

ORDINANCE NO. 15-01.

THE CITY COUNCIL OF THE CITY OF SKYLINE, BLUE EARTH, COUNTY, MINNESOTA,
ORDAINS:

**SECTION 1. NEW CITY CODE SUPERSEDES ANY PRIOR CITY OF SKYLINE CITY CODES
REGARDING UTILITIES.**

For the purpose of this Ordinance, any previously enacted Skyline City Codes regarding utilities are no longer in effect or valid. The new Skyline City Code, approved by the Council of the City of Skyline on the eighth day of June, 2015, supersedes any Skyline City Code enacted by any earlier Skyline City Council prior to June 8th, 2015. The active Skyline City Code for Utilities is attached.

SECTION 2. EFFECTIVE DATE

This ordinance becomes effective from and after its passage and publication.

Mayor

Date

Attest:

Clerk

Date

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CHAPTER 1

UTILITIES

GENERAL PROVISIONS

Sec. 1.01. Definitions. The following terms, as used in this chapter, shall have the meanings stated:

Subd. 1. The term "utility" shall refer to all utility services, whether, the same be public municipally-owned facilities or furnished by private utility companies, except those the regulation of which has been placed under the exclusive authority of the State or Federal government.

Subd. 2. The term "municipal utility" shall refer to any municipally-owned utility system.

Subd. 3. The terms "consumer" and "customer" shall refer to any user of a utility.

Subd. 4. The term "service" shall refer to providing a particular utility to a customer or consumer.

Sec. 1.02. Fixing Rates and Charges. All rates and charges for municipal utilities shall be fixed and determined by resolution of the City Council.

Sec. 1.03. Contractual Contents. Provisions of this chapter relating to municipal utilities shall constitute portions of the contract between the City and all consumers of municipal utility services, and every such consumer shall be deemed to assent to the same.

Sec. 1.04. Rules and Regulations Relating to Municipal Utilities.

Subd. 1. Billing, Payment and Assessment. Charges for all municipal utilities shall be made in utility statements forwarded to the property owner at such intervals as the Council may determine. Utility charges shall be delinquent if not paid on or before the due date set forth on a utility statement based upon an actual meter reading, provided that in the event such due date is a Saturday, Sunday or legal holiday, utility charges shall not be delinquent until the following business day.

If payments of such amounts are not made after two (2) consecutive billing cycles following the determination of delinquency, the unpaid charges may be certified to

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the Office of Land Records with the taxes against the property served and collected as other assessment thereon or the City may initiate legal action against the owner of the property served. (Refer to Ordinance 13-01)

Subd. 2. Application, Connection and Sale of Service. Application for municipal utility services shall be made upon forms supplied by the City, and strictly in accordance therewith. No connection shall be made until consent has been received from the City to make the same. All municipal utilities shall be sold and delivered to consumers under the then applicable rate.

Subd. 3. Termination or Suspension of Service.

The City may terminate or suspend any utility service to any property where the utility charge has become delinquent as provided herein, in which event such utility service shall not be restored until a service renewal charge in such amount as may be determined by the Council has been paid in addition to any amount owed for service. (Refer to Ordinance 13-01)

Subd. 4. Ownership of Municipal Utilities. Ownership of all municipal utilities, lines, mains, extensions and appurtenances thereto, except for service lines connected to city mains and service line accessories, shall be and remain in the City and no person shall own any part or portion thereof.

Subd. 5. Right of Entry. The City and/or its designee has the right to enter in and upon private property, including buildings and dwelling houses and easements, in or upon which is installed a municipal utility, or connection therewith, at all times reasonable under the circumstances, for the purpose of reading utility meters, and for the purpose of inspection and/or repair of meters or a utility system, or any part thereof.

Subd. 6. Meters. All water and sewage shall be measured by meters, except in those cases where sewage charges are based on a percentage of water usage; and such meters shall be installed by or under the direction of the City. Meters shall be located in basements or utility rooms whenever possible, and all locations of meters shall be subject to the approval of the City. All meters shall be obtained from the City. Whenever a consumer shall request the City to test any utility meter in use by consumer, such request shall be accompanied by a cash deposit of fifty (\$50.00) for each meter to be tested. If any such meter is found to be inaccurate, the same shall be replaced with an accurate meter, and the deposit thereon refunded. If the meter shall be found to be accurate in its recordings or calculations, it shall be reinstalled and the fifty (\$50.00) deposit shall be retained by the City to defray the cost of such test, and the consumer shall pay any additional cost of removal and testing by the City. Provided, however, that the City water meters of two (2) inches or more in size shall be removed and tested by the City, and the consumer shall pay for such removal, inspection, and the cost of repairs, replacements, or a new meter. The owner or consumer shall be held responsible for the care of the meter

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and will pay for all damage caused to meters by himself, his agent, or the occupants of the premises.

Subd. 7. Unlawful Acts.

A. It is unlawful for any person to willfully or carelessly break, injure, mar, deface, disturb, or in any way interfere with any buildings, attachments, machinery, apparatus, equipment, fixture, or appurtenance of any municipal utility or municipal utility system, or commit any act tending to obstruct or impair the use of any municipal utility.

B. It is unlawful for any person to make any connection with any municipal utility without first having applied for and received permission from the City to make the same.

C. It is unlawful for any person to turn on or connect a utility when the same has been turned off or disconnected by the City for nonpayment of a bill, or for any other reason, without first having obtained a permit to do so from the City.

D. It is unlawful for any person to "jumper" or by the means or device fully or partially circumvent a municipal utility meter, or to knowingly use or consume unmetered utilities or use the services of any utility system, the use of which the proper billing authorities have no knowledge.

E. It is unlawful for any person to construct a private water well for domestic, commercial, industrial, institutional, or governmental water use inside the corporate limits of the City after the effective date of this ordinance.

F. When a street, boulevard, avenue, lane, or any designated public thoroughfare is scheduled for major reconstruction, an investigation of all properties along the route shall be conducted for the purpose of identifying illegal discharges through defective sanitary sewer services, roof leaders, sump pump connections, footing drains, etc., of rainfall inflow or ground water infiltration into the sanitary sewer system. The property owners shall be put on notice by the City Council to correct such inflow or infiltration connections to conform to current ordinances prior to completion of the street reconstruction project. The major street reconstruction shall be defined as a project which includes the renovation or reconstruction of water mains, sanitary sewer, and storm sewer drain lines or appurtenances in that street.

Water service lines made of lead shall not be reconnected to the water mains. The entire length of water service line, from the water main to the water meter, shall be copper tubing which conforms to the Minnesota Plumbing Code standards, and shall be one (1) inch in diameter. An exception shall be made for existing copper water service lines provided the service line complies with all other Plumbing Code standards.

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Subd. 8-9. Reserved

Subd. 10. Service Connection Prior to Paving and Repaving. Prior to street construction the City shall determine where new services are required or where existing services are in need of replacement or repair, and shall notify the owner of the property affected that such construction or repair must be done within a specified time. If not made by such time, the City may cause said construction or repair made and assess the cost for the same against the benefited property.

Subd. 11. Water Meter Reading Device – ERT (Encoder, Receiver, Transmitter). All water meters shall be equipped with an ERT device. The ERT meter reading device shall be securely attached to the highest vertical unobstructed location from the water meter, in an upright position, facing the street in front of the property. The wire from the water meter to the ERT must be secured with plastic ties every 6 to 8 inches to prevent accidental damage. If the water meter has an Integral ERT (the ERT is attached to the meter), no other installation procedures are required. The final decision on location of the remote outside meter reading device shall be the City's.

Subd. 12. Restricted Use of Municipal Water.

A. Restrictions on Water Usage. Whenever it is determined by the City Mayor that a shortage of water supply may be imminent, the City Mayor is authorized to limit the uses of municipal water and the times and hours during which water from the municipal water supply may be used.

B. Action by the City Mayor. The City Mayor may act by filing with the City clerk a written certification that there is an imminent shortage of water supply. The certification shall specify in detail the restrictions on water usage and the charge for instances of noncompliance and shall become effective 24 hours after being filed. The City Clerk shall endorse on each filing the time and date of filing. The City Mayor shall take such action as is reasonably practical to inform the general public of the imposition of restrictions on water usage and of the charges and other penalties or violation of such restrictions.

C. Penalties. For each instance of noncompliance with water usage restrictions imposed by this section, a charge shall be assessed against the property on which the violations occurred and added to the water bill. The amount of the charge of penalty assessed shall be specified by City Council resolution.

Subd. 13. Water Service Line Construction. All water service lines and appurtenances connected to municipal utilities shall conform to the requirements of the State Plumbing Code.

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Subd. 14. Water Service pipe and Fittings. Water service pipe or fittings located on either side of the water meter shall not be galvanized iron pipe.

Subd. 15. Financial Responsibility of Service Lines. All cost for maintenance and abandonment of utility service lines is the responsibility of the property owner, from the water main including the corporation and from the sewer main including the wye connection to a point of connection to the owner's building.

Subd. 16. Location of Curb Stops and Service Lines and Maintenance Thereof. The City shall determine where to locate curb stops and service lines or pipes from the City's main to the consumer's meter, and they shall at all times be maintained in good repair by the consumer, and if the City finds any leaks or defects therein which remains unrepaired for a period twenty-four (24) hours from the time of notice, the City may terminate service to the consumer's premises, or shall cause repairs to be made and the cost thereof to be billed to the consumer.

WATER

Sec. 1.05. Unlawful Acts.

Subd. 1. It is unlawful for any person, not expressly authorized by the City, to tap a water distribution main.

Subd. 2. It is unlawful for any person, other than members of a Fire Department or other duly authorized City personnel, in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the same or in any manner interfere therewith.

Subd. 3. It is unlawful for any person authorized to open hydrants or service valves to deliver a key or a wrench, used for opening such hydrants or valves, to unauthorized persons, and it is also unlawful for unauthorized persons to have such keys or wrenches in their possession.

Subd. 4. Water Meter Seals. It is unlawful for any person, not expressly authorized by the City, to remove, damage, deface or tamper with a City water meter or remote meter reading device or any seal placed upon a water meter by the City. In addition to any other penalties, civil or criminal, the user shall be charged three (3) times its average monthly water and sanitation billings for the period between the date of last inspection and the discovery of an intentionally damaged meter or reading device or a meter with a damaged or missing seal.

Subd. 5. Water Meter Access. It is unlawful for any person to conceal a water meter in any manner which limits reasonable access to that water meter by water utility personnel. If water utility personnel cannot remove, replace, or perform required

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water meter maintenance due to concealment of the water meter, the water meter owner shall be given written notice by the City Council to remove said obstructions by the time period specified in the notice and in no instance longer than 30 days.

Sec. 1.06. Water During Construction. A tap may be granted and installed to supply water for construction by special approval from the City. At the time of the contractor or property owner obtaining the building permit, the water billing account will be established. The billing will be in the name of the person obtaining the building permit. Until the water meter is installed, contractor or property owner will be billed for the cost of service for both the water and wastewater.

SANITARY SEWER

Sec. 1.07. Wastewater Policy and Application. Sections 1.07 to 1.31 shall apply to all users of the City's wastewater treatment system.

Sec. 1.08. Definitions. Unless the context specifically indicates otherwise, the following terms, as used in this chapter, shall have the meanings hereinafter designated:

Subd. 1. Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33. U.S.C. 1251, et. seq.

Subd. 2. ASTM. American Society for Testing Materials.

Subd. 3. Authority. The City of Skyline, Minnesota, or its representative thereof.

Subd. 4. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Centigrade, expressed in terms of weight and concentration (milligrams per liter (mg/l)).

Subd. 5. Biosolids. Sewage sludge that has been treated to meet the regulatory requirements for land application set out in the Code of Federal Regulations, Title 40 (Part 503).

Subd. 6. Building Drain. That 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 immediately outside the building wall.

Subd. 7. 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.

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Subd. 8. Carbonaceous Biochemical Oxygen Demand (CBOD). BOD to which a chemical inhibitor has been added to inhibit the nitrogenous demand and provide a direct measurement of carbonaceous demand.

Subd. 9. City. The City of Skyline, Minnesota.

Subd. 10. Chemical Oxygen Demand (COD). The quantity of oxygen utilized in the chemical oxidation of organic matter as determined by standard laboratory procedures, and as expressed in terms of milligrams per liter (mg/l).

Subd. 11. 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.

Subd. 12. Control Manhole. A structure specially constructed for the purpose of measuring flow and sampling of wastes.

Subd. 13. Debt Service. Revenue to be used solely for retirement of outstanding debts of the City's wastewater treatment works.

Subd. 14. Easement. An acquired legal right for the specific use of land owned by others.

Subd. 15. Extra Strength Waste. Wastewater having a BOD and/or total suspended solids greater than normal domestic strength waste and not otherwise classified as an incompatible waste.

Subd. 16. Fecal Coliform. Any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

Subd. 17. Floatable Oil. Oil, fat, or grease in a physical state, such that it will separate by gravity from wastewater.

Subd. 18. Garbage. Animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.

Subd. 19. Incompatible Pollutant. Any pollutant that is not defined as a compatible pollutant (Subdivision 9), including non-biodegradable dissolved solids.

Subd. 21. Infiltration. Water entering the sewage system (including building drains and pipes) from the ground through such means as defective pipes, pipe joints, connections, and manhole walls.

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Subd. 22. Infiltration/Inflow (I/I). The total quantity of water from both infiltration and inflow.

Subd. 23. 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.

Subd. 24. MPCA. Minnesota Pollution Control Agency.

Subd. 25. National Pollutant Discharge Elimination System (NPDES) Permit. Any permit or requirements issued by the Minnesota Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended for the purpose of regulating the discharge of wastewater, industrial wastes, or other wastes under the authority of Section 402 of the Act.

Subd. 26. 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.

Subd. 27. Non-Contact Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, which the only pollutant added to the water, is heat.

Subd. 28. Normal Domestic Strength Waste. Wastewater that is primarily introduced by residential users with a BOD5 concentration not greater than two hundred sixty (260) mg/l and a suspended solids (TSS) concentration not greater than two hundred eighty (280) mg/l.

Subd. 29. Operation and Maintenance. Those variable expenditures and costs which are directly attributable the operations and maintenance of a waste treatment works. The term "O & M" includes "replacement."

Subd. 30. Person. The State or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission or any interstate body, and including any officer or governing or managing body of any municipality, governmental subdivision or public or private corporation, or other entity.

Subd. 31. pH. A measure of the acidity or basicity of a waste. It is defined as the negative logarithm of the hydrogen ion concentration in moles per liter.

Subd. 32. Pretreatment. The process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater to a less

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harmful state prior to introducing such pollutants in the City's wastewater treatment system. The reduction, elimination, or alteration may be obtained by physical, chemical, or biological processes, process changes or other means, except as prohibited by this ordinance.

Subd. 33. 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 one-half inch (1.27 cm) in any dimension.

Subd. 34. Replacement. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance of the treatment facility for which it was designed and constructed.

Subd. 35. Receiving Body. Body of water, be it a holding pond or the Minnesota or Blue Earth Rivers, into which the storm sewer system for the city empties.

Subd. 36. Sewage. The spent water of a community. The preferred term is wastewater.

Subd. 37. Sewer Service Charge System. The system of charges by which revenue is generated to offset the cost of operation and maintenance plus replacement, administration, and debt service.

Subd. 38. Sewer. A pipe or conduit that carries wastewater or drainage water.

A. Collection Sewer. A sewer whose primary purpose is to collect wastewater from individual point source discharges and connections.

B. Combined Sewer. A sewer intended to serve as a sanitary sewer and a storm sewer.

C. Force Main. A pipe in which wastewater is carried under pressure.

D. Interceptor Sewer. A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

E. Private Sewer. A sewer which is not owned and maintained by a public authority.

F. Public Sewer. A sewer owned, maintained and controlled by a public authority.

G. Sanitary Sewer. A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions,

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together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.

H. **Storm Sewer or Storm Drain.** A drain or sewer intended to carry storm waters, surface runoff, ground water, sub-surface water, street wash water, drainage, and unpolluted water from any source.

Subd. 39. Shall. Shall is mandatory; may is permissive.

Subd. 40. State. State of Minnesota.

Subd. 41. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

Subd. 42. Storm Water System. Consists of streets, curb and gutters, catch basins, manholes, water courses and all other structures, appurtenances and facilities that store and/or convey storm water.

Subd. 43. Superintendent. The Superintendent of the City wastewater treatment system or the Superintendent's duly authorized representative.

Subd. 44. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by a standard glass fiber filter.

Subd. 45. Total Phosphorus. Total phosphorus is chemically defined as the measurement of condensed orthophosphate and organically bound phosphates. It is analytically defined as the measurement of reactive phosphates, hydrolysable phosphates and organically bound phosphates.

Subd. 46. Toxic Pollutant. The concentration of any pollutant or combination of pollutants which, upon exposure to or assimilation into any organism, will cause adverse effects as defined in standards issued pursuant to Section 307(a) of the Act.

Subd. 47. 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. (See "Non-contact cooling water", Subdivision 23)

Subd. 48. User. Any person, who discharges, causes or permits the discharge or placement of wastewater into the City's wastewater treatment system.

Subd. 49. User Charge. A charge levied on users of the treatment works for the operation and maintenance of such works.

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Subd. 50. Residential. A principal family residence or habitation classed as a single-family or two-family dwelling that discharges domestic sanitary wastewater having characteristics of two hundred sixty (260) mg/l BOD and two hundred eighty (280) mg/l suspended solids, into the public wastewater treatment system, works, and facility.

Subd. 51. Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the City's wastewater treatment system.

Subd. 52. Wastewater Treatment System or System. Any devices, facilities, structures, equipment or works owned or used by the City for the purpose of the transmission, storage or treatment of industrial and domestic wastewater including intercepting sewer, outfall sewers, wastewater collection system, pumping, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof, and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

Subd. 53. Waters of the State. All streams, lakes, ponds, marshes, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

Subd. 54. Watercourse. A natural or artificial channel for the passage of water, either continuously or intermittently.

Sec. 1.09. - 1.30. Reserved

Sec. 1.31. Rules and Regulations.

Subd. 1. General.

A. 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, CBOD5, total phosphorus and suspended solids, as determined by the City of Mankato Superintendent.

B. 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

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

Subd. 2. Installation of Sanitary Facilities. It is the duty of every owner or occupant of any property within the City, having a dwelling house or business building situated thereon, which property is within five hundred (500) feet of any municipal water and sewer mains, to install sanitary facilities in such dwelling or business building and make connections thereof with such water and sewer mains. Whenever the noncompliance of the owner or occupant of such property is reported to the City, an investigation shall be made and a written report presented to the Council, and if the City finds that the lack of sanitary facilities is an unhealthful or unsanitary condition, the City shall forthwith serve written notice upon said owner or occupant requiring the installation upon premises described in said notice and connection thereof with the sewer and water mains, all of which shall be done within thirty (30) days after the service of such written notice. Whenever any owner or occupant shall default in compliance with such written notice, the Council may, by resolution, direct that a sanitary facility be installed and connection be made with the water and sewer mains. The actual cost of such installations shall be assessed against the benefiting property.

Subd. 3. Sanitary Sewer Service Line Construction. All sanitary sewer service lines and appurtenances connected to municipal utilities shall conform to the State Plumbing Code.

Subd. 4. Unlawful Acts.

A. It is unlawful for any person not expressly authorized by the City to tap a sewerage collection main.

B. It is unlawful for any person to directly or indirectly discharge, place or cause to be discharged any of the following described substances into the City's wastewater treatment system or any public sewer:

1. Any liquids, solids or gases which, by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater treatment system or to the operation of the system. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohol, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any wastes with a closed cup flash point of less than 140 degrees Fahrenheit (60 degrees Celsius).

2. Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent

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lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, gas tar, asphalt, residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

3. Any wastewater which creates conditions at or near the wastewater treatment system which violate any statute or any rule, regulation or ordinance of any public agency or state or federal regulatory body.

4. Radioactive wastes or isotopes of such a half-life or concentration that they are in noncompliance with standards issued by the appropriate authority having control over their use and which will or are likely to cause damage or hazards to the City's wastewater treatment system or personnel operating it.

C. It is unlawful for any person to make or maintain a connection between eaves trough, rainspouts, footing drains, or any other conductor used to carry natural precipitation or ground water, and the sanitary system or any part thereof.

Any property owner in violation of this section and upon receiving notice of said violation shall disconnect the conductor from the sanitary sewer system by June 1, 2015. Any property owner in violation of this section after June 1, 2015 shall be assessed a monthly surcharge, the amount of which will be established by Resolution of the City Council, for each month that the conductor is not permanently disconnected. Failure to permanently disconnect the conductor, or reconnection of a disconnected conductor, may result in the suspension of water and sanitary sewer service.

D. It is unlawful for any person to construct, alter or extend any sewer connected or proposed to be connected to the sewage system without first having the plans and specifications therefore approved by the City.

E. It is unlawful for any owner, tenant, agent, occupant, or other person having charge of any premises to maintain thereon any drain or sewer connected with the sewerage system in a clogged, obstructed, broken or damaged condition, or not in conformance with the existing State Plumbing Code.

F. It is unlawful for any person to discharge or cause or permit to be discharge any sewage or unhealthful matter into any lake, natural ravine, or public waters.

G. It is unlawful to discharge storm water or any other unpolluted drainage anywhere other than a specifically designed as storm sewers or to a natural outlet approved by the City and other regulatory agencies.

H. Any property found where a reconnection of a disconnected I/I conductor has occurred shall be assessed a surcharge of one-hundred dollars (\$100) per month. The surcharge shall be calculated from the date of the inspection and approval

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until disconnection has been reestablished. Failure to permanently disconnect the conductor shall result in the suspension of water and sanitary service.

Subd. 5. Legal Action. If any person discharges wastewater, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this ordinance, Federal or State pretreatment requirements, or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief to terminate violation or unauthorized discharge and recover all expenses allowed in Chapter 1. In addition to recovery of costs incurred for violation of provisions contained in the ordinance, the imposition of a penalty of up to \$1,000 per day per occurrence may be assessed.

Subd. 6. Costs of Damage. Any user violating any of the provisions of this ordinance or who has a discharge which causes a deposit, obstruction, damage or other impairment to the City's wastewater treatment system shall become liable to the City for any expense, loss, or damage caused by the violation or discharge. The City may add to the user's charges and fees the costs assessed for any cleaning, repair, or replacement work caused by the violation or discharge. Any refusal to pay the assessed costs shall constitute grounds to deny discharge into the City's sewer system and may be assessed against the real property as a special assessment. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, damage occasioned by the City by reason of such violation.

Subd. 7. Falsifying Information. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required in Section 3.31 of the City Code shall be guilty of a misdemeanor.

Subd. 8. Connection Fee. Every applicant for a permit to place a connection to a City water line, where such connection is to serve property not previously assessed for the cost of the water line to which the connection is to be made, shall pay a five hundred dollar (\$500.00) connection fee to the City, in addition to all other applicable permit, meter, street repair, trunk line usage, and plumbing fees.

Sec. 1.32. Storm Drainage Utility Connections.

Subd. 1. Installation of Drainage Connections. It is the duty of every owner or occupant of any property within the City abutting on a public right-of-way in which storm drainage utility facilities have been installed, which property has any object constructed or installed thereon, including, but not limited to, buildings, structures, and paved areas, which object or objects cover in excess of seventy (70) percent of the

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property, to connect any overland flow or runoff drainage facilities to such storm drainage utility facility.

Subd. 2. Noncompliance. Whenever the noncompliance of the owner or occupant of such property is reported to the City, an investigation shall be made and a written report presented to the Council. If the City finds that the lack of drainage facility connections endangers the health, safety or welfare of the City, the City shall forthwith serve written notice upon said owner or occupant requiring the connection of drainage facilities, which connections shall be completed within sixty (60) days after the service of such notice. Whenever any owner or occupant shall default in compliance with such written notice, the Council may, direct that drainage facilities be connected to storm drainage utility facilities. The actual cost of such connection shall be assessed against the benefited property.

Subd. 3. Construction of Storm Drainage Utility. Prior to the construction, alteration or repair of any drainage utility sewer in any public right-of-way, the City shall determine where overland flow and runoff drainage facilities are to be connected with the drainage utility sewer to constructed and shall notify the owner of property affected that such connection must be done within a specified time. If not made by such time, the City may cause said construction to be made and assess the cost therefore against the benefited property.

Subd. 4. Connection Requirements. All overland flow and runoff drainage facility connections shall conform to the requirements of this subdivision and any and all requirements of the State building codes.

A. New Structure Construction. The builder is required to extend the discharge line from the storm-stub located near the street curb and connect to the street under drain system, to the structure foundation, at minimum, one (1) foot above final grade. The interior sump pump shall be connected to this discharge line. The entire sump pump discharge system shall remain operable and continuously connected to the street under drain system as long as the structure remains on the property.

B. Existing Structures. When a street under drain system is added to an existing street, the sump pump discharge line from an existing structure shall be connected to the street under drain system within one (1) year from the addition of the street under drain system. The entire sump pump discharge system shall remain operable and continuously connected to the street under drain system as long as the structure remains on the property.

C. Exceptions. If sump pump discharge water is used for lawn or landscape purposes and is wholly retained on the property of origin, the City Plumbing Inspector or their designee may grant an exception to the requirements of this subdivision.

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Subd. 5. Public Nuisance.

A. The following actions related to sump pump discharges and storm water drainage are deemed to be public nuisances:

1. Discharging sump/storm water onto a public street or curb and gutter system.
2. Discharging sump/storm water onto an impervious surface that conveys water to a City right-of-way.
3. Discharging sump/storm water conveyance line over a public sidewalk.
4. Placing a sump/storm water conveyance line over a public sidewalk.
5. Allowing sump/storm water discharges to leave the property of origin on a course that is not a natural drainage course.
6. Discharging sump/storm water into facilities and to locations not approved by the City.

B. Upon determination that a public nuisance exists upon the property, the property owner shall be ordered to bring the property into compliance by:

1. Connecting drainage discharge to a City storm water facility, if present, within 10 days of the order, or
2. Retaining discharge water on property of origin and or City boulevard area with 10 days of the order.

Sec. 1.33. Storm Water System.

Subd. 1. Unlawful Acts. It is unlawful for any person directly or indirectly discharge, place or cause to be discharged any of the following described substances into the City's storm water system.

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 storm sewer system or receiving body. Prohibited materials include, but are not limited to, gasoline, kerosene,

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naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

B. Solid or viscous substances which will or may cause obstruction to the flow in the storm water system such as, but not limited to grease, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grinding, or polishing wastes.

C. Any water containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants to constitute a hazard to humans or animals, or create a toxic effect in the receiving waters.

D. 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.

E. Any water having an aesthetically unattractive color which would cause an adverse effect to receiving body.

F. Any effluent which creates conditions in the receiving body which violate any statute or any rule, regulation, or ordinance of any public agency or state or federal regulatory body.

G. Any water having a temperature greater than 150 degrees Fahrenheit (65.5 degrees Celsius), or causing, individually or in combination with other water, the influent at the receiving body to have a temperature exceeding 104 degrees Fahrenheit (40 degrees Celsius) or having heat in amounts which will inhibit biological activity in the receiving body.

H. Any slug load, which shall mean any pollutant, including oxygen demand pollutants, (BOD, etc.) released in a discharge of such volume or strength as to effect the receiving body.

I. Radioactive wastes or isotopes of such a half-life or concentration that they are in noncompliance with standards issued by the appropriate authority having control over their use.

J. Water containing any toxic heavy metals in such concentrated strengths to cause adverse effects to the receiving body.

Subd. 2. Legal Action. If any person discharges wastewater, industrial wastes or other wastes into the City's storm water system contrary to the provisions of this

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Section, Federal or State regulations or any order of the City, in addition to any criminal prosecution for violation of this section, the City Attorney may commence an action for appropriate legal and/or equitable relief to terminate violation and recover all expenses as allowed.

Secs. 1.34 - 1.59 Reserved.

REFUSE COLLECTION

Sec. 1.60. Definitions.

Subd. 1. The term "garbage" means and includes every accumulation of animal, vegetable or other matter that attends the preparation, consumption, display, dealing in or storage of meat, fish, fowl, birds, etc., including the cans, containers, or wrappers wasted along with such materials, and all other wastes resulting from the handling, storage and sale of produce.

Subd. 2. The term "household refuse" means and includes such items as garbage, swill, sweepings, cleanings, trash litter, solid wastes, combustible trash, including but not limited to paper, cartons, boxes, barrels, wood, furniture, bedding, noncombustible trash, including but not limited to metals, tin cans, metal furniture, dirt, small quantities of rock and concrete, glass, crockery, and other mineral wastes; provided, refuse shall not include earth and waste from building operations, nor shall it include wastes from industrial processes and manufacturing operations.

Subd. 3. The term "yard debris" means and includes such items as grass clippings and leaves.

Subd. 4. The term "refuse" means garbage, household refuse and yard debris.

Sec. 1.61. Service Established. There is hereby established a City collection service, a municipal utility, and all households within the City shall dispose of collectable refuse by the City collection service only and shall not transport or dispose of refuse by any other means.

Sec. 1.62. Rules and Regulations.

Subd. 1. Containers Required. The customer shall be provided with and keep on their premises sufficient containers for the storage of all refuse accumulated between collections. Each such container shall be watertight, having a tight-fitting lid, be impervious to insects, rodents, vermin and nonabsorbent of moisture, and shall not exceed the size of the container either supplied or approved by the City for refuse collection. Containers shall not be stored in the required front yard setback.

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Subd. 2. Placing of Containers – City Collection Service. If street collections are made, containers supplied or approved by the City for collection shall be placed at the edge of the roadway. Containers shall not be placed in the public right-of-way prior to 6:00 p.m. the night before collection. All containers shall be removed from the right-of-way before 12:00 p.m. (noon) the day after collection and shall be stored in the manner conforming to Subdivision 1 of this section.

Secs. 1.63-1.69. Reserved.

UTILITY RATES AND CHARGES

Sec. 1.70. Water Rates.

Subd. 1. General Water Rates; Sanitary Sewer Costs of Service and User Charges. The water rates for water supplied for furnished by the City for all uses, except construction uses, shall be established by Council resolution.

Subd. 2. Connection Fee. Every applicant for a permit to place a connection to a City water line, where such connection is to serve property not previously assessed for the cost of the water line to which the connection is to be made, shall pay a five-hundred dollar (\$500) connection fee in addition to all other applicable permit, meter, street repair, trunk line usage, and plumbing fees.

Subd. 3. Establishment by Resolution. After June 1 2015, changes to the fees and charges identified in this ordinance will be established and changed by resolution of the Council.

Sec. 1.71. Sewer Service Charges.

Subd. 1. Basis for Sewer Service Charges.

A. The sewer service charge for the use of and for service supplied by the City shall consist of a user charge for billing administration; operation, maintenance and replacement, and a debt service charge.

B. The sewer service charges levied for all residential, or governmental/institutional discharges which are determined on the basis of flow shall be based on actual water meter readings, as applicable, unless the user proves that the established quantities of water as metered do not enter the sanitary sewer system.

C. Each water meter shall be considered as a separate billing unit or connection for the purpose of determining sewer service charges and rates.

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D. Sewer service charges, rates and procedures shall be established by the City Council.

Subd. 2. Outside Water Exempt from Sewer Charge.

A. A water user may apply to have water line metered for exterior use only (hereinafter referred to as a "water sprinkling service line") in addition to water service metered within a building. Such application shall be on a form promulgated by the City's Finance Department from time to time and shall include:

1. A plan for plumbing accompanied by an approved permit issued by the Plumbing Inspector.

2. Name and address of applicant.

3. Address of location for which permit sought.

B. Approval of the application shall be granted where an inspection demonstrates that:

1. The water service line is split immediately upon entry to the building.

2. Two (2) water meters have been installed behind the split, one on each line from the split.

3. The line used for water sprinkling must serve only lines which lead outside a building.

4. No connection between water lines outside the building and inside the building may exist.

5. Both water meters must be equipped with remote reading devices.

6. No tapping, tying in, or connection may be made to the water sprinkling service line which is inside a building or service the inside of a building.

7. The building must have no footing drains, peripheral lines and/or roof leaders that discharge directly or indirectly into the sanitary sewer.

8. If the building has a sump pump, such sump pump must discharge directly into a storm sewer (if no storm sewer is available it must be piped

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directly out of the building in a manner to insure the discharge will not be entering the sanitary sewer system.)

C. All costs of plumbing and meter installation shall be borne by the owner.

D. It shall be unlawful for any person to use or permit the use of a water sprinkling service line to place water within a building.

E. No charge for sewer usage will be made based upon water flowing through a meter monitoring a water sprinkling service line, except if a water sprinkling service line is found to have been used to place or supply water within a building three (3) times the normal sewage charge for all water supplied through the water sprinkling service line for the twelve (12) months preceding discovery of the illegal use of the water sprinkling service line shall be made. Additionally, use of the water sprinkling service line to place or supply water within a building shall result in revocation of the permit to be exempt from sewage charges for a water sprinkling service line for a period not less than five (5) years.

Sec. 1.72. Refuse Collection Charges.

Subd. 1. Residential Charge. The residential refuse collection charge for a single-family dwelling shall be established by the current refuse collection contract with the City's refuse hauler. The monthly refuse collection charge shall be for removal of refuse from such dwelling not to exceed the volume of the refuse cart provided. The collection charge does include the collection and disposal of recyclable materials once a week on the same day as the refuse collection.

Subd. 2. Billing Determination. Each single-family residential unit receiving water meter service shall be charged for refuse collection during each month water service is provided.

Subd. 3. Surcharge. In the event that a surcharge, tax or increase in refuse disposal fees is imposed upon a refuse hauler in connection with the collection or disposal of residential refuse collected during the term of a contract between the City and the refuse hauler, which surcharge tax or increase in refuse disposal fees will be passed on to the City, the City may collect a monthly surcharge on the residential refuse collection charge imposed on residential dwellings. Such surcharge on residential refuse collection charges shall be equal to the anticipated monthly increased cost to the City resulting from the surcharge tax or increased refuse disposal fees imposed on the refuse hauler divided by the number of residential dwellings subject to City residential refuse collection charges under subdivision 1 of this section and rounded up to the nearest penny. Any such surcharge shall be added to the monthly utility bill of each residential dwelling receiving refuse collection service from the City

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Subd. 4. Temporary Service Interruption at Owner's Request. Property owners wishing to temporarily discontinue the use of refuse collection shall notify the City to that effect. Monthly fees for this service will be suspended until reinstatement of the services is requested. The period of temporary suspension of refuse collection shall not exceed six (6) months in any twelve (12) consecutive months.