CHAPTER TWO

UTILITIES AND FRANCHISES

200. WATERWORKS

201.01 That the waterworks within this City shall be known and designated as the City Waterworks of the City of Glencoe, Minnesota.

201.02 That all hydrants erected within and by said city, for fire extinguishing purposes, are hereby declared to be public hydrants; and excepting the City Council or its duly authorized agent, no person or persons other than members of the Fire Department of said city, and then only for the uses and purposes of such department, shall open any such hydrant, or draw or attempt to draw, any water there from, nor shall any person or persons, at any time uncover, any such hydrant, or remove or attempt to remove therefrom any matter or thing designated or intended for the protection thereof, or in any manner intermeddle with any such hydrant.

201.03 That the City Council or its duly authorized agent may grant to any suitable person or persons permission to open any such hydrant or hydrants, and draw water therefrom, in which event such person or persons, shall not open any such hydrant to any greater extent, nor keep the same open any greater length of time, nor draw water therefrom for any other purpose than such as may be specified in and by such permission.

201.04 No person authorized to open hydrants shall delegate his authority to another, nor let out or suffer any person to take the wrenches furnished him, nor suffer the same to be taken from any house of said city, except for purposes strictly connected with the Fire Department, or as they may accompany fire equipment on occasions of fires.

201.05 No person shall willfully or carelessly break, injure, mar or deface, interfere with or disturb any building, machinery, apparatus, fixture, attachment or appurtenance of the water works of said City, or any public place or private hydrant or water trough, or stopcock, meter, water supply or service pipe, or any part thereof; nor shall any person deposit anything in any valve or stopcock box, or commit any act tending to obstruct or impair the intended use of any of the above mentioned property, without the permission of the City Council, or except in cases hereinafter mentioned, or otherwise regulated by ordinance of said City.

201.06 It shall be the duty of all city personnel of said city to report to the City Administrator, or designated city personnel all cases of leakage, waste or unnecessary profusion in the use of water, and each and every violation of any ordinance of this City relative to the waterworks thereof, which may come to their knowledge or notice; and said policeman shall each enforce the observance of this ordinance so far as they or any of

them have authority under the ordinances of this City.

201.07 Any person convicted of violating any of the provisions of this ordinance shall be punished as a misdemeanor.

202 WATER DEPARTMENT PERMITS AND RECORDS

202.01 The City Administrator under the direction of the City Council shall issue all permits for the laying of all service pipes to connect with the distributing mains.

202.02 The City Administrator shall keep full and complete records thereof and of all work done, with suitable diagrams showing the location, number and size of all taps in the mains and service pipes connected therewith, and such other records as may be directed. The City Administrator shall collect all rents for the use of water, and keep full and complete records of all amounts due and collected, in books to be provided for that purpose, showing names of all consumers, description of the premises supplied, amount and rate to be paid, the amount paid and the time for which paid, and pay the City as may be directed by the City Council.

203 REGULATIONS CONCERNING USE OF WATER

203.01 The rules and regulations and water rates hereinafter named shall be considered a part of the contract with every person, company or corporation, who is supplied with water through the water system of the City of Glencoe; and every person, company or corporation, by taking water, shall be considered as expressing his or their consent to be bound thereby.

Whenever any of said rules or regulations or such other as the City Council shall adopt, are violated the water shall be shut off from the building or premises or place of such violation (even though two or more parties are receiving water through the same pipe), and shall not be let on again except by order of the City Council or its duly authorized agent, and the payment of all arrears of rent, the expense of shutting off and letting on such other terms as the City Council shall determine, and a satisfactory understanding with the party that no further cause or complaint shall arise.

In the case of such violation the said City Council, furthermore, may declare any payment for the water, by the party or parties committing such violation, to be forfeited, and the same shall thereupon be forfeited.

The right is reserved to the City Council to change the said rules, regulations, and water rates, from time to time as they may deem advisable, and to make special rates and contracts in all proper cases.

203.02 Every person desiring a supply of water must make application in writing therefor to the City Administrator, in such form as may be prescribed for that purpose. Blanks for such

applications will be furnished at the office of the City Administrator.

The application must state fully and truly all the uses to which the water is to be applied. No different additional use will be allowed except upon further application and permission regularly obtained from said City.

If the applicant is not the owner of the premises, the written consent of the owner must accompany the application.

When more than one tenant is supplied through one service pipe, the application for supplying such building or tenants shall be made by one person and aid person shall be held responsible for all supplies through such service pipe, as but one bill will be made and the rate for each tenant will be the same as for separate houses.

203.03 All persons using water shall keep the hydrants, taps, hose, water closets, urinals, baths or other fixtures allotted to their use closed, except when obtaining water for use; and shall be responsible for any damage or injury that may result to others from the improper use of said water.

All the exposure relating to the introduction of water into buildings or private premises shall be paid for by the applicant.

203.04 All persons taking water shall keep their own service pipes, curb stops, stop cocks and apparatus in good repair and protected from frost, at their own risk and expense; and shall prevent any unnecessary waste of water.

In case the consumer fails to comply with the above mentioned requirements through refusal or neglect, it shall be the duty of the duly authorized personnel to repair it at once, and the consumer shall bear all expenses of making said repairs.

Unless otherwise permitted by the City Council, any water service not being used or abandoned shall be disconnected and the water main properly plugged. Moreover, the property owner shall bear all expenses of disconnecting the service line and proper plugging of the water main.

No person shall cause any connection between the City=s water lines, including water lines on any private premises, to any private well.

203.05 No consumer shall supply water to others, nor suffer others to take it off his premises, otherwise permitted by the City Council. This does not apply where meter is used.

203.06 Each individually owned unit (commercial, industrial or residential) within the City of Glencoe served by City water shall be separately connected to the city water main and metered individually. Any unit discovered to be connected in conjunction with another unit, shall be disconnected and reconnected by direct connection to the City

water main as soon as practically possible after notice by the City to the owner, except that preexisting single lines to multiple units, provided each unit is separately metered, shall be excepted. All taps to the city water main shall comply with this code, including but not limited to Sections 203.14 and 203.15. No consumer shall supply water to others, nor suffer others to take water off his premises, or otherwise sell water to other parties without the express written consent of the City Council.

203.07 No claim shall be made against the City by reason of breaking or freezing of any service pipe or service cock; nor if from any cause the supply of water shall fail; nor from damage arising from shutting off water to repair the mains, making the connections or extensions; nor for flushing or opening of hydrants; nor for any other purpose that may be deemed necessary. The City may cut off the supply at any time, for the purpose of repairs or any other necessary purpose, any permit granted, or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off water supply within any district of said City, the City Council, or its duly authorized agent, shall, if practicable, give notice to each consumer within said district, of the time when such supply shall be shut off.

203.08 Water will not be turned on in any building or private service pipe, except upon the order in writing of the City Council or their duly authorized agent; nor until the applicant shall have paid for the connection from the street main, service connection, and meter installation and also the water rent for the current term.

203.09 In case of fire, or the alarm of fire, all hydrants used for irrigation, yards or gardens must be closed until such fire shall be extinguished.

203.10 The water supply to all fountains must be capable of regulation by a shut off valve accessible by city personnel. The service pipes of out-door fountains must be provided with stop cock, and means of draining the line as a preventative measure to avoid freezing.

Fountains may be used only between May 1st and November 1st, except by special permission and upon payment of additional charges.

The right is reserved to the City Council to suspend the use of fountains and hose for irrigation, yards and gardens, whenever in the opinion of the City Council, the public exigency may require it, including but not limited to water bans imposed during drought conditions.

203.11 No hydrants, except public drinking fountains, shall be placed within the limits of any street, unless such are securely closed and protected against general use; and no drinking fountain shall be erected for the public use which has openings by which it can be used as a source of domestic supply.

203.12 If the proprietors of lumber yards, manufactories, halls, stores, elevators, warehouses, hotels or public buildings, regular customers from the waterworks of water, wish to lay pipe

with hydrants and hose couplings, to be used only in case of fire, they may be permitted to do so and connect with the street mains, at their expenses, upon application to the City Council and under their direction and will be allowed the use of water for fire purposes only, subject to charges imposed under Section 203.21 of the Code; but all valves admitting water to such pipes must tag sealed. If such tag seal be at any time broken or defaced, the City Council must be notified thereof immediately.

203.13 In all cases where meter rates are required, the meter must be owned by the customer, and that the charge for meter installation, including meter, and/or remote reader shall be as determined by the City Council from time to time by resolution.

No restriction is placed upon the use of water taken through a meter, as to purpose, manner or quantity, except as provided in section 203.12, and that wanton waste is hereby prohibited.

All meters must be approved by the City Council, and must be set and at all times, under the supervision and direction of the City Council, or its duly authorized agent.

Said meters must be set so that they may be easily examined and read, and be provided with suitable protection so that they are made safe from frost or other damage. All meters installed from and after January 1, 1999 shall be equipped with a remote reader installed on a location on the outside the structure as directed by authorized City personnel.

In case of refusal or neglect to set or protect a meter including a remote reader as herein required, the City Council or its duly authorized agent, shall refuse to turn on water, or if water has been turned on, it shall be turned off until the consumer shall have complied with said requirements.

203.14 No taps or water connections shall be allowed to be made to the water mains of the City waterworks, without the attachment of a water meter, and all water (except as hereinafter provided) shall be sold by measure, as indicated and measured by meters furnished and sold by the City, and it shall be the duty of the duly authorized personnel of the City Waterworks to close, or disconnect, or shut off, all the openings where water is now furnished free, or without passing through a meter, nor shall water be allowed to be turned on without being properly metered.

203.15 All water services shall have meters and remote readers attached to them and in case any meter fails to measure water or requires repair, it shall be the duty of the duly authorized personnel of the Waterworks to repair it at once, however found or notified of its failure to work and the consumer shall bear all expenses of making said repairs and/or replacement of the meter, except that residential meters up to 1 inch will be repaired or replaced at City cost, excluding meters which require repair or replacement due to intentional damage or abuse by the owner/occupant of any property, including their agents and employees, or repair or replacement required due to casualty loss by fire, wind, vandalism or other occurrence which is covered by the

owner=s casualty insurance. All expenses shall be collected by the bonded City personnel. In case the consumer fails or refused to pay the bill for repairs or replacement of his meter and remote reader the duly authorized personnel shall shut off the water at once, nor shall it be turned on again until the bill has been paid and the additional turn on charge collected.

There shall also be collected a turn-off charge prior to the turn on of water, which charge shall be in addition to any other charges paid, including turn on charges.

All meters larger than 1" shall be periodically calibrated as follows: Every ten (10) years from the date of new meter installation and every five (5) years after twenty (20) years. Any meter that fails calibration shall be replaced at the customer=s expense. The City Council shall from time to time establish by resolution a charge for re-calibration and mobilization. This charge shall relate to the costs that are incurred by the City from time to time for re-calibration services.

203.16 Water meters will be read monthly on such a date as may be established from time to time and reported to the offices of the City Administrator or his designee, including a report of any meters that are out of repair, and the City Administrator or his designee shall immediately thereafter prepare monthly water bills, and that each user of water within the City of Glencoe shall receive a monthly statement for water consumed.

203.17 All water bills shall be payable at the Office of the City Administrator or the offices of the Glencoe Light and Power Commission no later than sixteen (16) days after the postmarked date of the water bill to any particular user, at which time it will be considered delinquent, and notice will be sent out, and if not paid by the 20th day after the original due date the duly authorized personnel shall turn off the water on said service at the cost of the turn off charge and it shall not be turned on again until all water bills and the additional sum of the turn off and turn on charges shall be paid.

203.18 Parties wishing the use of city water for the purpose of flushing sewers, building purposes, concrete work or other purposes where water is taking from hydrants, shall make application to the City Administrator=s Office, who shall furnish water for such purposes at its convenience upon at least 24 hours notice. Water Department Personnel shall make an estimate of the value of the water used and for the use of hose, according to the schedule established by the City Council for bulk water rates, and his time, and shall immediately provide a statement of water statements to the City Administrator with his report.

203.19 The City Council is charged with establishing water rates from time to time by ordinance, including minimum rates and cubic feet/gallonage charges; all other charges and rates as may be determined necessary by the City Council may be established and/or amended from time to time by resolution.

The minimum water rate shall be the sum of $3.00 per month, or a fraction of a month, and

no reduction shall be made for partial use during the month, nor for leakage, when the amount as shown by the meter reading for such time does not amount to that sum. The minimum rate is based upon a usage of 750 gallons or 100 cubic feet per month.

The meter rate to consumers using in excess of 750 gallons per month shall be $3.10 per 1,000 gallons of water used. After the first 100 cubic feet the charge is $.02325 per cubic foot.

There shall be added to the water charge for each residential and small commercial water account the sum of $1.00 per month. All sums so collected shall be deposited into a fund to be used for the replacement of water service lines, shut off valves and lead service lines.

203.20 The water department personnel may service private water lines in the City of Glencoe only upon emergency circumstances, however general work upon private water lines from the corporation box to and including the water meter upon the premises, are the responsibility of the private property owner to be performed by licensed plumbers only. Emergency services provided by City personnel shall be billed to the property owner at the hourly rate as determined from time to time by the City Council and included with the regular water rates schedule.

203.21 There is hereby established a maintenance charge for standby fire protection service lines to be made when there is a connection to an automatic sprinkler system for standby service only, and the charge for such maintenance service will be made on a monthly basis included with each monthly billing as determined by the City Council from time to time and included with the regular water rate scheduled of charges.

These rates shall apply in all cases where automatic sprinklers are installed and where fire gates or other outlets are tag sealed. No charge will be made for water used in testing the sprinkler system or extinguishing a fire.

Maintenance to the customer shall be provided in return for these charges will be as follows (as determined by the City Council included with the regular water bill rates schedule):

a. Periodic maintenance and inspection of the sprinkler including inspecting the street valve for proper operation, height or grade change and accessibility.

b. Inspection and repair of detection check meter if applicable.

c. Leak inspection and detection.

d. Assistance in repairing any leak of system located in the street including repair of blacktop and providing gravel at no additional charge to the customer.

Section 1: Chapter 203A of the Glencoe Municipal code is established to read in its entirety as follows:

203A The City of Glencoe hereby establishes a watering restriction ordinance as required by the Water Emergency and Conservation Plan.

203A.01 The City shall not be liable for any deficiency in the supply of water to the customers, whether occasioned by shutting the water off for the purpose of a fire, or alarm of fire or making repairs to an existing water line or construction of a new water line or connections or from any other cause whatsoever. The City is authorized to shut off the water at such time as may be deemed necessary by the Mayor in emergency situations and the water may remain off as long as necessary. Said restrictions imposed by the Mayor shall be confirmed by the City Council at the next regularly scheduled meeting thereof

203A.02 The City Council shall have the right to impose reasonable restrictions on the use of the City water system. Such restrictions may include but is not limited to prohibiting water use or limit the times and hours during which water may be used from the City water system for lawn and garden sprinkling, irrigation, car washing, air conditioning and other uses. Special permit consideration will be given for those property owners with new seed or sod. Said permits shall be obtained at City Hall.

203A.03 All air conditioning systems which are connected directly or indirectly with the City water system must be equipped with water conservation and water regulating devices as approved by the city building official. Permits shall be required for the installation of all air conditioning systems to the City water system. Said permit shall be obtained at City Hall.

203A.04 This ordinance does not apply to private wells.

203A.05 It is unlawful for any water customer to fail to equip his or her air conditioners with the water conservation and water regulating devices or cause or permit water to be used in violation of this ordinance. Said acts constitute a misdemeanor violation and is subject to penalty of 90 days jail and/or a $1,000.00 fine.

203A.06 In addition to criminal penalties, a civil penalty may be imposed for each day of violation. A violator will be issued one written warning for violating the imposed restrictions. Any subsequent violations carry a penalty of $50.00 per violation and will increase by the sum of $25.00 each time for each succeeding violations.

Section 2: This ordinance shall be in full force and effect after its passage and publication.

Section 1: Chapter 203B of the Glencoe Municipal Code is established to read in its entirety as follows:

203B The City of Glencoe hereby establishes the following Specifications for Cross Connections and Backflow Prevention.

203B.01 Background: The United States Congress enacted the Safe Drinking Water act (PL 93532) into law on December 16, 1974. Minnesota achieved primacy for the Safe Drinking Water Act in 1976. Minnesota State Statutes place responsibility for compliance with the Safe Drinking Water Act on the water purveyor through the Department of Health. The Safe Drinking Water Act and its regulations cover all potable water systems and states that "minimum protection should include programs that result in the prevention of health hazards, such as cross connections."

203B.02 Purpose: The purpose of this specification is:

a. To carry out the requirements of the Safe Drinking Water Act (PL 93532) and the Minnesota Department of Health chapters 4720 and 4714.

b. To protect the municipal potable water supply of the City of Glencoe, Minnesota from the possibility of contamination or pollution of the potable water system(s) under the direct authority of the City of Glencoe.

c. To promote the elimination or control of existing cross connections, actual or potential, between the customers' potable water system(s) and another environment containing substance(s).

d. To provide for the maintenance of a continuing Program of Cross Connection Control which will systematically and effectively prevent the contamination or pollution of all potable water system(s) under the direct authority of the City of Glencoe?

203B.03 Responsibility: The City of Glencoe shall be responsible for the protection of the potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants. If, in the judgment of City of Glencoe, an approved means of backflow prevention is required (in the customer's water service; or within the customer's private water system) for the safety of the water system, the City of Glencoe shall give notice in writing to said customer to install an approved means of backflow prevention at a specific location(s) on the customer's premises. The customer shall immediately install an approved means of backflow prevention at the customer's own expense; failure, refusal or inability on

the part of the customer to install, have tested, maintain or repair such, shall constitute grounds for disconnecting water service to the premises until such requirements have been satisfactorily met.

203B.04 Definitions: The following definitions shall apply to this specification. These definitions shall be used in conjunction with definitions and guidelines of the Minnesota Plumbing Code as amended "Rules Chapter 4714, Definitions and Standards."

203B.05 Approved

a. The term "approved" as herein used in reference to a water supply shall mean a water supply that has been approved by the Minnesota Department of Health.

b. The term "approved" has herein used in reference to an air gap, pressure vacuum breaker assembly, a double check valve assembly, a reduced pressure principle backflow prevention assembly or other backflow prevention assemblies, devices or methods shall mean any such assembly, device or method approved by the State of Minnesota Plumbing Code, Department of Health and the City of Glencoe.

203B.06 Auxiliary Water Supply: Any water supply on or available to the premises other than the water supply of City of Glencoe will be considered as an auxiliary water supply. These auxiliary waters may include water from another city's water utility or public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or used water of industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the City of Glencoe does not have sanitary control.

203B.07 Backflow: The term "backflow" shall mean the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source(s).

203B.08 Backpressure: The term "backpressure" shall mean any elevation of pressure in the downstream piping system (i.e., pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of consideration, which would cause, or tend to cause, a reversal of the normal direction of flow.

203B.09 Backsiphonage: The term "backsiphonage" shall mean a form of backflow due to a reduction in system pressure, which causes a sub atmospheric pressure to exist at a site in the water system.

203B.10 Backflow Preventer: A means designed to prevent backflow are prescribed by Minnesota Plumbing Code Rules Chapter 4714 as described by the hazard, pressure, design, and use characteristic.

Community approved methods to achieve backflow prevention are as follows:

a. Air Gap
b. Reduced Pressure Principle Backflow Prevention Assembly (RPP or RPZ)
c. Double Check Valve Backflow Prevention Assembly (DC)
d. Pressure Vacuum Breaker (PVB)
e. Backsiphonage Backflow Vacuum Breaker (SVB)
f. Atmospheric Vacuum Breaker (AVB)
g. Hose Connection Vacuum Breaker (Hose VB)

203B.11 Contamination: The term "contamination" shall mean an impairment of the quality of the water creating an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, or toxic solutions.

203B. 12 Cross Connection: The term "cross connection" shall mean any unprotected actual or potential connection or structural arrangement between a municipal or a consumer's private potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gases, solids or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross connections.

a. The term "direct cross connection" shall mean a cross connection which is subject to both backsiphonage and backpressure.
b. The term "indirect cross connection" shall mean a cross connection which is subject to backsiphonage only.

203B.13 Controlled Cross Connections: A connection between a potable water system and a non-potable water system with an approved means of backflow prevention properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

203B.14 Containment — Potable Water Service Protection: The term "containment or water service protection" shall mean the appropriate type or method of

backflow protection in the water service commensurate with the degree of hazard of the customer's water system. (See also Isolation.)

203B.15 Customer: The term "customer" shall mean the owner (i.e., building or property owner) of the water system(s) supplied by the City of Glencoe.

203B.16 Degree of Hazard: The term "degree of hazard" shall mean either a pollution (non-health) or contamination (health) hazard and is derived from the elevation of conditions within a system. (See Attachment #1)

a. Health Hazard: The term "health hazard" shall mean an actual or potential threat of contamination of a physical or toxic nature to the public potable water system of the customer's potable water system that would be a danger to health (i.e., contamination).
b. Plumbing Hazard: The term "plumbing hazard" shall mean an internal or plumbing type cross connection in a customer's potable water system that may be either a pollution or a contamination type hazard. This includes, but is not limited to, cross connections in toilets, sinks, lavatories, wash trays, private wells and lawn irrigation systems. Plumbing type cross connections can be located in many types of structures including homes, apartment houses, hotels, property out buildings, commercial and industrial establishments. Such a connection, if permitted to exist, must be properly protected by an appropriate means of backflow prevention.
c. Non-Health Hazard: The term "non-health hazard" shall mean an actual or potential threat to the physical properties of the water system or the portability of the public or the customer's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance, be aesthetically objectionable or could cause minor damage to the system or its appurtenances (added parts).
d. System Hazard: The term "system hazard" shall mean an actual or potential threat of severe damage to the physical properties of the water system (public or customer's potable water system) or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

203B.17 Industrial Fluids: The term "industrial fluids" shall mean any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration which would constitute a health, system, non-health or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or

contaminated used waters, all types of process waters and "used waters" originating from the public potable water system which may deteriorate in sanitary quality, chemicals in fluid form, plating acids and alkalis, circulating cooling treated or stabilized with toxic substances, contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, etc., oils, gas, glycerin, paraffin, caustic and acid solutions or other liquid and gaseous fluids used industrially for other purposes including firefighting purposes.

203B.18 Isolation — Point of Use: The term "isolation or point of use" shall mean the appropriate type or method of backflow protection at all potable water outlets commensurate with the degree of hazard to the customer's potable water system.

203B.19 Non-Potable Water: The term "non-potable water" means water not safe for drinking, personal or culinary use.

203B.20 Pollution: The term "pollution" shall mean an impairment of the quality of the water to a degree which does not create a hazard to the public health, but which does adversely and unreasonably effect the aesthetic qualities of such waters for human use or consumption.

203B.21 Potable Water: The term "potable water" means water that is: safe for human consumption, personal or culinary use, and free from impurities in amounts sufficient to cause disease or harmful physiological effects.

203B.22 Rebuild: The term "rebuild" when used in reference to a Reduced Pressure Principle (RPP or RPZ) backflow prevention assembly shall consist of replacing all of the spring and rubber parts within the device. Both spring and rubber repair kits are required.

203B.23 Water User: The term "water user" shall mean the person(s) that will be consuming or using the water at the point of use (i.e., consumer).

203B.24 State of Minnesota, Department of Health (Minnesota Plumbing Code), Chapters 4714 and 326B.46 shall apply to all aspects of this specification.

203B.25 System Drain: A hose bib or boiler cock that is used exclusively to blow out or drain water system for frost conditions or maintenance.

203B.26 Policy Requirements

a. Water service provided by the City of Glencoe shall be protected against backsiphonage as required by the State of Minnesota

Department of Health, Chapters 4720 and 4714, State Statutes and Regulations.

b. The customer's system shall be open for inspection at all reasonable times to authorized representatives of the City of Glencoe to determine whether unprotected cross connections or other structural or sanitary hazards, including violations of these regulations exist. When such a condition becomes known, the City of Glencoe shall immediately notify the customer of the violation, ensure that corrective action is taken in a punctual manner or shall deny or immediately discontinue water service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with Minnesota Law and this specification.

c. It shall be the responsibility of the customer to assume the cost for the installation, testing, repair and maintenance of the backflow assembly as required by these Specifications and all other referenced materials. An accredited tester approved by the City of Glencoe shall perform these tests.

203B.27 Water System Requirements

a. The water system shall be considered as made up of two (2) parts: The City of Glencoe and the customer's water system.

b. The City of Glencoe water system shall consist of the source of the water, the facilities and distribution system, and shall also include all those facilities of the water system under the control of the City of Glencoe.

c. The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system.

d. The distribution system shall include the network of conduits used from the source to the customer's system.

e. The customer's system shall include those parts of the facilities beyond the termination of the City of Glencoe's distribution system, which are utilized in conveying potable water to points of use.

203B.28 Special Backflow Assembly Requirements

a. An approved means of backflow prevention shall be installed on each service line to a customer's water system immediately inside the building being served, but in all cases before the first branch line leading off the service line whenever the following conditions exist:

1) In the case of premises having an auxiliary water supply which is not, or may not be, of safe bacteriological or chemical quality and which is not acceptable as an additional source by the State of Minnesota Department of Health, City of Glencoe's water system shall be protected against backflow from the premises by installing an approved means of backflow prevention in the service line commensurate with the degree of hazard.

2) In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the City of Glencoe's water system. The City of Glencoe's water system shall be protected against backflow from the premises by installing an approved means of backflow prevention in the service line commensurate with the degree of hazard. This shall include the handling of process waters and waters originating from the City of Glencoe's distribution system which have been subject to deterioration in quality.

3) In the case of premises having either internal cross connections that cannot be corrected and protected, or intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes thereby making it impractical or impossible to ascertain whether dangerous cross connections exist, the City of Glencoe's water system shall be protected against backflow from the premises by installing an approved means of backflow prevention in the service line.

b. The type of protective backflow prevention assembly required shall depend upon the degree of hazard which exists as defined in the Minnesota State Plumbing Code.

1) In the case of any premise where there is an auxiliary water supply not subject to the following rules, the City of Glencoe's water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly.

2) In the case of any premise where there is water or substance that would be objectionable, but not hazardous to health if introduced into the City of Glencoe's water system, an

approved double check valve backflow prevention assembly shall protect the City of Glencoe's water system.

3) In the case of any premise where there is any material dangerous to health, which is handled in such a fashion as to create an actual or potential hazard to the City of Glencoe's water system, the City of Glencoe's water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include, but are not limited to, sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, health care facilities (i.e., clinics, medical centers, health centers, nursing homes, etc.) mortuaries, plating plants, agricultural facilities (i.e., farms), chemical or fertilizer plants, etc.

4) In the case of any premise having multiple violations where there has been unprotected cross connections, either actual or potential, and/or where there are a number of plumbing or piping changes occurring, the City of Glencoe's water system shall be protected by an approved air gap or an approved reduced pressure principle backflow assembly at the service connection directly off of the main ahead of all customer connections.

5) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete on-premises cross connection survey, either an approved air gap or an approved reduced pressure principle backflow assembly on each service to the premises shall protect the City of Glencoe's water system.

6) Means of backflow prevention application will be determined by the degree of hazard in the following chart (See Attachment #1) and, but not limited to: State of Minnesota Department of Health Chapter 4714.0603: See Section 203B.16 for definitions relating to "Hazards."

7) Any means of backflow prevention required herein shall mean an assembly that has been manufactured in full conformance with the standards established by American Water Works Association (AWWA) and by American Society of Sanitary Engineering (ASSE) and have met

completely the laboratory and field performance specifications of the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California (USC FCCCHR) established in: Specifications of Backflow Prevention Assemblies — Section 10 of the most current Edition of the Manual of Cross Connection Control.

203B.29 Customer Responsibilities

a. It shall be the duty of the customer at any premise where backflow prevention assemblies are installed to have a field test performed by an accredited backflow prevention assembly tester upon installation and at the required annual intervals thereafter. The City of Glencoe may require field tests at more frequent intervals as individual circumstances may indicate.
b. It shall be the responsibility of the customer to assume the cost for the installation, testing, repair and maintenance of the backflow assembly. An accredited tester approved by the City of Glencoe shall perform these tests.

203B.30 Testing and Maintenance

a. All testable backflow assemblies must be tested upon installation, at the required annual intervals thereafter per State of Minnesota Plumbing Code and/or the manufactures minimum recommended interval. The City of Glencoe may require field tests at more frequent intervals as individual circumstances may indicate (i.e., high hazards, high incidence of field test failures, frequent internal plumbing changes, etc.).
b. The Owner is required to have all testable backflow prevention assemblies' tests at intervals not to exceed twelve (12) months from the date of the previous test date and shall be submitted to the City of Glencoe no more than 30 days after the test date.
c. The owner is required to have any Reduced Pressure Principle (RPP or RPZ) backflow prevention assemblies rebuilt. If an RPP or RPZ does not pass an annual test, it must be repaired/rebuilt to a passing test before it can be put back into service to isolate a cross-connection. The rebuild must be completed by a licensed plumber per State of Minnesota Plumbing Code. See Section 203B.22 for the definition of a rebuild.
d. The City of Glencoe will notify in writing each water customer that is delinquent in submitting their annual backflow prevention assembly tests. This written notice shall give the water customer a

maximum of 30 calendar days to have the assembly tested and submitted.

e. A "Second Notice" shall be sent to each water customer who does not have the backflow prevention assembly tested as prescribed in the first written notice within the 30 calendar day period allowed. The "Second Notice" will give the water customer a period of 15 calendar days to have the assembly tested and the completed report submitted. A fee as prescribed in 203B.30.G shall apply to all instances where a "Second Notice" is sent.

If the water customer takes no action within the 15 calendar day grace period, the City of Glencoe may terminate water supply to the water customer until the said assembly is tested. The water customer will be subject to fees if it is necessary to terminate the water service and reinstate the service.

All tests must be performed by an accredited backflow tester and reports completed and submitted on the proper form to: City of Glencoe, Attn.: Water Department, 1107 11th Street E., Suite 107, Glencoe, MN 55336.

f. The City of Glencoe, the company or tester doing the testing and the water customer shall keep records of tests, repairs and maintenance. The City of Glencoe and the water customer shall maintain these records for a minimum of seven (7) years and make them available upon request.

g. Fees: If the customer fails to comply with Section 203B.30 in year 1 (i.e., first offense) the "Second Notice" fee shall be $500. If in year 2, or any subsequent year after being issued a $500 fee for non-compliance to Section 203B.30, then the fee shall be increased to $1,000 and remain at that rate for all future occurrences.

203B.31 Requirements for the City of Glencoe Approval of Backflow Prevention Assembly Testers

a. All testers and rebuilders must be certified by the State of MN Department of Labor and Industry and approved by the City of Glencoe. Competency in all phases of backflow prevention assembly testing must be demonstrated by means of education and experience. Prior to completing any work within the city limits of the City of Glencoe, potential testers must be certified by the MN Department of Labor & Industry (DOLI) and accredited by the City of Glencoe and must submit the following minimum requirements.

After approval, tester shall be added to the official list of backflow prevention assembly testers.

b. The following minimum requirements:

1) Testers of backflow prevention assemblies shall furnish evidence that he/she has available the necessary tools and equipment to properly test such assemblies and shall be responsible for the accuracy and calibration (annual requirement) of the test equipment, including the competency and accuracy of all tests and reports prepared by him/her. Test equipment shall be calibrated by an accredited laboratory in accordance with the recognized International Standard ISO/MC 17025.

2) Maintenance and repair on backflow prevention devices must be performed by a licensed master plumber (MN Statute 326.40) in addition to being an accredited backflow prevention assembly tester.

3) (Exception) An accredited backflow preventer assembly tester approved by the State of Minnesota Department of Labor and Industry and accredited by the City of Glencoe may test, maintain, repair and replace Pressure Vacuum Breakers (PVB) assemblies on irrigation systems ONLY.

203B.32 Commercial Fire Protection System Requirements

a. All new installations or RP valves shall require double check valves. All systems with a single check valve that are being replaced shall be upgraded to a double check valve.

b. Existing single check valves that are in place may remain in place as long as no work is being completed to the device or the immediate area adjacent to the device.

Before testing or performing maintenance on a backflow prevention device for a fire sprinkler system, all proper notifications shall be made. Each system will have different requirements. Contact the City of Glencoe with questions.

Exceptions may be made in cases where the replacement of a single check valve with a double check backflow device on existing systems reduces the flow to a point that the system no longer complies with fire code or insurance requirements and the

addition of a booster pump or fire pump is not structurally practical.

203B.33 Residential Fire Protection System Requirements

a. The following applies to residential fire systems that are constructed of approved potable materials and are designed to flow water so it does not become stagnant. The conditions found in the NFPA 13d must be met.

1) If a residential sprinkler system installed in a single family dwelling is constructed with a potable water pipe and there are no chemicals in the system, a backflow device is not required.

2) If the system is constructed with non-potable materials and there are no chemicals in the system, a double check valve is required. Annual testing is required.

3) If the system is constructed with any chemicals contained within it, an (RPP or RPZ) is required. Annual testing and rebuilds are required if (RPP or RPZ) fails.

b. The following applies to a multi-purpose residential fire system in a single family dwelling. This system has dead end runs that permit water to become stagnant.

1) If the system is constructed with potable water pipe and there are no chemicals in the system, a double check valve is required. Annual testing is not required.

2) If the system is constructed with any chemicals contained and there are no chemicals in the system, a double check valve is required. Annual testing is required.

3) If the system is constructed with any chemicals contained within it, an (RPP or RPZ) is required. Annual testing and rebuilds are required if (RPP or RPZ) fails.

c. Residential fire sprinkler systems shall be installed on the customer side of the water meter.

d. Residential fire sprinkler systems that have non-potable materials shall be labeled with stickers that read "non-potable water" a

minimum of every 5 feet and oriented to be in conspicuous locations.

e. It is the fire sprinkler system designer's responsibility to provide the City of Glencoe Water Treatment Plant with the water flow requirements of the meter to meet their system needs. The City of Glencoe Water Treatment Plant will supply all water meter(s).

f. All fire sprinkler systems must be reviewed and approved by the City of Glencoe.

203B.34 In-ground Irrigation Systems

a. The State of Minnesota requires backflow protection on all in-ground irrigation systems. The testing of all irrigation system protection devices must be completed each year at the time of system start-up. This is due to the nature of the system being taking in/out of service to protect it from our local climate.

203B.35 Penalty

a. A financial penalty shall be charged as outlined in Section 203B.30.G for any failures to perform the requirements of these Specifications. The penalty shall be billed directly to the customer on a monthly invoice.

b. The City of Glencoe may terminate water supply to the water customer for any failures to perform the requirements of these Specifications. The water customer will be subject to any fees to re-establish water service to the customer.

204 **REGULATIONS GOVERNING PLUMBERS.**

204.01 No plumber, pipe fitter or other person will be permitted to do any plumbing or pipe fitting work in connection with the Water Works without first having received a license from the State of Minnesota as provided by State Statute.

204.02 Any plumber or pipe fitter who shall violate any of the rules or regulations adopted by the City Council of the City of Glencoe, Minnesota, shall upon conviction thereof before any Court be sentenced as a misdemeanor. (See Uniform Misdemeanor Penalties for Ordinance Violation in General Regulations Section of Code.)

204.03 Within twenty-four hours after completing any attachment or connection, the plumber shall made a true and full report of any and all work done, on blanks furnished for that purpose, to the City Administrator, naming the ordinary and special uses to which the water has been applied in each case, together with a description of all the apparatus and arrangement for using the water, and any other particulars that may be called for.

The water will not be turned on to any premises until such complete and satisfactory report or returns are made by the plumber and until all inspections and compliance with Minnesota Plumbing Code has been met.

204.04 After the water has been introduced into any building or upon any premises, no plumber shall make any tap or connection with the pipes upon such premises for alteration, extension or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the City Council.

204.05 All plumbers are strictly prohibited from turning water into any service pipe except upon the order or permission of the City Council or their agents. This rule shall not be construed to prevent any licensed plumber from admitting water in test pipes and for that purpose only.

205 EXCAVATIONS

205.01 In making excavations in the alleys, easements, streets or highways, for laying service pipe or making repairs, the bituminous surface, sidewalks, cement and earth removed must be deposited in a manner that will occasion the least inconvenience to the public, and provide for the passage of water along the gutters.

205.02 No person shall leave any such excavation made in any alley, easement, street or highway open at any time without barricades; and during the night time warning lights must be maintained at such excavations.

205.03 In refilling the openings, after the service pipes are laid, the earth must be laid in layers of not more than twelve inches in depths, and each layer thoroughly rammed or puddled to prevent settling. And this work, together with the replacing of the sidewalks, ballast and paving, must be done so as to make the street as good, at least as before it was disturbed, and satisfactory to the City Council.

205.04 All that portion of the service pipes which shall be laid within the limits of any street, alley or easement in the City of Glencoe shall be laid by the applicant for water at his own expense under the supervision of the duly authorized personnel and subject to the approval of the City Council. Moreover the applicant or property owner shall at his sole expense maintain all service lines from and including the corporation stop on the main to the termination of said service lines in his own building, subject to the regulations and restrictions set forth in this ordinance, and further subject to the City's right to control the corporation and curb stops. Notwithstanding the foregoing, the

City of Glencoe shall furnish, at the City's expense, all gravel, fill, blacktop and compaction required to restore paved or gravel surfaces after completion of maintenance only.

205.05 No person excepting those having special permission from the City Council, or persons in their service and approved by them, will be permitted, under any circumstances, to tap the mains or distributing pipes, or insert stop cocks or ferules therein. The kind and size of the connection with the mains shall be that specified in the permit or order from said City Council.

205.06 Mains must always be tapped midway between the horizontal and perpendicular lines drawn through the center of the main, and not in any case at or within eighteen inches of the hub.

The City will furnish a machine for tapping of the mains, and for the use of which the applicant will pay for each tap made as determined by the City Council and included with the regular water rate schedule.

205.07 No opening in the street or tapping of the mains will be permitted when the ground is frozen, except by special permission of the City Council.

205.08 All service pipes from the main to curb stop shall comply with applicable plumbing codes and health regulations.

205.09 All service pipes must be at least one-eighth inch larger in diameter than the taps through which they are supplied and must be laid not less than seven feet below the surface of the ground, and in all cases must be so protected as to prevent rupture by freezing.

205.10 All taps in mains shall be at least eighteen inches apart and on opposite sides of the main.

205.11 On streets where mains are laid, service pipes will not be allowed to run across lots; that is from one lot to another, but must be taken from the mains in front of the premises, or some point in the street adjacent to the same, and water will not be supplied to the occupants of separate premises through the same service pipe.

205.12 Every service pipe must be connected at one end by a Corporation cock at the main and at the other end by a curb stop cock properly inspected while under pressure.

Unless otherwise permitted the curb stop cocks shall be placed in the service pipe at or near 5 feet from the back of the curb line, and protected by a box or iron pipe reaching from the stop cock to the surface, and of suitable size to admit a stop key for turning on and off the water. Such protecting box or pipe shall have a brass cover, with the letter "W" thereon, visible, and even with the pavement or planking, and shall be of such size, pattern or make as may be prescribed by the City Council.

205.13 No pipe shall be used in any case, except of the kind and quality described in Section 5.08, Article 4, unless otherwise permitted by the City Council, and all stop cocks and other appurtenances shall be sufficiently strong to bear the pressure and ram of the water in the mains.

205.14 All curb boxes shall be set generally eight feet toward the center of the street from the property line, in the resident district, and in the business portion shall be set close to the edge of the curb and between the curb and the nearest street line; the cap shall be nicely fitted into the boards, and set flush with the top of the sidewalk. No change shall be made in the setting of any curb box in any district unless so approved by the City Council.

205.15 Automatic pressure regulators may be provided in a service pipe entering the buildings, to reduce the excessive pressure on the mains.

None but self-closing water closets or urinals shall be used, and they must be subject to the applicable plumbing codes and health regulations.

All house boilers shall be constructed with one or more air holes near the top of the inlet pipe, and be sufficiently strong to bear the pressure of the atmosphere under a vacuum.

205.16 All lateral or service pipes for public or private purposes and all necessary fixtures connected therewith, shall, before the excavations for the same are filled and the pipes or fixtures aforesaid are covered, be tested by the duly authorized personnel in charge of the waterworks system at said time and must be sufficiently strong to stand hydraulic pressure of at least 150 lb PSI for 2 hours; and must be laid under the supervision and subject to the approval of the City Council and the right is reserved to said City Council to decline to connect with or to permit the water to be turned onto plumbing not done in accordance with the rules, regulations and orders of the City Council pertaining thereto.

Any water meter hereinafter installed in any structure in the City of Glencoe shall register in terms of cubic feet and shall be placed according to the provision of applicable plumbing code and health regulations and said meter shall be placed in a position easily accessible to the employees of the City of Glencoe. All meters shall be horizontally installed, except in cases where any structural configuration does not permit the same, but only after inspection by, and permission is granted from, authorized city personnel.

205.17 The City will tap the mains and insert the Corporation Cocks upon the written request of the licensed plumbing contractor, giving the number of the permit and a description of the work to be done and stating that the main is properly exposed and the trench ready to receive the full length of the service pipe to the curb box.

205.18 No person shall make any excavations in any alley, easement, street or highway within ten feet of any laid water pipe while the ground is frozen; or dig up or uncover so as to expose to the frost any water pipe of the city, except by permission of the City Council of said city, or its duly authorized agent or personnel.

205.19 No person shall make any excavation in any alley, easement, street or highway, for the purpose of laying water pipe, or tap any water of surface pipes laid down, without the written permission from the City Council, or its duly authorized agent, and all plumbing work required in the building or for other purposes, must be completed to the lines of the streets, before any excavation shall be made in the said street for the purpose of connecting with the mains.

206 TRESPASSING UPON WATERWORKS EQUIPMENT

206.01 All persons are hereby forbidden to climb water towers of the waterworks system of the City of Glencoe, or upon the roof of the water treatment plant or wells of said waterworks system, except they shall be authorized to do so by duly authorized personnel of said City of Glencoe, having said waterworks system in charge.

206.02 No person shall place in, near or around any drinking fountain , any dirt, filth or any impurity whatever, or any substance or fluid by which the water in such fountain shall be rendered impure or unpalatable.

206.03 Any persons who shall violate any of the provisions of 206.01 and 206.02 of this code shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than one hundred dollars, with the costs of prosecution, and, in case of default in payment of such fine and costs, shall be imprisoned in the common jail of McLeod County, Minnesota, until such fine and costs are paid, for a period not to exceed ninety days. (See Uniform Minnesota Violation penalties in General Regulations Section and also appropriate state statutes.)

(**SOURCE:** Ordinance No. 381 adopted December 3, 1990. Sections 203.18, 203.19, 203.20, 203.21, and 203.23 amended by Ordinance No. 391 adopted November 18, 1991, Sections 203.01, 203.15, 203.17, 203.19, 203.20, 203.21 and 203.24 amended by Ordinance No. 436 adopted May 19, 1997 and amended by Ordinance No. 456 adopted July 19, 1999, Section 203.19 amended by Ordinance No. 460 adopted January 27, 2000. Sections 203.16 and 203.17 amended by Ordinance No. 465 adopted September 18, 2000. Section 203.15 amended by Ordinance No. 467 adopted November 6, 2000; Section 203.06 amended by

Ordinance No. 484 adopted September 3, 2002; Section 203A, Ordinance No. 537 adopted August 20, 2007) Section 203 B, Ordinance No. 602 adopted April 16, 2018.

210 WASTEWATER TREATMENT AND SANITARY SEWER LINES

211 DEFINITION OF TERMS. The meaning of terms used in this Ordinance shall be as follows:

211.01 "Approving Authority" shall mean the City Council of the City of Glencoe or its duly authorized board, agent or representative.

211.02 "BOD" shall mean the quantity of oxygen expressed in parts per million by weight, utilized in the bio-chemical oxidation of organic matter under standard laboratory conditions in five days at a temperature of 20 degrees Centigrade. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods".

211.03 "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three feet outside the inner face of the building wall.

211.04 "Building Sewer" shall mean the extension from the building drain to the sewer or other place of disposal.

211.05 "Capital Cost" shall mean the total cost incurred in the construction of sewerage works, consisting of but not limited to the sums spent for the following purposes:

a. Actual sums paid for construction of wastewater treatment facilities.

b. Actual engineering fees paid for preliminary engineering studies, plans and specifications, supervisions during construction, construction staking, operation and maintenance manuals, and initial operator training.

c. Actual sums paid for soils investigations, wastewater sampling, and materials testing required for such construction.

d. Actual fees and wages paid for legal, administrative, and fiscal services required by construction of wastewater treatment facilities.

e. Actual interest paid on the total amount financed by debt obligation for construction of waste water treatment facilities.

211.06 "City" shall mean the City of Glencoe, Minnesota, or any authorized person acting in its behalf.

211.07 "COD" shall mean the oxygen equivalent of that portion of the organic and inorganic matter in a sample of wastewater, expressed in parts per million by weight, that can be oxidized by a strong chemical oxidizing agent. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods".

211.08 "Collection System" shall mean the system of sewers and appurtenances for the collection, transportation and pumping of domestic wastewater and industrial wastes.

211.09 “Director” The director of public works or the director’s designee.

211.10 "Domestic Wastewater" shall mean water-borne wastes normally discharged into the sanitary convenience of dwellings (including apartment houses and hotels), office buildings, factories and institutions, free of storm and surface water, and industrial wastes.

211.11 "Garbage" shall mean solid wastes and residue from the preparation, cooking and dispensing of food; and from the handling, storage and sale of food products and produce.

211.12 "Industrial Service Charge" shall mean the charge made to users of the public sewer system whose wastes exceed in strength the concentration values established as normal domestic wastewater.

211.13 "Industrial Waste" shall mean water-borne solids, liquids, (including unpolluted water) or gaseous wastes resulting from and discharged, permitted to flow or escaping from any industrial, manufacturing or food processing operation or process or from the development of any natural resource, or any mixture of these with water or domestic wastewater as distinct from normal domestic wastewater.

211.14 "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

211.15 "Normal Domestic Wastewater" shall mean normal wastewater for the City of Glencoe in which the average concentration of suspended materials and 5-day BOD is established at not greater than 220 parts per million each, by weight. The COD of normal domestic wastewater shall not exceed 450 parts per million.

211.16 "Operation and Maintenance Cost" shall mean annual expenditures made by the City in the operation and maintenance of its sewerage works, consisting of but not limited to the sums spent for each and all of the following purposes for the twelve-month period of record prior to computing the industrial service charge:

a. Wages and salaries of all operating, maintenance, administrative, and supervisory personnel, together with all premiums paid on such wages and salaries (State of

Minnesota Workman's Compensation coverage, for example.)

b. Actual sums paid for electricity for light and power used for wastewater collection and treatment facilities.

c. Actual sums paid for chemicals, fuel and other operating supplies.

d. Actual sums paid for repairs to and maintenance of wastewater collection and treatment facilities and the equipment associated therewith.

e. Actual sums paid as premiums for hazard insurance carried on sewerage works.

f. Actual sums imposed by law for the injury to persons and/or property (including death) of any person or persons resulting from the use and maintenance of said sewerage works.

g. Actual sums paid for replacement of equipment within the useful life of the wastewater treatment facilities, for example the cost to replace an electric motor or pump that fails, or a broken part in a pump.

h. Actual sums set aside in a sinking fund established to provide a future capital amount for replacement of sewerage works equipment.

211.17 "Parts per Million" shall mean a weight-to-weight ratio; the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water. Parts per million and milligrams per liter (mg/l) shall be synonymous terms.

211.18 "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, association, governmental unit or group.

211.19 "pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the procedures outlined in "Standard Methods".

211.20 "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

211.21 "Public Sewer" shall mean a sewer in which all owners of abutting properties shall have equal rights and interest controlled by public authority.

211.22 "Sanitary Sewer" shall mean a sewer that conveys wastewater or industrial wastes or a combination of both, and into which storm, surface and ground waters or unpolluted industrial wastes are not intentionally passed.

211.23 "Sewer" shall mean a pipe or conduit to carry wastewater.

211.24 "Sewerage Works" shall mean all facilities for collecting, pumping, treating and disposing of wastewater and industrial wastes.

211.25 "Standard Methods" shall mean the examination and analytical procedures set forth in the latest Edition at the time of the analysis of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved and published jointly by the American Public Health Association, the Water Pollution Control Federation, and the American Water Works Association.

211.26 "Storm Sewer or Storm Drain" shall mean a sewer which carries storm and surface water and drainage but excludes wastewater and polluted industrial wastes.

211.27 "Storm Water Runoff" shall mean that portion of the rainfall that is drained into the storm sewers or storm drains.

211.28 "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids and which are removable by a laboratory filtration device. Quantative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods". TSS is established at not greater than 240 parts per million by weight.

211.29 "Unpolluted Water or Waste" shall mean water or waste containing none of the following: Emulsified grease or oil; acids or alkalis; phenols or other substance imparting taste and odor in receiving water; toxic or poisonous substances in suspension, colloidal state or solution; and noxious or otherwise obnoxious odorous gases. It shall contain not more than five parts per million each of suspended solids and BOD. The color shall not exceed fifty units under procedures set forth in "Standard Methods".

211.30 "Wastewater" shall mean a combination of the water-borne waste from residences, business buildings, institutions and industrial establishments, together with such ground, surface, and storm water as may be present.

211.31 "Wastewater Treatment Facilities" shall mean any City owned facilities, devices, and structures used for receiving and treating wastewater from the City sanitary sewer system.

211.32 "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

211.33 “Flow” shall mean the volume rate of discharge of effluent for any designated period of time measured by gallons.

211.34 “Total Phosphorus” Shall mean a nutrient for plant growth. Measured in mg/l and

determined by mass load (mass load = flow (mgd) times concentration (mg/l) times 8.34 (#/gallon). Measured in pounds/day or lbs/day.

211.35 "Fats, Oil & Grease (FOG)" Shall mean fats, oil and grease discharged to the POTW with a limit greater than 100 milligrams/liter (mg/l) or parts per million (ppm).

211.36"Biosolids" shall mean sewage sludge that is accepted and beneficial for recycling on land as a soil condition and nutrient source.

211.37 "Ammonium Nitrogen" shall mean the production of dissolved oxygen demand which is toxic to aquatic life. Parameters based on seasonal conditions set forth in NPDES permit.

212 ADMISSION OF INDUSTRIAL WASTES INTO THE PUBLIC SEWERS

212.01 Approval Required - Review and acceptance of the Approving Authority shall be obtained prior to the discharge into the public sewers of any wastes and waters having one or more of the following characteristics:

a. A 5-day, 20 degrees Centigrade, biochemical-oxygen-demand (BOD) greater than 220 ppm, and/or a chemical-oxygen-demand (COD) greater than 450 ppm.

b. A suspended solids concentration greater than 240 ppm.

c. A volume greater than 10,000 gallons per day.

A special agreement or contract for service may be executed when such an agreement is deemed appropriate by either the City or industry requesting service. Such agreements shall be in accordance with all sewer use ordinances and rate structures.

212.02 Pretreatment - Where required, in the opinion of the Approving Authority, to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment facilities, the person shall provide, at his expense, such preliminary treatment or processing facilities as may be determined necessary to render his wastes acceptable for admission to the public sewers.

Where discharge of such wastes to the sanitary sewer are not properly pre-treated or otherwise modified, the Approving Authority may (a) reject the wastes or terminate the service of water and/or sanitary sewer, (b) require control of the quantities and rates of discharge or such wastes, or (c) require the payment of a penalty to cover the excessive cost of treatment. The amount of penalty shall be computed as twice the actual incremental costs (above normal cost for labor, power, chemicals, equipment rental, mileage, etc.) experienced by the City as a result of handling the improperly pretreated wastewater. See Article VII for method of computing normal industrial waste charges.

212.03 Grease, Oil and Sand Interceptors - Grease, oil and sand interceptors shall be provided for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwellings. All interceptors shall be of a type and capacity approved by the Approving Authority and shall be located as to be readily and easily accessible for easy cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gas tight and watertight. All grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

212.04 Submission of Information - Plans, specifications and any other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted for approval by the Approving Authority prior to the start of their construction, if the effluent from such facilities is to be discharged into the public sewers.

213 PROHIBITED DISCHARGES No person shall discharge or cause to be discharged any storm water, ground water, or flow from roof run-off, sub-surface drainage, down spouts, yard drains, yard fountains, drains, swimming pools, ponds or lawn sprays into any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or discharged to a natural outlet approved by the Approving Authority.

In cases where, and in the opinion of the Approving Authority, the character of the wastewater from any manufacturer or industrial plant building or other premises is such that it will damage the system or cannot be treated satisfactorily in the system, the Approving Authority shall have the right to require such user to dispose of such waste otherwise and prevent it from entering the City system.

No person shall deposit or discharge any pollutant which would cause the City to violate its NPDES permit, or any pollutant in concentration exceeding state or federal limitations, whichever are more stringent.

213.01 Any liquid having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade). (Exceptions may be granted for short duration flows where it had been shown that the high temperature wastewater would not cause any significant sewerage works problems.)

213.02 Any water or wastes which contain wax, grease or oil, plastic or other substance that will solidify or become discernible viscous at temperatures between 32 degrees to 150 degrees Fahrenheit.

213.03 Any solids, liquids or gases which by themselves or by interaction with other substances may

cause fire or explosion hazards, or in any other way may be injurious to persons, property, or the operator of the wastewater treatment facilities.

213.04 Any solids, slurries or viscous substances of such character as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater treatment facilities, such as ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshlings, entrails, lime slurry, lime residues, chemical residues, or bulk solids.

213.05 Any garbage that has not been properly comminuted or shredded. If properly communicated or shredded, then it may be accepted under provisions established in Sections 212.01 - 212.04.

213.06 Any noxious or malodorous substance, which either singly or by interaction with other substances is capable of causing objectionable odors, or hazard to life; or forms solids in concentrations exceeding limits or creates any other condition deleterious to structures or treatment processes; or requires unusual provisions, alteration, or expense to handle such materials.

213.07 Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having any corrosive property capable of causing damage or hazards to structures, equipment or personnel (exceptions may be granted for short duration flows where it has been shown that the high or low pH would not cause any significant sewerage works problems). A variance may be granted by approval from the Minnesota Pollution Control Agency (MPCA).

213.08 Any wastes or waters containing suspended or dissolved solids of such character and quantity that unusual attention or expense is required to handle such materials in the wastewater collection and treatment facilities.

213.09 Any waters or wastes containing a toxic or poisonous substance such as plating or heat treating wastes in sufficient quantity either singularly or following interaction with any other substance, to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals, or to create any hazard in the receiving waters of the wastewater treatment facilities.

213.10 Any cyanide greater than 1.0 part per million.

213.11 Any hexavalent chromium greater than 1.0 part per million.

213.12 Any trivalent chromium greater than 10 parts per million.

213.13 Any copper greater than 1.0 part per million.

213.14 Any nickel greater than 1.0 part per million.

213.15 Any cadmium greater than 1.0 part per million.

213.16 Any zinc greater than 1.0 part per million.

213.17 Any phenols greater than 12 parts per million.

213.18 [This section reserved for future use.]

213.19 Any tin greater than 1.0 part per million.

213.20Any arsenic greater than 0.1 parts per million.

213.21Any Mercury greater than 0.1 parts per million.

213.22 Any Silver greater than 5.0 parts per million.

213.23 Any Manganese greater than 10.0 parts par million.

213.24 Any biosolids metals:

Arsenic 38 mg/kg
Cadmium 43 mg/kg
Copper 2150 mg/kg
Lead 420 mg/kg
Mercury 28 mg/kg
Molybdenum 38 mg/kg
Nickel 210 mg/kg
Selenium 50 mg/kg
Zinc 3750 mg/kg

213.25 Any radioactive wastes greater than allowable releases as specified by current United States Bureau of Standards Handbook dealing with the handling and release of radioactive materials.

Except in quantities, or concentrations, or with provisions as stipulated herein, it shall be unlawful for any person, corporation or individual, to discharge waters or wastes to the sanitary sewer containing:

a. Free or emulsified oil and grease exceeding on analysis an average of 100 parts per million (834 pounds per million gallons) of either or both, or combinations of free or emulsified oil and grease, if, in the opinion of the Approving Authority it appears probable that such wastes:

1) Can deposit grease or oil in the sewer lines in such manner to clog the sewers;

2) Are not amenable to bacterial action and will therefore pass to the receiving

waters without being affected by normal wastewater treatment process;

3) Can have deleterious effects on the treatment process.

b. Materials which exert or cause:

1) Unusual concentrations of solids or composition; as for example, in total suspended solids of inert nature (such as Fuller's Earth) and/or total dissolved solids (such as sodium chloride, or sodium sulfate);

2) Excessive discoloration;

3) Unusual biochemical oxygen demand or an unusual immediate oxygen demand;

4) High Hydrogen sulfide content;

213.26 Discharge into the system of residue amounts of anti-freeze or coolant that may be contained in waters used to flush a heating or cooling system after all significant anti-freeze or coolant has been drained and captured shall not be considered in violation of Subchapter 213 of this code.

214 CONTROL OF ADMISSIBLE WASTES Any person desiring to deposit or discharge any industrial waste mixture into the sewers of the City or any sewer connected therewith, shall make written application to the Approving Authority.

214.01 Control Chambers Any person discharging or desiring to discharge any industrial waste mixture into the sewerage works of the City, or any sewer connected therewith, shall provide and maintain in a suitable, accessible position on his premises, or such premises occupied by him, an inspection chamber or manhole near the outlet of each sewer, drain, pipe, channel or connection which communicates with any sewer or sewerage works of the City or any sewer connected therewith. Each such manhole or inspection chamber shall be of such design and construction as to prevent infiltration by ground and/or surface waters and to prevent the entrance of objectionable slugs of solids (greater than 1/2 inch in size) into the sanitary wastewater system. The inspection chamber shall be maintained by persons discharging wastes so that any authorized representative or employee of the City may readily and safely measure the rate of flow and obtain samples of the flow at all times. Plans for the construction of control manholes or inspection chambers, including such flow measuring devices as may be required, shall be approved by the Approving Authority prior to the beginning of the construction. Such construction and equipment (including a valve on the effluent line) shall be installed by the person at his expense.

214.02 Measurement of Flow The water consumption during the previous year, as determined from the meter records of the Water Department shall be the valid basis for computing the

wastewater flow, unless actual wastewater flow measurement by a recording meter of an approved type is required by either the Approving Authority or industry. The owner shall install and maintain such device in proper condition to accurately measure such flow. Upon failure to do so, the water consumption shall be the basis for determining the applicability of this ordinance and computing the industrial service charge. When water is obtained from a privately owned source, a water meter and/or wastewater meter satisfactory to the Approving Authority shall be installed and maintained at the person's expense.

When water is contained in a product or is evaporated or is discharged in an uncontaminated condition to surface drainage, an application may be made for a reduction in the volume of waste discharged to the public sewer, provided supporting data satisfactory to the Approving Authority is furnished. This data shall include a flow diagram, destination of water supply and/or waste, supported by sub-metering data obtained on the process piping at the expense of the private owner.

214.03 Sampling of Wastes Sampling of the effluent of waste discharges may be accomplished manually or by the use of mechanical equipment to obtain a twenty-four (24) hour composite sample which would be representative of the total effluent. Samples shall be taken at such intervals as determined by the Approving Authority as necessary to maintain a control over the discharges from the establishment. The methods used in the examination of all wastewater to determine suspended solids, CBOD and concentrations of prohibited wastes shall be as set forth in "Standard Methods". All costs for sampling and testing of industrial discharges, as ordered by the Approving Authority, shall be paid by the person making such discharges. All tests shall be conducted by qualified personnel and in accordance with "Standard Methods". Test results shall be reported within a reasonable time.

215 POWERS AND AUTHORITY OF ENFORCING AGENTS The Approving Authority shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing, in accordance with provisions of these regulations. Any person found to be violating any provision of this ordinance shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Any person who shall continue any violation beyond the time limit shall be summarily disconnected from the sanitary sewer and/or water service. Such disconnection and reconnection shall be at the total expense of the customer.

Where the acids and chemicals damaging to sewer lines or treatment processes are released to the sewer causing rapid deterioration of these structures or interfering with proper treatment of wastewater, the Approving Authority is authorized to immediately terminate services by such measures as are necessary to protect the facilities.

Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine of not more than $300.00. Each day of each such violation shall be deemed a separate offense. Any person violating any of the provisions of this ordinance shall become liable to the City for any

expense, loss or damage occasioned by reason of such violation. (See Uniform Misdemeanor Penalties for Ordinance Violation Provisions in General Regulation Section of Code.)

216 PROTECTION FROM DAMAGE No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the municipal sewerage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

217 DOMESTIC AND INDUSTRIAL WASTE CHARGES Persons or owners discharging industrial waste which exhibit none of the characteristics of wastes prohibited in Sections 211.01 through 213.26 shall be charged on the basis of the following components:

217.01 Industrial Wastewater Treatment Service Charge An industrial wastewater treatment charge shall be made for all industrial waste discharged into the system. Charges shall be uniform to all industrial users and shall consider the flow, C.B.O.D5, NH3, FOG, and T.S.S. discharges as well as any other substance, whether or not described in this code chapter, which requires treatment beyond requirements for residential wastewater. The City Council is empowered to establish and amend such charges from time to time by resolution in relation to the circumstances that then exist, and consideration of the competitive charges charged by other municipalities under similar circumstances for similar industries. Such charges may be made according to such agreements as the City may negotiate from time to time with a particular industry given its particular circumstance and discharges.

217.02 Domestic Wastewater Treatment Charge:

a. A treatment charge for domestic wastewater established and amended from time to time according City Council resolution.

b. A sewer monthly service charge shall be established and amended from time to time by City Council resolution."

For purposes of this section and establishing of charges, the term "Unit" is defined as any structure or part of a structure served by a water meter including but not limited to industrial structures, commercial structures, residential structures (single family, duplex, multiple family, mobile home) in addition a "unit" may be more than one unit based upon the following criteria:

c. Any structure served by a water meter which is served by more than one electrical meter shall be deemed as many units as there are electrical meters, and

d. Any structure such as hotels, motels, boarding houses, nursing homes, hospitals, medical clinics, jails, schools, government buildings, churches and similar facilities shall be

considered the number of "units" according to a definition and classification promulgated by the Metropolitan Council from time to time as contained in The Service Availability Charge Manual, which definition and regulations are incorporated herein by reference.

217.03 Participation in Future Construction Costs The annual rate of capital cost amortization for all improvements necessary to increase the degree of treatment of the wastewater at the City wastewater treatment facilities, where such improvements are required to meet standards of effluent quality and purity established by the Minnesota Pollution Control Agency, will be apportioned in accordance with the principals of Section 217.01 and extend for a period not to exceed the amortization period of such improvements.

217.04 Financial Surveillance The City Administrator shall annually review the cash flows associated with providing wastewater treatment service for the City, and shall report his findings to the City Council at the first regular meeting of each year. Any inequities and/or shortages or revenue caused by unforeseen changes in the cost - revenue pattern of the wastewater treatment facilities shall be remedied immediately by a City Council approved adjustment of the above mentioned unit cost figures.

217.05 Private Wells/Sanitary System Any private well servicing any premises, excluding wells that service only outside sill cocks which are not discharged in any way to the sanitary sewer, upon premises which is connected to the sanitary system, shall have a water meter installed upon said piping for the purpose of metering all water drawn from said well to said premises, for the purpose of calculating the appropriate sewer charge. Such meter shall be read with all other water meters within the City of Glencoe and a sewer charge shall be made based upon said reading.

218 BILLING AND PENALTIES

218.01 Billing Practices Wastewater service charges provided for in this ordinance shall be included as a separate item on the regular monthly utility bill. Charges shall be paid at the same time as the entire utility bill is due.

218.02 Penalty for Failure to Pay Bills Failure to pay monthly bills for the established sewer service charge when due or repeated discharge of prohibited waste to the sanitary sewers shall be sufficient cause to disconnect any and all services to the water and/or sanitary sewer mains of the City of Glencoe and the same penalties and charges now or hereafter provided for by the ordinance of the City of Glencoe for failure to pay the utility bill for services when due shall be applicable in like manner in case of failure to pay the established charge for industrial waste discharge to the sanitary sewer mains as established in Section 217.01 - 217.06.

219 MAINTENANCE AND REPAIR OF SANITARY SEWER LINES

219.01 That any and all repairs, maintenance, replacement or construction of sanitary sewer lines or

pipes upon any private or city property within the City of Glencoe shall be done so under the direct supervision of the City of Glencoe or its designated agents.

219.02 That except for proceedings undertaken for special assessments within the meaning to Minnesota Statutes Chapter 429 as amended, all repair, alteration and maintenance of any trunk sanitary sewer lines located within the City of Glencoe shall be undertaken by the City of Glencoe at its own cost and expense. Trunk sanitary sewer line shall be defined as any main sanitary sewer line downstream from a manhole directly on that line.

219.03 That all lateral service pipes serving individual owners shall be maintained, replaced, repaired or altered at the expense of the private property owner if the lateral service pipe is noncompliant as determined by the Public Works Director. Said private property owner's responsibility shall commence and include at the junction of the private service line with the trunk line and continue to the private residence, commercial structure, or other facility being served by said sanitary sewer service. Lateral service pipes shall be defined as any line connecting to a trunk line and intended to serve an individual.

That all lateral service pipes serving individual owners shall be maintained, replaced, repaired or altered at the expense of the private property owner. Said private property owner's responsibility shall commence and include at the junction of the private service line with the trunk line and continue to and include the private residence, commercial structure, or other facility being served by said sanitary sewer service. Lateral service pipes shall be defined as any line connecting to a trunk line and intended to serve individual property or properties.

219.04 That any cost whatsoever incurred by the City of Glencoe to repair, replace, maintain or alter a sanitary sewer line in the City of Glencoe, which cost is properly that of a property owner, as opposed to the City of Glencoe according to the terms of this ordinance, shall be paid within thirty (30) days by said private owner to the City of Glencoe upon presentment of a statement therefore. It shall be the duty of the City Administrator to inform the City Council of the City of Glencoe on October 1st of each year of any sums not so paid after due presentment to the private property owner. Thereupon it shall be the obligation of the City Council of the City of Glencoe to certify said unpaid sums over to the County Auditor to be collected in the mode and manner provided by statute for the collection of special assessments.

219.05 That within the meaning of this ordinance, repair, replacement, maintenance, alteration or any other thing to do with services performed with regard to sanitary sewer lines also shall include all excavation, refill, repatching and repaving, graveling and all materials, labor and construction in regard to any such work, construction and labor.

220 REQUIRED CONNECTION TO SANITARY SEWER SYSTEM

220.01 The owner or occupant of any property abutting upon any street in the City of Glencoe,

whereon the city sanitary sewer system is located, is hereby forbidden, except for a temporary purpose and by express written permission of the Health Officer of said city, to construct or erect upon such property any vault, privy or cesspool; and each of such vaults, privies and cesspools now upon or which may hereafter be erected upon said property is hereby declared to be a public nuisance; and the health officer of said city except where in the opinion of the Board of Health of said city any such privy, cesspool or vault may be allowed to remain for a longer time and then only as said board of health may approve, shall in writing notify the owner or occupant of the property whereon any such privy, cesspool or vault may be located, to remove the same there from at his own expense within such time as shall have been specified in said notice but not exceeding 60 days from the date hereof. Such notice shall be served personally upon the owner, the agent of the owner in charge of said premises or the occupant of said premises by the Chief of Police or some other police officer of said city by delivering a copy of such notice to said owner, agent of such owner in charge of said premises or to the occupant of said premises and shall set forth a description of the nuisance to be removed and that unless the same is removed within the time set forth in said notice, the said health officer will abate or remove it or cause it to be abated or removed at the expense of the owner of said property.

220.02 In case said nuisance shall not have been removed within the time fixed in and by said notice, the health officer of said City shall, unless he shall for good cause shown, have extended the time for such removal, proceed to remove or cause said nuisance to be removed or abated and report the costs thereof to the city administrator and the costs of such removal or abatement shall be assessed and charged against the premises upon which the nuisance was located and the city administrator shall at the time of certifying the city taxes to the County Auditor certify the aforesaid costs and the County Auditor shall extend the same on the tax roll of the County against said lot or parcel of ground and they shall be collected by the County Treasurer and paid to the City as other taxes are collected and paid.

220.03 Any person who shall violate any provision of this ordinance or fail to comply therewith or with any order or regulation made there under or who shall construct any vault, privy or cesspool in violation of this ordinance shall upon conviction of such offense by punished by a fine of not less than $1.00 nor more than $100.00 and the cost of prosecution and in case of default in the payment of said fine and costs, shall be imprisoned in the common jail of McLeod County, Minnesota, until such fine and costs are paid, for a period of not to exceed 90 days. The application of the above penalty shall not be held to prevent the removal and abatement of the nuisance above prohibited in sections two and three of this ordinance nor of the application of any proper, legal or equitable remedy for the enforcement of the provisions hereof. (See Uniform Ordinance Violation Provisions in General Regulations Section of Code.)

221 CONNECTION OF ROOF AND SURFACE WATER DRAINAGES TO SANITARY SEWER SYSTEM

221.01 "It is unlawful for any person to make or maintain a connection between any conductor used to carry clear water drainage and the municipal sanitary sewer system. Dwellings and other buildings and structures which require a sump pump system to discharge excess water because of inflow or infiltration of water into basements, crawl spaces and the like shall not at any time discharge water into the municipal sanitary sewer collection system. A permanent installation shall be one which provides for year-round discharge capability to either the outside of the dwelling, building or structure, is connected to the City's storm sewer or discharges to a point that does not cause ponding or any other hazard. It shall consist of a rigid discharge line, without any connections for altering the path of discharge within the dwelling, building or structure, and if connected to the City's storm sewer line shall include a check valve."

221.02 a) All sump pumps shall have a discharge pipe installed to the outside wall of the building with one (1) inch minimum diameter. The pipe attachment must be a permanent fitting such as a PVC pipe with glued fittings. The discharge shall extend at least three (3) feet outside of the foundation wall. All new residential construction having a sump pump basket shall have the sump pump installed in the sump pump basket with permanent fittings and shall discharge to the outside of the foundation wall as described below. Such work shall be completed prior to the final building inspection and issuance of a Certificate of Occupancy.

b) The drainage outlet of all foundation drain tile system or sump pumps shall discharge either into an abutting public sump pump tile line, if any, or onto any non-impervious surface located upon the property no closer than ten (10) feet from any Boulevard, Sidewalk, Alley or neighboring property, unless otherwise authorized by the City in writing. Any such authorization is contingent upon that property's continuing compliance with the applicable City codes and administrative conditions. No discharge from a property's foundation drain tile system or sump pump shall create, cause or contribute to any conditions that are hazardous, injurious or otherwise a nuisance to the safety or infrastructure of the public or neighboring parcel(s). A Certificate of Occupancy may not be issued until the foundation drain tile system has been constructed and connected to the public sump pump tile system, the City storm sewer system if no such public sump pump tile system exists, or the owner demonstrates any discharge will otherwise comply with applicable city ordinances.

221.03 Every person owning improved real estate in the City shall allow an employee of the City or their designated representative to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the municipal sanitary sewer system or otherwise in violation of the City code. Any property found to violate any requirements of this Section 221 or any person who refuses to allow their property to be inspected within 14 days of the date the City employee(s) or their designated representative make such a request shall become immediately subject to the surcharge hereinafter provided for in Section 221.04 and that surcharge may continue until proof of compliance is provided to the City.

Section 2: Effective Date and Repeal. City code sections 221.02 and 221.03 shall be worded as contained herein in Section 1 effective upon the date herein.

221.04 " Every person owning improved real estate in the City which has been found not to be in compliance with this section shall enter into an Inflow and Infiltration Remediation Agreement within thirty (30) days from the date of the Director's notification. Failure to enter into the Inflow and Infiltration Remediation Agreement shall cause a surcharge of $50.00 per month to be imposed by the City and added to every sewer billing to each property not in compliance with this section. The surcharge shall be added every month until the property owner signs the Inflow and Infiltration and Infiltration Remediation Agreement. Failure to comply with the Inflow and Infiltration Agreement shall cause a surcharge of $50.00 per month to be imposed by the City and added to every sewer billing until the Inflow and Infiltration Agreement has been satisfied per the Director. The imposition of the surcharge shall not limit the City's authority to prosecute the criminal violations, seek an injunction in district court ordering the person to disconnect the nonconforming connection to the municipal sanitary sewer system or for the City to correct the violation and certify the costs of disconnect as an assessment against the property on which the disconnection is made." Said violation of this Section shall constitute a misdemeanor offense with the maximum punishment of 90 days in jail and /or $1000.00 fine.

The City agrees to share (50/50) the cost of reimbursement with the Owner up to the maximum of $1,000.00 per property toward the cost of complying with the Municipal Code. The property owner or contractor shall provide the Director with a certified invoice of the actual cost incurred. The Director shall submit these costs to the City Council for authorization of payment of the reimbursement on a monthly basis. The payment shall not exceed the costs incurred or $1,000.00, whichever is the least. Check shall be issued to the property owner and contractors.

221.05 "At any future time if the City has reason to suspect that an illegal connection may exist in a premises, the property owner shall receive written notice to comply with the provisions of this section. Should a property certified in compliance with this section later be found to have reconnected to the municipal sanitary sewer system, the property owner shall receive written notice to comply with the provisions of this section. Should a property certified in compliance with this section later be found to have reconnected to the municipal sanitary sewer system, the property owner shall be subject to the surcharge for all months between the last two inspections."

221.06 Violations of these codes shall constitute a petty misdemeanor.

221.07 Property owners whose clear water drainage creates a hazard shall apply for a permit from the director. This permit will allow for clear water drainage to discharge into the municipal sanitary sewer collection system from November 1st through April 1st. The charge for this permit will be set from time to time by the approving authority and said fee shall be added to the property owner's November 1st utility billing. If the property owner disputes the fee because the owner has connected the sump pump to a field tile line, sump pump tile line, storm sewer pipe, or catch basin, then the property owner has the right to contest the fee with the Public Works Director. If the property owner disputes the decision of the Director, the property owner has the right to appeal the decision of the Director to a subcommittee of the

Glencoe City Council which shall include the Mayor and two city council members. The appeal to the City Council subcommittee shall be filed with the City Administrator within 14 days of the director's ruling.

221.08 "Any property owner who claims hardship in meeting the requirements of Section 213 through Section 221 of the Municipal Code shall request a waiver from the Director. The Director shall provide on a monthly basis a list of the hardship cases that the Director approved to the City. If the waiver is granted, the City shall certify the costs to the County Auditor to be collected in mode and manner provided by statute for the collection of a special assessments appeal. If the property owner disputes the decision of the Director, the property owner has the right to appeal the decision of the Director to a sub-committee of the Glencoe City Council, which shall include the Mayor and two City Council Members. The appeal to the City Council sub-committee shall be filed with the City Administrator within fourteen (14) days of the Director's ruling. If the property owner disputes the findings of the City Council sub-committee, the property owner may appeal as provided by state law."

224 UTILITY AVAILABILITY CHARGES. The following utility availability charges shall be paid to the City of Glencoe and in the case of the electrical charges to the City of Glencoe Light and Power Commission, by the owner of any premises prior to the connection of the applicable utility lines serving of the premises.

224.01 A sewer availability charge (SAC) of $4,200.00 per unit shall be collected with a building permit for any premises. The SAC so collected shall be placed in a dedicated fund for wastewater treatment plant improvements. Not withstanding the foregoing the charge shall be implemented in phases as follows: a $2,200.00 charge imposed on the effective date of this ordinance, an additional $1,000.00 imposed one year from the effective date of this ordinance and an additional $1,000.00 imposed three years from the effective date of this ordinance totaling $4,200.00.

224.02 A trunk sewer connection charge of $2,300.00 per acre calculated to the nearest 1/10 of an acre shall be collected as a condition of the annexation of any lands to the City of Glencoe. Such funds collected shall be placed in a dedicated fund for sewer trunk line improvements.

224.03 A water availability charge (WAC) of $3,000.00 per residential unit shall be collected with a building permit for any premises. The WAC so collected shall be placed in a dedicated fund for water treatment plant and/or water tower improvements. Not withstanding the foregoing the charge shall be implemented in phases as follows: a $2,000.00 charge imposed on the effective date of this ordinance, an additional $500.00 imposed one year from the effective date of this ordinance, an additional $500.00 imposed three years from the effective date of this ordinance totaling $3,000.00.

224.04 A trunk water connection charge of $1,500.00 per acre calculated to the nearest 1/10 of an acre shall be collected as a condition of the annexation of any lands to the City of Glencoe. Such funds collected shall be placed in a dedicated fund for water trunk line improvements.

224.05 A trunk electrical connection charge of $750.00 per acre shall be collected at the time of the approval of a final plat for new additions, and an electrical energy availability charge of $1,000.00 per unit shall be collected with each building permit fee and forwarded to the Light and Power Commission as reimbursement for electric services necessary to accommodate new development. Not withstanding the foregoing the charge shall be implemented in phases as follows: a $500.00 charge imposed on the effective date of this ordinance, an additional $250.00 imposed one year from the effective date of this ordinance and an additional $250.00 imposed two years after the effective date of this ordinance totaling $1,000.00.

224.06 The City Council may adjust the above utility availability charges by resolution from time to time provided the resolution shall not be adopted until at least the first meeting after the meeting at which the resolution was introduced

224.07 For the purpose of this Code, a "unit" shall be interpreted as follows: single family residences, each unit of a duplex, each unit of a townhome comprised as one unit, multiple family structures over two units, every two apartments shall equal one unit, commercial, industrial and institutional structures shall be calculated according to the unit formula as set forth in the most recent Minnesota Metropolitan Council Service Availability Charge Manual from time to time as adjusted. In the case of commercial, industrial or institutional structures, the City Council shall have the power to waive any or all of the foregoing availability charges as a part of a business subsidy and according to a development agreement with each particular developer for which the City finds there to be a benefit to the City by such a waiver.

For the purposes of the electrical availability charge, each "unit" shall be defined as each electrical meter installed at a location.

(See Uniform Ordinance Violation Provisions in General Regulations Section of Code.)

(Source: Ordinance No. 250 adopted December 2, 1974; Section 217.01 and 217.02 amended by Ordinance No. 261 adopted January 19, 1976; 291 adopted October 6, 1980 and 320 adopted September 16, 1985; Sections 217.05 and 217.06 added by Ordinance No. 327 adopted September 16, 1985; Section 219.01 through 219.05 added by Ordinance No. 293 adopted December 1, 1980; Sections 220.01 through 220.04 adopted by Ordinance No. 74 dated September 18, 1920; sections 221.01 through 221.03 adopted by Ordinance No. 141 dated July 6, 1953.; Section 218.02 amended by Ordinance No. 391 adopted November 18, 1991; Sections 217.01 and 217.02 amended by Ordinance No. 398 adopted August 3, 1992; Section 221.01 amended by Ordinance No. 402 adopted December 7, 1992; Section 217.02 amended by Ordinance No. 410 adopted August 1, 1994; Section 217.02 amended by Ordinance No. 418 adopted September 18, 1995; Section 217.02 amended by Ordinance No.

428 adopted September 16, 1996; Section 221.01 amended by Ordinance No. 422 adopted February 5, 1996; Section 217.06 amended by Ordinance No. 436 adopted May 19, 1997; Section 221.01 amended by Ordinance No. 439 adopted July 7, 1997; Sections 211.02, 211.14, 212.01, 211.32, 211.27 and 217.01 amended by Ordinance No. 454 adopted October 5, 1998; Section 213 and 213.21 amended by Ordinance No. 469 adopted November 20, 2000. Section 217.02 amended by Resolution No. 2000-29 adopted November 20, 2000; Section 220.05 added by Ordinance No. 484 adopted September 3, 2002; Section 217.02 amended by Ordinance No. 492 adopted May 5, 2003; Section 221.01 thru 221.06 amended by Ordinance No. 493 adopted July 21, 2003), Section 213 amended by Ordinance No. 469 adopted November 20, 2000; Section 220.05 added by Ordinance No. 484 adopted September 3, 2002; Section 217.02 amended by Ordinance No. 492 adopted May 5, 2003; Section 221.01 thru 221.06 amended by Ordinance No. 493 adopted July 21, 2003; Sections210 through 221 amended by Ordinance No. 500 adopted January 20, 2004; Section 224 adopted by Ordinance No. 504 on May 6, 2004; Section 217.06 repealed in its entirety by Ordinance No. 504 on May 6, 2004; Section 217.02 amended by Resolution No. 2004-17 adopted July 6, 2004. Section 217.02 amended by Ordinance No. 510 adopted October 18, 2004); Section 224.07 amended by Ordinance No. 515 adopted June 20, 2005; Section 211.09 amended by Ordinance No. 520 adopted March 6, 2006; Section 221.01 amended by Ordinance No. 520 adopted March 6, 2006; Section 221.03 amended by Ordinance No. 520 adopted March 6, 2006; Section 221.04 amended by Ordinance No. 520 adopted March 6, 2006; Section 221.05 amended by Ordinance No. 520 adopted March 6, 2006; Section 221.07 amended by Ordinance 520 adopted March 6, 2006; Section 221.08 amended by Ordinance No. 520 adopted March 6, 2006;) Section 224.01 amended by Ordinance 523 adopted April 17, 2006; Section 224.03 amended by Ordinance 523 adopted April 17, 2006; Section 221.04 amended by Ordinance No. 548 adopted April 6, 2009; Section 219.03 amended by Ordinance No. 568 adopted January 3, 2011; Section 221.07 amended by Ordinance 569 adopted January 3, 2011; Sections 221.02 and 221.03 amended by Ordinance No. 606 adopted January 21, 2020)

Section 1: Section 225 shall be replaced in its entirety as follows:

225 RESIDENTIAL AND LIGHT COMMERCIAL GARBAGE AND REFUSE AND RESIDENTIAL RECYCLABLE MATERIALS COLLECTION

225.01 Residential and light commercial garbage and refuse accumulation and residential recyclable materials in the City of Glencoe shall be accumulated, conveyed, recycled and disposed of by the City of Glencoe through its own personnel or its legally authorized agent(s), the City Collection Contractor(s) Exception: conveyance of recyclable material by any city resident to a designated drop site shall be allowed. All hazardous waste shall be disposed of as otherwise provided for by law. In no case shall hazardous waste be disposed of in any unlawful manner.

225.02 For the purpose of this ordinance the following terms, phrases, words, and their derivations

shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, the words in the singular number include the plural number. The word "Shall" is always mandatory and not merely directory.

a. "Garbage" is animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
b. "City Collection Contractor" is the person with whom the City shall contract for collection of garbage or refuse in the City and is the person with whom the City shall contract for collection of recyclable material in the City.
c. "Refuse" is all wastes (except body wastes), including rubbish, tin cans, paper, plastic, cardboard, glass jars and bottles, and wood normally resulting from the operation of a household or business establishment, but not including garbage, and not including any items identified as hazardous waste.
d. “Recyclable Materials” are items that are kept clean and sorted from garbage or refuse by the resident or commercial establishment. The current list of recyclable materials shall be determined from time to time by the City Administrator or his designee, in consultation with the City’s recyclables collection contractor(s).
e. "Commercial Establishment" is any premises where a commercial or industrial enterprise of any kind is carried on, and shall include clubs, churches, and establishments of non-profit organizations where the food is prepared or served or goods are sold, with the exception of single family residential units in which a lawful home occupation is conducted as defined in Ordinance No. 256, Section 2.2 [27] (Code Section 505) and light commercial establishments.
f. “Light commercial” is a commercial business where refuse is serviced by a cart.
g. "Single Family Residential Unit" is any household with a single family residing therein, including a single family residential unit in which a lawful home occupation is conducted as defined in Ordinance No. 256, Section 2.2. (Code Section 505).
h. "Multiple Family Residential Unit" is any household wherein more than one family resides.
i. “Drop site” is a specific location designated by the City Administrator at his discretion where recyclable material may be deposited. Temporary drop sites for churches, charitable organizations or nonprofits may be designated at the discretion of the City Administrator as to the specific date / time period.

225.03 This ordinance shall not prohibit the disposal of garbage in dwellings by any device which grinds and deposits the garbage in a sewer. City Personnel, the City Collection Contractor(s) and his employees shall have the right to enter upon private property at all reasonable hours of the day for the purpose of collecting garbage.

225.04 All garbage and refuse accumulated on any premises shall be placed and maintained in containers to be provided by the City Collection Contractor(s)). All containers shall be maintained in a good, neat, clean and sanitary condition at all times. Each garbage container shall remain the property of the City Collection Contractor(s). Each owner, tenant, lessee, or occupant in possession of a container shall be responsible for its safekeeping and sanitation

while in their possession. The City Collection Contractor(s) shall replace worn out containers as needed. Each resident shall have a choice of container size. Charges for each size of a container shall be as established per the contract with the City Collection Contractor(s).

225.05 The standards and guidelines for storage, set-out and collection of garbage, refuse and recyclable material and a drop site for recyclable material may be established from time to time by the City Administrator or his designee.

225.06 Garbage and refuse containers shall be placed for collection at one place at ground level on the property and accessible for the street or alley from which collection is made.

225.07 Recyclable materials shall be collected at least once every two weeks by the City Collection Contractor(s). The City Collection Contractor(s) shall provide a container to the owners of the premises which can be sealed. The current contract is "grandfathered in" to allow open containers.

225.08 Garbage and refuse accumulated at residential properties and light commercial shall be collected at least once each week. The owners of the premises upon which garbage and refuse is accumulated shall use a container which can be so sealed, operated and maintained as to prevent offensive odors escaping therefrom, and refuse from being blown, dropped or spilled from container. The ownership of garbage and refuse material set out for collection and collected by the City Personnel or City Collection Contractor(s) shall be vested in the City.

225.09 The City Council of the City of Glencoe may from time to time by resolution establish charges for the collection of garbage, refuse and recyclable material. At such time as the Council changes by resolution the rates herein established a schedule of the revised rates shall be published in the official newspaper at least 30 days prior to the date such rates shall become effective. The City Administrator shall also give such other and further notices as the City Council deems appropriate.

225.10 Any violation of this ordinance including failure to comply with weekly collection of garbage and refuse shall constitute a petty misdemeanor offense and/or subject any violator to an administrative citation with a maximum penalty of a $50.00 fine per occurrence.

Section 2: This Ordinance shall take effect and be in force from and after its passage and publication.

(**Source:** Ordinance No. 223 adopted April 6, 1970; Sections 225.2(d)(e) Section 225.04, Section 225.07 amended by Ordinance 315 adopted August 20, 1984 and Resolution 1989-19 adopted February 6, 1989. Sections 225.01 and 225.02 amended by Ordinance No. 388 dated September 16, 1991; Section 225.07 amended by Ordinance No. 391 adopted November 18, 1991; Section 225.04 amended by Ordinance No. 453 adopted October 5, 1998. Section 225.07 repealed by Ordinance No. 465 adopted September 18, 2000. Ord. 542 adding Section 225.07 and 225.08 adopted May 19, 2008. Section 225 amended by Ordinance No. 580

adopted February 19, 2013.)

230 MINNEGASCO FRANCHISE

230.01 DEFINITIONS. For purposes of this ordinance, the following capitalized terms shall have the following meanings:

1.1_ City. The City of Glencoe, County of McLeod, State of Minnesota.

1.2 City Utility System. Facilities used for providing non-energy related public utility service owned or operated by the City or agency thereof, including sewer and water service, but excluding facilities for providing heating or other forms of energy.

1.3 Commission. The Minnesota Public Utilities Commission, or any successor agency or agencies, including an agency of the federal government that preempts all or part of the authority to regulate gas retail rates now vested in the Commission.

1.4 Company. Reliant Energy Minnegasco, a Division of Reliant Energy Resources Corporation, its successors and assigns, including successors to assignees of those portions of the Company that constitute any part of parts of the Gas Facilities subject to this franchise.

1.5 Effective Date. The date on which the ordinance becomes effective under Section 2.2.

1.6 Gas. Natural gas, manufactured gas, mixture of natural gas and manufactured gas or other forms of gas energy.

1.7 Gas Facilities. Gas transmission and distribution pipes, mains, lines, ducts, fixtures, and all necessary facilities, equipment and appurtenances owned, operated or otherwise used by the company for the purpose of providing gas energy for public use.

1.8 Non-Betterment Costs. Costs incurred by the Company from relocation, removal or rearrangement of Gas Facilities that do not result in an improvement to the Facilities.

1.9 Notice. A writing served by a party or parties on another party or parties. Notice to Company must be mailed to:

Reliant Energy Minnegasco
V.P., Marketing & Customer Services
800 LaSalle Avenue
Minneapolis, MN 55402

Notice to City must be mailed to:

City of Glencoe

1107 11th St E
Glencoe, MN 55336

1.10 Public Way. Any street, alley or other public right-of-way within the City.

1.11 Public Ground. Land owned or otherwise controlled by the City for parks, open space or similar public purpose.

230.2 FRANCHISE

2.1 Grant of Franchise. The City grants the Company, for a period of twenty (20) years from the effective date, the right to import, manufacture, transport, distribute and sell gas for public and private use within and through the limits of the City. This right includes the provision of gas that is (i) manufactured by the Company or its affiliates and delivered by the Company, (ii) purchased and delivered by the Company or (iii) purchased from another source by the retail customer and delivered by the Company. For these purposes, the Company may construct, operate, repair and maintain Gas Facilities in, on, over, under and across the Public Way and Public Ground subject to the provisions of this ordinance. The company may do all things reasonably necessary or customary to accomplish these purposes, subject to other applicable ordinance, permit requirements and to further provisions of this ordinance.

2.2 Effective Date. This franchise is effective from and after its acceptance by the Company. Written acceptance or rejection of the franchise by the Company must be filed with the City Clerk within ninety (90) days after publication of this ordinance.

2.3 Non Exclusive Franchise. This ordinance does not grant an exclusive franchise.

2.4 Publication Expense. The expense of publication of this ordinance must be paid by the Company.

2.5 Default. Dispute Resolution. If the City or Company asserts that the other party is in default in the performance of any obligation hereunder, the complaining party must notify the other party in writing of the default and the desired remedy. Representatives of the parties must promptly meet and attempt in good faith to negotiate a resolution of the dispute. If the dispute is not resolved within thirty (30) days after service of the notice, the parties may jointly select a mediator to facilitate further discussion. The parties will equally share the fees and expenses of the mediator. If a mediator is not used or if the parties are unable to resolve the dispute within thirty (30) days after first meeting with the mediator, either party may commence an action in District Court to interpret and enforce this franchise or for such other relief as may be permitted by law or equity.

2.6 Continuation of Franchise. If this franchise expires and the City and the Company are unable to agree on the terms of a new franchise, the existing franchise will remain in effect until a new franchise is agreed upon, or until 90 days after the City or the Company serves written notice to the other party of their intention to allow the franchise agreement expire.

230.3 CONDITIONS OF USE.

3.1 Location of Facilities. Gas facilities must be located, constructed, installed and maintained so as not to interfere with the existing City utility system or the safety and convenience of ordinary travel along and over Public Ways. Gas Facilities may be located on public grounds as determined by the City. The Company=s construction, reconstruction, operation, repair, maintenance and location of Gas Facilities is subject to other ordinances and regulation of the City, with the requirements of such being no more restrictive than those applicable to other energy suppliers requiring the use of the Public Way.

3.2 Field Location. Upon request by the City, the Company must provide field locations for any of its Gas Facilities within the period of time required by Minnesota State Statute 216D.

3.3 Permit Required. The Company may not open or disturb the surface of any Public Way or Public Ground without first having obtained a permit from the City, for which the City may impose a reasonable fee. The permit conditions imposed on the Company may not be more burdensome than those imposed on other utilities for similar facilities or work. The Company may, however open and disturb the surface of any Public Way or Public Ground without a permit if (i) an emergency exists requiring the immediate repair of Gas Facilities and (ii) the Company gives notice to the City before, if possible, commencement of the emergency repair. Within two business days after commencing the repair, the Company must apply for any required permits and pay the required fees.

3.4 Restoration. After completing work requiring the opening of a Public Way or Public Ground, the Company must restore the same, including paving and its foundation, to the condition formerly existing and maintain the paved surfaces in good condition for two years thereafter. The work must be completed as promptly as weather permits. If the Company does not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and restore the Public Way or Public Ground, the City may, after demand to the company to cure and the passage of a reasonable period of time not less than five calendar days following the demand, make the restoration at the expense of the Company. The Company must pay to the City the cost of such work done for or performed by the City, including administrative expense and overhead, plus ten percent of cost and administrative expense. This remedy is in addition to any other remedies available to the City for noncompliance with this section. Given the remedy outlined in this Section 3.4 available to the City for noncompliance by the Company, the City hereby waives any requirement for the company to post a construction performance bond, certificate of insurance, letter of credit or any other form of security or assurance that may be required, under separate existing or future ordinance of the City.

3.5 Company Protection of Gas Facilities in Public Ways. The Company must take reasonable measures to prevent the Gas Facilities from causing damage to persons or property. The Company must take reasonable measures to protect the Gas Facilities from damage that could be inflicted on the facilities by persons, property or the elements. The Company and the City will comply with all applicable laws and codes when performing work near the Gas Facilities.

3.6 Notice of Improvements. The City must give the Company reasonable notice of plans for improvements to Public Ways or Public Ground. The notice must contain; (i) the nature and character of the improvements, (ii) the Public Ways or Public Grounds upon which the improvements are to be made, (iii) the extent of the improvements, (iv) the time when the City will start the work, and, (v) if more than one Public Way or Public Ground is involved, the order in which the work is to proceed. The notice must be given the Company a sufficient length of time in advance of the actual commencement of the work to permit the Company to make any necessary additions, alterations, or repairs to its Gas Facilities. If streets are at final width and grade and the City has installed underground sewer and water mains and service connections to the property line abutting the streets prior to a permanent paving or resurfacing of such streets, and the Company=s main is located under such street, the City may require the company to install gas service connections prior to such paving or resurfacing, it is apparent that gas service will be required during the five years following the paving or resurfacing.

230.4 RELOCATIONS.

4.1 Relocation of Gas Facilities in Public Ways. If the City determines by the proper exercise of its police power to vacate a Public Way for a City improvement project, or grade, re-grade or change the alignment of any Public Way, or construct or reconstruct any city utility system in any Public Way, the City may order the Company to relocate its Gas Facilities at the Company=s own expense. The City must give the Company sufficient notice of plans to vacate for a City improvement project, or to grade, re-grade, or change the alignment of any Public Way or to construct or reconstruct any City utility system. If a relocation is ordered within five (5) years of a prior relocation of the same Gas Facilities, which was made at Company expense, the City will reimburse the Company on a time and material basis for Non-Betterment Costs. If any subsequent relocation is required because of the extension of a City utility system to a previously unserved area, the City may require the Company to make the subsequent relocation at the Company=s expense. Nothing in this ordinance requires the Company to relocate, remove, replace or reconnect its facilities at the Company=s expense where such relocation, removal, replacement or reconstruction is solely for the convenience of the City and is not reasonably necessary for the construction or reconstruction of a Public Way or City utility system or other City improvement. The City will not require the removal of abandoned natural gas facilities in any case, unless these facilities are in direct conflict with a Public Way grade change or proposed City utility system or City improvement. The provisions of this Section 4.1 apply only to Gas Facilities constructed in reliance on this franchise and the Company does not waive its rights under an easement or prescriptive right in the Public Way.

4.2 Relocation of Gas Facilities in Public Ground. The City may, by the proper exercise of its police power, require the Company to relocate the Gas Facilities within or remove the Gas Facilities from Public Ground, upon a finding by City that the Gas Facilities have become or will become a substantial impairment of the public use or enjoyment to which the Public Ground is or will be put. The relocation or removal will be at the Company=s expense. The provisions of this Section 4.2 apply only to Gas Facilities constructed in reliance on this franchise and the Company does not waive it rights under an easement or prescriptive right in the Public Ground. The City will not require the removal of abandoned natural Gas Facilities in public ground in any case, unless these facilities have become or will become a substantial impairment of the public use or enjoyment to which the Public Ground is or will be put.

4.3 Vacation of Public Ways. The City must give the Company at least three-weeks= notice of the proposed vacation of a Public Way. Except where required for a City street or other improvement project or as otherwise provided in Section 4.1, the vacation of a Public Way, after the installation of Gas Facilities, does not deprive the Company of its rights to operate and maintain the Gas Facilities until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to the Company by the City. If the vacation of Public Way does not require the relocation of existing Gas Facilities, the City shall reserve a utility

easement to the Company, created by and within the document establishing the vacation, or the City will preserve a right-of-way in the manner permitted by law.

4.4 Projects With Federal Funding. Relocation, removal or rearrangement of any Gas Facilities made necessary because of the extension into or through the City of a federally-aided highway project shall be governed by the provisions of Minnesota Statutes, Section 161.46.

230.5 DEFENSE AND INDEMNIFICATION

5.1 Terms. The Company shall indemnify, keep and hold the City, its elected officials, officers, employees, and agents free and harmless from any and all claims and actions on account of injury or death of persons or damage to property occasioned by the construction, maintenance, repair, removal on or across the Public Way and the Public Ground of the City, unless such injury or damage is the result of negligence of the City, its elected officials, employees, officers, or agents. The City shall not be entitled to reimbursement for its costs incurred prior to notification to the Company of claims or actions and a reasonable opportunity for the Company to accept and undertake the defense.

5.2 Litigation. If such a suit is brought against the City under circumstances where the agreement in this Section 5 to indemnify applies, the company at its sole cost and expense will defend the City in such suit if notice thereof is promptly given to the Company within a reasonable period. If the Company is required to indemnify and defend, it will thereafter have control of such litigation, but the Company may not settle such litigation without the consent of the City, which consent will not be unreasonably withheld. This section is not as to third parties a waiver of any defense or immunity otherwise available to the City; and the Company, in defending any action on behalf of the City is entitled to assert in any action every defense or immunity that the City could assert in its own behalf.

230.6 SUCCESSORS IN INTEREST.

6.1 This ordinance and the rights and obligations conferred hereby, is binding on an inures to the benefit of the City and its successors and on the Company and its successors and permitted assigns.

230.7 FRANCHISE FEE.

7.1 Separate Ordinance. During the term of the franchise hereby granted, and in lieu of any permit, licensing, or other fees, charges, or costs imposed on the Company for providing gas service or performing work necessary to provide gas service in the City during the term of this franchise, the City may impose on the Company a franchise fee. In addition to the franchise fee, the Company shall be required to pay only such other fees, charges, costs or taxes which are generally required to be paid by other businesses or persons in the City. The franchise fee must be imposed by a separate ordinance adopted by the City Council, which ordinance may not be adopted until at least 60 days after notice enclosing such proposed ordinance has been served upon the Company by certified mail. A fee imposed under this section does not become effective until 60 days after notice enclosing the adopted ordinance has been served upon the Company be certified mail.

7.2 Condition of Fee. The separate ordinance imposing the fee shall not be effective against the Company unless it lawfully imposes a fee or tax of the same or greater equivalent amount on the sale and/or delivery of energy within the City by any other

supplier, the City has the authority to require a franchise fee or impose a tax. The Company may petition the City to exempt or reduce the franchise fee applicable to customers who bypass or pose an imminent threat of physically bypassing the Company=s distribution system for economic reasons, including the existence of the franchise fee. The City shall not unreasonably withhold such exemption or reduction in franchise fees for such customers.

7.3 Calculation of Fee. The City may impose the franchise fee: (i) as a combination of percentage of gross revenues received from customers in the residential customer class for its utility operations within the City and as a flat meter fee per customer, for customers in non-residential customer classes, or (ii) as a flat meter fee per customer within the City, or (iii) as a fee based on units of gas delivered to any class of retail customers within the corporate limits of the City. The method of imposing the franchise fee: the percent of revenue rate, the flat rate and the per unit rate may differ for each customer class. If prior to the expiration of this ordinance, customers in Minnegasco=s residential customer class begin to purchase and/or transport gas from companies other than Minnegasco, the City may only impose the flat fee method (ii) or the units of gas method (iii), as a way of collecting fees. If the percentage of gross revenue method (i) has previously been implemented, it must be changed to method (ii) or method (iii).

230.8 LIMITATION ON APPLICABILITY.

8.1 Limitations on Applicability. This ordinance constitutes a franchise agreement between the City and the Company. No provision of this franchise inures to the benefit of any third person, including the public at large, so as to constitute any such person as a third-party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action for any person not a party hereto.

230.9 PREVIOUS FRANCHISES SUPERSEDED.

9.1 Previous Franchise Superseded. This franchise supersedes and replaces previous franchises granted to the Company or its predecessors.

230.10 AMENDMENTS.

10.1 Amendments. This ordinance may be amended at any time by the City. An amendatory ordinance becomes effective upon the filing of the Company=s written consent thereto.

230.11 SEVERABILITY.

11.1 Severability. If any portion of this franchise is found unenforceable for any reason, the validity of the remaining provisions will not be affected.

(**Source:** Ordinance No. 287 adopted July 7, 1980. Ordinance amended by Ordinance No. 462 on March 20, 2000)

240 CABLE TV - (The following is a summary of the Cable TV Ordinance. The exact copy of Ordinance No. 303, upon which it is based, is kept separately in the Offices of the City Clerk and should be reviewed for specifics.)

240.01 Provides for the short title and definition of the terms used in the ordinance.

240.02 Sets forth the grant of the authority of the Cable TV Franchise in the City of Glencoe to Minnesota Cable Enterprises, Inc., a subsidiary of Harmon and Company, Inc., and sets forth the general provision of that grant.

240.03 Sets forth technical requirements of the design of the system to be employed by the Franchisee for the Cable TV system to be constructed by the franchise to the City of Glencoe and service area.

240.04 Provides for the service programming, procedures upon interruption of service and the handling of complaints concerning service.

240.05 Describes construction in the service area, extension of service, timetable, standards and related matters.

240.06 Provides for the regulation of the system of operation, including the establishment of franchise fees, rates, charges and changes in any of the foregoing. This provision also provides for the renewal of the franchise.

240.07 This Article is reserved for future use and contains no subject matter at the present time.

240.08 Provides for indemnification, insurance, letter of credit, and bond to be provided by the franchisee to the City of Glencoe.

240.09 Provides for procedures in the event of the default of the franchisee.

240.10 Provides for the procedures in case of foreclosure, receivership, or abandonment by the franchisee of the Cable TV system.

240.11 Provides for the purchase of a system by the City of Glencoe under certain conditions.

240.12 This is a miscellaneous Article providing for transfer of ownership, removal of the franchisee upon termination or revocation, various other provisions concerning conduct of the franchisee and the effect of the ordinance.

240.13 Provides for the establishment of an advisory body and administrator to monitor the activities of the Cable TV company.

240.14 Provides for the adoption and acceptance of the ordinance by the franchise, and includes a guarantee which sets forth the exhibits as to rates.

240.15 This Article provides for the repeal of Ordinance No. 302 and substitution of this ordinance in its place as the Glencoe Cable TV Franchise Ordinance.

The foregoing is a limited summary of the main provisions of the above ordinance, which exclusive of the table of contents, but inclusive of the exhibits, contains 82 pages. The foregoing summary is intended only as a summary, and any discrepancies between this summary and the full text of the ordinance are unintended, the full text of the ordinance being controlling.

(**Source:** Ordinance No. 303 adopted April 19, 1982.)

250 STORM SEWER DRAINAGE UTILITY

250.01 Establishment. The municipal storm sewer system shall be conducted as a public utility pursuant to M.S. Section 444.075 from which revenues will be derived subject to the provisions of this Chapter and said Minnesota Statutes. The storm water drainage utility shall be part of the Street Department and subject to the administration of the City Administrator or Designee. Just and reasonable charges for use and availability of storm sewer drainage facilities shall be calculated and determined pursuant to the terms hereinafter contained based on expected and typical storm water run off as may be calculated within reasonable and practical limits with due regard to jkust and equitable charges as provided for herein.

250.02 Definitions. Rates and charges for the use and availability of the utility system shall be determined through the use of a residential equivalent factor (REF) defined as the ratio of the average volume of run off generated by one acre of a given land use to the average volume of run off generated by one acre of typical single family residential land, during a standard one year rainfall event.

250.05 Storm Water Drainage Fees. Storm water drainage fees for parcels of land shall be determined by multiplying the REF for the parcel's land use classification by the parcel's acreage and then multiplying the resulting produce by the storm water drainage rate. The REF values for various land uses are as follows:

CLASS	LAND USES	REF
1.	Single Family	1
2.	Duplex/Triplex Residential	2

4.	Commercial and Institutional Uses	5	
5.	Public and Private Schools		1.25
6.	Churches		3
7.	Parks/Cemeteries		.25
8.	Golf Courses/Farmland		.25
9.	Vacant With Vegetative Cover & Unimproved Land	0	
10.	Industrial		5
11.	Mobile Homes	2.5	

For the purpose of calculating storm sewer water drainage fees, all developed one family and duplex residential parcels shall be considered to have an acreage of one-third acre. The storm water drainage rate shall be as established by resolution.

250.07 Other land usage. Other land uses not listed in the foregoing table shall be classified by the City Administrator by assigning them to classes most nearly like the uses, from the standpoint of run off volume for the standard rainfall event. An appeal of such classification from the determination of the City Administrator may be made to the City Council.

250.09 Adjustments. The City Council may by resolution adopt policies providing for the adjustment of charges for parcels based upon land use data supplied by affected property owners which demonstrates a run off volume for a standard rainfall event substantially different from the REF being used for such parcels. Such adjustments for storm water drainage fees shall not be made retroactively.

250.13 Exemptions. Public street rights-of-way and vacant unimproved land with ground cover are exempt from storm water drainage charges.

250.15 Payment of fee. Statements for storm water drainage fees shall be made a part of utility billing system used by the City of Glencoe on a monthy basis.

250.17 Recalculation of fee. If a property owner or person responsible for paying the storm water drainage fee questions the accuracy of an invoice, such person may have the determination of the charge recalculated by written request to the City Administrator within 60 days following the mailing of the invoice by the City.

250.19 Late payment penalty. Each billing for storm water drainage fees which are not paid when due shall incur a penalty charge of 10 percent of the amount past due.

250.21 Establishment of tax lien. Any past due storm water drainage fees will be certified to the County Auditor for collection with real estate taxes in the following year pursuant to M.S. Section 444.075, Subd. 3 and City Code. In addition, the City may have the right to bring a civil action or take other legal remedies to collect unpaid charges.

(**Source**: Ordinance No. 403 adopted February 16, 1993. Section 250.15 amended by Ordinance No. 465 adopted September 18, 2000.)

260 METER READING ACCESS TO PREMISES

260.01 The owner or occupant or any property served by any public utility, including franchise utilities, for which a meter measuring the utility use is located upon the property, shall grant access to the property to the meter reader.

260.02 Personnel of any utility whose meter reader is unable to gain access to the meter due to locked doors, fences, gates or other devices, or because of a threatening dog or other animal upon the premises, preventing access to the meter, may leave a notice of an attempt to read the meter conspicuously upon the property. Such notice shall be in such a form as prescribed by the Glencoe City Administrator, and shall contain a copy of this code chapter.

260.03 Said notice shall state that there has been an attempt to read the meter which was prevented by a designated cause, and that another attempt will be made not less than 24 hours and not more than 72 hours later, exclusive of Saturdays and Sundays.

260.04 After such notice is given and should a meter reader be prevented from reading the meter the owner or occupant shall be subject to a surcharge of $15.00 for each subsequent attempt to read the meter whether or not access is denied. Any surcharges shall be collected along with payment for the utility services as a charge upon regular billings to the owner and/or occupant. Any premises for which a meter reader for a particular utility has been denied access more than five times in any calendar year, and the owner thereof has not made adequate arrangements with the utility for future access, shall constitute proper cause by the utility to suspend service to that premises.

(**Source**: Ordinance No. 443 adopted March 16, 1998)

270 LAWN IRRIGATION SYSTEMS

270.01 Any and all lawn irrigation systems within the City of Glencoe shall comply with the regulations provided in this code.

270.02 All lawn irrigation systems installed within the City of Glencoe from and after the adoption date of this code provision shall require a permit, in the manner of building permit, and shall be installed pursuant to the regulations of this code and shall not be placed into operation until inspected by the city building inspector.

270.03 In no case shall there be any cross connection between the City of Glencoe water system or any part thereof and any other source of water or water supply whatsoever. In all cases the Minnesota Department of Health Plumbing Code 4715.1920 and any other applicable regulations shall apply and be in force and effect.

270.04 In all cases the line connected to the Glencoe water system to any lawn sprinkler/irrigation system shall be installed to provide for a back flow prevention assembly and shall comply with the Minnesota Department of Health Plumbing Code Section 4715.2030 and other applicable regulations, including a pressure vacuum breaker (PVB) above ground level and a reduced pressure zone (RPZ) below ground level.

270.05 The owner or occupier of any premises in which a lawn sprinkler/irrigation system is installed shall at all reasonable times and places permit personnel of the City of Glencoe entry into the premises for inspection of the system for the purpose of enforcement of this code.

270.06 All provisions of this code shall apply to existing lawn sprinkler irrigation systems which are connected in any manner, permanently or temporary, to the City of Glencoe water system, notwithstanding that they are in place and in operation as of the date of the adoption of this code, except such existing systems are exempt from the permit and application requirement provided for in Section 270.02. Any existing systems not in compliance shall be connected within 30 days of notice of deficiency by the City Administrator before the penalties provided for herein shall apply.

270.07 Violation of this code shall constitute a petty misdemeanor punishable in the manner as provided by state statute, and each day a violation constitutes a separate offense.

270.08 In addition to criminal penalties, the City is empowered to proceed to obtain civil injunction in the mode and manner provided by law to abate discovered violations.

(**Source**: Ordinance No. 482 adopted September 3, 2002.

UNDERGROUND UTILITIES/RIGHT-OF-WAY

Section 1: "Glencoe Code 280 shall be added to the Code as follows:
280.01 Findings, Purpose, and Intent.
To provide for the health, safety and welfare of its citizens, and to ensure the integrity of its streets and the appropriate use of the rights-of-way, the City strives to keep its rights-of-way in a state of good repair and free from unnecessary encumbrances.

Accordingly, the City hereby enacts this new chapter of this code relating to right-of-way permits and administration. This chapter imposes reasonable regulation on the placement and maintenance of facilities and equipment currently within its rights-of-way, utility easements and any other locations or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies. Under this chapter, persons excavating and obstructing the rights-of-way will bear financial responsibility for their work.

This chapter shall be interpreted consistently with 1997 Session Laws, Chapter 123, substantially codified in Minnesota Statutes Sections 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the "Act") and the other laws governing applicable rights of the city and users of the right-of-way. This chapter shall also be interpreted consistent with Minnesota Rules 7819.0050 – 7819.9950 where possible. To the extent any provision of this chapter cannot be interpreted consistently with the Minnesota Rules, that interpretation most consistent with the Act and other applicable statutory and case law is intended. This chapter shall not be interpreted to limit the regulatory and police powers of the City to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

280.2 Election to Manage the Public Rights-of-Way
Pursuant to the authority granted to the City under state and federal statutory, administrative and common law, the City hereby elects, pursuant Minn. Stat. 237.163 subd. 2(b), to manage rights-of-way within its jurisdiction.

280.3 Definitions.
The following definitions apply in this chapter of this ordinance. References hereafter to "sections" are, unless otherwise specified, references to sections in this chapter. Defined terms remain defined terms, whether or not capitalized.

"Abandoned Facility" means a facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service. A facility is not abandoned unless declared so by the right-of-way user.

"Applicant" means any person requesting permission to excavate or obstruct a right-of-way.

"City" means its elected officials, appointed officials, officers, employees and agents.

“Commission” means the Minnesota Public Utilities Commission.

“Congested Right-of-Way” means a crowded condition in the subsurface of the public right-of-way that occurs when the maximum lateral spacing between existing underground facilities does not allow for construction of new underground facilities without using hand digging to expose the existing lateral facilities in conformance with Minnesota Statutes, section 216D.04. subdivision 3.

“Degradation Cost” subject to Minnesota Rules 7819.1100 means the cost to achieve a level of restoration, as determined by the City at the time the permit is issued, not to exceed the maximum restoration shown in plates 1 to 13, set forth in Minnesota Rules parts 7819.9900 to 7819.9950.

“Department” means the department of public works of the City or a department of the Light and Power Commission.

“Department Inspector” means any person authorized by the City.

“Director” means the director of the department of public works of the City, or her or his designee.

“Delay Penalty” is the penalty imposed as a result of unreasonable delays in right-of-way excavation, obstruction, patching, or restoration.

“Emergency” means a condition that (1) poses a danger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement of facilities in order to restore service to a customer.

“Equipment” means any tangible asset used to install, repair, or maintain facilities in any right-of-way.

“Excavate” means to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

“Facility” or “Facilities” means any tangible asset in the right-of-way required to provide Utility Service.
“High Density Corridor” means a designated portion of the public right-of-way within which telecommunications right-of-way users having multiple and competing facilities may be required to build and install facilities in a common conduit system or other common structure.

“Hole” means an excavation in the pavement, with the excavation having a length less than the width of the pavement.

"Local Representative" means a local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this chapter.

"Patch" or "Patching" means a method of pavement replacement that is temporary in nature. A patch consists of (1) the compaction of the subbase and aggregate base, and (2) the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions. A patch is considered full restoration only when the pavement is included in the City's five-year project plan.

"Pavement" means any type of improved surface that is within the public right-of-way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

"Person" means an individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.

"Restore" or "Restoration" means the process by which an excavated right-of-way and surrounding area, including pavement and foundation, is returned to the same condition and life expectancy that existed before excavation.

"Public Right-of-Way" means the area on, below, or above a public roadway, highway, street, cartway, bicycle lane or public sidewalk in which the City has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the City including those of the Light and Power Commission. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other nonwire telecommunications or broadcast service.

"Service" or "Utility Service" includes (1) those services provided by a public utility as defined in Minn. Stat. 216B.02, subds. 4 and 6; (2) services of a telecommunications right-of-way user, including transporting of voice or data information; (3) services of a cable communications systems as defined in Minn. Stat. Chapter. 238; (4) natural gas or electric energy or telecommunications services provided by the City; (5) services provided by a cooperative electric association organized under Minn. Stat., Chapter 308A; and (6) water, and sewer, including service laterals, steam, cooling or heating services.

"Service Lateral" means an underground facility that is used to transmit, distribute, or furnish gas, electricity, communications, or water from a common source to an end-use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a customer's premises.

"Supplementary Application" means an application made to excavate or obstruct more of the right-of-way than allowed in, or to extend, a permit that had already been issued.

"Temporary Surface" means the compaction of subbase and aggregate base and replacement, in kind, of the existing pavement only to the edges of the excavation. It is temporary in nature except when the replacement is of pavement included in the City's two-year plan, in which case it is considered full restoration.

"Trench" means an excavation in the pavement, with the excavation having a length equal to or greater than the width of the pavement.

"Telecommunication right-of-way user" means a person owning or controlling a facility in the right-of-way, or seeking to own or control a Facility in the right-of-way, that is used or is intended to be used for transporting telecommunication or other voice or data information. For purposes of this chapter, a cable communication system defined and regulated under Minn. Stat. Chap. 238, and telecommunication activities related to providing natural gas or electric energy services whether provided by a public utility as defined in Minn. Stat. Sec. 216B.02, a municipality, a municipal gas or power agency organized under Minn. Stat. Chaps. 453 and 453A, or a cooperative electric association organized under Minn. Stat. Chap. 308A, are not telecommunications right-of-way users for purposes of this chapter.

"Two Year project Plan" shows projects adopted by the City for construction within the next two years.

"Utility" means (1) a telecommunications right-of-way user as defined by Minnesota Statutes, section 237.162, subd. 4; or (2) a person owning or controlling a facility in the right-of-way that is used or intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public right-of-way.

280.4 Administration.
The Director is the principal City official responsible for the administration of the rights-of-way, right-of-way permits, and the ordinances related thereto. The Director may delegate any or all of the duties hereunder.

280.5 Delay Penalty.
In accordance with Minnesota Rule 7819.1000 subd. 3 the City shall establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, restoration or undergrounding of utilities. The delay penalty shall be established from time to time by City Council resolution.

280.6. Location and Relocation of Facilities.
Subd. 1. Placement, location, and relocation of facilities must comply with the Act, with other applicable law, and with Minnesota Rules 7819.3100, 7819.5000 and 7819.5100, to the extent the rules do not limit authority otherwise available to cities.

Subd. 2. ***Corridors***. The City may assign a specific area within the right-of-way, or any particular

segment thereof as may be necessary, for each type of facilities that is or, pursuant to current technology, the City expects will someday be located within the right-of-way. If the City assigns a specific area, all utilities must locate their facilities in that area.

Any registrant who has facilities in the right-of-way in a position at variance with the corridors established by the City shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities to the assigned position within the right-of-way, unless this requirement is waived by the City for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs and hardship to the registrant.

Subd. 3. ***Limitation of Space***. To protect health, safety, and welfare, or when necessary to protect the right-of-way and its current use, the City shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making such decisions, the City shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

Subd. 4. ***Undergrounding.*** Unless otherwise agreed in a franchise between the applicable right-of-way user and the City, the Applicant's facilities in the right-of-way must be located or relocated and maintained underground in accordance with this subdivision.

(a) Purpose. The purpose of this subdivision is to promote the health, safety and general welfare of the public and is intended to foster (1) safe travel over the right-of-way, (2) non-travel related safety around homes and buildings where overhead feeds are connected and (3) orderly development in the city. Location and relocation, installation and reinstallation of Facilities in the right-of-way must be made in accordance with this subdivision.

(b) Undergrounding of Facilities. Facilities placed in the public right-of-way must be located, relocated and maintained underground pursuant to the terms and conditions of this subdivision and in accordance with applicable construction standards. This subdivision is intended to be enforced consistently with state and federal law regulating right-of-way users, specifically including but not limited to Minnesota Statutes, Sections 161.45, 237.162, 237.163, 300.03, 222.37, 238.084 and 216B.36 and the Telecommunications Act of 1996, Title 47, USC Section 253.

(c) Undergrounding of New Facilities. Consistent with the City's building specifications, any new facility, regardless of size or extent, or a permanent extension of facilities must be installed and maintained underground.

(d) Undergrounding of Permanent Replacement, Relocated or Reconstructed Facilities. A permanent replacement, relocation or reconstruction of a facility by a utility must be located and maintained underground, with due regard for seasonal working conditions. For

purposes of this subdivision, reconstruction means any substantial repair of or any improvement to existing facilities. Undergrounding is required whether a replacement, relocation or reconstruction is initiated by the right-of-way user owning or operating the facilities or by the City in connection with (1) the present or future use or improvement, repair or maintenance by the City or other local government unit of the right-of-way, utility easements or any other locations for a public project, (2) the public health or safety, or (3) the safety and convenience of travel over the right-of-way, utility easements or other locations.

(e) Retirement of Overhead Facilities. The City Council or the Light and Power Commission may determine whether it is in the public interest that all facilities within the city, or within certain districts designated by the City, be permanently placed and maintained underground by a date certain or target date, independently of undergrounding required pursuant to subdivisions relating to new facilities and relating to replacement facilities of this ordinance. The decision to underground must be preceded by a public hearing, after published notice and written notice to the utilities affected. (Two weeks published: 30 days written.) At the hearing the Council or Light and Power Commission must consider section 1.24 Subd. 5(f)i of this ordinance and make findings. Undergrounding may not take place until the City Council or the Light and Power Commission has, after hearing and notice, adopted a plan containing items (i) – (vi) of section 1.24 Subd. 5(g) of this ordinance.

(f) Public Hearings. A hearing must be open to the public and may be continued from time to time. At each hearing any person interested must be given an opportunity to be heard. The subject of the public hearings shall be the issue of whether Facilities in the right-of-way in the city, or located within a certain district, shall all be located underground by a date certain. Hearings are not necessary for the undergrounding required under the section 1.24 Subd. 5(d) above entitled "Undergrounding of Permanent Replacement, Relocated or Reconstructed Facilities".

(1) Public Hearing Issues. The issues to be addressed at the public hearings include but are not limited to:

a) The costs and benefits to the public of requiring the undergrounding of all facilities in the right-of-way.

b) The feasibility and cost of undergrounding all facilities by a date certain as determined by the City and the affected utilities.

c) The tariff requirements, procedure and rate design for recovery or intended recovery of incremental costs for undergrounding by the utilities from ratepayers within the city.

d) Alternative financing options available if the City deems it in the public interest to require undergrounding by a date certain and deems it appropriate to participate in the cost otherwise borne by the ratepayers.

Upon completion of the hearing or hearings, the City Council or Light and Power Commission must make written findings on whether it is in the public interest to establish a plan under which all facilities will be underground, either citywide or within districts designated by the City.

(g) Undergrounding Plan. If the City finds that it is in the public interest to underground all or substantially all facilities in the public right of way, the City must establish a plan for such undergrounding. The plan for undergrounding must include at least the following elements:

(i) Timetable for the undergrounding.

(ii) Designation of districts for the undergrounding unless, undergrounding plan is citywide.

(iii) Exceptions to the undergrounding requirement and procedure for establishing such exceptions.

(iv) Procedures for the undergrounding process, including but not limited to coordination with City projects and provisions to ensure compliance with non-discrimination requirements under the law.

(v) A financing plan for funding of the incremental costs if the City determines that it will finance some of the undergrounding costs, and a determination and verification of the claimed additional costs to underground incurred by the utility.

(vi) Penalties or other remedies for failure to comply with the undergrounding.

280.7 Pre-excavation Facilities Location.
In addition to complying with the requirements of Minn. Stat. 216D.01-.09 ("One Call Excavation Notice System") before the start date of any right-of-way excavation, each registrant who has facilities or equipment in the area to be excavated shall mark the horizontal and vertical placement of all said facilities. Any utility whose facilities are less than twenty (20) inches below a concrete or asphalt surface shall notify and work closely with the excavation contractor to establish the exact location of its facilities and the best procedure for excavation.

280.8 Damage to Other Facilities.
When the City does work in the right-of-way and finds it necessary to maintain, support, or move a registrant's facilities to protect it, the City shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that registrant and must be paid within thirty (30) days from the date of billing. Each registrant shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damage. Each registrant shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the City's response to an emergency occasioned by that registrant's facilities.

280.9 Right-of-Way Vacation.
Reservation of right. If the City vacates a right-of-way that contains the facilities of a registrant,

the registrant's rights in the vacated right-of-way are governed by Minnesota Rules 7819.3200.

280.10 Indemnification and Liability

By registering with the City, or by accepting a permit under this chapter, a utility agrees to defend and indemnify the City in accordance with the provisions of Minnesota Rule 7819.1250.

280.11 Abandoned and Unusable Facilities.

Subd.1. ***Discontinued Operations.*** A registrant who has determined to discontinue all or a portion of its operations in the city must provide information satisfactory to the City that the registrant's obligations for its facilities in the right-of-way under this chapter have been lawfully assumed by another registrant.

Subd. 2. ***Removal.*** Any utility which has abandoned facilities in any right-of-way shall remove it from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the City.

280.12 Appeal.

A utility that: (1) has been denied registration; (2) has been denied a permit; (3) has had a permit revoked; (4) believes that the fees imposed are not in conformity with Minn. Stat. § 237.163, Subd. 6; may have the denial, revocation, fee imposition, or decision reviewed, upon written request, by the City Council. The City Council shall act on a timely written request at its next regularly scheduled meeting, provided the right-of-way user has submitted its appeal with sufficient time to include the appeal as a regular agenda item. A decision by the City Council affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

280.13 Severability.

If any portion of this chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof. Nothing in this chapter precludes the City from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein."

Section 2. This Ordinance shall take effect and be in force from and after its passage and publication.

Source (Section 280 added by Ordinance No. 591 adopted March 7, 2016).