** For the purpose of this Chapter, the following words and terms shall have the meanings set out below, unless the context specifically indicates otherwise.

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

4.01.02. "**Administration**" Those fixed costs attributable to administration of the wastewater treatment works (i.e., billing and associated bookkeeping and accounting costs)."

4.01.03. "**BOD**" (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biological 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.

4.01.04. "**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.

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

4.01.06. "**Capital costs**" means all reasonable and necessary costs and expenses incurred by the City in planning, designing, financing, and constructing disposal system facilities, including, but not limited to, costs and expenses for obtaining necessary permits, licenses, approvals and grants for design and construction costs; fees for legal and consulting services; or the acquisition of such facilities.

4.01.07. "**City**" is the area within the corporate boundaries of the City of Tyler as presently established or as amended by Code or other legal actions at a future time. The term "City" when used herein may also be used to refer to the City Council and its authorized representatives.

4.01.08. "**City Administrator**" means the regularly appointed City Administrator, City Water Clerk or such other person as the city shall appoint to serve in the capacity of City Administrator as defined by this Code.

4.01.09. "**Commercial user**" means any place of business including transient lodging, retail and wholesale establishments or places engaged in selling merchandise for personal, household, or industrial consumption which discharges sanitary waste as distinct from industrial wastewater.

4.01.10. "**Compatible pollutant**" Biochemical oxygen demand, suspended solids, ph., and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS Permit if the treatment facilities are designed to treat such pollutants to a degree which complies with effluent concentration limits imposed by the permit.

4.01.11. "**ACOD**" (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.

4.01.12. "**Combined sewer**" means a sewer originally designed and currently designated to receive both surface water runoff and sewage.

4.01.13. "**Curbstop**" means the stop box or valve connecting the municipal system to a private user's service entrance.

4.01.14. "**Debt service**" means the principal and interest necessary to pay bonded indebtedness.

4.01.15. "**Dwelling or residential unit**" means each separate home, each trailer, each apartment or each dwelling if the structure contains multiple dwellings, as in a duplex, four-plex or other multiple family dwelling.

4.01.16. "**Flow**" means the quantity of sewage expressed in gallons or cubic feet per twenty-four (24) hours.

4.01.17. "**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, or condemned food.

4.01.18. "**Governmental user**" includes those establishments whose function is the administration and/or execution of governmental programs as well as the offices of executives, legislative bodies, and agencies which provide general support services for government.

4.01.19. "**Incompatible pollutant**" Any pollutant that is not defined as a compatible pollutant including non-biodegradable dissolved solids.

4.01.20. "**Industrial user or industries**" are Entities that discharge into a publicly owned wastewater treatment works, liquid wastes resulting from the processes employed in industrial or manufacturing processes, or from the development of any natural resources. These are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemental. For the purpose of this definition, domestic waste shall be considered to have the following characteristics:

BOD5	less than 250 mg/l
Suspended Solids	less than 300 mg/l

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.

4.01.21. "**Industrial waste**" 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.

4.01.22. "**Interference**" The inhibition or disruption of the District's wastewater disposal system processes or operations which causes or significantly contribute to a violation of any requirement of the District NPDES and/or SDS permit.

4.01.23. "**Load**" means quantities of sewage characteristics such as BOD, TSS, and other constituents as expressed in milligrams per liter (mg/l) or pounds per twenty-four

(24) hours (lbs/24 hours).

4.01.24. "**May**" is permissive.

4.01.25. "**National categorial pretreatment standard**" federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to be not susceptible to treatment by such treatment facilities or would interfere with the operation of such treatment facilities, pursuant to Section 307(b) of the Act.

4.01.26. "**National pollution discharge elimination system permit(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 of 1972.

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

4.01.28. "**Non-contact cooling water**" the water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added, is heat.

4.01.29. "**Normal domestic strength waste**" means wastes with a Biological Oxygen Demand Concentration not to exceed 250 milligrams per liter and a Total Suspended Solids Concentration not to exceed 300 milligrams per liter.

4.01.30. "**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.

4.01.31. "**Operation and maintenance costs**" (O & M Costs) means the expenses related to the costs of the operation, maintenance, replacement and administration of the City facilities.

4.01.32. "**Person**" means any individual, firm, company, association, Society, corporation, municipal corporation, governmental unit, or group.

4.01.33. "**Pretreatment**" the treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly - owned treatment works.

4.01.34. "**Properly shredded 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 1 inch (1.27 cm) in any dimension.

4.01.35. "**ph.**" means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

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

4.01.37. "**Public sewer**" means any sewer owned or operated by a unit or agency of government.

4.01.38. "**Residential**" Shall mean all dwelling units such as detached, semi-detached, and row houses, mobile homes, garden and standard apartments, permanent multi-family dwellings (transient lodging, considered commercial in nature is not included).

4.01.39. "**Replacement costs**" means costs related to the expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the useful life of the City facilities for which such facilities were designed and constructed. The term "Operation and Maintenance" includes replacement.

4.01.40. "**Sanitary sewer**" means a sewer which carries sewage and to which storm, surface, and ground water are not intentionally admitted

4.01.41. "**Sanitary wastes**" means the liquid and water carried wastes discharged from sanitary plumbing facilities.

4.01.42. "**Service**" means connection to the municipal water system and the right to use its facilities whether or not the facilities are, in fact, used.

4.01.43. "**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.

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

4.01.45. "**Sewer service charge**" means the aggregate of all the charges including the user charge, debt service charges, and other sewer related charges that are billed periodically to users of the City facilities.

4.01.46. "**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.

4.01.47. "**Shall**" is mandatory.

4.01.48. "**ASlug**" 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) hour concentration of flows during the normal operation.

4.01.49. "**State disposal system (SDS) permit**" any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to Minnesota Statutes 115.07 for a disposal system as defined by Minnesota Statutes 115.01, Subdivision 8.

4.01.50. "**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 and process water.

4.01.51. "**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 of the Examination of Water and Wastewater.

4.01.52. "**Toxic pollutant**" the concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse affects as defined in standards issued pursuant to Section 307(a) of the Act.

4.01.53. "**TSS**" (denoting Total 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.

4.01.54. "**Unpolluted water**" means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean or noxious, or impure

so as to be actually or potentially harmful or detrimental or injurious to public health, safety, or welfare to domestic, commercial, industrial, or recreational use, or to livestock, wild animals, birds, fish, or other aquatic life.

4.01.55. "**User**" means any person, or corporation, or other entity, whether municipal or otherwise, discharging sewage into the City disposal system facilities.

4.01.56. "**User charge**" means a charge levied on users of City facilities for the cost of operation, maintenance, and replacement of such facilities.

4.01.57. "**Wastewater facilities**" means the structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

4.01.58. "**Wastewater treatment works**" or "**treatment works**" or "**waste water treatment plant**" shall mean an arrangement of devices and structures for 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".

#### 4.02. **Municipal Water System**

4.03. **Use of Water System Restricted.** No person shall make or use any water service installation connected to the city water system except pursuant to application and permit as provided in this Code. No person shall make or use any such installation contrary to the regulatory provisions of the Tyler City Code of 2006, as amended.

4.04. **Each Dwelling to Have Separate Curbstop and Meter.** Each dwelling or other residential unit shall have a separate curb stop valve (stop box) for the shut off of municipal water service. Each separate dwelling or other residential unit must be equipped with a municipal water use meter. Each separate dwelling or separate residential unit shall have a separate meter. The city shall own all meters used in this capacity and the property owner shall be required to place a meter deposit with the City Administrator for the use of said meter. The City Council may, by resolution, adopt, alter or modify the meter deposit fee from time to time. Each connection, disconnection or reconnection to the city water system by means of the curb stop or other means shall be subject to a connection, disconnection or reconnection fee in such an amount as the City Council may from time to time establish by resolution.

4.04.01. **Curbstops.** The curbstop shall be located at or near the property line or at such other reasonable location as shall be determined by the City. If located upon the property of the homeowner, the homeowner shall be responsible for

maintaining the property adjacent to the curbstop in such a manner as to avoid physical damage to the curbstop and city water lines. Damage occurring to the curbstop as a result of vehicle traffic or otherwise may be repaired by the City without notice to the homeowner, and the cost of such repair included in the utility billing for the premises. The owner or occupant shall not obstruct or allow anyone else to obstruct the access of the City to the curbstop.

4.04.02. **Connection Procedure.** The property owner seeking or utilizing a connection to the municipal water system shall be responsible for the costs of the installation of a waterline from a City main to the curbstop and from the curbstop to the water meter. The property owner utilizing the connection shall be responsible for all of the costs of connection, maintenance, and repair of such service line. The installation of such a service line shall be done at the expense of the owner using City personnel or personnel approved by the City for such undertaking. All supplies and materials utilized in such a connection shall be approved by the City in advance of installation.

4.05. **Charges for Service Connections.** No connection shall be made to the city water system without a permit from the City Administrator. The fee for each such permit shall be established and modified by the City Council by ordinance or resolution from time to time.

4.06. **Application and Owner-customer Responsibility.**

4.06.01. **Procedure.** By his or her signature, the applicant shall agree to conform to the Tyler City Code and to rules and regulations that may be established by the City as conditions for the use of water. All persons who are presently connected to municipal water service in conformity with the requirements of this Code are deemed to have filed an application and shall be bound by the terms and conditions of this Code.

4.06.02. **Unmetered Water.** The homeowner shall be responsible for the maintenance, repair, and upkeep of water lines between the curbstop and the water meter. The City may require the homeowner to install a suitable quantity and quality of water line between the curbstop and meter. The City may disconnect the water service in the event that the homeowner fails or refuses to provide an installation which, in the opinion of the City, is suitable.

4.06.02.01. The applicant and owner are responsible for any water lost or water leakage occurring as a result of damaged, defective, leaking, inadequate water line, or other unmetered water lost between the curbstop and the water meter. In the event of such a loss, the City may estimate the quantity of water lost from other records and information available to the City. Such reasonable estimate shall be paid by the applicant or owner or may, in the discretion of the

City, be treated as a delinquency in the utility billing payment for the subject premises.

4.06.03. **Utility Deposit:** All applicants shall submit a deposit with the completed application for services to the City Administrator. The amount of the deposit shall be established and may be modified by resolution of the City Council, as set forth in Chapter 18 of this code.

4.07. **Account in Name of Owner of Real Estate.** All accounts shall be carried in the name of the owner of the real estate served, who personally, or by his authorized agent, shall apply for such service. The owner shall be liable for water supplied to his real estate, whether he is occupying the real estate or not and any charge or bill unpaid shall be a lien upon the real estate. The owner may designate that a tenant or occupant of the property serve as the authorized agent for the receipt of all account information.

4.08. **Meter Readings.** Each owner and/or resident shall read his or her water meter on or before the 1st day of each month and report the usage on the utility bill provided by the City. The City Administrator shall determine the amount of the billing and bill that charge along with the other utility charges with the utility bill submitted to the owner or resident for the following month. In the event that a utility bill is not paid on or before the 5<sup>th</sup> day of the month, the payment penalty will apply and shall be added to the monthly billing. If the utility billing remains unpaid and utility services are disconnected to the premises, a late payment penalty shall be doubled, which payment shall be in addition to the reconnect charge that is provided in 4.05. The late payment penalty shall be determined by the City Council by resolution, as set forth in Chapter 18 of this Code.

4.09. **Inspection.** Each permit granted under Section 4.04. shall require an inspection by the city water inspector. The city may, for good cause, waive the inspection requirement. The city retains the right to inspect all water meters and hook-ups for compliance with state law and the terms of this Code. This includes, but is not limited to, the right to inspect water meters on an annual or other more frequent basis for the proper water meter reading.

4.10. **Code Requirement.** All piping, connections, and appurtenances shall be installed and performed strictly in accordance with the Minnesota Plumbing Code. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspection shall, upon discovery by the City, be an additional ground for termination of water service to the consumer.

4.11. **Opening Hydrants.** It is unlawful for any person, other than members of the Fire Department or other persons duly authorized by the City in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the same or in any manner interfere therewith. It is also unlawful for any person so authorized to deliver or suffer to be delivered to any other person any hydrant key or wrench, except for the purpose strictly pertaining to their lawful use.

4.12. **City Personnel Only to Operate Curbstop.** It shall be a misdemeanor for any person other than an authorized municipal employee to turn on or off a curbstop or stop box connected to the municipal water system. Each such action shall constitute a separate offense.

4.13. **Repair of Leaks.** It is the responsibility of the consumer or owner to maintain the service pipe from the curb stop into the house or other building. In case of failure upon the part of any consumer or owner to repair any leak occurring in his or her service pipe within twenty-four (24) hours after oral or written notice has been give the owner or occupant of the premises, the water may be turned off and will not be turned on until a re-connection charge has been paid and the water service has been repaired. When the waste of water is great or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately.

4.14. - 4.19. **Reserved.**

4.20. **Municipal Sewer System**

4.21. **Use of Public Sewers.** The owner of any property abutting on or adjacent to any street in which sewer and water mains have been laid shall install a toilet in any dwelling or commercial establishment upon such property and connect it with the sewer and water mains, and in default thereof, the City shall provide for the installation of such toilet and charge the cost against the property as a special assessment. The property owner shall have a period of one year from the date that said public sewer is operational to complete the operation before the City shall proceed to make such installation and charge the same against the property tax.

4.21.01. It is unlawful to discharge wastewater or other polluted waters into any natural outlet or private wastewater disposal system within the City of Tyler or in any area under the jurisdiction of the City of Tyler except into the municipal wastewater facility; except discharge into a private wastewater disposal system is permitted for those properties which are not required, to connect to the municipal wastewater facilities.

4.22. **Permits Required.** No person shall connect a private waste water disposal system or a building sewer to a public sewer and no person shall install, alter, repair, or extend any private wastewater disposal system in the City without first obtaining a permit therefor from the City Council or its authorized representative for the specific installation, alteration, repair, or extension. During the first one year that the sewer system is operational, there shall be no fee for such permit. Any person desiring or required to connect to a public sewer shall pay a connection fee as established by resolution or code of the Council, as set forth under Chapter 18 of this Code.

4.23. **Applications.** Applications for permits shall be made in writing upon printed blanks or forms furnished by the clerk and shall be signed by the applicant.

4.24. **Content of Application.** Each application for a permit shall have thereon the correct legal description of the property on which the proposed installation, alteration, repair, or extension is to take place, and each application for a permit shall be accompanied by a plot plan of the land showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property and complete plans of the proposed system with substantiating data, if necessary, attesting to the compliance with the minimum standards of this code. A complete plan shall include the location, size and design of all parts of the system to be installed, altered, repaired, or extended. The application shall also show the recent or proposed location of water supply facilities and water supply piping, and the name of the person who is to install the system, and shall provide such further information as may be required by the City Council

4.24.01. Applications for permit shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of the building to be connected, and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.

4.24.02. There shall be two (2) classes of building sewer permits:

4.24.02.01. for residential and commercial service, and

4.24.02.02. for service to establishments producing industrial wastes.

In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the City. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

4.24.03. 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 be directly or indirectly occasioned by the installation of the building sewer.

4.24.04. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.

4.24.05. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent or his representative, to meet all requirements of this code.

4.25. **Construction Requirements.** Every individual sewage disposal system or connection to the City system installed after the effective date of this code and every alteration, extension, and repair to any system made after that date shall conform to the standards as adopted by the City Council by resolution from time to time.

4.26. **Inspection.** The City shall make such inspection or inspections as are necessary to determine compliance with this code. No part of the system shall be covered until it has been inspected and accepted by the City. It shall be the responsibility of the applicant for the permit to notify the City Administrator that the job is ready for inspection or reinspection, and it shall be the duty of the City to make the indicated inspection within forty-eight (48) hours after notice has been given. It shall be the duty of the owner or occupant of the property to give the City free access to the property at reasonable times for the purpose of making such inspections. Upon satisfactory completion and final inspection of the system, the City shall issue to the applicant a certificate of approval.

If upon inspection the City discovers that any part of the system is not constructed in accordance with the minimum standards provided in this code, the City shall give the applicant written notification describing the defects. The applicant shall pay an additional fee as set by the City Council from time to time for each reinspection that is necessary. The applicant shall be responsible for the correction or elimination of all defects, and no system shall be placed or replaced in service until all defects have been corrected or eliminated.

4.27. **Minnesota Rules.** The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of MN Rules Part 7080 entitled, "Individual Sewage Treatment System Standards" (as amended from time to time). No septic tank or cesspool shall be permitted to discharge to any natural outlet.

4.28. **Public Service Available.** At such time as public sewer service becomes available to a property not previously served, a direct connection shall be made to the public sewer within 90 days in compliance with the code and within ninety (90) days, any septic tanks, cesspools, and similar private wastewater disposal systems shall be cleaned of sludge, and the tank or pit filled with suitable material.

4.29. **Operation.** The owner(s) shall operate and maintain the private waste water disposal facilities in a sanitary manner at all times at no expense to the City.

4.30. **Non-interference.** No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the State of Minnesota.

4.31 - 4.37. **Reserved.**

4.38. **Additional Costs.** Any additional costs caused by discharges to the treatment works of toxic 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 said wastes, at no expense to the City.

4.39. **Charge System.** The City of Tyler hereby establishes a Sewer Service Charge System whereby all revenue collected from users of the wastewater treatment facilities will be used to affect all expenditures incurred for annual operation, maintenance, and replacement and for debt service on capital expenditure incurred in constructing the wastewater treatment works.

4.40. **User Fees.** Each user shall pay its proportionate share of operation maintenance and replacement costs of the treatment works, based on the users proportionate contribution to the total wastewater loading from all users. The administrative portion of the operation, maintenance, and replacement budget shall be recovered equally from all users.

4.41. **Debt Service.** Each user shall pay debt service charges to retire local capital costs as determined by the City Council.

4.42. **Sewer Rates.** Sewer Service rates and charges to users of the wastewater treatment facility shall be determined and fixed in a "Sewer Service Charge System" developed according to the provisions of this Code.

4.43. **Reserved**

4.44. **Charges for Wastewater Treatment Services.** Users of the City of Tyler wastewater treatment works shall be identified as belonging to one of the following user classes:

- a. Residential
- b. Commercial
- c. Industrial
- d. Institutional
- e. Governmental

The allocation of users to these categories for the purpose of assessing User Charges and Debt Service Charges shall be the responsibility of the City Administrator. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.

Each user shall pay Operation, Maintenance, and Replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, with the minimum

rate for flows and loadings to the treatment plant, with the minimum rate for loadings of BOD and TSS being the rate established for concentrations of 250 mg/l BOD and 300 mg/l TSS (i.e. Normal Domestic Strength Wastewater).

Those "Industrial Users" discharging segregated "Normal Domestic Strength Wastewater" only, can be classified as "Commercial Users" for the purpose of rate determination.

4.45. **Normal Domestic Strength Wastewater.** The charges assessed residential users and those users of other classes discharging "Normal Domestic Strength Wastewater" shall be established proportionately according to billable wastewater volume. Billable wastewater volume shall be calculated as follows:

4.45.01. **Residential Users.** Water volume for residential users shall be calculated on the basis of metered water usage. The monthly billable wastewater volume shall be equal to monthly metered water usage.

4.45.02. **Nonresidential Users.** The billable wastewater volume of nonresidential users may be determined in the same manner as for residential users. Except that if the City determines that there are significant seasonal variations in the metered water usage of nonresidential users resulting in a proportionate increase or decrease in wastewater volume; then billable wastewater volume shall be:

4.45.02.01. Calculated on the basis of monthly metered water usage as recorded throughout the year, or

4.45.02.02. Calculated on the basis of wastewater flow meters.

4.46. **Meters.** Meters shall be read per 100 gallons or part thereof. The City may require any person not now having a water meter to have installed a water meter and to maintain the same as a basis for sewer use charges.

4.47. **Determination of User Charges.** That user charges for Normal Domestic Strength users shall be such amount as shall be set by the City Council by resolution from time to time.

4.47.01. Costs associated with administrative services shall be recovered through a per connection charge calculated as follows:

$$Ac = Ab/\#c$$

where:

Ac = Administration Charge

Ab = Administration Budget

#c = Number of Connection x Number of Billings

4.47.02. Calculation of Unit Costs for Treatment of Normal Domestic Strength Wastewater:

$$Uomr = Comr/Tbwv$$

where:

$Uomr$  = Unit cost for Operation, Maintenance and Replacement to treat Normal Domestic Strength, in \$/Kgal

$Comr$  = (Total annual OM&R costs) - (Administration costs)

$Tbwv$  = Total annual billable wastewater volume in Kgal.

4.47.03. Calculation of User Charge for Normal Domestic Strength Wastewater:

$$Uc = (Uomr \times bwv) + Ac$$

where:

$Uc$  = User Charge

$Uomr$  = Unit cost for Operation, Maintenance and Replacement to treat Normal Domestic Strength, in \$/Kgal.

$bwv$  = Billable wastewater volume of a particular user in kgal.

$Ac$  = Administration charge

4.48. **Additional Charges.** The Sewer Service charges established in this code shall not prevent the assessment of additional charges to users who discharge wastes with concentrations greater than Normal Domestic Strength or wastes of unusual character, or contractual agreements with such users, as long as the following conditions are met:

4.48.01. The user pays Operation, Maintenance, and Replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, and no user is charged at a rate less than that of "Normal Domestic Strength Wastewater."

4.48.02. The measurements of such wastes are conducted according to the latest edition of Standard Methods for the Examination of Water and Wastewater in a manner acceptable to the City as provided for in this Code.

4.49. **Sewer Study.** A study of unit costs of collection and treatment processes attributable to Flow, BOD, TSS, and other significant loadings shall be developed for determining the proportionate allocation of costs to flows and loadings for users discharging wastes of greater than normal domestic strength or wastes of unusual character.

4.50. **Tax Levy.** Debt service costs for the wastewater treatment facilities shall be recovered by an annual general property tax levy made by the City Council.

4.51. **Additional Fees.** In addition to the general property tax levy, those structures which connect to the municipal sewer system more than one year after the date that the system first becomes operational as required by this Code shall pay a fee, as and for a connection charge and an inspection permit to the City plus the actual costs of connection and the actual costs of extending the sewer service to their property line if such extension has not previously been installed by the City.

4.51. **Unlawful Discharge.** It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Code.

4.52. **Private Septic Systems .** Except as provided in this Chapter, 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.

4.53. **Failure or Refusal to Connect.** In the event an Owner shall fail to connect to a public sewer in compliance with a notice given under this code, the City may undertake to have said connection made and shall assess the cost thereof against the benefitted property and said assessment shall be a lien against said property. Such assessment, when levied, shall bear interest at the legal rate for local improvements and shall be certified to the auditor of the County of Lincoln and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City under this subdivision shall be in addition to any other remedial or enforcement provisions of this code.

4.54. **Unauthorized Discharge.** 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 on-site disposal systems, unpolluted cooling or process water to any sanitary sewer except as authorized in writing.

4.54.01. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or indirectly to the wastewater disposal system.

4.54.02. 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 sewage carried by a building drain too low to permit gravity flow to the public sewer shall be lifted by an approved means and discharged to the building sewer.

4.54.03. The connection of the building sewer into the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight, and verified by proper testing to prevent the inclusion of

infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the City prior to installation.

4.54.04. All excavations for building sewer installation on any public property 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 City.

4.55. **Unauthorized Substances.** No person shall discharge or cause to be discharged, directly or indirectly, any of the following described substances to any public sewer:

4.55.01. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solids, or gases.

4.55.02. 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.

4.55.03. Any water or wastes having a ph. lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment works.

4.55.04. 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, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and sanitary napkins, paper dishes, cups, milk containers, and other paper products.

4.56. **Reserved.**

4.57. **Limited Discharges.** The following described substances, materials, water, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works treatment process or equipment, will not have an adverse effect on the receiving stream and/or soil, vegetation and ground water, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The City may set limitations lower than limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of wastes, the City will give consideration to such factors as the quantity of subject waste in reaction to flows and velocities in the

sewers, materials of construction of the sewers, nature of the sewage treatment process, the City's NPDES and/or SDS permit, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the City are as follows:

4.57.01. 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.

4.57.02. Any liquid or vapor having a temperature higher than one hundred fifty degrees F. (65 degrees C).

4.57.03. 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 (32) degrees and one hundred(100) degrees F (0 degrees and 65 degrees C).

4.57.04. 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 (**2**) inch in any dimension.

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

4.57.06. Any water or wastes containing phenols or other taste 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.

4.57.07. 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.

4.57.08. Any water or wastes having a ph. in excess of 9.5

4.57.09. Materials which exert or cause:

4.57.09.01. 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).

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

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

4.57.09.04. Unusual volume of flow or concentration of wastes constituting slug.

4.57.09.05. 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 discharge from the sewage treatment plant.

4.58-4.59. **Reserved.**

4.60. **State and Federal Regulation.** Prohibited wastes shall be regulated in accordance with the City's NPDES Permit, Section 307(a) and 307(b) of the Clean Water Act and all other applicable State and Federal regulations.

4.61. **Discretion by City.** 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 Subsection or which in the judgment of the City 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 City may take any or all of the following steps:

4.61.01. Refuse to accept the discharges, or

4.61.02. Require control over the quantities and rates of discharge, or

4.61.03. Require pretreatment to an acceptable condition for the discharge to the public sewer, or

4.61.04. Require payment to cover the added cost of handling and treatment of the wastes.

4.62. **Review and Approval.** The design and installation of the plant and equipment for pretreatment or equalization of wastes flows shall be subject to the review and approval of the City and subject to the requirements of Section 307(b) of the Clean Water Act and all applicable codes, ordinances, and laws.

4.63. **Interceptors.** Grease, oil, and sand interceptors shall be provided when they are necessary or required by the City for the proper handling of liquid wastes containing grease, or any flammable wastes, sand, or other harmful ingredients.

4.64. **Approval of Interceptors.** All interceptors required under this Subdivision shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection. Such interceptors shall not be required for private living quarters or dwelling units.

4.65. **Inspection by City.** 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 City at all reasonable times.

4.66. **Dilution.** No user shall increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this Code or contained in the National Categorical Pretreatment Standards or any state requirements.

4.67. **Industrial Waste.** When required by the City, 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 structures and equipment when required shall be construed at the owner's expense in accordance with plans approved by the City and shall be maintained by the owner so as to be safe and accessible at all times.

4.68. **Construction of Code.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City of Tyler and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern, providing that National Categorical Pretreatment Standards and the City's NPDES and/or State Disposal System Permit limitations are not violated.

4.69. **Testing and Measurements.** All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this Code shall be determined in accordance with Section 307(b) of the Clean Water Act; 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 structures.

4.69.01. 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.

4.70. **Testing and Inspection.** The City may conduct such tests as are necessary to enforce this Code, and employees of the City 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 City for the purpose of checking to determine if a previously found violation of this Code has been corrected, the cost of such tests shall be charged to the user and added to the user's sewer charge. In those cases where the City determines that the nature of volume of a particular user's sewage requires more frequent than normal testing, the City may charge such user for the test, after giving the user ten (10) days' written notice of its intention to do so, and the cost thereof shall be added to the user's sewer charge.

4.71. **Accidental Discharges.** 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 City Administrator 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.

4.72. **New Connections.** Any new connection(s) 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, BOD5, and Suspended Solids, as determined by the Superintendent.

4.73. **Interference with Operation.** No unauthorized person(s) 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 City.

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

4.75- 4.79. **Reserved.**

4.80. **Municipal Gas Utility System**

4.81. **Connections.** No connection shall be made to the gas system in the City of Tyler without a written authorization received from the office of the City Administrator. The City Administrator shall not issue an authorization for a connection until the administrator has received the appropriate utility deposit

as set by the City Council by resolution from time to time. The utility deposit shall secure the payment of all utility services, including water, sewer, garbage, electricity, gas, or other utilities provided by the City as well as any penalties, late charges, damages, or other expenses associated with any such utilities.

4.82. **Connection Fee.** The City may charge a fee for connection to the gas utility in an amount as set by the City Council by resolution from time to time, as may be set forth further in Chapter 18 of this Code.

4.83. **Approval Required.** No connection shall be made to the City gas service unless the physical connection has been approved by the authorized and designated municipal employee at the time of connection. This approval shall be in addition to the authorization to connect required from the Office of the City Administrator.

4.84. **Disconnection.** The gas supply to any user may be shut off pursuant to City policies for disconnection upon such notice as the council may from time to time determine. The supply may be shut off at any time without notice in the event of an emergency or in the event there is a danger to the gas system or its integrity.

4.85. **Meter Required.** All gas drawn from the gas mains of the City of Tyler shall be metered. No person shall tamper with, alter, remove, or replace a meter without specific authorization from the City to do so.

4.86. **Meters .** The meters utilized to meter gas in the City shall be classed as:

- a) small, those meters having a class 250 diaphragm or less;
- b) medium, those meters having a class 400 to 675 diaphragm; and
- c) large, constituting those meters having a class 1,000 to 23,000 diaphragm.

4.87. **Access Charge.** That all Owners or Businesses who have previously requested that the City install a natural gas connection to the owner's home or business on the premises but have not yet utilized gas service shall pay a monthly service charge for the availability of such service, the service charge shall be established and may be modified by the Council by a resolution that is set forth in Chapter 18 of this Code.

4.88. **Gas Usage Rates.** The rates to be charged for gas service in the City of Tyler shall consist of two parts, consisting of the following:

4.88.01 The rate for gas service used by the utility shall be the actual cost per CCF of gas purchased by the City (as adjusted by the conversion factors set forth in the following table) and;

4.88.02. A margin for operating expenses of the gas system and debt retirement;

4.88.03. The rate shall be determined on a monthly basis by adding the cost per CCF of gas purchased by the City for the applicable month to the "Margin" for the meter size of the customer. The Margin shall be set by the City Council from time to time by resolution.

Conversion factor table for meter readings:

<u>METER</u>	<u>FACTOR</u>
5 SMALL	1.1
6 SMALL	1.0
7 MEDIUM	1.1
8 LARGE	1.1
9 MEDIUM	1.7
12 LARGE	1.7
13 SM MED	1.1

For any meter sizes not set forth herein, the amount shall be determined from time to time by the City Administrator.

4.89. **Meters to Be Read Monthly.** City personnel shall be responsible for reading the customer's gas meter. No person shall obstruct, damage, impair, or prohibit or prevent access to a meter by City personnel for maintenance or meter reading purposes.

4.90. **Municipal Electric Utility Service.**

4.91. **Connections.** No connection shall be made to the electric distribution system in the City of Tyler without a written authorization received from the office of the City Administrator. The City Administrator shall not issue an authorization for a connection until the administrator has received the appropriate utility deposit as set by the City Council by resolution from time to time.

4.92. **Connection Fee.** The City may charge a fee for connection to the electric utility in an amount as set by the City Council by resolution from time to time, as may be set forth further in Chapter 18 of this Code.

4.93. **Approval Required.** No connection shall be made to the City gas service unless the

physical connection has been approved by the authorized and designated municipal employee at the time of connection. This approval shall be in addition to the authorization to connect required from the Office of the City Administrator.

4.94. **Disconnection.** The electric supply to any user may be shut off pursuant to City policies for disconnection upon such notice as the council may from time to time determine. The supply may be shut off at any time without notice in the event of an emergency or in the event there is a danger to the gas system or its integrity.

4.95. **Meter Required.** All electricity drawn from the power lines of the City of Tyler shall be metered. No person shall tamper with, alter, remove, or replace a meter without specific authorization from the City to do so.

4.96. **Minimum Charge.** That all Residential or Commercial users who are connected to the City's electric utility service, but do not utilize electric services shall pay a minimum monthly service charge for the availability of such service, the service charge shall be established and may be modified by the Council by a resolution that is set forth in Chapter 18 of this Code.

4.97. **Electric Rates.** The rates to be charged for electric service in the City of Tyler shall be established from time to time by Resolution of the City Council.

4.98. **Code Requirements.** All wiring, connections, and appurtenances shall be installed and performed strictly in accordance with the National Electric Code. Failure to install or maintain the same in accordance therewith or failure to have or permit required inspections, shall, upon discovery by the City, be an additional ground for termination of electrical service to any consumer.

4.99. **Services.** New or changed service installations shall be made at the expense of the consumer, placed underground where designated by the City, and the meter location shall also be designated by the City (1) temporarily during new construction; (2) temporarily during an emergency to prevent danger to person or property; (3) for a period of not more than seven months when soil conditions make excavation for underground service impractical, or (4) where to require underground service, the consumer has shown that such requirement is unduly burdensome. Placement of services and meters shall be determined by the City.

4.100. **Municipal Utility Billings.** All monthly charges associated with the gas, electric, sewer, garbage and water utility service shall be billed on the monthly utility bill applicable for the premises in accordance with the City policy for such utility service billing.

**4.101. Delinquent Utility Bills, Shut-off, Property Lien & Cold Weather Rule..**

4.101.01. The City shall endeavor to collect delinquent utility accounts promptly. In any case where satisfactory arrangements for payment have not been made, the City may,

after the procedural requirements of Section 4.101.03 have been complied with, discontinue service to the delinquent customer by shutting off the water at the curb stop.

4.101.02. When water, sewer, electric, garbage and/or natural gas service to any premises has been disconnected, service shall not be restored except upon the payment of all delinquent accounts due plus a fee for disconnection. The fees for disconnection shall be determined by the City Council by resolution, that is provided in Chapter 18.

4.101.03. Water shall not be shut off under Section 4.101 until notice and an opportunity for a hearing have first been given to the occupant of the premises involved. The notice shall be personally served or posted on the premises for a period of 7 days and shall state that if payment is not made before the date stated in the notice, but not less than three (3) days after the date on which the notice is given, the water supply to the premises shall be shut off.

4.101.04 The notice shall also state that the occupant may, before such date, demand a hearing on the matter, in which case the water supply will not be shut off until after the hearing is held. The City Council may, as an alternative, schedule a date, time, and place for hearing and proceed to hearing. If, as a result of a hearing, the City Council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply to the delinquent customer may not be shut off in accordance with this code, the City may immediately order the shut off of the water supply to the premises.

4.101.05. If disconnection affects the primary heat source for a residential customer during the period between October 15<sup>th</sup> and April 15<sup>th</sup>, the Laws of Minnesota pertaining to Cold Weather Disconnection of Municipal Utilities shall be followed.

4.101.06. Each and every utility service charge levied by and pursuant to the Tyler City Code of 2006 is hereby made a lien upon the lot or premises served.

4.102. **Collection with Taxes.** Whether or not the city has initiated action to shut off services, for water, sewer, electricity, garbage, and/or natural gas supply, all delinquent accounts, which are on September 30 of each year more than thirty (30) days past due and having been properly mailed to the occupant or owner of the premises, shall be certified by the City Administrator, who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment roll shall be delivered to the Council for adoption on or before October 1 of each year. Upon such adoption, the City Administrator shall certify the assessment roll to the County Auditor for collection along with taxes.

4.103. **Owner Liable.** The owner of the premises shall be liable to pay for the service to such premises, and the service is furnished to the premises by the City only upon the condition that the owner

of the premises is liable therefore to the City.

4.104. **Assessments.** Nothing in this Code shall be held or construed as in any way stopping or interfering with the right of the City to levy as taxes or assessments against any premises affected any delinquent or past due sewer service charges.

4.105. **Civil Action.** As an alternative to levying a lien, the City may, at its discretion, file suit in a civil action to collect such amounts as are delinquent and due against the occupant, owner, or user of the real estate, and shall collect as well all attorney's fees incurred by the City in filing the civil action. Such attorney's fees shall be fixed by order of the court.

4.106 to 4.107. **Reserved.**

4.108. **Municipal Service Disruptions.** In no event with the City be responsible for direct or indirect damages caused by disruptions in the service of any municipal utility whether the same be a complete or partial interruption, including but not limited to low or high voltages or pressure, line blockages, or other fluctuations in the delivery of services.

4.109. **Ownership of Municipal Utilities.** Ownership of all municipal utilities plants, lines, mains, extensions, and appurtenances thereto shall be and remain in the City, and no person shall own any part or portion thereof. Provided, however, that private facilities and appurtenances constructed on private property are not intended to be included in municipal ownership.

4.110. **Penalties.** Any person found to be violating the provisions of this Chapter 4 of the Tyler City Code shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding \$1,000.00 for each such violation or incarcerated for a period of not more than ninety (90) days or both. Each day on which such violation shall continue shall be deemed as a separate offense.

4.111. **Expenses.** Any person violating any of the provisions of this Chapter 4 fo the Tyler City Code shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.

4.112. **Validity.** The validity of any section, subdivision, clause, sentence or provision of this Code shall not affect the validity of any part of this Code which can be given effect without such invalid part or parts.