

ORDINANCE NUMBER 90-03A

BREITUNG TOWNSHIP

St. Louis County Minnesota

An Ordinance Establishing Sewer Use Regulations.

An ordinance regulating the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system(s); and providing penalties for violations thereof.

Be it ordained and enacted by the Board of Directors of the Breitung Water and Sewer Commission and Breitung Township Board, Soudan Minnesota as follows:

Article I DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall have the meanings hereinafter designated:

Section 1. ABANDONMENT – Any access to the sewer system that will no longer be used for the purpose of adding waste to the sewer system.

Section 2. ACT – The Federal Water Pollution Control Act also referred to as the Clean Water Act, as amended, 33. U.S.C. 1251, et seq.

Section 3. ASTM – American Society for Testing Materials

Section 4. AUTHORITY – The sewer board, as defined herein, or its representative thereof.

Section 5. BACKFLOW VALVE- Refers to a check valve specifically designed to prevent the reverse flow of sewage in a lateral.

Section 6. BOD5 OR BIOCHEMICAL OXYGEN DEMAND – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° Centigrade in terms of milligrams per liter (mg/l).

Section 7. 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.

Section 8. BUILDING SEWER – the extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection. Also known as a Lateral.

Section 9. TOWNSHIP – the area within the corporate boundaries of the Plat of Soudan as presently established or as amended by ordinance or other legal actions at a future time. The term “Township” when used herein may also be used to refer to the Water Commission or Township Board and its authorized representative.

Section 10. - TOWNSHIP ENGINEER - Refers to the Township’s engineering firm of Breitung Township.

Section 11. 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).

Section 12. CLERK - when used herein, refers to the Township Clerk of Breitung Township.

Section 13. COMPATIBLE POLLUTANT – Biochemical oxygen demand, suspended solids, PH, and fecal coli form bacteria, plus additional pollutants identified in the NPDES/SDS Permit if the treatment facilities are designed to treat such pollutants to a degree which effluent concentration limits imposed by the permit.

Section 14. CONTROL MANHOLE – a structure specially constructed for the purpose of measuring flow and sampling of wastes.

Section 15. EASEMENT – An acquired legal right for the specific use of land owned by others.

Section 16. FECAL COLIFORM – Any number of organisms common to intestinal tract of man animals whose presence in sanitary sewage is an indicator of pollution.

Section 17. FLOATABLE OIL – Oil, fat, or grease in a physical state, such that it will separate by gravity from wastewater.

Section 18. GARBAGE – Animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.

Section 19. INCOMPATIBLE POLLUTANT – Any pollutant that is not defined as a compatible pollutant (Section 9) including non-biodegradable dissolved solids.

Section 20. INDUSTRY – Any nongovernmental 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.

Section 21. INDUSTRIAL WASTE – Gaseous, liquid, and solid 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.

Section 22. INFILTRATION – Water entering the sewage system (include building drains and pipes) from the ground through such mean as defective pipes, pipe joint, connections, and manhole walls.

Section 23. INFILTRATION /INFLOW (I/I) – The total quantity of water from both infiltration and inflow.

Section 24. 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.

Section 25. INTERFERENCE – the inhibition or disruption of the wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the Facility's NPDES and/or SDS permit. The term includes of sewage sludge use or disposal by the City in accordance with published regulations providing guidelines under Section 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.

Section 26. MPCA – Minnesota Pollution Control Agency.

Section 27. 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 Section 307(b) if the Act.

Section 28. 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 Sections 402 and 405 of the Act.

Section 29. 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.

Section 30. NON-CONTRACT COOLING WATER – The water discharged from any use such as air conditioning, cooling, or refrigeration, or during which the only pollutant added, is heat.

Section 31. NORMAL DOMESTIC STRENGTH WASTE – Wastewater that is primarily introduced by residential users with a BOD₅ concentration not greater than 250 mg/1 and a total suspended solids (TSS) concentration not greater than 275 mg/1.

Section 32. PERSON – Any individual, firm, company, association, society, corporation, or group.

Section 33. PH – The logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.

Section 34. PREMISES - Refers to a lot, parcel of land, building, or establishment.

Section 35. PRETREATMENT – The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly owned treatment works. (See Section 23)

Section 36. 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 ½ inch (1.27 cm) in any dimension.

Section 37. SEWAGE – The spent water of a community. The preferred term is wastewater.

Section 38. SEWER – a pipe or conduit that carries wastewater or drainage water.

- A. Building sewers - Refers to sewer, soil pipe and drain pipes constructed within and under buildings.
- B. Collection Sewer – A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.
- C. Combined Sewer – A sewer intended to serve as a sanitary sewer and a storm sewer.
- D. Force Main – A pipe in which wastewater is carried under pressure.
- E. Interceptor Sewer – A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.
- F. Lateral - A privately owned pipeline connecting a building sewer or Collection Sewer to a sewer main.
- G. Private Sewer – A sewer which is not owned and maintained by a public authority.
- H. Public Sewer – A sewer owned, maintained, and controlled by a public authority.
- I. 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.
- J. 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.

Section 39. SEWER BOARD – The term “Board” when used herein may also be used to refer to the treatment authority and its authorized representatives of the Tower Breitung Waste Water Board (aka TBWWB).

Section 40. SHALL – is mandatory; “may” is permissive.

Section 41. 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, or (2) has exceeded five percent (5%) of the total flow received at the treatment facility, or (3) whose waste contains a toxic pollutant in toxic amounts pursuant to Section 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.

Section 42. 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 fifteen (15) minutes, more than five (5) 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.

Section 43. STATE DISPOSAL SYSTEM (SDS) PERMIT – Any permit (including any terms, conditions, and requirements thereof) issued by the MPCA pursuant to Minnesota Statutes 115.07 for a disposal system as defined by Minnesota Statutes 115.01, Subdivision 8.

Section 44. 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.

Section 45. TBWWB – Tower Breitung Waste Water Board.

Section 46. TOWNSHIP – The area within the boundaries of the Township of Breitung as presently established or as amended by ordinance or other legal actions at a future time. The term “Township” when used herein may also be used to refer to the Township Board and its authorized representatives.

Section 47. 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 Section 307(a) of the Act.

Section 48. 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-Contract Cooling Water, Section 23)

Section 49. USER – Any person who discharges or causes or permits the discharge of wastewater into the City’s wastewater disposal system.

Section 50. 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 ground water, surface water, and storm water that may be present.

Section 51. WASTEWATER TREATMENT WORKS OR TREATMENT WORKS – an arrangement of any devices, facilities, structures, equipment, or process owned, or used by the Township of 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 clear well 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.

Section 52. WATERCOURSE – A natural or artificial channel for the passage of water, either continuously or intermittently.

**Article II
CONTROL BY THE
TBWWB**

Section 1. The TBWWB shall have control and general supervision of all public sewers and laterals in the township that directly affect the wastewater treatment operation. Township maintenance personnel shall be responsible for administering and enforcing the provisions of this ordinance to the end that a proper and efficient public sewer is maintained. The TBWWB can be utilized by the Township for expertise and will have the final decision-making capability if they become aware of something that will affect the wastewater treatment facilities operation.

**Article III
COMPLIANCE**

Section 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner or public or private property within the Township, or in any area under jurisdiction, any human or animal excrement, garbage, or objectionable waste.

Section 2. It shall be unlawful to discharge to any natural outlet wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and the Facility's NPDES/SDS Permit.

Section 3. Except as provided hereinafter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

Section 4. The owner(s) of all buildings or properties from which wastewater is discharged, and which is situated within the Township and adjacent to any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of suitable lateral to the public sewer in accordance with the provisions of this Ordinance, within (90) days of the date said public sewer is operational, provided said public sewer is within 300 feet of the structure generating the wastewater. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this section, an official 60-day notice shall be served instructing the affected property owner to make said connection.

Section 5. In the event an owner shall fail to connect a public sewer in compliance with a form given under Article III, Section 4 of the Ordinance, the Township must undertake to have said connection made and shall assess the cost thereof against the benefitted property. Such assessment, when levied, shall bear interest at the rate determined by the Township Board and shall be certified to the Auditor of the County of Saint Louis, Minnesota and shall be collected and remitted to the Township in the same manner as assessments for local improvements. The rights of the Township shall be in addition to any remedial or enforcement provisions of this ordinance.

**Article IV
PRIVATE WASTEWATER DISPOSAL**

Section 1. Where a public sewer is not available under the provisions of Article III, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.

Section 2. Prior to commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain appropriate county permits.

Section 3. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the county.

Section 4. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of the county.

Section 5. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 90 days in compliance with this Ordinance. Within 120 days any septic tanks, cesspools, and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank of pit filled with suitable material.

Section 6. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the Township.

Section 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the State of Minnesota.

**Article V
BUILDING SEWERS AND CONNECTIONS**

Section 1. Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, BOD₅, and suspended solids, as determined by the TBWWB.

Section 2. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written form from the Township.

Section 3. Applications for forms shall be made by the owner or authorized agent. No person shall extend any private building drain beyond the limits of the building or property for which the Sewer and Water permit has been given.

Section 4. There shall be two (2) classes of building sewer forms: (A) for residential and commercial service, and (B) for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the Township. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

Section 5. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Township from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

Section 6. 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 and adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The Township does not and will not assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.

Section 7. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Township or its representative, to meet all requirements of this ordinance.

Section 8. The size, slopes, alignment, materials, or construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations.

Section 9. 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, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Section 10. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or indirectly to the wastewater disposal system.

Section 11. The connection of the building sewer into the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the Township or the procedures set forth in appropriate specifications shall be made gastight and watertight, and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the Township prior to installation.

Section 12. The applicant for the building sewer permit shall notify the Township when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the Township or authorized representative thereof.

Section 13. All excavations for building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways, and other public property

disturbed in the course of the work, shall be restored in a manner satisfactory to the Township.

Section 14. No person shall make a service connection with any public sewer unless currently licensed as a plumber or prior approval of Township.

Section 15. See Article 11 for lateral connections.

Article VI USE OF PUBLIC SERVICES

Section 1. No person(s) shall discharge or cause to be discharged any unpolluted water such as storm water, ground water, roof runoff, surface drainage, or non-contract cooling water to any sanitary sewer.

Section 2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the Township and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet or approval of the Township and upon approval and the issuance of a discharge permit by the MPCA.

Section 3. No person(s) shall discharge or cause to be discharge any of the following described waters or wastes to any public sewers:

- A. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketenes, aldehydes, peroxides, chlorates, per chlorates, bromides, carbides, hydrides, and sulfides.
- B. Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or grass griding, or polishing waters.
- C. Any wastewater having a pH or less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to other structures, equipment, and personnel of the wastewater disposal system.
- D. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit o disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of

the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Clean Water Act.

Section 4. The following described substances, materials, water, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works treatment process or equipment, will not have an adverse effect on the receiving stream and/or soil, vegetation, and ground water, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The TBWWB may set limitations lower than limitations established in the regulation below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of wastes, the TBWWB will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the Facility's NPDES and/or SDS permit, capacity of the wastewater treatment works, degree of treatability of wastes in the wastewater treatment works, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the TBWWB are as follows:

- A. Any wastewater having a temperature greater than 150°F (65.6°C), or causing individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature of exceeding 104°F (40°C), or having heat in amount which will inhibit biological activity in the wastewater treatment works resulting in interference therein.
- B. Any wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/1 or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C or 65.6°C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/1, whether emulsified or not.
- C. Any garbage not properly shredded, as defined in Article I Section 36. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food on the premises or when served by caterers.
- D. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.
- E. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to dye wastes and vegetable tanning solutions.
- F. Non-contact cooling water or unpolluted storm, drainage, or ground water.
- G. Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that would cause disruption with the wastewater disposal system.
- H. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the TBWWB in compliance with applicable state or federal regulations.

- I. Any waters or wastes containing the following substances to such degree that any such material received in the composite wastewater at the wastewater treatment works in excess of the limits per the MPCA guidelines.
- J. Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule, regulation, ordinance of any regulatory agency, or state or federal regulatory body.
- K. Any waters or wastes containing BOD₅ or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of Section 17 of this Article.

Section 5. If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in Section 4 of this Article, and/or which in the judgment of the TBWWB, may have a deleterious effect upon the wastewater treatment facilities, processes or equipment; receiving waters and/or soil, vegetation, and ground water; or which otherwise create a hazard to life or constitute a public nuisance, the Township may:

- A. Reject the wastes,
- B. Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Clean Water Act and all addendums thereof,
- C. Require control over the quantities and rates of discharge, and/or,
- D. Require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer service charges.

If the Township permits the pretreatment or equalization of waste flows, the design, installation, and maintenance of the facilities and equipment shall be made at the owners' expense, and shall be subject to the review and approval of the Township pursuant to the requirements of the MPCA.

Section 6. No user shall increase the use of the process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in Sections 3 and 4 of this Article, or contained in the National Categorical Pretreatment Standards or any state requirements.

Section 7. Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner(s).

Section 8. Grease, oil, and sand interceptors shall be provided when, in the opinion of the TBWWB, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 4(b), any flammable wastes as specified in Section 3(a), sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the TBWWB. Any removal and hauling of the collecting materials not performed by the owner's personnel, must be performed by a currently licensed waste disposal firm.

Section 9. Where required by the Township, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, or control manhole, with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Township. The structure shall be installed by the owner at his expense and shall be maintained by the owner to be safe and accessible at all times.

Section 10. The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the Township, be required to provide laboratory measurements, tests, or analyses of waters or wastes to illustrate compliance with this Ordinance and any special condition for discharge established by the Township or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling, and laboratory analyses to be performed by the owner shall be as stipulated by the Township. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with Federal, State, and Local standards are being met. The owner shall report the results of measurement and laboratory analyses to the Township at such times and in such manner as prescribed by the Township. The owner shall bear the expense of all measurements, analyses, and reporting required by the Township. At such times as deemed necessary, the Township reserves the right to take measurements and samples for analysis by an independent laboratory.

Section 11. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, location, times, duration, and frequencies are to be determined on an individual basis subject to approval by the TBWWB.

Section 12. Where required by the Township, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this ordinance. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's expense.

Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the TBWWB for review and approval prior to the construction of the facility. Review and approval of such plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this ordinance. Users shall notify the TBWWB immediately upon having a slug or accidental discharge of substances or wastewater in violation of this ordinance to enable countermeasures to be taken by the TBWWB to minimize damage to the wastewater treatment work. Such notification will not relieve any user of any liability for any expense, loss, or damage to the wastewater treatment system or treatment process, or for any fines imposed on the Sewer Board and/or Township on account thereof under any State and Federal law. Employees shall insure that all employees who may cause or discover such a discharge, are advised of the emergency notification procedure.

Section 13. No person, having charge of any building or other premises which drains into the public sewer, shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within 30 days after receipt of written notice from the Township, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair, or alter the same, and perform such other work as the Township may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of 30 days, the TBWWB may cause such work to be completed at the expense of the owner or representative thereof.

Section 14. Whenever any lateral becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause such work to be done as the Township may direct. Each day after 7 days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Township may then cause the work to be done, and recover from such owner or agent the expense thereof by an action in the name of the Township.

Section 15. The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times, a catch basin or waste trap in the building drain system to prevent grease, oil, dirt, or any mineral deposit from entering the public sewer system.

Section 16. In addition to any penalties that may be imposed for violation of any provision of this chapter, the Township may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge of prohibited wastes by such person, any may collect such assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the Township.

Section 17. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the TBWWB and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Board of treatment, subject to payment therefore by the industrial concern, providing the National Categorical Pretreatment Standards and the Facility's NPDES and/or State Disposal System Permit limitations are not violated.

Article VII

Section 1. Any person violating this provision is guilty of a misdemeanor and/or applicable State of Minnesota criminal offenses pursuant to Minnesota Statutes. If not fixed for the first year thereafter \$50.00 per month assessment will be applied for the second year. An assessment of \$100.00 per month for the third year and beyond of non-compliance.

Article VIII USER RATE SCHEDULE FOR CHARGES

Section 1. See current years rates as posted in clerk's office.

Article IX POWERS AND AUTHORITY OF INSPECTORS

Section 1. Duly authorized employees or agents of the TBWWB or Township, shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling, and testing pertinent to the discharges to the Township's sewer system in accordance with the provisions of this ordinance.

Section 2. The TBWWB or other duty authorized employees are authorized to obtain information concerning industrial processes which have direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential however, the industry must establish that the revelation to the public of the information in question, might result in an advantage to competitors.

Section 3. While performing necessary work on private properties, duly authorized employees of the TBWWB or Township shall observe all safety rules applicable to the premises established by the industrial user, and the industrial user shall be held harmless for injury or death to TBWWB/Township employees and the TBWWB /Township shall indemnify the industrial user against loss or damage its property by their employees and against liability claims and demands for personal injury or property damage asserted against the industrial user and growing out of the gauging the sampling operation, except as such may be cause by negligence or failure of the industrial user to maintain safe conditions as required in Article VI, Section 9 of this ordinance.

Section 4. Duly authorized employees and agents of the TBWWB or Township shall be permitted to enter all private properties through which the Township holds a duly negotiated license for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said license. All entry and subsequent work, if any, on said license, shall be done in full accordance with the terms of the duly negotiated license pertaining to the private property involved.

**Article X
PENALTIES**

Section 1. Any person found to be violating any provisions of this ordinance, shall be served by the Township with written form stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

See Attachment Number One

If not fixed for the first year thereafter \$50.00 per month for the second-year assessment will be applied. An assessment of \$100.00 per month for the third year and beyond will be applied for noncompliance.

Section 2. Any person who shall continue any violation beyond the time limit provided for in Section 1 of this Article, shall be guilty of a misdemeanor, and on conviction thereof, shall be charged as follows. Each day in which any such violation occurs shall be deemed as a separate offense. If not fixed for the first year thereafter \$50.00 per month assessment will be applied. An assessment of \$100.00 per month will be applied for the third year of noncompliance.

Section 3. Any person violating any of the provisions of this ordinance shall become liable to the Board/Township for any expense, loss, or damage occasioned by the Board/Township by reason of such violation.

**Article XI
SEWER LATERALS**

Section 1. CLERK'S AUTHORITY TO ENFORCE. The Township Clerk shall be charged with the administration of the sewer system and the enforcement of the provisions of this chapter as advised by a Township authorized agent.

Section 2. SEWER LATERALS, CLEANOUTS, AND CONNECTIONS.

- A. All laterals from the building wall to the sewer main are the property of the property owner of the connected building. The owner is responsible for all costs associated with lateral work. All property owners whose properties are connected to a sewer main or are otherwise connected to the township's sewer system by sewer lateral shall at their own expense maintain the sewer lateral in a fully functioning condition and ensure the lateral is free of cracks, leaks, inflow or infiltration of extraneous water, root intrusion or open joints. Frozen or clogged laterals between the main and the building are the responsibility of the property owner. Property owners shall ensure that laterals drain freely to the sewer main without excessive sags that collect grease and sediment. Whenever defective laterals are found, the property owner, at the sole expense of the property owner, shall repair or replace the lateral. Unusual repair circumstances costs will be evaluated on a case-by-case basis by the Breitung Board. The Township Representative shall determine the extent of the repair required. A more limited repair than complete replacement of the lateral may be permitted at the sole discretion of the Township Representative. The following requirements shall be met.

- a. A replaced or repaired lateral shall not be covered or backfilled until it has been inspected by a representative of the Township.
 - b. All repaired or replaced laterals shall be brought into compliance with the requirements of Article 5 Section 11.
 - c. Certificate of completion will be issued and will remain in force for five (5) years.
- B. No person, firm, or corporation shall break or cut into or connect to any sewer in any street, easement, or right-of-way in the Township under the control of the Township without first securing a form so to do from the Township Representative. Prior to beginning work, detailed plans describing the work to be done shall be submitted to and approved by the Township Representative or his designee.
- C. Each property utilizing the township's sewer system shall have a separate lateral connected to the sewer main. Notwithstanding the foregoing sentence, branched, or common laterals shall be permitted only in the following instances:
- a. Where a lateral is maintained by a homeowner's association or other entity that is party to a formal, recorded lateral maintenance agreement.
 - b. Where more than one building or other structure is situated upon the same lot, in which case all such buildings and structures may, by permit authorized by the Township Representative, be joined in the use of one connecting sewer; provided that the connection conforms in all other respects to the provisions of this title and a drawn plan of the joint connection be first submitted to and approved by the Township Representative.
 - c. Where, in the opinion of the Township Representative, it is impossible or impractical to connect a building on a single lot to the main sewer except in conjunction with the connection of a building or buildings on other lots, a joint connection may be allowed, provided that the connection conforms in all other respects to the provisions of this title and a drawn plan of the joint connection be first submitted to and approved by the Township Representative. A form for each individual lot covering the identification of the responsible party for maintenance and liability for maintenance and overflow damages shall be required.
 - d. Where two or more structures on separate parcels are connected to a branched or common lateral, each property shall be disconnected from the branched or common lateral and a new separate lateral shall be constructed upon the transfer of title of either property by sale.

- D. A written cleanout approved by the Township Representative shall be installed and maintained, at the sole expense of the property owner, on all laterals. The installation of the devices shall be required as follows:
- a. When building a new structure on a property with an existing lateral, or when otherwise proposing to connect a previously unconnected structure to an existing lateral;
 - b. As a condition of approval of any project that requires a building permit from St. Louis County.
 - c. One Month prior to the close of escrow when the property is transferred via sale or other transfer of ownership by deed, instrument, or writing;
 - d. Whenever the Township finds that a sewage spill emanating from a lateral has reached public property, including but not limited to a city street or the Township storm drain system, or has flowed onto private property owned by another property owner;
 - e. Whenever the Township finds that a sewage spill emanating from a lateral presents a threat to public health, even if it has not flowed across a property line.
- E. Backflow Valves.
- a. On laterals serving properties where the outlet of a trap for a plumbing fixture is installed or located at an elevation which is less than two feet above the rim of the nearest manhole or other sewer access point uphill from the point of connection of the lateral to the public sewer in any new or existing drainage system, approved types of backflow valves may be required by the Township Representative. The installation of the devices shall be required under the same circumstances as set forth in subsections D. (a) through (e), inclusive, of this section.
 - b. Where a backflow valve is required, the valve shall be installed in the lateral at the point of lowest elevation of the ground surface along the alignment of the lateral, or at such other location as is permitted by the Township, providing that any such location, the elevation of the ground surface is not less than two feet below the lowest trap served by the building sewer.
 - c. The backflow valve shall have cleanouts directly upstream and downstream of the valve. The cleanouts shall be connected to the lateral by means of wye fittings. The backflow valve shall be accessible from the surface and protected by the use of precast access box of concrete or heavy-duty plastic approved by the Township Engineer.
 - d. The cleanouts shall be positioned at an elevation at least three inches above the ground in order to prevent the obstruction of the vent opening or the inflow of surface water.
 - e.
- F. Any owner whose property meeting the elevation criteria of this section that has no backflow valve, or has a defective or improperly installed backflow valve, shall be responsible for all damage that results from the lack of such a device, or the failure of the defective or improperly installed device to prevent such damage.

Section 3. INSPECTIONS AND REPAIRS OF SEWER LATERALS.

- A. Property owners shall provide to the Township a report of the results of an inspection of, the laterals on their property prepared by Township Staff based on availability or a licensed plumber or inspection service using closed circuit television (CCTV) inspection or other inspection or test method approved by the Township Representative, and if found defective, repair the lateral, as follows:
 - a. When building a new structure on property with an existing lateral, or when otherwise proposing to connect a previously unconnected structure to an existing lateral;
 - b. As a condition of approval of any remodel project that requires a building permit from St. Louis County.
 - c. One month prior to the close of escrow when the property is transferred via sale or other transfer of ownership by deed, instrument, or writing;
 - d. Whenever the Township finds that a sewage overflow emanating from a lateral presents a threat to public health, even if it has not flowed across a property line. In the absence of a specific deadline, all inspection and testing work shall be completed within sixty days of notification by the Township that such inspection is required. Existing laterals shall not be used if they are found to be defective by the inspection or if they fail Township mandated tests or if they were constructed of materials deemed unacceptable by the Township Representative.
 - e. The Township retains the right to inspect any lateral.
- B. As part of its periodic construction and maintenance of sewer mains and road construction, the Township may discover defective laterals. The Township may order the property owner to conduct an inspection, repair, or replacement of any lateral that the Township knows or reasonably suspects to be defective.
- C. The lateral shall be considered defective if it has any of the following conditions: displaced joints, root intrusion, substantial deterioration of the lines, damaged clean-out, defective clean-out, inflow, infiltration of extraneous water, or other conditions likely to substantially increase the chance for a lateral blockage, or if, within a period of one year, a lateral suffers two or more blockages resulting in overflows.
- D. In the absence of a specific deadline established by the Township Clerk, all repair or replacement work shall be completed within ninety days of notification by the Township that such repair or replacement is required.
- E. Roots, grease, or other material which have accumulated in a lateral cleaned or maintained shall be prevented from entering the sewer main during the maintenance or repair of the lateral. In the event that material is permitted to enter the main causing or contributing to the cause of a sewage spill, the property owner and/or contractor performing such maintenance work, in addition to any criminal penalties imposed, shall be held civilly liable to the city for any fines or other expenses incurred by the Township resulting from the spill.

- F. The Township shall have the authority to recover from a property owner the Township's expenses incurred in responding to sewer overflows on private property. In addition to any actual expenses incurred by the Township resulting from an overflow, the Township may impose civil administrative penalties against a property owner who fails to perform any act required in this section, which failure results in an overflow reaching public or private property other than the property owner's property, according to the following schedule:
 - a. See Fee Schedule for the first violation.
 - b. See Fee Schedule for a second violation occurring within three years after the first violation.
 - c. See Fee Schedule for each additional violation within a three-year period exceeding two violations.

- G. The Township Board shall have the authority to establish, waive, suspend, or otherwise modify any civil administrative penalty imposed by this section that exceeds the direct costs of the Township upon a showing by the property owner of severe financial hardship, or upon a showing that the property owner has satisfactorily repaired the lateral to a degree sufficient to ensure avoidance of further violations.

- H. The provisions of this section shall not be construed to require or obligate the Township to enter into a reimbursement agreement if, in the sole discretion of the Township Board, to so enter into the agreement would not be in the best interests of the Township or would be detrimental to the health, safety, or welfare of the Township.

Section 4. CAPPING OF SEWER.

- A. Prior to the demolition of a building with sewer access or abandonment of sewer lateral, the property owner is responsible for capping of the sewer by a licensed plumber.

**Article XII
VALIDITY**

Section 1. This ordinance shall be in full force and take effect from and after its passage and approval and publication as provided by law.

Section 2. All other ordinances and parts of other ordinances inconsistent or in conflict with any part of this ordinance, are hereby repealed to the extent of such inconsistency or conflict.

**Article XIII
PROHIBITED DISCHARGES INTO THE SANITARY SEWER SYSTEM**

Section 1.

- A. The discharge of water from roof, surface, groundwater sump pump, footing tile, swimming pool, or other natural precipitation into the Township sewerage system results in flooding and overloading of the sewerage system. When this water is discharged into the sanitary sewer system it is treated at the sewage treatment plant. This results in very large and needless expenditures. The Town Board, therefore, finds it in the best interest of the Township to prohibit such discharges.

Section 2. Discharge Prohibited.

- A. Except as otherwise expressly authorized in this Section, no water from any roof, surface, groundwater sump pump, footing tile, swimming pool, or other natural precipitation shall be discharged into the sanitary sewer system. Dwellings and other buildings and structures which require, because of infiltration of water into basements, crawl spaces, and the like, a sump pump discharge system shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer system, except as provided herein. A permanent installation shall be one which provides for year-round discharge capability to either the outside of the dwelling, building, or structure, or is connected to Township storm sewer or discharge through the curb and gutter to the street. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge.

Section 3. Disconnection.

- A. Any person having a roof surface, groundwater sump pump, footing tile, or swimming pool now connected and/or discharging into the sanitary sewer system shall disconnect or remove same. Any disconnects or openings in the sanitary sewer system shall be closed or repaired in an effective, workmanlike manner.

Section 4. Inspection.

- A. Every person owning improved real estate that discharges into the Township's sanitary sewer system shall allow an employee of the Township or a designated representative of the Township to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. In lieu of having the Township inspect their property, any person may furnish a certificate from a licensed plumber certifying that their property is in compliance with this ordinance.

Section 5. Future Inspections.

- A. Each sump pump connection identified will be reinspected as needed.

Section 6. New Construction.

- A. All new dwellings with sumps shall have a pump and shall be piped to the outside of the dwelling

Ayes: 2
Nays: 0
Absent: 1

Passed by the Breitung Township Board, Soudan, Minnesota on the 20th of May, 2025

 5/20/25

Matthew Tuchel
Chairperson

Attest:



Amber Zak
Township Clerk

Summary Published in the Tower News on May 30, 2025

Summary Published in The Timberjay Newspaper on May 30, 2025

Posted in Designated posting places on May 21, 2025, full version available within clerk's office

Sent to Duluth Law Library on May 21, 2025

