

ORDINANCE NO. 2003-08A

AN ORDINANCE REGULATING THE USE OF THE WASTEWATER FACILITIES OF THE CITY OF ROCKVILLE, STEARNS COUNTY, MINNESOTA

THE CITY COUNCIL OF THE CITY OF ROCKVILLE, STEARNS COUNTY, MINNESOTA ORDAINS:

Section 1 - Sewer Use Ordinance

Section 1.00. General Recitals.

Subd. 1. The City operates and has undertaken to expand a wastewater collection and conveyance system (the “facilities”) to serve properties within the City limits.

Subd. 2. The City has entered into a Sewage Treatment Capacity Agreement with the City of Cold Spring to treat wastewater collected in the City under certain terms and conditions.

Subd. 3. As a condition of the Agreement, the City must adopt this use ordinance and incorporate the Ordinance of the City of Cold Spring regulating the use of the public sewers and treatment works of the City of Cold Spring.

Subd. 4. The Cold Spring ordinance is incorporated herein by reference.

Subd. 5. The City has or will issue its general obligation bond to secure certain indebtedness for the procurement of the facilities.

Subd. 6. The City requires an ordinance to provide for the proper and lawful use of, and discharge of wastewater to, the City’s wastewater facilities as well as the lawful operation of the facilities for the conveyance of wastewater generated in the City.

Section 1.01. Purpose and Policy. This Ordinance sets forth uniform requirements for discharges of wastewater to the City’s facilities and enables the City to comply with all State (Minnesota Pollution Control Agency) and Federal (U.S. Environmental Protection Agency) laws. This ordinance supercedes all prior ordinances adopted by the City relating to the use or operation of wastewater facilities within the City. For areas of the City not served by publicly owned wastewater facilities, the requirements of Minnesota Rules part 7080 and the Stearns County ISTS ordinance remain in effect.

The objectives of this Ordinance are:

- a) To prevent the introduction of pollutants into the City’s facilities which will interfere with the operation of the facilities or the treatment or disposal of

wastewater;

- b) To prevent the introduction of pollutants into the City's facilities which may be inadequately treated and passed into receiving surface and/or ground waters of the State, the land surface or the atmosphere or otherwise be incompatible with the facilities; and
- c) To provide for the efficient and safe collection, conveyance and treatment of wastewater within the City.

The Ordinance provides for the regulation of discharges into the City's wastewater facilities through enforcement of the general requirements for all users, authorizes monitoring and enforcement activities, provides for penalty relief, requires user reporting, and provides for the setting of fees necessary to carry out the program established herein.

The Ordinance shall apply to the City and users of the City's facilities.

Section 1.02. Definitions.

Subd. 1. Unless the context specifically indicates otherwise, the following terms, as used in this Ordinance, shall have the meanings hereinafter designated.

Subd. 2. "Act" means the Federal Water Pollution Control Act, Public Law #92—500 and the Clean Water Act, Public Law #95-217 as amended.

Subd. 3. "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Subd. 4. "Building Sewer" means the extension from the building drain to the facilities or other place of disposal.

Subd. 5. "Combined Sewer" means a sewer originally designed and currently designated to receive both surface water runoff and wastewater.

Subd. 6. "Cooling Water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added to the water is heat.

Subd. 7. "Director" means the Superintendent of Public Works, Facilities Superintendent or other like employee or contractor engaged by the City.

- Subd. 8. “City” means the City of Rockville, Stearns County, Minnesota.
- Subd. 9. “Domestic Waste” means wastes from residential users and from the sanitary conveniences of multiple dwellings, commercial buildings, institutions, and industrial facilities.
- Subd. 10. “EPA” means the U.S. Environmental Protection Agency.
- Subd. 11. “Facilities” means the system of trunk and lateral lines, gravity and force mains, pumps, lift stations, holding tanks, drain fields and other appurtenance constructed to collect, convey and/or treat wastewater from the City.
- Subd. 12. “Flow” means the quantity of wastewater expressed in gallons or cubic feet per twenty-four (24) hours.
- Subd. 13. “Garbage” means solid wastes resulting from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage of said meat, fish, fowl, fruit, vegetables, and condemned food.
- Subd. 14. “General Pretreatment Regulations” means the general pretreatment regulations for existing and new sources of pollution promulgated by EPA under Section 307(b) and (c) of the Act and found at 40 CFR Part 403.
- Subd. 15. “Indirect Discharge” means the introduction of pollutants or wastes into the Facilities from any nondomestic source regulated under Section 301 (b), (c), or (d) of the Act.
- Subd. 16. “Industrial Waste” means solid, liquid, or gaseous wastes, including cooling water (except where exempted by a NPDES Permit), resulting from any industrial, manufacturing, or business process, or from the development, recovery, or processing of a natural resource.
- Subd. 17. “Industrial User” means a source of indirect discharge.
- Subd. 18. “Interference” means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the Facilities, the City’s treatment processes or operations or the City’s management of solids processes and, therefore, is a cause of a violation of any requirement of any NPDES Permit or of the prevention of sewage sludge use or disposal with statutory provisions and regulations or Permits.
- Subd. 19. “MPCA” means the Minnesota Pollution Control Agency.
- Subd. 20. “National Pollutant Discharge Elimination System (NPDES) Permit” means any Permit or requirements issued by the Minnesota Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq); for the purpose of regulating the discharge of wastewater, industrial wastes, or other wastes under the authority of

Section 402 of the Act.

Subd. 21. “Ordinance” means the set of rules contained herein and in the City’s Sewer Rate and Cost Recovery Ordinance.

Subd. 22. “Other Wastes” shall mean other substances except wastewater and industrial wastes.

Subd. 23. “Person” means the State or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission or any interstate body, and including any officer or governing or managing body of any municipality, governmental subdivision or public or private corporation, or other entity.

Subd. 24. “Pretreatment” means the process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the City’s wastewater facilities. The reduction, elimination, or alteration may be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by this Ordinance.

Subd. 25. “Pretreatment Standards” means standards for industrial groups (categories) promulgated by EPA pursuant to the Acts which regulate the quality of effluent discharge to publicly owned treatment works and must be met by all users subject to such standards.

Subd. 26. “Public Utility” means the unit of municipal government and its people responsible for the operation of the Facilities and this Ordinance.

Subd. 27. “Publicly Owned Treatment Works (POTW)” means the treatment works as defined by Section 212 of the Act, which is owned by the municipality (as defined by Section 502(4) of the Act). This includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

Subd. 28. “Rules” means the waste discharge rules for the City’s facilities contained herein.

Subd. 29. “Sanitary Sewer” means a sewer which carries wastewater and to which storm, surface, and groundwater are not intentionally admitted.

Subd. 30. “Sewage Sludge” means solids and associated liquids in municipal wastewater

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which are encountered and concentrated by a municipal wastewater treatment plant.

Subd. 31. “Sewer” means a pipe or conduit for carrying wastewater, industrial waste, or other waste liquids.

Subd. 32. “Sewer System” means pipelines or conduits, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting wastewater.

Subd. 33. “Shall” is mandatory; “May” is permissive.

Subd. 34. “Slug” means any waste discharge which, in concentration of any given constituent or in quantity of flow, exceeds four (4) times the average twenty—four (24) hour concentration or flow during normal operation which may by itself or in combination with other wastes cause an interference within the POTW.

Subd. 35. “State” means the State of Minnesota or its designated agency, the Minnesota Pollution Control Agency (MPCA).

Subd. 36. “Storm Water” means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Subd. 37. “Storm Sewer” (sometimes termed “storm drain”) means a sewer which carries storm and surface water and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling or process water.

Subd. 38. “Unpolluted Water” means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety, or welfare, to domestic, commercial, industrial, or recreational use, or to livestock, wild animals, birds, fish, or other aquatic life.

Subd. 39. “User” means any person who discharges, causes, or permits the discharge of wastewater into the Facilities.

Subd. 40. “Waste Transport Hauler” means an Industrial User who transports industrial or domestic waste.

Subd. 41. “Wastewater” means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the Facilities.

Section 1.03. Mandatory Connection, Abandonment of Private Wastewater Disposal Systems.

Subd. 1. Connection to the Facilities by any existing structure within the City in which wastewater is produced, or from which wastewater is discharged, shall be mandatory within 60 days of the availability of service within the City. Service is considered “available” to a structure or property when constructed adjacent to the property upon which the structure is located.

Subd. 2. At the time a connection is made to the Facilities, any septic tanks or other private wastewater disposal facilities shall be abandoned according to applicable rule.

Subd. 3. Employees of the City may enter upon any property having a private wastewater disposal system for the purpose of inspecting such system and making such other investigations and tests as are deemed necessary. Entry shall be made during the daylight hours unless abnormal or emergency circumstances require otherwise.

Section 1.04. Building Sewers and Connections.

Subd. 1. No person, unless authorized, shall uncover, make any connections with, or disturb any portion of the Facilities, except in accordance with the applicable provisions of this Ordinance. The City shall require a permit and may establish a reasonable permit fee in order to regulate connections to and alterations of the facilities.

Subd. 2. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify and hold harmless the City from any loss or damage to the Facilities that may directly or indirectly be occasioned by the installation of the building sewer.

Subd. 3. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, provided that the City shall require a written agreement between the property owners as to the share of the costs of construction and maintenance which each will contribute.

Subd. 4. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City, to meet all requirements of this Ordinance.

Subd. 5. The size, slope, alignment, materials of construction of a building sewer, and the method to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations. In the absence of code provisions or in amplification thereof, the materials and

procedures set forth in appropriate specifications of Water Pollution Control Federation Manual of Practice No. 9 and applicable American Society of Testing and Materials (ASTM) standards shall apply.

Subd. 6. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, such building drain shall be provided with a lifting device approved by the City and discharged to the building sewer.

Subd. 7. No persons shall make connection of roof downspouts, exterior foundation drains, areaway drains, sump pumps, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the Facilities. No persons shall continue the drainage of waters from cisterns, roof drains and sump pumps into the City's sanitary sewer system and all such persons shall forthwith disconnect all cisterns, roof drains, basement drains, and sump pumps now connected to the sanitary sewer system.

Subd. 8. The construction of the building sewer and its connection into the Facilities shall conform to the requirements of the building and plumbing code, the sewer specifications included herein, or other applicable rules and regulations and the procedures set forth in appropriate specifications of the Water Pollution Control Federation Manual of Practice No. 9, and the American Society for Testing and Materials (ASTM). All such construction shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City before installation.

Subd. 9. Employees of the City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the connection shall notify the City when the work is ready for final inspection and no underground portions shall be covered before the final inspection is completed. The connection shall be made under the supervision of the City or its representative.

Subd. 10. Any new connections to the Facilities shall be prohibited unless sufficient capacity is available in all downstream portions of the Facilities including, but not limited to capacity for flow, CBOD and suspended solids, as determined by the City.

Section 1.05. Main and Lateral Sewers.

Subd. 1. No person, unless authorized, shall uncover, make any connections with or opening into, use, alter, or disturb any portion of the Facilities without first obtaining written Permission from the City.

Subd. 2. No main or lateral sewer shall be constructed in the City (except house or building service sewers) except by the City. No such unauthorized main or lateral sewer shall be considered to be a part of the Facilities unless accepted by the City.

Subd. 3. No lift station or check valve shall be installed on any portion of the Facilities (except house or building service sewers) except by the City. No such unauthorized lift station or check valve shall be considered to be a part of the Facilities unless accepted by the City.

Subd. 4. The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling and other work connected with the construction of sewers shall conform to the requirements of the City.

Section 1.06. Protection from Damage. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the Facilities.

Section 1.07. Use of Public Sewers.

Subd. 1. It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any wastewater or other polluted water.

Subd. 2. As set forth in Section 1.03., it shall be unlawful, within those areas of the City where the facilities are available, to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

Subd. 3. Construction of any new structures, within those areas of the City where the facilities are available, from which wastewater is or shall be discharged shall not occur without first securing a connection to the Facilities.

Subd. 4. The owner of any building or property which is located within those areas of the City where the facilities are available, or in any area under the jurisdiction of the City where the facilities are available, and from which wastewater is discharged, shall be required to connect to the Facilities, at the owners expense, within sixty (60) days after service of official notice to do so. Additionally, if the building or property is used for human occupancy, employment or recreation, the owner shall be required to install at the same time toilet facilities in accordance with the State Building Code and this ordinance. Said official notice shall be given by the City, or its designated agent, and shall be served upon the owner personally or by certified mail.

Subd. 5. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under this section, the City may undertake to have said connection made and shall charge the cost thereof against the property and said charge shall be a lien against said property. Such charge, when made, shall bear interest at the rate of eight percent (8%) per annum and shall be certified to the auditor of the County in which the land is situated and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City under this subdivision shall be in addition to any other remedial or enforcement provisions of this Ordinance.

Subd. 6. No person shall discharge or cause to be discharged directly or indirectly any storm water, surface water, groundwater, roof runoff, subsurface drainage, sump pumps, unpolluted cooling or process water to the Facilities unless there is no prudent and feasible alternative and unless as approved by the City.

Subd. 7. No persons shall discharge or allow to be discharged any wastewater containing hazardous substances and/or toxic or other pollutants in sufficient amounts or concentrations, either singly or by interaction with other pollutants, that, in the discretion of the Director, compromises the integrity of the treatment system, inhibits or disrupts any wastewater treatment process, or that endangers public safety, or creates a toxic effect in the receiving waters of the wastewater disposal system. A “hazardous substance”, “toxic or other pollutant” shall be defined to include, but not be limited to, any such substance so identified by any and all applicable federal, state, and local, laws, rules, regulations, and ordinances.

Subd. 8. Storm water and all other unpolluted water shall be discharged to a storm sewer or other appropriate outlet, subject to existing regulatory requirements including the requirement to obtain a NPDES Permit by the MPCA, when necessary.

Section 1.08. Industrial Uses and Users Prohibited without Permit. No industrial use shall be connected to the system without first securing appropriate permits from the City and any agency of the State of U.S. government and without providing for appropriate pretreatment.

Section 1.09. Limitations on Wastewater Strength.

Subd. 1. Federal Pretreatment Standards. Federal Pretreatment Standards and General Regulations promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users which are subject to such standards in any instance where they are more stringent than the limitations in this Ordinance unless the Director has applied for, and obtained from the MPCA, approval to modify the specific limits in the federal pretreatment standards. In all other respects, Industrial Users subject to Pretreatment Standards shall comply with all provisions of these Rules and any Permit issued thereunder, notwithstanding less stringent provisions of the General Pretreatment Regulations or any applicable Pretreatment Standard.

Subd. 2. State Requirements. State requirements and limitations on discharges shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this Ordinance.

Subd. 3. City’s Right of Revision. The City reserves the right to establish by Ordinance more stringent limitations or requirements on discharges to the Facilities if deemed necessary to comply with the objectives of this Ordinance.

Subd. 4. Dilution. No user shall increase the use of process water, or in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in any local or state requirements or federal pretreatment standards.

Subd. 5. Reports. Reports specified in Code of Federal Regulations, Title 40, Section 403.12 of the General Pretreatment Regulations shall be submitted to the City by affected users.

Section 1.10. Accidental Discharges. Accidental discharges of prohibited waste into the Facilities, directly or through another disposal system, or to any place from which such waste may enter the Facilities, shall be reported to the City by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of such discharge. Such notification will not relieve users of liability for any expense, loss or damage to the wastewater disposal system or treatment process, or for any fines imposed on the City on account thereof under any state or federal law. The responsible Person shall take immediate action as is reasonably possible to minimize or abate the prohibited discharge.

The responsible Person shall send a letter describing the prohibited discharge to the City within seven (7) days after obtaining knowledge of the discharge. The letter shall include the following information:

- (a) the time and location of the spill;
- (b) description of the accidentally discharged waste, including estimate of pollutant concentrations;
- (c) time period and volume of wastewater discharged;
- (d) actions taken to correct or control the spill;
- (e) a schedule of corrective measures to prevent further spill occurrences.

Section 1.11. Monitoring.

Subd. 1. Monitoring Facilities. When required by the City, a user shall install a suitable control structure, together with such necessary meters and other appurtenances at or near the service connection, to facilitate observation sampling, flow measurement, and measurement of the wastes. Such structure and equipment when required shall be constructed at the owner's expense in accordance with plans approved by the City and shall be maintained by the owner so as to be safe and accessible at all times.

The monitoring facility should normally be situated on the user*s premises, but the City may

when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed elsewhere.

Subd. 2. Flow Measurement. A user, when required by the City, shall install and maintain a flow measurement device for instantaneous rate and/or cumulative flow volume determinations. Metered water supply may be used in lieu of flow measurement devices if it can be documented that the water usage and waste discharge are the same, or where a measurable adjustment to the metered supply can be made to determine the waste volume.

Meters and flow records shall be maintained at the user's expense in good operating condition at all times. The user shall notify the City in writing within five (5) days in the event that the user becomes aware that the meter or flow recorder has failed to accurately register the flow. The user shall also notify the City of the user's intention to alter the installation of a meter or flow recorder so as to affect the accurate recording of industrial waste entering the Facilities.

Subd. 3. City's Self-Monitoring Analyses. All measurements, tests, and analyses of the characteristics of water and wastes shall be determined in accordance with guidelines established in 40 CFR Part 136 and 40 CFR 403.12 (g) of the General Pretreatment Regulations. Representative samples of the City's waste shall be collected on a normal operating day.

Subd. 4. Self-Monitoring Reports. The City shall complete and submit accurate routine self-monitoring reports as required by State and Federal law.

Subd. 5. Inspection and Sampling. The City may conduct such tests as are necessary to enforce this Ordinance, and employees of the City may enter upon any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to such enforcement. Entry shall be made during operating hours unless circumstances require otherwise. In all cases where tests are conducted by the City for the purpose of determining whether the user is in compliance with regulations, the cost of such tests shall be charged to the user and added to the user's sewer charge. In those cases where the City determines that the nature or volume of a particular user's wastewater requires more frequent than normal testing, the City may charge such user for the tests, after giving the user ten (10) days written notice of its intention to do so, and the cost thereof shall be added to the user's sewer charge.

Duly authorized employees of the City, MPCA, and EPA bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. Those employees shall have no authority to inquire into any processes except as is necessary to determine the kind and source of the discharge to the Facilities.

While performing the necessary work on private properties referred to in this section, the authorized employees of the City shall observe all safety rules applicable to the premises

established by the user.

Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in all accordance with the terms of the easement pertaining to the private property involved.

Subd. 6. Testing Procedures. Testing procedures for the analysis of pollutants shall conform to the guidelines established in Code of Regulations, Title 40, Part 136 and Code of Federal Regulations, Title 40, Section 403.12 (g) of the Federal Pretreatment Regulations.

Subd. 7. Wastewater Discharge Records. Wastewater discharge records of the City shall be kept by the City for a period of not less than five (5) years or as otherwise required by law.

Section 1.12. Pretreatment.

Subd. 1. Grease, Oil, and Sand Traps. Grease, oil and sand traps shall be provided for the proper discharge of waste containing excessive amounts of grease, oil, or sand. All trap installations shall be regularly cleaned and maintained for adequate performance.

Subd. 2. Additional Pretreatment Standards. For any user of the facilities requiring pretreatment of wastewater discharges, the City shall require documentation of pretreatment requirements and documentation of all methods of pretreatment utilized to achieve pretreatment standards. The City may inspect for compliance.

Section 1.13. Confidential Information.

Information and data on a user obtained from reports, questionnaires, Permit applications, Permits, monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the NPDES Permit, State Disposal System Permit, and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the City as confidential, shall not be transmitted to any governmental agency or to the general public by the City until and unless a ten (10) day notification is given to the user.

Section 1.14. Severability and Conflicts.

Subd. 1. Severability. If the provisions of any section, paragraph, or sentence of this ordinance shall for any reason be held to be unconstitutional or invalid by any court of competent jurisdiction, the provisions of the remaining sections, paragraphs, and sentences shall nevertheless continue in full force and effect.

Subd. 2. Conflicts. If conflicts arise between this ordinance and any Local, State or Federal law or ordinances, the Local, State or Federal law or ordinances, and the interpretations thereof, shall take precedence. Similarly, if conflicts arise between this ordinance and the Cold Spring ordinance, the Cold Spring ordinance, and the interpretations thereof, shall take precedence.

Section 1.15. Enforcement.

Subd. 1. Remedies Available. The City may suspend service when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or to the Facilities, or would cause the City to violate any condition of its NPDES or State Disposal System Permits, or any other law or regulation. Any user notified of a suspension of service shall immediately stop discharging to the Facilities. In the event of a failure of the user to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the Facilities or endangerment to any individuals. The City shall reinstate service upon proof of the elimination of the noncomplying discharge.

A detailed written statement submitted by the user describing the causes of the slug or accidental discharge and the measures taken to prevent any future occurrence shall be submitted to the City within five (5) working days of the date of occurrence.

Subd. 2. Notification of Violation. Whenever the City finds that any person has violated or is violating this Ordinance, or any prohibition, limitation or requirement contained herein, the City may serve upon such person a written notice stating the nature of the violation. Within ten (10) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user.

Subd. 3. Show Cause Hearing.

(A) Notice of Hearing. If the violation is not corrected by timely compliance, the City may

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order any user which causes or allows an unauthorized discharge, or persists in a violation of this ordinance, to show cause before the City why an enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least fourteen (14) days before the hearing. Service may be made on any agent or officer of a corporation.

(B) Hearing Officials. The City may itself conduct the hearing and take the evidence, or may designate any of its members, administrative law judge, or any officer or employee to:

1. Issue in the name of the City notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
2. Take the evidence; and
3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City for action thereon.

(C) Transcripts. At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

(D) Issuance of Orders. After the City has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

Subd. 4. Legal Action. If any person discharges wastewater, industrial wastes, or other wastes into the City's Facilities contrary to the provisions of this Ordinance, federal or state pretreatment requirements or any order of the City, the City's attorney may commence an action for appropriate legal and/or equitable relief.

Section 1.16. Penalties.

Subd. 1. Administrative Fines. Notwithstanding any other Section of this Ordinance, any user who is found to have violated any provision of this Ordinance, or orders issued hereunder,

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shall be fined in an amount not to exceed \$1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user*s next scheduled sewer service charge and the City shall have such other collection remedies as it has to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the user's property.

Subd. 2. Criminal Penalties. Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished accordingly.

Subd. 3. Costs. In addition to the penalties provided herein, the City may recover court costs, court reporter*s fees and other expenses of litigation by an appropriate action against the person found to have violated this Ordinance or the Orders, Rules, Regulations, and Permits issued hereunder.

Subd. 4. Costs of Damage. Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss, or damage occasioned to the City by reason of such violation. The City may add to the user's charges and fees the costs assessed for any cleaning, repair, or replacement work caused by the violation or discharge. Any refusal to pay the assessed costs shall constitute a violation of this Ordinance.

Subd. 5. Falsifying Information. Any person who knowingly makes false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall upon conviction, be punished by a fine of not more than \$700 or by imprisonment for not more than 90 days, or by both.

Adopted this ____ day of _____, 2003.

CITY OF Rockville

Mayor

Attest:

Clerk