

ORDINANCE NO. 24-13
AN ORDINANCE AMENDING SECTION 50.01
FOR THE CITY OF EMILY
COUNTY OF CROW WING, STATE OF MINNESOTA

The City of Emily ordains:

Section 1. **Purpose and Intent.** The purpose and intent of this Ordinance is to amend Section 50.01 DEFINITIONS to add a Guest Quarters definition.

Section 2. **Amendments.** This ordinance amends City Ordinance Section 50.01, by striking current Section 50.01 and enacting a new Section 50.01 as follows:

Amended as attached.

Section 3. **Repeal.** This ordinance shall supersede and repeal all ordinances or policies inconsistent herewith. All aspects of Section 50.01 not amended herein shall remain in full force and effect.

Section 4. **Effective Date.** This ordinance shall become effective upon its passage and publication as provided by law.

Passed by the City of Emily City Council this 10th day of December, 2024 by a 5/5ths vote.



Tracy Jones, Mayor

Attest:



Cari Johnson, City Clerk

Section 50.01 DEFINITIONS

For the purpose of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

ACT. The Federal Water Pollution Control Act, also referred to as the "Clean Water Act", as amended, 33 U.S.C. §§ 1251 et seq.

ADMINISTRATION. Those fixed costs attributable to administration of the wastewater treatment works (i.e., billing and associated bookkeeping and accounting costs).

APARTMENT UNIT. Rental housing quarters used as residence for a family of one or more members or one or more unrelated persons.

ASTM. American Society for Testing Materials.

AUTHORITY. The City of Emily, Minnesota, or its representative thereof.

AVAILABILITY CHARGE. A charge of a fractional portion of the connection charge for providing sewer service to deferred or vacant properties adjacent to the sewer lines. This charge will be credited upon payment of the full availability and connection charge. For those properties adjacent to the sewer lines constructed during the initial construction of the wastewater system, no AVAILABILITY CHARGE will be assessed.

BOD5 or BIOCHEMICAL OXYGEN DEMAND. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C in terms of milligrams per liter (mg/l).

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer which begins five feet outside the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer. Also referred to as a HOUSE CONNECTION or SERVICE CONNECTION, which begins five feet outside the building wall.

CHEMICAL OXYGEN DEMAND (COD). The quantity of oxygen utilized in the chemical oxidation of organic matter as determined by standard laboratory procedures, and as expressed in terms of milligrams per liter (mg/l).

CITY. The area within the corporate boundaries of the City of Emily as presently established or as amended by ordinance or other legal actions at a future time. The term CITY, when used herein, may also be used to refer to the City Council and its authorized representative.

COMMERCIAL USER. Any place of business which discharges sanitary waste as distinct from industrial wastewater. COMMERCIAL USER shall not include multiple-family rental structures or apartment buildings or multiple-family rental buildings.

COMMERCIAL WASTEWATERS. Domestic wastewater emanating from a place of business as distinct from industrial wastewater.

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS permit if the treatment facilities are designed to treat such pollutants to a degree which complies with effluent concentration limits imposed by the permit.

CONNECTION CHARGE or DEBT SERVICE CHARGE. A charge levied on users of wastewater collection and treatment facilities for the cost of repaying money bonded to construct said facilities, including interest. For those properties which have operational on-site individual septic treatment systems and are adjacent to the sewer lines constructed during the initial construction of the wastewater system in 2006, no CONNECTION CHARGE or DEBT SERVICE CHARGE will be assessed, as long as such property owner(s) connect to the wastewater system in the period of time allowed or extended by the city. For those properties which are adjacent to the sewer lines constructed during the initial construction of the wastewater system in 2006, and which have operational on-site individual septic treatment systems, and which do not connect to the wastewater system within the time permitted by this chapter and allowed or extended by the city, a CONNECTION CHARGE will be assessed pursuant to § 50.26(D) of this chapter.

CONTROL MANHOLE. A structure specially constructed for the purpose of measuring flow and sampling of wastes.

EASEMENT. An acquired legal right for the specific use of land owned by others.

ERC or EQUIVALENT RESIDENTIAL CONNECTION. For the purpose of calculating the connection charge, a building service with an anticipated peak month volumetric flow not exceeding 300 gallons per day or a service servicing a primary individual dwelling unit. The concentration of the sewage shall be normal domestic strength wastewater.

EXTRA STRENGTH WASTE. Wastewater having a BOD and/or TSS greater than domestic waste and not otherwise classified as an incompatible waste.

FECAL CONFORM. Bacteria common to the intestinal tract of humans and warm-blooded animals.

FLOATABLE OIL. Oil, fat or grease in a physical state, such that it will separate by gravity from wastewater.

GARBAGE. Animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

GOVERNMENTAL USER. Users which are units, agencies or instrumentalities of federal, state or local government discharging normal domestic strength wastewater.

GUEST HOUSE. A second dwelling on residential property not used as the residence of a family.

GUEST QUARTERS. The residential occupancy of a structure, including bathroom and/or kitchen facilities, located on the same parcel as the primary dwelling unit, but separated from it by at least 10 feet.

INCOMPATIBLE POLLUTANT. Any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.

INCOMPATIBLE WASTE. Waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works.

INDUSTRIAL USERS or INDUSTRIES.

(1) (a) Entities that discharge into a publicly-owned wastewater treatment works, liquid wastes resulting from the processes employed in industrial or manufacturing processes or from the development of any natural resources. These are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemental under one of the following divisions:

1. Division A: Agriculture, Forestry and Fishing;
 2. Division B: Mining;
 3. Division D: Manufacturing;
 4. Division E: Transportation, Communications, Electric, Gas and Sanitary Sewers;
- and
5. Division I: Services.

(b) For the purpose of this definition, domestic waste shall be considered to have the following characteristics:

1. BOD5: less than 250 mg/l; and
2. Suspended solids: less than 302 mg/l.

(2) Any non-governmental user of a publicly-owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems or to injure or to interfere with any sewage treatment process, or which institutes a hazard to humans or animals, creates a public nuisance or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

INDUSTRIAL WASTE. Gaseous, liquid and sewerable wastes resulting from industrial or manufacturing processes, trade or business, or from the development recovery, and processing of natural resources, as distinct from residential or domestic strength wastes.

INDUSTRIAL WASTEWATER. The liquid processing wastes from an industrial manufacturing process, trade or business including, but not limited to, all Standard Industrial Classification Manual Divisions A, B, D, E and I manufacturers as distinct from domestic wastewater.

INDUSTRY. Any non-governmental or nonresidential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, which is categorized in Divisions A, B, D, E and I.

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

INFILTRATION/INFLOW - (I/I). The total quantity of water from both infiltration and inflow.

INFLOW. Water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

INSTITUTIONAL USER. Users other than commercial, governmental, industrial or residential users, discharging primarily normal domestic strength wastewater (e.g., non-profit organizations).

INTERFERENCE. The inhibition or disruption of the city's wastewater disposal system processes or an operation which cause or significantly contributes to a violation of any requirement of the city's NPDES and/or SDS permit. The term includes violation of sewage sludge use or disposal by the city in accordance with published regulations providing guidelines under § 405 of the Act or any regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria applicable to the method of disposal or use employed by the city.

LAUNDROMAT. A commercial establishment equipped with washing machines and dryers, usually coin-operated and self-service.

MAY. The act referred to is permissive.

MPCA. Minnesota Pollution Control Agency.

NATIONAL CATEGORICAL PRETREATMENT STANDARDS. Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to be not susceptible to treatment by such treatment facilities or would interfere with the operation of such treatment facilities, pursuant to § 307(b) of the Act.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to §§ 402 and 405 of the Act.

NATURAL OUTLET. Any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.

NON-CONFORMING STRUCTURE. See Ch. 152 of this code of ordinances.

NON-CONTACT COOLING WATER. The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added, is heat.

NORMAL DOMESTIC STRENGTH WASTEWATER. Wastewater that is primarily introduced by residential users with a BOD5 concentration not greater than 250 mg/l and a suspended solid (TSS) concentration not greater than 302 mg/l.

OPERATION AND MAINTENANCE. Activities required to provide for the dependable and economical functioning of the treatment works, throughout the design or useful life, whichever is longer of the treatment works, and at the level of performance for which the treatment works were constructed. OPERATION AND MAINTENANCE includes "replacement".

OPERATION AND MAINTENANCE COSTS. Expenditures for operation and maintenance, including replacement.

PERSON. Any individual, firm, company, association, society, corporation or group.

pH. The logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.

PRETREATMENT. The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works. (See § 50.05(L) of this chapter.)

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch (1.27 cm) in any dimension.

PUBLIC WASTEWATER COLLECTION SYSTEM. A system of sanitary sewers owned, maintained, operated and controlled by the city.

REPLACEMENT. Obtaining and installing of equipment, accessories or appurtenances which are necessary during the design life or useful life, whichever is longer, of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

REPLACEMENT COSTS. Expenditures for replacement.

RESIDENTIAL DWELLING. A dwelling structure on residential property used as the residence of a family of one or more members or one or more unrelated persons whether year around or seasonal.

RESIDENTIAL USER. A user of the treatment facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached and semi-detached housing, apartments and those structures which contain more than one dwelling unit such as an apartment or multiple-family housing.

RESORT UNIT. A rental unit not used as a residence.

SANITARY SEWER. A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters which are not admitted intentionally.

SEWAGE. The spent water of a community. The preferred term is WASTEWATER.

SEWER. A pipe or conduit that carries wastewater or drainage water.

(1) COLLECTION SEWER. A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.

(2) COMBINED SEWER. A sewer intended to serve as a sanitary sewer and a storm sewer.

(3) FORCE MAIN. A pipe in which wastewater is carried under pressure.

(4) INTERCEPTOR SEWER. A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

(5) PRIVATE SEWER. A sewer which is not owned and maintained by a public authority.

(6) PUBLIC SEWER. A sewer owned, maintained and controlled by a public authority.

(7) STORM SEWER or STORM DRAIN. A drain or sewer intended to carry storm waters, surface runoff, ground water, sub-surface water, street wash water, drainage and unpolluted water from any source.

SEWER SERVICE CHARGE. The aggregate of all charges, including charges for operation, maintenance and replacement; debt service; and other sewer related charges that are billed periodically to users of the city's wastewater treatment facilities.

SEWER SERVICE FUND. A fund into which income from sewer service charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditure of the SEWER SERVICE FUND will be for operation, maintenance and replacement costs; and to retire debt incurred through capital expenditure for wastewater collection and treatment.

SHALL. The act referred to is mandatory.

SIGNIFICANT INDUSTRIAL USER. Any industrial user of the wastewater treatment facility which has a discharge flow:

- (1) In excess of 25,000 gallons per average work day;
- (2) Has exceeded 5% of the total flow received at the treatment facility;
- (3) Whose waste contains a toxic pollutant in toxic amounts pursuant to § 307(a) of the Act; or

(4) Whose discharge has a significant effect, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality or emissions generated by the treatment system.

SLUG. Any discharge of water or wastewater which, in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment works.

STANDARD INDUSTRIAL CLASSIFICATION MANUAL. Office of Management and Budget, 1972.

STATE DISPOSAL SYSTEM (SDS) PERMIT. Any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to M.S. § 115.07, as it may be amended from time to time, for a disposal system as defined by M.S. § 115.01, Subd. 8, as it may be amended from time to time.

SUPERINTENDENT. The Utilities Superintendent or a deputy, agent or representative thereof.

SUSPENDED SOLIDS (SS) or TOTAL SUSPENDED SOLIDS (TSS). The total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater, latest edition, and referred to as **NON-FILTERABLE RESIDUE**.

TOXIC POLLUTANT. The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects as defined in standards issued pursuant to § 307(a) of the Act.

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities. (See **NON-CONTACT COOLING WATER**.)

USER. Any person who discharges or causes or permits the discharge of wastewater into the city's wastewater disposal system.

USER CHARGE. A charge levied on users of the collection and treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement.

USERS. Those residential, commercial, governmental, institutional and industrial establishments which are connected to the public sewer collection system.

WASTEWATER. The spent water of a community and referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any unauthorized ground water, surface water and storm water that may be present.

WASTEWATER TREATMENT WORKS or TREATMENT WORKS. An arrangement of any devices, facilities, structures, equipment or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and similar facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

WATERCOURSE. A natural or artificial channel for the passage of water, either continuously or intermittently.

WPCF. The Water Pollution Control Federation.