

## **CHAPTER 51: SEWER REGULATIONS**

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### ***Cross-reference:***

*Health and Safety; Nuisances, see Chapter 92*

## ***GENERAL PROVISIONS***

### **SECTION 51.001 DEFINITIONS.**

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

***ACT.*** The Federal Water Pollution Control Act, also referred to as the Clean Water Act, being 33 USC 1251 et seq., as amended.

***ASTM.*** American Society for Testing Materials.

***AUTHORITY.*** This city or its representative thereof.

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

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

***BUILDING SEWER.*** The extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.

***CITY.*** The area within the corporate boundaries of the city as presently established or as amended by ordinance 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 representative.

***CONTROL MANHOLE.*** A structure specially constructed for the purpose of measuring flow and sampling of wastes.

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

***GARBAGE.*** Animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

***INDUSTRIAL WASTE.*** Gaseous, liquid and solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development, recovery and processing of natural resources, as distinct from residential or domestic strength wastes.

**INDUSTRY.** Any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the *Standard Industrial Classification Manual*, latest edition, which is categorized in Divisions A, B, D, E and I.

**INFILTRATION.** Water entering the sewage system (including building drains and pipes) from the ground through means as defective pipes, pipe joints, connections and manhole walls.

**INFILTRATION/INFLOW (I/I).** The total quantity of water from both infiltration and inflow.

**INFLOW.** Water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

**INTERFERENCE.** The inhibition or disruption of the city's wastewater disposal system processes or operations which cause or significantly contribute to a violation of any requirement of the city's NPDES or SDS permit. The term includes sewage sludge use or disposal by the city in accordance with published regulations providing guidelines under Section 405 of the Act (33 USC 1345) or any regulations developed pursuant to the Solid Waste Disposal Act (42 USC 6901 et seq.), the Clean Air Act (42 USC 7401 et seq.), the Toxic Substances Control Act (15 USC 2601 et seq.), or more stringent state criteria applicable to the method of disposal or use employed by the city.

**MAY.** The term is permissive.

**MPCA.** The Minnesota Pollution Control Agency.

**NATIONAL CATEGORICAL PRETREATMENT STANDARDS.** 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 those treatment facilities or would interfere with the operation of those treatment facilities, pursuant to Section 307(b) of the Act (33 USC 1317(b)).

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT.** A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act (33 USC 1342 and 33 USC 1345).

**NATURAL OUTLET.** Any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.

**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.

***NORMAL DOMESTIC STRENGTH WASTE.*** Wastewater that is primarily introduced by residential users with a BOD<sub>5</sub> concentration not greater than 287 mg/l and suspended solids (TSS) concentration not greater than 287 mg/l.

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

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

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

***PROPERLY SHREDDED GARBAGE.*** The wastes from the preparation, cooking and dispensing of food that have been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 2-inch (1.27 cm) in any dimension.

***SEWAGE.*** The spent water of a community. The preferred term is wastewater.

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

(1) ***COLLECTION SEWER.*** A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.

(2) ***INTERCEPTOR SEWER.*** A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

(3) ***PRIVATE SEWER.*** A sewer which is not owned and maintained by a public authority.

(4) ***PUBLIC SEWER.*** A sewer owned, maintained and controlled by a public authority.

(5) ***SANITARY SEWER.*** A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters which are not admitted intentionally.

(6) ***STORM SEWER* or *STORM DRAIN.*** A drain or sewer intended to carry storm waters, surface runoff, ground water, subsurface water, street wash water, drainage and unpolluted water from any source.

**SHALL.** The term is mandatory.

**STATE DISPOSAL SYSTEM (SDS) PERMIT.** Any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to M.S. Section 115.07, as it may be amended from time to time for a disposal system as defined by M.S. Section 115.01(8), as it may be amended from time to time.

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

**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 (33 USC 1317(a)).

**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 benefited by discharge to the sanitary sewers and wastewater treatment facilities.

**USER.** Any person who discharges or causes or permits the discharge of wastewater into the city's wastewater disposal system.

**UTILITIES SUPERINTENDENT.** The person appointed by the City Council to supervise the sewer and water systems of the city.

**WASTEWATER.** The spent water of a community and referred to as sewage. 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 TREATMENT WORKS or TREATMENT WORKS.** An arrangement of any devices, facilities, structures, equipment or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from that treatment.

**WPCF.** The Water Pollution Control Federation.

**SECTION 51.002 CONTROL OF SEWERS; ADMINISTRATION OF CHAPTER.**

The Utilities Superintendent, or other official designated by the City Council shall have control and general supervision of all public sewers and service connections in the city, and shall be responsible for administering the provisions of this chapter to the end that a proper and efficient public sewer is maintained.

**SECTION 51.003 BUILDING SEWERS; GENERAL REQUIREMENTS.**

Building sewer construction shall meet the pertinent requirements of the Minnesota State Building Code, which is those chapters of Minn. Rules referenced in Minn. Rules part 1300.2400, subpart 6, as they may be amended from time to time, and the Minnesota Plumbing Code, Minn. Rules Ch. 4715, as it may be amended from time to time. The applicant shall notify the City Clerk when the building sewer and connection is ready for inspection. The connection shall be made under the supervision of the Building Official or the Building Official's representative, if the city has adopted the State Building Code. If the city has not adopted the State Building Code, the Utilities Superintendent shall perform the inspection. If the city does not have a Utilities Superintendent, an installer licensed shall certify that the building sewer and connection comply with the State Building Code. No backfill shall be placed until the work has been inspected and approved, or until the certification has been received.

Penalty, see Section 51.999

**SECTION 51.004 TAMPERING WITH WASTEWATER FACILITIES.**

No person 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.

Penalty, see Section 51.999

**SECTION 51.005 COST OF REPAIRING OR RESTORING SEWERS.**

In addition to any penalties that may be imposed for violation of any provision of this chapter, the city may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge of prohibited wastes by that person, and may collect the assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the city.

***GENERAL REGULATIONS***

**SECTION 51.015 DEPOSITS OF UNSANITARY MANNER PROHIBITED.**

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 the city's jurisdiction, any human or animal excrement, garbage or objectionable waste.

Penalty, see Section 51.999

#### **SECTION 51.016 DISCHARGE OF WASTEWATER OR OTHER POLLUTED WATERS.**

It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and the city's NPDES/SDS permit.

Penalty, see Section 51.999

#### **SECTION 51.017 RESTRICTIONS ON WASTEWATER DISPOSAL FACILITIES.**

Except as otherwise 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 wastewater.

Penalty, see Section 51.999

#### **SECTION 51.018 INSTALLATION OF SERVICE CONNECTION TO PUBLIC SEWER.**

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated within the city and adjacent to 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 shall be required at the owner's expense to install a suitable service connection to the public sewer in accordance with provisions of this code within 365 days of the date the public sewer is operational; provided, the public sewer is within 100 feet of the property line on which the structure generating the wastewater is located. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this section, an official ten-day notice shall be served instructing the affected property owner to make the connection.

Penalty, see Section 51.999

#### **SECTION 51.019 FAILURE TO CONNECT TO A PUBLIC SEWER.**

In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Section 51.018, the city shall undertake to have the connection made and shall assess the cost thereof against the benefited property. The assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the County Auditor and shall be collected and remitted to the city in the same manner as assessments for local improvements. The rights of the city shall be in addition to any



remedial or enforcement provisions of this chapter.

Penalty, see Section 51.999

## ***PRIVATE WASTEWATER DISPOSAL***

### **SECTION 51.035 PUBLIC SEWER NOT AVAILABLE.**

Where a public sewer is not available under the provisions of Section 51.018, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this subchapter and Minn. Rules Ch. 7080, Individual Sewage Treatment Systems Program, as they may be amended from time to time; and with the Wright County Septic Tank Ordinance, as such ordinance may be amended from time to time, which is hereby adopted in its entirety by the City by reference.

Penalty, see Section 51.999

### **SECTION 51.036 PERMITS.**

(A) *Required.* Prior to commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the city. The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary to the city.

(B) *Inspections.* A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city or its authorized representative. The city or its representative shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the city when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice.

Penalty, see Section 51.999

### **SECTION 51.037 TYPE, CAPACITIES, LOCATION AND LAYOUT.**

The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of Minn. Rules Ch. 7080, Individual Sewage Treatment Systems Program, as they may be amended from time to time. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Penalty, see Section 51.999

### **SECTION 51.038 DIRECT CONNECTION REQUIRED.**

At the time as a public sewer becomes available to a property serviced by a private wastewater disposal system, (public sewer is considered available when located within 100 feet of the property line), a direct connection shall be made to the public sewer

within 365 days in compliance with this chapter, and within 365 days any septic tanks, cesspools and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.

Penalty, see Section 51.999

#### **SECTION 51.039 OPERATION AND MAINTENANCE BY OWNER.**

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

#### **SECTION 51.040 APPLICATION OF SUBCHAPTER.**

No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Minnesota Department of Health.

### ***BUILDING SEWERS AND CONNECTIONS***

#### **SECTION 51.055 RESTRICTIONS ON NEW CONNECTIONS.**

Any 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<sub>5</sub> and suspended solids, as determined by the Utilities Superintendent.

Penalty, see Section 51.999

#### **SECTION 51.056 BUILDING SEWER PERMITS.**

(A) *Required.* No unauthorized person 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.

(B) *Applications.* Applications for permits 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.

(C) *Classes.* There shall be two classes of building sewer permits: one for residential and commercial service, and one 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.

(D) *Inspection and connection.* The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the Utilities Superintendent or authorized representative thereof.

Penalty, see Section 51.999

(E) *Connection charge.* If a person desires to connect to the system and service a parcel that has not been assessed for the cost of sewer main and lateral construction, then before a permit is granted, the City shall collect an amount from the applicant that is established pursuant to Section 51.110.

Penalty, see Section 51.999

#### **SECTION 51.057 COSTS AND EXPENSES.**

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

Penalty, see Section 51.999

#### **SECTION 51.058 SEPARATE BUILDING SEWERS REQUIRED.**

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 connection.

Penalty, see Section 51.999

#### **SECTION 51.059 OLD BUILDING SEWERS; RESTRICTIONS ON USE.**

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

#### **SECTION 51.060 CONFORMANCE TO STATE BUILDING AND PLUMBING CODE REQUIREMENTS.**

(A) The size, slopes, alignment, materials of construction of building sewers and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the State Building and Plumbing Code or other applicable rules and regulations of the city.

(B) The connection of the building sewer into the public sewer shall conform to the

requirements of the State Building and Plumbing Code or other applicable rules and regulations of the city. All 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.

Penalty, see Section 51.999

#### **SECTION 51.061 ELEVATION BELOW BASEMENT FLOOR.**

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 the building drain shall be lifted by an approved means and discharged to the building sewer.

Penalty, see Section 51.999

#### **SECTION 51.062 SURFACE RUNOFF OR GROUNDWATER CONNECTIONS PROHIBITED.**

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

Penalty, see Section 51.999

#### **SECTION 51.063 EXCAVATIONS.**

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 city.

Penalty, see Section 51.999

#### **SECTION 51.064 POINT-OF-SALE CERTIFICATION OF SANITARY SEWER SERVICE COMPLIANCE.**

No property owner with a connection to the City sanitary sewer shall sell, transfer or assign, or contract to sell the property without providing a copy of a Certificate of Sanitary Sewer Compliance to the buyer prior to the sale in accordance with the following requirements:

1. Time of sale means within 14 days following execution of a written purchase agreement, , and in no event later than the time of the execution of any document providing for the conveyance by deed or contract for deed.
2. Prior to closing, the seller must obtain and provide a Certificate of Sanitary Sewer Compliance to the City of Annandale.

3. Application for a Certificate of Sanitary Sewer Compliance shall be made to the City of Annandale, upon forms furnished by the City of Annandale.
4. Upon receipt of a properly executed application for Certificate of Sanitary Sewer Compliance, the Public Works Supervisor shall determine whether the private service line is in compliance with City guidelines. The sanitary service shall be deemed to be in compliance with City guidelines for sanitary services if the sanitary line is in proper working order, as demonstrated by televising the sanitary service to the City's sanitary sewer line; also there shall be no sump pumps, roof drains, or other non-domestic sewer connection to the sanitary line. The applicant shall be responsible for the cost of and scheduling of the inspection.
5. The City shall maintain a list of Contractors that are approved by the Public Works Supervisor to perform the Certificate of Sanitary Sewer Compliance inspection.
6. In the event that the transaction takes place when the ground is frozen or the purchaser cannot make the appropriate corrections, the proposed purchaser may take occupancy of the dwelling or structure prior to the issuance of a Certificate of Sanitary Sewer Compliance by the City of Annandale, by filing an executed written agreement by the present and prospective owners, which agreement sets the date by which the new owner will complete the necessary corrective action and which agreement and corrective action dates are approved by the Public Works Supervisor and found to be adequate in his or her discretion,. In order to obtain approval of a pending Certificate of Sanitary Sewer Compliance, the applicant shall escrow 1.5 times the estimated cost to conduct the corrective action with the City or with the title company conducting the closing.
7. A Certificate of Sanitary Sewer Compliance issued under this ordinance shall be effective for 3 years. Once a sewer line has been televised and the line is deemed to be in good working order by the Public works Supervisor, the line does not need to be re-televised for 10 years.
8. For houses constructed in the past 10 years, the Public Works Supervisor may, at his or her discretion, approve the Certificate of Sanitary Sewer Compliance without requiring televising the service line. A walk through inspection will still be required.
9. Any property owner who fails to obtain a Certificate of Sanitary Sewer Compliance shall be subject to a civil penalty as determined by the City Council from time to time.

(Ordinance 334, 6-4-12)

## ***USE OF PUBLIC SERVICES***

### **SECTION 51.080 DISCHARGES OF UNPOLLUTED WATER.**

(A) No person shall discharge or caused to be discharged any water such as storm water, ground water, roof runoff, surface drainage or non-contact cooling water to any sanitary sewer.

(B) Storm water and all other unpolluted drainage shall be discharged to those sewers as are specifically designed as storm sewers or to a natural outlet approved by the city and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the city and upon approval and the issuance of a discharge permit by the MPCA.

Penalty, see Section 51.999

### **SECTION 51.081 DISCHARGES OF WATERS OR WASTES.**

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

(A) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

(B) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as but not limited to grease, garbage with particles greater than 2-inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(C) Any wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater disposal system.

(D) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act (33 USC

1317(a)).

Penalty, see Section 51.999

## **SECTION 51.082 LIMITED DISCHARGES.**

(A) 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 soil, vegetation and ground water, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Utilities Superintendent may set limitations lower than limitations established in the regulations below if, in his or her opinion, the more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability of wastes, the Utilities Superintendent will give consideration to 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/SDS permit, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

(B) 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 Utilities Superintendent are as follows:

(1) Any wastewater having a temperature greater than 150°F (65.6°C), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104°F (40°C), or having heat in amounts which will inhibit biological activity in the wastewater treatment works resulting in interference therein.

(2) Any wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65.6°C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not.

(3) Any quantities of flow, concentrations, or both which constitute a “slug” as defined in Section 51.001.

(4) Any garbage not properly shredded, as defined in Section 51.001 of this chapter. 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 on the premises or when served by caterers.

(5) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to

life, or are sufficient to prevent entry into the sewers for their maintenance and repair.

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

(7) Non-contact cooling water or unpolluted storm, drainage or ground water.

(8) 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.

(9) Any radioactive wastes or isotopes of half-life or concentration as may exceed limits established by the Utilities Superintendent in compliance with applicable state or federal regulations.

(10) Any waters or wastes containing the following substances to the degree that any material received in the composite wastewater at the wastewater treatment works is detrimental to treatment process, adversely impacts land application, adversely effects receiving waters, or is in violation of standards pursuant to Section 307(b) of the Act (33 USC 1317(b)): Arsenic, Cadmium, Copper, Cyanide, Lead, Mercury, Nickel, Silver, total Chromium, Zinc and Phenolic compounds which cannot be removed by the city's wastewater treatment system.

(11) Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule, regulation or ordinance of any regulatory agency, or state or federal regulatory body.

(12) Any waters or wastes containing BOD<sub>5</sub> or suspended solids of 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 of Section 51.094.

### **SECTION 51.083 DISCHARGES HAZARDOUS TO LIFE OR CONSTITUTE PUBLIC NUISANCES.**

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in Section 51.082, or which in the judgment of the Utilities Superintendent may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment, receiving waters or soil, vegetation, and ground water, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act (33 USC 1317(b)) and all amendments



thereof;

(3) Require control over the quantities and rates of discharge; and

(4) Require payment to cover the added costs of handling, treating and disposing of wastes not covered by existing taxes or sewer service charges.

(B) If the city permits the pretreatment or equalization of waste flows, the design, installation and maintenance of the facilities and equipment shall be made at the owner's expense and shall be subject to the review and approval of the city pursuant to the requirements of the MPCA.

#### **SECTION 51.084 INCREASING USE OF PROCESS WATER.**

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 Section 51.081 and 51.082, or contained in the National Categorical Pretreatment Standards or any state requirements.

Penalty, see Section 51.999

#### **SECTION 51.085 PRETREATMENT OR FLOW-EQUALIZING FACILITIES.**

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 at the expense of the owner.

#### **SECTION 51.086 GREASE, OIL AND SAND INTERCEPTORS.**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Utilities Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 51.082(B)(2), any flammable wastes as specified in Section 51.081(A), sand or other harmful ingredients; except that interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Utilities Superintendent. Any removal and hauling of the collecting materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm.

Penalty, see Section 51.999

#### **SECTION 51.087 INDUSTRIAL WASTES; INSTALLATIONS.**

Where required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, or control manhole, with

necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. The structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the city. The structure shall be installed by the owner at his or her expense and shall be maintained by the owner to be safe and accessible at all times.

Penalty, see Section 51.999

#### **SECTION 51.088 INDUSTRIAL WASTES; REQUIREMENTS.**

The owner of any property serviced by a building sewer carrying industrial wastes 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 times and in the manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses and reporting required by the city. At those times as deemed necessary, the city reserves the right to take measurements and supplies for analysis by an independent laboratory.

Penalty, see Section 51.999

#### **SECTION 51.089 MEASUREMENTS, TESTS AND ANALYSES OF WATERS AND WASTES.**

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, duration and frequencies are to be determined on an individual basis subject to approval by the Utilities Superintendent.

Penalty, see Section 51.999

#### **SECTION 51.090 PROTECTION FROM ACCIDENTAL DISCHARGE OF PROHIBITED MATERIALS.**

Where required by the city, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this chapter. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Utilities Superintendent for review and approval prior to construction of the facility. Review and approval of the plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility

as necessary to meet the requirements of this chapter. Users shall notify the Utilities Superintendent immediately upon having a slug or accidental discharge of substances of wastewater in violation of this chapter to enable countermeasures to be taken by the Utilities Superintendent to minimize damage to the wastewater treatment works. The notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the city on account thereof under any state and federal law. Employers shall ensure that all employees who may cause or discover a discharge are advised of the emergency notification procedure.

Penalty, see Section 51.999

#### **SECTION 51.091 PERMITTING SUBSTANCE OR MATTER TO FLOW OR PASS INTO PUBLIC SEWERS.**

No person having charge of any building or other premises which drains into the public sewer shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within 30 days after receipt of written notice from the city, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same, and perform other work as the Utilities Superintendent may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of 30 days, the Utilities Superintendent may cause the work to be completed at the expense of the owner or representative thereof.

Penalty, see Section 51.999

#### **SECTION 51.092 REPAIRING SERVICE CONNECTION.**

Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause the work to be done as the Utilities Superintendent may direct. Each day after 30 days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Utilities Superintendent may then cause the work to be done, and recover from the owner or agent the expense thereof by an action in the name of the city.

Penalty, see Section 51.999

#### **SECTION 51.093 CATCH BASIN OR WASTE TRAPS REQUIRED FOR MOTOR VEHICLE WASHING OR SERVICING FACILITIES.**

The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times a catch basin or waste trap in the building drain system to prevent grease, oil, dirt or any mineral deposit from entering the public sewer system.

Penalty, see Section 51.999

#### **SECTION 51.094 SPECIAL AGREEMENT AND ARRANGEMENT.**

No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern; provided, that National Categorical Pretreatment Standards and the city's NPDES/SDS Permit limitations are not violated.

### ***USER RATE SCHEDULE FOR CHARGES***

#### **SECTION 51.110 CHARGES GENERALLY.**

Each user of sewer service shall pay the charges applicable to the type of service, and in accordance with the provisions set forth in this subchapter. The City Council may establish a schedule of all sewer rates, fees and charges for permits or services in the Ordinance Establishing Fees and Charges adopted pursuant to this Code as that ordinance may be amended from time to time.

#### **SECTION 51.111 PURPOSE.**

The purpose of the subchapter is to provide for sewer service charges to recover costs associated with operation, maintenance and replacement to ensure effective functioning of the city's wastewater treatment system, and local capital costs incurred in the construction of the city's wastewater treatment system.

#### **SECTION 51.112 DEFINITIONS.**

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

***ADMINISTRATION.*** Those fixed costs attributable to administration of the wastewater treatment works such as billing and associated bookkeeping and accounting costs.

***CITY.*** The area within the corporate boundaries of the city as presently established or as amended by ordinance or other legal actions at a future time. When used herein the term ***CITY*** may also refer to the City Council or its authorized representative.

***DEBT SERVICE CHARGE.*** A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct the facilities.

***INCOMPATIBLE WASTE.*** Waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works.

***INDUSTRIAL USERS or INDUSTRIES.***

(1) (a) Entitles 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*, latest edition, Office of Management and Budget, as amended and supplemental under one of the following divisions:

- Division A. Agriculture, forestry and fishing
- Division B. Mining
- Division D. Manufacturing
- Division E. Transportation, communications, electric, gas, and sanitary  
sewers
- Division I. Services

(b) For the purpose of this definition, domestic waste shall be considered to have the following characteristics: BOD<sub>5</sub> - less than 287 mg/l; Suspended solids - less than 287 mg/l.

(2) Any nongovernmental 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.

***MAY.*** The term is permissive.

***OPERATION AND MAINTENANCE.*** Activities required to provide for the dependable and economical functioning of the treatment works, throughout the design or useful life, whichever is longer of the treatment works, and at the level of performance for which the treatment works were constructed. The term includes replacement.

***OPERATION AND MAINTENANCE COSTS.*** Expenditures for operation and maintenance, including replacement.

***REPLACEMENT.*** Obtaining and installing of equipment, accessories or appurtenances which are necessary during the design life or useful life, whichever is longer, of the treatment works to maintain the capacity and performance for which the works were designed and constructed.

***REPLACEMENT COSTS.*** Expenditures for replacement.

***SANITARY SEWER.*** A sewer intended to carry only liquid and water-carried

wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters which are not admitted intentionally.

***SEWER SERVICE CHARGE.*** The aggregate of all charges, including charges for operation, maintenance, replacement, debt service, and other sewer related charges that are billed periodically to users of the city's wastewater treatment facilities.

***SEWER SERVICE FUND.*** A fund into which income from sewer service charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditure of the sewer service fund will be for operation, maintenance and replacement costs and to retire debt incurred through capital expenditure for wastewater treatment.

***SHALL.*** The term is mandatory.

***TOXIC POLLUTANT.*** The concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to Section 307(a) of the Act (33 USC 1317(a)), which upon exposure to or assimilation into any organism, will cause adverse effects.

***USER CHARGE.*** A charge levied on a user of a treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement.

***USERS.*** Those residential, commercial, governmental, institutional and industrial establishments which are connected to the public sewer collection system.

***WASTEWATER.*** The spent water of a community, also referred to as sewage. 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 TREATMENT WORKS or TREATMENT WORKS.*** An arrangement of any devices, facilities, structures, equipment or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from the treatment.

## **SECTION 51.113 ESTABLISHMENT OF A SEWER SERVICE CHARGE SYSTEM.**

(A) The city 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.

(B) 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.

(C) Each user shall pay debt service charges to retire local capital costs as determined by the City Council.

(D) Sewer service rates and charges to users of the wastewater treatment facility shall be determined according to the provisions of this subchapter and approved by the City Council. The Ordinance Establishing Fees and Charges adopted pursuant to this Code may be amended from time to time to include subsequent changes in sewer service rates and changes.

(E) Revenues collected for sewer service shall be deposited in a separate fund known as "The Sewer Fund." Income from revenues collected will be expended to offset the cost of operation, maintenance and equipment replacement for the facility and to retire the debt for capital expenditure.

(F) Sewer service charges and the sewer service fund will be administrated in accordance with the provisions of Section 51.116.

(G) A connection fee as fixed in the Ordinance Establishing Fees and Charges adopted pursuant to this code, as that ordinance may be amended from time to time, shall be charged to each user connecting a new service to the Sanitary Sewer System. The connection fees collected shall be retained in a separate fund for future system upgrades and expansions.

Penalty, see Section 51.999

#### **SECTION 51.114 DETERMINATION OF SEWER SERVICE CHARGES.**

The sewer service rates and charges to users of the wastewater treatment facility shall be as established by ordinance or resolution prior to the adoption of this code, unless amended or modified in the Ordinance Establishing Fees and Charges, adopted pursuant to this Code, as that ordinance may be amended from time to time.

Penalty, see Section 51.999

#### **SECTION 51.115 SEWER FUND.**

(A) The city hereby establishes a "Sewer 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

works, including taxes, special charges, fees and assessments intended to retire construction debt.

(B) All revenue generated by the sewer service charge system, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be held by the City Clerk separate and apart from all other funds of the city

#### **SECTION 51.116 ADMINISTRATION.**

The sewer service charge system and sewer service fund shall be administrated according to the following provisions:

(A) The City Clerk shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works, and shall furnish the City Council with a report of those costs when requested by the Council. The City Council shall periodically determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works, and whether sufficient revenue is being generated for debt retirement. The Council will also determine whether the user charges are distributed proportionately to each user in accordance with Section 51.113(B). The city shall thereafter, but not later than the end of the year, reassess and as necessary revise the Sewer Service Charge System then in use to ensure the proportionality of the user charges and to ensure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.

(B) Bills for sewer service charges shall be due upon receipt and considered delinquent after the due date and a penalty may be assessed for such delinquency. At that time, the city shall notify the delinquent owner/occupant in writing regarding the delinquent bill and subsequent penalty. Disconnection of services for late payment shall follow the procedures established in Section 51.118.

(C) The owner of the premises shall be liable to pay for the service to their 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.

(D) 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 of the wastes, at no expense to the city.

#### **SECTION 51.117 PAYMENT OF CHARGES; LATE PAYMENT.**

(A) Any prepayment or overpayment of charges may be retained by the city and applied on subsequent charges.



(B) If a service charge is not paid when due, then a penalty may be added thereto.

#### **SECTION 51.118 DISCONNECTION FOR LATE PAYMENT.**

(A) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's utility bills shall contain the address and telephone number of the official in charge of billing and the due date of the bill.

(B) If any bill is not paid by or before the due date, a second bill will be mailed containing a shutoff notice that if the bill is not paid within the date specified on the second bill, service will be discontinued for nonpayment.

(C) Any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(D) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been unpaid for at least 30 days.

(E) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge as established by the Ordinance Establishing Fees and Charges adopted pursuant to this code, as that ordinance may be amended from time to time.

(F) *Cold weather rule.* Pursuant to M.S. Section 216B.097, as it may be amended from time to time, no service of a residential customer shall be disconnected if the disconnection affects the primary heat source for the residential unit when the disconnection would occur during the period between October 15 and April 15, the customer has declared inability to pay on forms provided by the city, the household income of the customer is less than 185% of the federal poverty level as documented by the customer to the city, and the customer's account is current for the billing period immediately prior to October 15 or the customer has entered into a payment schedule and is reasonably current with payments under the schedule.

#### ***POWERS AND AUTHORITY OF INSPECTORS***

### **SECTION 51.130 AUTHORIZED EMPLOYEES PERMITTED TO ENTER ALL PROPERTIES.**

The Utilities Superintendent or other duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling and testing pertinent to the discharges to the city's sewer system in accordance with the provisions of this chapter.

### **SECTION 51.131 AUTHORIZED EMPLOYEES OBTAINING INFORMATION FOR INDUSTRIAL PROCESSES.**

The Utilities Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential; however, the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

### **SECTION 51.132 AUTHORIZED EMPLOYEES TO OBSERVE SAFETY RULES.**

While performing necessary work on private properties, the Utilities Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the property owner shall be held harmless for injury or death to the city employees and the city shall indemnify the property owner 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 may be caused by negligence or failure of the company to maintain safe conditions as required in Section 51.087.

### **SECTION 51.133 AUTHORIZED EMPLOYEES PERMITTED TO ENTER ALL PROPERTY WITH EASEMENTS.**

The Utilities Superintendent or other 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.

### **SECTION 51.999 PENALTY.**

(A) (1) Any person found to be violating any provisions of Sections 51.001 through 51.094 and 51.130 through 51.133 shall be served by the city with written notice stating

the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in division (A) of this section shall be punished as provided in Section 10.99. Each day in which any violation occurs shall be deemed as a separate offense.

(3) Any person violating any of the provisions of Sections 51.001 through 51.094 and 51.130 through 51.133 shall become liable to the city for any expense, loss or damage occasioned by the city by reason of that violation.

(B) (1) Each and every sewer service charge levied by and pursuant to Sections 51.110 through 51.118 is made a lien upon the lot or premises served, and all charges which are on October 31 of each year past due and delinquent shall be certified to the County Auditor by November 30 as taxes or assessments on the real estate. Nothing in Sections 51.110 through 51.118 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.

(2) As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect 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. Attorney's fees shall be fixed by order of the court.

(3) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate of 8% per annum.