

CHAPTER IV. WATER AND SEWER

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401.00 MUNICIPAL WATER SYSTEM

- 401.01** Each lot, piece, or parcel of property in the City of Sacred Heart on which is hereafter located any building, structure, trailer home or other appurtenance from whose location water is used, must be connected to the municipal water system. No water will be supplied to such premises without each such premises having a meter duly approved by the city council or its authorized agents.
- 401.02** An initial \$5.00 deposit is hereby required from all metered locations. The City Clerk shall collect and retain such deposits in a separate account. Such deposit may be applied to any delinquency in the payment of utility statements, or in payment of the charges for turning on and shutting off water service.
- 401.03** Charges for water shall be billed by the City Clerk monthly. In the event the bills are not paid in a timely matter, the City Council or its authorized agents are hereby authorized to enter upon any real estate within the City for the purpose of shutting off the water and discontinuing the supply. All bills are due within 20 days of the billing date. The service will not again be turned on until application is made therefore to the City Clerk on such forms as the City Council may require and be accompanied by payment in full for the delinquent statement plus a turn-on fee set by the council.
- 401.04** The monthly billing shall be in the name of the occupant of the premises or the water user. Notwithstanding, water charges are hereby made a primary obligation of the owner of the premises served. Upon failure to pay the water charges duly billed, the City Council may certify to the County Auditor of Renville County the sums due and owing for water service furnished to said premises, which premises shall be described in said certificate with directions for collection for the City with other taxes levied against said premises. Said water charges shall be payable in one annual installment with one year's interest at the rate of 6% per annum to be added to said water charges. Water charges shall be an obligation of the owner, lessee and occupant of the premises served and all of them. In the alternative, the city may, by its Council, bring an action in any court of competent jurisdiction against either the owner, the lessee or the occupant of the premises served or all of them for collection of delinquent sewer charges together with reasonable attorney fees. *(Revised 12/08/25)*
- 401.05** All persons using water shall keep their hydrants, taps, hoses, water closets, urinals, baths, or other fixtures closed, except when obtaining water for their own use, and shall be responsible for any damage or injury that may result to others from the improper use of water. All expenses relating to the introduction of water into buildings or onto private property shall be paid for by the property owner. All persons using water shall keep their own fixtures and equipment and apparatus in good repair and protected from frost or other damage and shall keep and protect the City meter and other equipment from frost or other damage at their own risk and expense.
- 401.06** Every person, company, or corporation using water shall permit the City council or its duly authorized agents at all reasonable hours to enter on their premises to examine the pipes and fixtures and the manner in which the water is used and answer all questions frankly and without concealment relative to water consumption.
- 401.07** No claim shall be made against the City by reason of breaking or freezing of any service pipes nor if, from any cause, the supply of water should fail, nor from damage arising from the shutting off water for the purposes of making repairs, connections, or extensions to the water system, nor for any other purpose that the City Council deems necessary. The City Council or its duly authorized agents shall, if practicable, give notice to each user within the area affected, of the time when the water supply will be shut off for the purposes of making repairs, connections, or extensions.

402.00 MUNICIPAL SEWER SYSTEM

402.01 Connection Requirements. Each lot, piece or parcel of property in the City of Sacred Heart on which is situated any building from which sewage or waste of any kind is disposed of is hereby required to be connected with the sanitary sewer system of the City within 6 months after the adoption of this chapter if sanitary sewer mains are within 100 feet of any boundary of said premises, or within 6 months after such mains are constructed to within 100 feet of said premises; and it shall be unlawful for any owner of any premises to suffer the construction, operation or maintenance of any cesspool, septic tank or privy on said premises after said time.

402.02 Failure to Connect, Council Action. Should the owner of any premises having access to the sanitary sewer system as provided in 402.01 hereof fail to connect said premises with the sanitary sewer system, the Council may cause the installation of a toilet in said premises and the connection thereto with the sanitary sewer system by an authorized representative of the City upon 30 days notice to the owner thereof and may cause the cost of said installation, together with the connection charges hereinafter provided, to be assessed against the owner of said premises, which assessment and connection fee shall be paid within 30 days after notification in writing to the owner of said premises and if not paid within 30 days may be certified to the County Auditor to be collected in the same time and manner as real estate taxes against said property. Said assessment and connection charge shall be payable in three equal annual installments with one year's interest at the rate of 6% per annum to be added to the first installment and one year's interest at the rate of 6% per annum to be added to each subsequent installment on the unpaid balance.

(a) Sump Pumps/Drainage Systems. No person shall discharge or cause to be discharged directly or indirectly any storm water, surface water, ground water, roof runoff, subsurface drainage, waste from on-site disposal systems, unpolluted cooling, or process water into the sanitary sewer collection system. No roof, sump pump, swimming pool discharge, or surface or subsurface water drainage system shall be connected to the sanitary sewer system, and no buildings shall be hereafter altered in such a manner to provide such connection with the sanitary sewer system, either inside or outside the building, except as herein provided.

1. Before April 1 of each and every year, any person having a roof drainage, sump pump, swimming pool discharge, or surface or subsurface drainage system now connected and/or discharging into the sanitary sewer, shall disconnect and/or remove the same. Any disconnects or openings in the sanitary sewer shall be closed and repaired in an effective, workmanlike manner, as approved by the City. Discharge into the sanitary sewer system will be allowed only from November 1 through March 30.
2. The owner of such property shall allow employees of the City or its agents to inspect the buildings to confirm compliance with the provisions hereof, or such owner may alternatively furnish a certificate from a licensed plumber certifying that their property is in compliance with the Subparagraph in lieu of a City inspection of the same. It is unlawful for any person to refuse to allow their property to be inspected or to refuse to provide a plumber's certificate of compliance within fourteen (14) days of the date a City employee or agent is denied admittance to inspect the property.

- 402.03 Application for Connections.** Except as provided in 402.01 and 402.02 hereof, no premises shall be connected with the municipal sewer system except upon approval by the City Council of an application therefor filed with the City Clerk by the owner, lessee or occupant of the premises to be connected, accompanied by an application fee of \$5.00, which deposit shall be retained by the City for deposit in the General Fund of the City to be used to defray the costs of inspection, tapping the sewer from the premises into the sewer system of the City and for supervision of the work. Said deposit shall be returned to the applicant if the application is refused.
- 402.04 Application Contents.** Said application for a permit to connect with the sewer system shall state an accurate description of the premises to be connected, the purposes to which the premises are to be put, the quantity and character of sewage to be disposed, a plat showing the location of the sewer services to be constructed, a description of the materials to be used, the name of the person or firm by whom the work is to be done and such other information as the Council may require.
- 402.05 Sewer Use Charge.** All previously established charges for sewer services and the availability thereof are hereby canceled. Effective at the time of the adoption of this chapter, the owner, lessee, or occupant of each such premises connected with the City sewer system shall pay a monthly charge for sewer use. Where it appears that sewage of unusual strength or quantity is being disposed of from any premises, the Council may cause an investigation to be made and upon the facts may determine equitable and reasonable sewer charges against the owner, lessee, or occupant of such premises.
- 402.06** Said charges for sewer use and the availability thereof shall be billed monthly as a separate charge on the utility bill submitted by the City to its patrons. Notwithstanding that the billing shall be in the name of the occupant or the user, sewer charges are hereby made a primary obligation of the owner of the premises served.
- 402.07 Collection of Sewer Charges.** The amounts duly billed for sewer service shall be payable on or before the 20th day of the month of billing. Upon failure to pay the sewer charges duly billed, the City Council may certify to the County Auditor of Renville County the sums due and owing for sewer service furnished to said premises, which premises shall be described in said certificate with directions for collection for the City with other taxes levied against said premises. Said sewer charges shall be payable in one annual installment with one year's interest at the rate of 6% per annum to be added to said sewer charges. Sewer charges shall be an obligation of the owner, lessee and occupant of the premises served and all of them. In the alternative, the city may, by its Council, bring an action in any court of competent jurisdiction against either the owner, the lessee or the occupant of the premises served or all of them for collection of delinquent sewer charges together with reasonable attorney's fees.
- 402.08 Persons Authorized to Make Connections.** No sewer service shall be constructed or tapped into the sewer system except by a plumber duly approved by the City of Sacred Heart under the supervision of a duly authorized representative of the City.
- 402.09 Penalties.** Any person making an unauthorized connection with the sanitary sewer system shall be guilty of a misdemeanor; and upon conviction thereof, shall be fined to the fullest extent of the law.

403.00 (RESERVED)

USE AND RATES FOR MUNICIPAL WASTEWATER TREATMENT FACILITIES

An ordinance regulating the use of and establishing a charge system for public and private sewers, establishing methods for a sewer service charge system, and providing penalties for violations of the regulations herein defined.

404.01 Definitions. Unless the context specifically indicates otherwise, the terms used in this Article shall have the meanings hereby designated:

1. **“Act”** – The Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, 33. U.S.C. 1251 et seq.
2. **“BOD5” or “Biochemical Oxygen Demand”** – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees Centigrade and as expressed in terms of milligram per liter (mg/l).
3. **“Building Drain”** – That point of a building which conveys wastewater to the building sewer, beginning immediately outside the building wall.
4. **“City”** – The area within the corporate boundaries of the City of Sacred Heart, the City Council, its authorized representative.
5. **“Debt Service Charge”** – A charge to users of the wastewater treatment facility for the purpose of repaying capital costs.
6. **“Equivalent Residential Unit (ERU)”** – A unit of wastewater volume of 100 gallons per day at a strength not greater than NDSW.
7. **“Industrial User”** –
 - (a) Any entity as defined in the Standard Industrial Classification Manual (latest edition) as categorized, that discharge wastewater to the public sewer.
 - 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) Any user whose discharges, single or by interaction with other wastes: contaminate the sludge of the wastewater treatment system, injure or interfere with the treatment process, create a public nuisance or hazard, have an adverse effect on the waters receiving wastewater treatment plant discharges, exceed DSW limitations, exceed normal residential unit volumes of wastewater.
8. **“Infiltration/Inflow (I/I)”** – Water other than wastewater that enters the sewer system from the ground or from surface runoff, as defined in Minnesota Rules.
9. **“MPCA”** – Minnesota Pollution Control Agency.

10. **“National Categorical Pretreatment Standards”** – Federal regulations establishing pretreatment standards for introduction of pollutants in publicly owned wastewater treatment facilities. Section 307(b) of the Act.
11. **“National Pollutant Discharge Elimination System (NPDES) Permit”** – A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge pursuant to Sections 402 and 405 of the Act.
12. **“Natural Outlet”** – Any outlet, including storm sewers and combined sewers, which flows into a body of surface water or ground water.
13. **“Normal Domestic Strength Waste (NDSW)”** – Wastewater that is primarily introduced by residential users with BOD₃ concentrations not greater than 200 mg/l and total suspended solids (TSS) concentrations not greater than 240 mg/l.
14. **“Non-Residential User”** – A user of the treatment facility whose building is not used as a private residence, and discharges NDSW.
15. **“Operation, Maintenance, and Replacement Costs (OM&R)”** – Expenditures necessary to provide for the dependable, economical, and efficient functioning of the treatment facility throughout its design life, including operator training, and permit fees. Replacement refers to equipment replacement costs, not the cost of future replacement of the entire facility.
16. **“Residential User”** – A user of the treatment facility whose building is used primarily as a private residence and discharges NDSW.
17. **“Sewer”** – A pipe or conduit that carries wastewater or drainage water.
 - (a) **“Building Sewer”** – The extension from the building drain to the public sewer or other place of disposal, also referred to as a service connection.
 - (b) **“Sanitary Sewer”** – A sewer designed to carry only liquid and water-carried wastes from residential, non-residential, industrial sources together with minor quantities of I/I.
 - (c) **“Storm Sewer”** – A sewer intended to carry unpolluted surface and sub-surface water from any source.
18. **“Sewer Service Charge”** – The total of the User Charge and the Debt Service Charge.
19. **“Slug”** – A discharge of water or wastewater which in concentration or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24-hour concentration of flows during normal operation.
20. **“State Disposal System (SDS) Permit”** – A permit issued by the MPCA pursuant to Minn. Stat. 115.07 for a disposal system as defined by Minn. Stat. 115.01, subd. 8.
21. **“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).
22. **“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. An example could be non-contact cooling water.

23. **“User Charge”** – A charge to users of a treatment facility for the user’s proportionate share of the cost of operation and maintenance, including replacement.
24. **“Wastewater”** – Liquid and water-carried wastes from residential, non-residential, and industrial users, together with any ground water, surface water, and storm water that may be present.
25. **“Wastewater Treatment Facilities”** or **“Treatment Facilities”** – The land, devices, facilities, structures, equipment, and processes owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal wastewater, and the disposal of residues resulting from such treatment.

404.02 Control by the Authorized Representative. The community's governing council shall appoint an Authorized Representative who shall have control and general supervision of all public sewers and service connections in the community or sewer district and shall be responsible for administering the provisions of this Ordinance to ensure that a proper and efficient public sewer is maintained. The authorized representative may delegate responsibilities to designated representatives.

404.03 Use of Public Sewers Required.

Within 30 days of receiving official notification, the owners of all properties within 500 feet of a sanitary sewer collection system shall install a suitable service connection, at their own expense, in accordance with the provisions of this ordinance.

In the event an owner shall fail to connect to a public sewer in compliance with a notice given under this Ordinance, the community or sewer district will have said connection made and shall assess the cost against the benefitted property.

Except as provided hereinafter, it shall be unlawful to construct or maintain any private facility intended or used for the disposal of wastewater.

404.04 Private Wastewater Disposal.

1. Where a public sewer is not available under the provisions of Article II, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.
2. Before construction of a private wastewater disposal system, the owner(s) shall obtain a written permit signed by the authorized representative. The permit shall not become effective until the installation is completed to the representative's satisfaction. A designated representative shall be allowed to inspect any stage of construction. The applicant for the permit shall give notification when ready for the system's final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of receipt of the notice.
3. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of Minnesota Rules Chapter 7080, and applicable local ordinances.
4. The owner(s) shall always operate and maintain the private wastewater disposal

facilities in a sanitary manner, at no expense to the community.

5. When the public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 30 days in compliance with this Ordinance, and within 30 days private wastewater disposal systems will be cleaned of all sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.
6. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the MPCA, the State Department of Health, or other responsible federal, state, or local agencies.

404.05 Building Sewers and Connections Design.

1. No person(s) shall make any alterations to the public sewer or any appurtenances thereof without first obtaining a written permit from the City. No private building drain shall extend beyond the limits of the building or property for which the permit has been given.

Any new connection to the sanitary system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to, capacity for flow, BOD5, and TSS as determined by the authorized representative.

2. A separate and independent building sewer shall be provided for each building. Old building sewers may be used to service new buildings only when they are found to meet all the requirements of this Ordinance.

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

3. The construction and connection of the building sewer to the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code, applicable rules and regulations of the City and the materials and procedural specifications set forth in the American Society of Testing Materials (ASTM) and the Water Pollution Control Federation (WPCF) Manual of Practice No. 9. All such connections shall be made gas and watertight, and verified by proper testing to prevent I/I.
4. No unpolluted water sources shall be connected to the sanitary sewer.
5. The applicant for the building sewer permit shall notify the community or sewer district when the building sewer is ready for connection to the public sewer. The connection shall be made under the supervision of a designated representative.
6. An appropriate construction license is required to install a service connection. Any person desiring a license shall apply in writing to the community's or district's governing council, providing satisfactory evidence of the applicant's qualification. If approved by the Council, the license shall be issued by a designated representative upon the filing of a bond as hereinafter provided.
7. A license for sewer service connection installation shall not be issued until a \$2,000.00 bond or a \$300.00 cash bond to the community is filed and approved by the Council. The licensee will indemnify the community from all suits, accidents and damage that may arise by reason of any opening on any street, alley,

or public ground, made by the licensee or by those in the licensee's employment.

8. The cost of a license for making service connection is \$50.00. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked by the Council for any reasonable cause.
9. The Council may suspend or revoke any license issued under this article for any of the following causes:
 - (a) Giving false information in connection with the application for a license.
 - (b) Incompetence of the licensee.
 - (c) Willful violation of any provisions of this Article or any rule or regulation pertaining to the making of service connections.
 - (d) Failure to adequately protect and indemnify the city and the user.

404.06 Use of Public Wastewater Treatment Facilities.

1. No unpolluted water or stormwater shall be discharged to the sanitary sewer. Such water shall be discharged only to storm sewers or to natural outlets approved by the City and other regulatory agencies.
2. No person(s) shall discharge any of the following substances to the public sewer.
 - (a) Liquids, solids, gases, or other substances which singly or by interaction with others may cause fire or explosion.
 - (b) Solid or viscous substances which may cause obstruction to the flow in a sewer.
 - (c) Wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive or caustic property capable of causing damage or hazard.
 - (d) Wastewater containing toxic pollutants, as defined in section 307(a) of the Water Pollution Control Act and Minn. Stat. 115.01 subd.14.
3. Discharges of the following substances shall be limited to concentrations or quantities which will not harm the wastewater facility, streams, soils, vegetation, ground water, and will not otherwise create a hazard or nuisance. The authorized representative may set limitations lower than the prohibition limits outlined below. Consideration will be given to such factors as the quantity of waste in relation to flows and velocities, materials of construction, the community's NPDES and SDS permits, capacity of the treatment plant, degree of treatability of wastes and other pertinent factors.
 - (a) Wastewater having a temperature greater than 150°F (65.6°C), or causing, individually or in combination with other wastewater, the influent at the treatment facilities to have a temperature exceeding 104°F (40°C) or having heat in amounts which will be detrimental to biological activity in the treatment facilities.
 - (b) Wastewater containing fats, wax, grease, or oils 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).

- (c) A discharge of water or wastewater which in concentration or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24-hour concentration of flows during normal operation.
 - (d) Food waste not properly shredded to such a degree that all particles will be carried freely under normal flow conditions with no particle greater than 1/2 inch in any dimension.
 - (e) Noxious or malodorous liquids, gases, or solids.
 - (f) Wastewater with objectionable color not removed in the treatment process.
 - (g) Wastewater containing inert suspended solids in such quantities that would cause disruption to the wastewater treatment facilities.
 - (h) Radioactive wastes or isotopes in concentrations that exceed limits established by applicable state and federal regulations.
 - (i) Wastewater with BOD5 or suspended solids levels that require additional treatment, except as may be permitted by specific written agreement with the city subject to Article V, Sec. 11 of this ordinance.
 - (j) Wastewater containing substances which cannot be treated to produce effluent quality required by the permit or causes a violation of any applicable local, state, or federal regulation.
4. In the event of discharges to the public sewers which contain substances or possess characteristics prohibited in Secs. 2 and 3 of this Article or which in the judgement of the Representative, may have a deleterious effect to the treatment facility, receiving water, soils, vegetation, or which create a hazard to nuisance, the Representative may:
- (a) Refuse to accept the waste.
 - (b) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act and all addenda thereof.
 - (c) Require control over the quantities and rates of discharge.
 - (d) Require payment to cover all the added costs of handling, treating, and disposing of waste not covered by existing taxes or sewer charges.

If the Representative permits the pretreatment or equalization of waste flows, the design, installation, maintenance and efficient operation of the facilities and equipment shall be at the owner's expense and shall be subject to review and approval by the City pursuant to the requirements of the MPCA.

- 5. No user shall increase the use of process water or in any manner attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this Article, the National Categorical Pretreatment Standards, and any state or local requirement.
- 6. Grease, oil and sand interceptors shall be provided at the owner's expense when, in the opinion of the Representative, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, any flammable

wastes, sand or other harmful ingredients. All interceptors shall be readily and easily accessible for cleaning and inspection. The owner shall be responsible for the maintenance of interceptors, including 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 Representative.

Any material removal and hauling must be performed by the owner's personnel or a currently licensed waste disposal firm and in compliance with all applicable laws and regulations.

7. Where required by the Representative, industrial users shall install and maintain at their own expense a suitable structure or control manhole with such necessary meters and other testing equipment needed to facilitate observation, sampling, and measurement of wastewater. The manhole will be always safe and accessible. The Council may require submission of laboratory analyses to illustrate compliance with this Ordinance and any special conditions for discharge established by the Council or responsible regulatory agency. All measurements, tests and analyses to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods of the Examination of Water and Wastewater", published by the American Public Health Association and kept for a period of one year.
8. Where required by the Representative, users shall provide protection from an accidental discharge of substances regulated by this Ordinance. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans and operating procedures of said facilities shall be submitted to the Representative for review and approval prior to construction of the facility. Approval of such plans and operating procedures shall not relieve the user from the responsibility of modifying the facility as necessary to meet the requirements of this Ordinance.

Users shall notify the Representative immediately if a slug or accidental discharge of wastewater occurs in violation of this Ordinance. Notification will allow measures to be taken to minimize damage to the treatment facilities. Notification will not relieve users of liability for any expense, loss, or damage to the treatment facilities or for fines imposed on the community or sewer district by any state or federal agency as a result of their actions.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of the emergency notification procedure in the event of a slug or accidental discharge.

9. No person shall permit any substance or matter which may form a deposit or obstruction of flow to be discharged into the public sewer. Whenever any service connection becomes clogged, obstructed, detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall make repairs as directed by the Representative.

Each day after 30 days that the owner neglects to make said repairs, shall constitute a separate violation of this Section. The Representative may then cause the work to be done and recover related expenses from the owner or agent by an action in the name of the community or sewer district.

10. In addition to penalties that may be imposed for violation of any provision of this Article, the City may assess against the user/owner the cost of repairing or restoring sewers and associated facilities damaged as a result of the discharge of

prohibited wastes and may collect the assessment as an additional charge for the use of the public sewer system.

11. No statement contained in this Article shall prevent any special agreement or arrangement between the community of Sacred Heart and any industrial user. Industrial waste of unusual strength or character may be accepted by the facility for treatment, subject to adequate payment by the industrial user, providing that National Categorical Pretreatment Standards and the City's NPDES and SDS permit limitations are not violated.

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

404.08 Powers of Authority of Inspectors. Duly authorized employee(s) of the community or sewer district, bearing proper credentials and identification, shall be permitted to enter all properties for inspection, observations, measurement, sampling, testing, repair, and maintenance in accordance with the provisions of this Ordinance.

Industrial users shall be required to provide information concerning industrial processes which have a direct bearing on the type and source of discharge to the collection system. An industry may withhold information considered confidential. However, the industry must establish that the information in question might result in an advantage to competitors and that the industrial process does not have deleterious results on the treatment process.

404.09 The Sewer Service Charge System.

1. The City of Sacred Heart hereby establishes a Sewer Service Charge System. All revenue collected from users of the wastewater treatment facilities will be used for annual operation, maintenance, replacement, and capital costs. Each user shall pay a proportionate share of operation, maintenance and replacement costs based on the user's proportionate contribution to the total wastewater loading.

Charges to users of the wastewater treatment facility shall be determined and fixed in a Sewer Service Charge System (SSCS) developed according to the provisions of this Ordinance. The SSCS adopted by resolution upon enactment of this Ordinance shall be published in the local newspaper and shall be effective upon publication. Subsequent changes in the sewer service rates and charges shall be adopted by Council resolution and published in the local paper.

Revenues collected through the SSCS shall be deposited in a separate fund known as the Sewer Service Fund (SSF).

2. The community of Sacred Heart hereby establishes a Sewer Service Fund as an income fund to receive all revenues generated by the SSCS and all other income dedicated to the wastewater treatment facility.

The SSF administered by a designated representative shall be separate and apart from all other accounts. Revenues received by the SSF shall be transferred to the following accounts established as income and expenditure accounts.

(a) Operation and Maintenance

(b) Equipment Replacement

(c) Debt Retirement for the Treatment Facility (if any)

3. **Administration of the Sewer Service Fund.** A designated representative shall maintain a proper system of accounts and records suitable for determining the operation, maintenance, replacement (OM&R) and debt retirement costs for the treatment facilities and shall furnish the Council with a report of such costs annually.

At that time the Council shall determine whether sufficient revenue is being generated for the effective management of the facilities and debt retirement. The Council will also determine whether the user charges are distributed proportionately. If necessary, the SSCS shall be revised to insure proportionality of user charges and sufficient funds.

In accordance with State requirements, each user will be notified annually in conjunction with a regular billing of that portion of the Sewer Service Charge attributable to OM&R.

Sewer Service Charges shall be billed on a monthly basis. Any bill not paid in full 60 days after the due date will be considered delinquent. At that time the user will be notified regarding the delinquent bill and subsequent penalty. The penalty shall be computed as 10% of the original bill and shall be increased by the same percent for every month the bill is outstanding.

404.10 Determination of Sewer Service Charges.

1. Users of the wastewater treatment facilities shall be permitted into one of the following classes:
 - (a) Residential
 - (b) Non-residential
 - (c) Industrial

Charges to users who discharge NDSW will be calculated on the basis of metered water use.

2. Each user shall pay operation, maintenance, and replacement costs in proportion to the user's contribution of wastewater flows and loadings to the treatment plant, with a minimum rate for loadings of BOD and TSS being the rate established for normal domestic strength waste (NDSW) concentrations.

Those industrial users discharging only segregated NDSW can be classified as non-residential users for the purposes of rate determination.

3. Charges for residential and non-residential users will be determined proportionately according to billable wastewater flow.

RESIDENTIAL USERS: Billable wastewater volume for residential users shall be calculated on the basis of metered water usage. The monthly billable wastewater volume will be equal to the monthly metered water usage. The city may require residential users to install water meters for the purpose of determining billable wastewater volume.

NON-RESIDENTIAL USERS: Billable wastewater volume of non-residential users may be determined in the same manner as for residential users. The City may require non-residential users to install such additional water meters or wastewater flow meters as may be necessary to determine billable wastewater volume.

4. The Sewer Service Charges established in this ordinance will not prevent the assessment of additional charges to users who discharge wastes in concentrations greater than NDSW or of unusual character (industrial users). Special contractual agreements can be made with such users, subject to the following conditions:

- (a) The user pays OM&R costs in proportion to the user’s contribution of wastewater flows and loadings to the treatment facility, and no user is charged at a rate inferior to the charge for normal domestic strength wastes.
- (b) The sampling of wastewater shall be conducted in accordance with the techniques established in “Standard Methods for the Examination of Water and Wastewater”, latest edition.

5. Determination of User Charges.

(a) For Producers of Normal Domestic Strength Wastes:

UOMR = OM&R / TBWV		
Where:	UOMR	= Unit cost of Operation, Maintenance, and Equipment Replacement in \$/Kgal.
	OM&R	= Total annual OM&R costs.
	TBWV	= Total annual Billable Wastewater Volume (Kgal).

(b) Calculation of User Charges:

UC = UOMR x BWV + BASE		
Where:	UC	= User Charge
	UOMR	= Unit cost of Operation, Maintenance, and Equipment Replacement in \$/Kgal.
	BWV	= Billable Wastewater Volume in Kgal.
	BASE	= Base charge for administration costs.

6. **Recovery of Local Construction Costs.** Local construction costs for the wastewater treatment facility will be recovered through a Debt Service Charge calculated in a manner consistent with the User Charge as follows:

(a) Calculation of Unit Cost for Debt Service.

UADS = ADS / TBWV		
Where:	UADS	= Unit cost for Annual Debt Service (\$/Kgal).
	ADS	= Cost of Annual Debt Service.
	TBWV	= Total annual Billable Wastewater Volume (Kgal).

(b) Calculation of Debt Service Charge.

DSC = UDS x BWV		
Where:	DSC	= Debt Service Charge
	UDS	= Unit Charge for Debt Service (\$/Kgal)
	BWV	= Billable Wastewater Volume in Kgal.

7. **Determination of Sewer Service Charges.** The sewer service charge for a particular connection shall be determined as follows:

SSC = UC + DSC		
Where:	SSC	= Sewer Service Charge
	UC	= User Charge
	DSC	= Debt Service Charge

404.11 Penalties.

1. Upon determination that a user has violated or is violating applicable provisions of this ordinance or related permits, the authorized representative may issue a Notice of Violation. Within 30 days of such notification, the violator shall submit to the authorized representative an adequate explanation for the violation and a plan for the correction and prevention of such occurrences, including specific actions required. Submission of such a plan in no way relieves the violator of liability of any violation occurring before or after the issuance of the Notice of Violation.
2. Any person found to be violating any provision of this Ordinance shall be guilty of a misdemeanor and shall be prosecuted accordingly. Each day, in which any such violation occurs shall be deemed as a separate offense. Such fines may be added to the user's next sewer service charge and will hence be subject to the same collection regulations as specified in Article IX, Sec. 3. of this Ordinance. Users desiring to dispute a fine must file a request for the authorized representative to reconsider within 30 days of the issuance of the fine. If the authorized representative believes that the request has merit, a hearing on the matter shall be convened within 30 days of the receipt of the request.
3. To collect delinquent sewer service charge accounts, the community or sewer district may file a civil action suit or levy a lien against the violator. Related attorney's fees fixed by court order shall also be collected. The violator shall be liable for interest on all balances at a rate of 18 percent annually.
4. Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss or damage occasioned by the community or sewer district be reason of such violation.