

ORDINANCE NO. 27

AN ORDINANCE REGULATING WATER AND SEWERS AND STREET
EXCAVATIONS

THE VILLAGE COUNCIL OF UNDERWOOD ORDAINS:

Section 1. Definitions. As used in this ordinance, unless the context otherwise requires;

- a. "Village" means the Village of Underwood or its officers or employees authorized to perform the functions to which there is reference.
- b. "Sewage" means water-carried wastes from residences, institution, business buildings, and other establishments.
- c. "Sewer" means a pipe or conduit for carrying sewage.
- d. "Public sewer" means a sewer common to the public and which is controlled by public authority.
- e. "Municipal sewage disposal system" means the entire sewage disposal system of the Village for the collection and disposition of sewage and industrial wastes, including but not limited to the sewers and disposal plant.
- f. "Sanitary sewer" means a sewer carrying sewage and to which storm, surface and ground water is not intentionally admitted.
- g. "Industrial waste" means the liquid wastes resulting from any commercial, manufacturing or industrial operation as distinct from sewage.
- h. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the building and conveys it outside to the building sewer which begins five feet outside the inner face of the building wall.
- i. "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.
- j. "Person" means an individual, corporation (Public or private) partnership or association.
- k. "User" means the owner, lessee or occupant of the premises connected to the municipal sewage disposal.

- l. "Service" means connection to the municipal sewage disposal and the right to the use of its facilities whether or not the facilities are in fact used.
- m. "Notice" means a notice in writing directed to the owner or other person effected for the time specified by this ordinance, stating briefly the condition which is the reason for the notice and the consequences which would result upon failure to comply with the terms of the notice. A notice shall be deemed given when either it is personally served on the person to whom it is directed or is mailed to him at his last known address. If the owner cannot be reached by mail so addressed, service may be made upon the occupant.

Section 2. Use of municipal sewer system required.

- a. It shall be unlawful for any person to place or deposit or permit to be deposited in an unsanitary manner upon public or private property within the Village of Underwood, or in any area under its jurisdiction, any sewage or industrial waste.
- b. It shall be unlawful to discharge to any natural outlet within the Village of Underwood or any area under its jurisdiction, any sewage or industrial waste unless it has been suitably treated as provided hereinafter.
- c. Except as provided in paragraph (e) of this section, it shall be unlawful to construct or maintain any privy, septic tank, cesspool or such facility intended or used for the disposal of sewage. Any prior ordinance of the Village relating to the extent inconsistent, herewith, is hereby superseded.
- d. The owner of every residence, business or industrial building in this village abutting upon any street or alley in which public sewer and water mains are maintained, shall install at his own expense, a toilet in the building and connect it with the public sewer and water mains within 30 days after notice to do so, provided the public sewer and the public water main is within 100 feet of the property line. If such owner fails to provide for such toilet after notice to do so, the Village shall provide for the installation of such toilet and charge the cost against the property as a special assessment.
- e. So long as a public sewer and water main is not available under paragraph (d) above, the building sewer shall be connected to a private disposal system complying with other ordinances of the Village and with all requirements of the State Board of Health. At such time as a public sewer becomes available to the property, the building sewer shall be connected to it and use of any septic tank, cesspool, or other private sewage disposal facility shall cease.
- f. Any privy, septic tank, cesspool or other such facility intended or used for the disposal of sewage which is constructed or maintained in violation of any of

the provisions of this section of the ordinance is declared to be a public nuisance and the Village may abate the same in the manner provided by law.

Section 3. Building sewers and connections and street excavations relating thereto.

- a. No building sewer shall be built, repaired, extended or connected with the public sewer without a permit.
- b. No building sewer shall be built, repaired, extended or connected with the public sewer except by a plumber duly licensed by the State of Minnesota to perform the work or by any other qualified person; a permit shall be issued only to the person doing the work.
- c. All applications for sewer permits shall be made to the Village Clerk by the person employed to do the work. The applications shall be accompanied by a plan and drawings showing the proposed work.
- d. Before a permit is given on the application, the Village may inspect the premises and the proposed installation to ascertain if the installation is proper and in compliance with local and state laws, ordinances, and regulations, and that the statements in the application are true. All plumbing installations shall comply with the State plumbing code. After the application has been approved by the Village council, and the applicant has paid to the Village Clerk such permit fee as the Village Council may set by resolution from time to time. The Clerk shall issue the permit.
- e. Upon issuance of the permit, the person to whom it is granted may proceed with the work in accordance with the permit granted. The applicant shall notify the Village Clerk of the progress of the work at such stages during construction as the Village may direct and in particular shall notify the Clerk when the Building sewer is complete and ready for connection with the public sewer. The Village shall be given an opportunity to inspect the work after it is completed and shall require the work to be done satisfactorily and in compliance with law before excavations are filled.
- f. All connections with the public sewer shall be made with cast iron, vitrified stoneware, PVC or ABS plastic pipe, and shall comply with all current state plumbing code standards. All joints and connections shall be gas and water tight. The size, slope and depth of the building sewer shall be subject to the approval of the Village, but in no event shall the internal diameter be less than four inches and a slope of one-quarter inch to the foot be used wherever practical. Pipe shall be inspected by the Village before laid and be subject to its approval. The connection of the building sewer with the public sewer shall be made at the "Y" branch designated for the property, if suitable; any other location for the connection shall be only as directed by the Village.

- g. Every building shall be separately and independently connected with the public sewer.
- h. The Village Council may from time to time by resolution adopt regulations not inconsistent with this ordinance governing construction of the building sewers and connections to the public sewer.
- i. All excavations for building sewer installations shall be adequately guarded with barricades and lights and other appropriate warning devices so as to protect the public from hazard. Streets, alleys, sidewalks and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.
- j. The applicant shall indemnify and save harmless the Village from any claims of injury, loss or damage to third parties arising out of the construction work; this provision is a condition to the issuance of the permit. The Village may, as a condition to issuance of the permit, require the applicant to file a corporate surety bond for faithful performance of the work and to indemnify and save harmless the Village from any negligence in performance, the bond to be for a period of two years.
- k. Clogged sewer pipes shall be the obligation and duty of the owner or occupants to take care and/or repair clogged sewer pipes to the Village main. If the pipe is in need of repair, or if excavating is necessary, it shall be the owners or occupant's obligation and duty to repair at the point where the hook-up was made. The owner or occupant shall unclog and/or repair pipe, or have a private plumber do such. The Village maintenance department is not responsible for such, but will help in locating cleanouts, if known, but not to actual cleaning.
- l. Property owners or occupants shall be responsible for sewer lines in house and out to where owner or occupants or their contractor actually made hookup to the Village lead-in, whether or not the hookup is made on property line or not. In the case of twenty (20) foot alleys, the property owner or occupant is responsible from the house and to the Y at the Village sewer main, except in the case where the alley is surfaced with cement or blacktop, the Village shall repair or replace the last one (1) foot of top surface.
- m. It shall be the responsibility of the consumer or owner to maintain the service pipe from the sewer main into the house or building. In case of failure upon the part of the consumer or owner to repair any leak occurring in his service pipe within twenty-four (24) hours after oral or written notice has been given the owner or occupant of the premises, the water will be shut off and will not be turned on until a reconnection fee has been paid and the sewer line has been repaired. When the waste of water is great, or when damage is likely to

result from the leak, the water will be turned off if the repair is not proceeded with immediately.

- n. Excessive use of water for compacting new excavations shall be prohibited. No more than the optimum amount for density shall be used. Using of water in such quantities as may cause damage or collapse of streets shall be a violation.

Section 4. Service Charges.

- a. Sewer service charges will be established from time to time by the Village Council, either by ordinance or by resolution.
- b. An account for services will be kept for each user and a separate account for separate premises. Each user will be liable for service to his premises. Bills for service will be rendered quarterly and will be due within ten days of their date, but failure of the Village to render a bill or of user to receive a bill with not excuse payment. Bills will be mailed to users at the addresses shown on applications on the day of their date. The charge for sewer service may be included on the water bill, but if so shall be separately stated thereon. The Village Clerk will keep accounts and render the bills; he will receive payment of bills and give receipts therefore.
- c. All sewer service charges, when collected, and all monies received from the sale of any sewer facilities or equipment or any by-products of sewage treatment or disposal, shall be placed in a separate fund and shall be used first to pay the normal, reasonable and current costs of operation and maintaining the facilities, and the balance shall be used as the Council may direct and as provided by law.
- d. All sewer service charges are hereby made a lien against the property served. The lien shall be valid against third parties after written notice of the lien, certified by the Clerk, is recorded in the office of the Register of Deeds for Otter Tail County. The Village may also pursue any other remedies as law available to it for collection of the delinquent charges.

Section 5. Use of the public sewers.

- a. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial waste waters into any sanitary sewer.
- b. No person shall discharge or cause to be discharged into any public sewer, any harmful waters or wastes, whether liquid, solid or gas, capable of obstructing the flow in the sewers, or damage or hazard to property or personnel of the municipal sewage disposal system; no person shall damage, break or remove

any portion of any catch basin, covering flag, gully grating, flush tank or manhole, or any part of the municipal sewage disposal system, or in any way interfere with the use of the public sewer or the flow of sewage through it.

- c. Where necessary for the proper handling of liquid wastes containing excessive grease or any flammable wastes or sand or other harmful ingredients, the Village may require the installation and maintenance by the property owner, at his expense, of proper grease, soil or sand interceptors, except interceptors shall not be required for private homes or dwelling units.

Section 6. Other provisions.

- a. Any duty or authority herein imposed on or given to the Village Clerk, except in Section 4, may be performed and exercised by any employee of the Village other than an elected official, designated by resolution of the Council, which resolution shall specify the duties and authority of the employee and to that extent the Clerk shall be relieved of his obligations herein.
- b. The Clerk, inspector and other duly authorized employees and agents of the Village shall be permitted to enter upon any premises at any reasonable time for the purpose of inspection, measurement and testing and performing such other functions as may be required under the provision of this ordinance.
- c. Nothing in this ordinance shall contractually bind the Village.

Section 7. Violation a Misdemeanor.

- a. Every person who violates a section, subdivision, paragraph or provision of this Ordinance when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except or otherwise stated in specific provisions hereof.

Passed by the Underwood City Council this _____ day of _____, 1967.

Mayor

Attest:

City Clerk