

TITLE V: PUBLIC WORKS

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CHAPTER 50: GARBAGE AND RUBBISH

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Cross-reference:

Health and Safety; Nuisances, see Chapter 92

' 50.01 EFFECTIVENESS.

The provisions of this chapter are not effective until the City Council has complied with the notice and hearing requirements of M.S. ' 115A.94, as it may be amended from time to time.

' 50.02 DEFINITIONS.

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

GARBAGE. Organic refuse resulting from the preparation of food, and decayed and spoiled food from any source.

RUBBISH. All inorganic refuse matter such as tin cans, glass, paper, ashes and the like.

' 50.03 SANITATION COLLECTION SERVICE REQUIRED.

Every person owning, managing, operating, leasing or renting any premises or any place where garbage or rubbish accumulates shall subscribe to a sanitation collection service.

Penalty, see ' 10.99

' 50.04 CONTAINER REQUIRED; PLACEMENT.

(A) It shall be the duty of every person whose garbage and refuse is collected by the sanitation collection service to provide a container or containers for garbage and refuse, sufficient in size and number to accommodate and securely keep all garbage and refuse that may accumulate between collections. Garbage containers shall be watertight and constructed of a solid and durable grade of metal, plastic, or paper material.

(B) It shall be the duty of every person whose garbage and refuse is collected by the sanitation collection service to place their garbage containers directly behind the curblineline of the street abutting their property or in the absence of a curb directly behind the ditch line abutting their property. In no event shall containers be placed in the street or on the sidewalk or in any manner placed where the containers will interfere with vehicular or pedestrian traffic. It shall be the responsibility of the subscriber to place the containers no earlier than 6:00 p.m. of the afternoon preceding the collection day.

Penalty, see ' 10.99

' 50.05 MEDDLING WITH TRASH RECEPTACLES PROHIBITED.

(A) It shall be unlawful to meddle with garbage cans, trash or rubbish receptacles or in any way pilfer, search or scatter contents of garbage cans or rubbish receptacles in or upon any street or alley within the city limits.

(B) This section shall not apply to persons authorized by the city or persons authorized by state or federal law to search or otherwise meddle with trash receptacles.

Penalty, see ' 10.99

' 50.06 CONTAINERS TO BE KEPT SANITARY AND SECURE.

All containers shall be kept clean and free from accumulation of any substance remaining attached to the inside of the container which would attract or breed flies, mosquitoes, or other insects. The area surrounding garbage containers shall be maintained in a clean and sanitary condition. The contents of all receptacles shall be protected so that the wind cannot scatter the contents over the streets, alleys or other property within the city. All containers shall be securely closed in a manner as to prevent the scattering of the contents and to make them inaccessible to insects, rodents and other animals.

Penalty, see ' 10.99

' 50.07 UNAUTHORIZED PRIVATE COLLECTIONS PROHIBITED.

(A) It shall be unlawful for any person to transport garbage or refuse for hire which has been collected from any premises within the city over any public street within the city.

(B) This section shall not apply to any person who at the time of the activity is operating under a valid contract or franchise granted by the city which authorizes that person to use the public streets to conduct that activity.

Penalty, see ' 10.99

' 50.08 SANITATION SERVICE: CITY OPTIONS.

The City Council may provide for sanitation collection services within the city by use of city employees and vehicles, or it may grant licenses under the terms and conditions of ' 50.13, or it may contract with one or more contractors for the provision of these services under the terms and conditions negotiated with the contractors, except that the provisions for insurance under ' 50.13(E) shall always apply. Where the city provides for collection by use of city employees and city vehicles, the city shall establish a price structure consistent with ' 50.13(I) except as provided by M.S.' 115A.9301 Subd. 3 as it may be amended from time to time.

' 50.09 REMOVAL OF BUILDING MATERIALS.

Waste from building operations, rock waste, building materials or other refuse resulting from building or remodeling operations or resulting from a general cleanup of vacant or improved property shall be removed by the building contractor, owner or occupant of the building at his or her own expense. It shall be unlawful for any person to place those materials in any dumpster or other trash receptacle for disposal by the city or any agent or contractor of the city.
Penalty, see ' 10.99

' 50.10 PROHIBITED ACTS.

(A) It shall be unlawful for any person to sweep, throw or deposit any garbage, trash, debris, stagnant water or dead animal into, upon or along any public property or private property of another, except as may be specifically provided by this chapter.

(B) It shall be unlawful for any person owning or otherwise in control of any premises within the city to permit any of the conditions described in division (A) to exist upon property owned or controlled by him or her after having actual or constructive notice thereof.

(C) It shall be unlawful for any person to place in any container any material other than as specifically provided in this chapter.

(D) It shall be unlawful for any person to deposit or maintain garbage or trash except as provided for by this chapter.

(E) It shall be unlawful for any person to deposit any burning match, charcoal, ember, or other material in any container used for the disposal of garbage.
Penalty, see ' 10.99

' 50.11 NONRESIDENTIAL CUSTOMERS; CONTAINER TYPES; COLLECTION SCHEDULES.

(A) It shall be the duty of the owner or person otherwise in charge of multi-family, institutional

or industrial premises within the city to cause all garbage and trash accumulated on the premises to be placed in disposable containers, or commercial-type containers. Commercial-type containers may be used and may be placed at a location on the premises as arranged between the customer and the collector, but subject to review by the city at any time.

(B) Disposable containers shall be placed at a location on the premises which is readily accessible to the collector.

(C) The amount and character of garbage shall be considered in establishing size of commercial containers and frequency of pickup. The city shall have final authority to establish the size and frequency based on the history of amount and type of garbage generated by the customer. The collection and removal of garbage and trash from premises used for commercial, institutional, or industrial purposes shall be made as often as necessary in order to maintain the premises free of accumulations. Garbage, except dry trash in contractor-supplied containers, shall be collected not less than one time each week, except for roll-off containers which shall not be subject to this provision so long as they are used solely for brush and dry trash.

Penalty, see ' 10.99

' 50.12 MANNER OF COLLECTION AND TRANSPORTATION.

(A) The collection, removal and disposal of all garbage, trash and brush shall be carried on in a systematic, efficient manner to keep the city in a clean and sanitary condition.

(B) All vehicles used for the collection and transportation of garbage and trash shall be equipped with suitable covers which shall be used to prevent blowing or scattering of refuse while garbage and trash are being transported for disposal.

Penalty, see ' 10.99

' 50.13 LICENSING FOR COLLECTION.

(A) *Purpose.* In order to provide for a continuous system of refuse collection and disposal in a manner which meets the needs and conveniences of the residents of the city and in order to protect the area from the problems of uncoordinated, unsanitary and improper solid waste disposal, the City Council may determine that it is in the best interests of the residents of the city to require licenses of persons collecting or hauling garbage and rubbish for hire, reserving to the city the right and authority to contract with one or more operators to provide these services.

(B) *Licensing.* No person may collect or haul garbage or rubbish within the city without first obtaining a written license from the City Council. An application for a license shall be submitted in writing to the City Clerk, and shall contain the following information:

(1) Name and address of the applicant;

(2) Description of the equipment which will be used within the city by the applicant;

(3) A schedule of the rate that will be charged by the applicant for the various categories of customers within the city;

(4) Evidence of compliance with the other applicable sections of this chapter.

(C) *Franchise.* The City Council may exercise its reserved right to contract with one or more operators for the collection of garbage and rubbish within the city.

(D) *Suspension of license or contract.* A contract or license issued under the provisions of this section may be revoked or suspended for a violation of this chapter or other applicable regulations of law upon a showing that the contractor or licensee has failed to comply with that regulation.

(E) *Financial responsibility.* The licensee or contractor shall be required to procure (1) commercial general liability insurance in the minimum amount of \$2,000,000 per occurrence; (2) automobile liability insurance with a minimum combined single limit of \$2,000,000 for bodily injury and property damage including coverage for owned, hired and non-owned automobiles; and (3) workers= compensation insurance for all employees in accordance with the statutory requirements in Minnesota. The licensee or contractor shall hold the city harmless and agrees to defend and indemnify the city, and the city's employees and agents, for any claims, damages, losses, and expenses related to the work under the license or contract. The city shall be named as an additional insured on the commercial general liability insurance for the services provided under the license or contract. The licensee's or contractor's insurance shall be the primary insurance for the city and the licensee or contractor shall provide a certificate of insurance on the city's approved form which verifies the existence of the insurance required, including provisions to hold the city harmless and defend and indemnify the city. These insurance policies shall be for the full term of the license or franchise and shall provide for the giving of ten days prior notice to the city of the termination or cancellation of these policies. In case notice is received that any policies will be terminated or cancelled, the license or contract shall be automatically revoked on the termination or cancellation date unless the licensee or contractor provides proof that such policies are still in effect or new insurance has been obtained that meets the city's insurance requirements.

(F) *Design of equipment.* All trucks or motor vehicles used by the licensee or contractor shall be water-tight so as not to allow the leakage of liquids or refuse while hauling the same and shall be covered with a covering to prevent the scattering of its contents upon the public streets or private properties in the city.

(G) *Inspections.* All vehicles used for garbage or rubbish shall be made available for inspection within the city at the times and places as the City Council may designate.

(H) *Bond.* The contractor or licensee may be required to furnish a surety bond in an amount as the City Council deems necessary running to and approved by the City Council, guaranteeing the franchisee's or licensee's faithful and continuous performance of the terms of the franchise, license or contract and of this chapter.

(I) *Licensee requirements.*

(1) Licensees must impose charges for the collection of garbage or rubbish consistent with M.S. ' 115A.93 Subd 3, as it may be amended from time to time, that increases with the volume or weight of the garbage or rubbish collected.

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(2) Licensees must not impose any additional charges on customers who recycle.

(3) Where a licensee imposes charges by volume instead of weight, the licensee must establish a base unit size for an average small quantity household and offer a multiple pricing system that ensures that the amounts of waste generated in excess of the base unit amount are priced higher than the base unit price.

' 50.14 COLLECTION OF LEAVES, TREES OR TREE LIMBS.

Nothing in this chapter shall be construed to prevent the collection for hire by other persons of leaves, trees or tree limbs.

CHAPTER 51: SEWER REGULATIONS

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Cross-reference:

Health and Safety; Nuisances, see Chapter 92

GENERAL PROVISIONS

51.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall 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, being 33 USC 1251 et seq., as amended.

ASTM. American Society for Testing Materials.

AUTHORITY. This city or its representative thereof.

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

BUILDING DRAIN. The 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, beginning three feet outside the building wall.

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.

CITY. The area within the corporate boundaries of the city 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.

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.

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

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.

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.

INFILTRATION. Water entering the sewage system (including building drains and pipes) from the ground through 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.

INTERFERENCE. The inhibition or disruption of the city's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the city's NPDES or SDS permit. The term includes sewage sludge use or disposal by the city in accordance with published regulations providing guidelines under Section 405 of the Act (33 USC 1345) or any regulations developed pursuant to the Solid Waste Disposal Act (42 USC 6901 et seq.),

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the Clean Air Act (42 USC 7401 et seq.), the Toxic Substances Control Act (15 USC 2601 et seq.), or more stringent state criteria applicable to the method of disposal or use employed by the city.

MAY. The term is permissive.

MPCA. The 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 those treatment facilities or would interfere with the operation of those treatment facilities, pursuant to Section 307(b) of the Act (33 USC 1317(b)).

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 (33 USC 1342 and 33 USC 1345).

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-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 WASTE. Wastewater that is primarily introduced by residential users with a BOD₅ concentration not greater than 287 mg/l and a suspended solids (TSS) concentration not greater than 287 mg/l.

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.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 2-inch (1.27 cm) in any dimension.

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

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

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

(5) **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.

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

SHALL. The term is mandatory.

SLUG. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

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. 5, as it may be amended from time to time.

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 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 (33 USC 1317(a)).

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.

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

UTILITIES SUPERINTENDENT. The person appointed by the City Council to supervise the sewer and water systems of the city.

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 stormwater 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 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 that treatment.

WPCF. The Water Pollution Control Federation.

' 51.002 CONTROL OF SEWERS; ADMINISTRATION OF CHAPTER.

The Utilities Superintendent, or other official designated by the City Council shall have control and general supervision of all public sewers and service connections in the city, and shall be responsible for administering the provisions of this chapter to the end that a proper and efficient public sewer is maintained.

' 51.003 BUILDING SEWERS; GENERAL REQUIREMENTS.

Building sewer construction shall meet the pertinent requirements of the Minnesota State Building Code, which is those chapters of Minn. Rules referenced in Minn. Rules part 1300.0050, as they may be amended from time to time, and the Minnesota Plumbing Code, Minn. Rules Ch. 4714, as it may be amended from time to time. The applicant shall notify the City Clerk when the building sewer and connection is ready for inspection. The connection shall be made under the supervision of the Building Official or the Building Official's representative, if the city has adopted the State Building Code. If the city has not adopted the State Building Code, the Utilities Superintendent shall perform the inspection. If the city does not have a Utilities Superintendent, an installer licensed under ' 51.064 shall certify that the building sewer and connection comply with the State Building Code. No backfill shall be placed until the work has been inspected and approved, or until the certification has been received.

Penalty, see ' 51.999

' 51.004 TAMPERING WITH WASTEWATER FACILITIES.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

Penalty, see ' 51.999

' 51.005 COST OF REPAIRING OR RESTORING SEWERS.

In addition to any penalties that may be imposed for violation of any provision of this chapter, the city 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 that person, and may collect the assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the city.

GENERAL REGULATIONS

' 51.015 DEPOSITS OF UNSANITARY MANNER PROHIBITED.

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

Penalty, see ' 51.999

' 51.016 DISCHARGE OF WASTEWATER OR OTHER POLLUTED WATERS.

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

Penalty, see ' 51.999

' 51.017 RESTRICTIONS ON WASTEWATER DISPOSAL FACILITIES.

Except as otherwise provided in this chapter, 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.

Penalty, see ' 51.999

' 51.018 INSTALLATION OF SERVICE CONNECTION TO PUBLIC SEWER.

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated within the city 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 the city shall be required at the owner's expense to install a suitable service connection to the public sewer in accordance with provisions of this code within 365 days of the date the public sewer is operational; provided, the public sewer is within 200 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 ten-day notice shall be served instructing the affected property owner to make the connection.

Penalty, see ' 51.999

PRIVATE WASTEWATER DISPOSAL

' 51.035 PUBLIC SEWER NOT AVAILABLE.

Where a public sewer is not available under the provisions of ' 51.018, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this subchapter and Minn. Rules Ch. 7080, Design Standards for Individual Subsurface Sewage Treatment Systems, as they may be amended from time to time.

Penalty, see ' 51.999

' 51.036 PERMITS.

(A) *Required.* Prior to commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the city. The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary to the city.

(B) *Inspections.* A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city or its authorized representative. The city or its representative shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the city when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice. The Utilities Superintendent or other duly authorized employees of the city, bearing proper credentials and identification, are authorized, with the permission of the licensee, owner, resident or other person in control of property within the city, to enter all properties for the purpose of inspection in accordance with the provisions of this chapter. If the licensee, owner, resident or other person in control of property within the city does not permit the entrance to the property, the city shall obtain a search warrant as provided for in ' 10.20 before entering the property, except in emergency situations.

Penalty, see ' 51.999

' 51.037 TYPE, CAPACITIES, LOCATION AND LAYOUT.

(A) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of Minn. Rules Ch. 7080, Individual Sewage Treatment Systems Program, as they may be amended from time to time. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(B) *Straight-pipe systems; noncompliance.* A city inspector who discovers the existence of a straight-pipe system may issue a noncompliance notice to the owner of the straight-pipe system and forward a copy of the notice to the Pollution Control Agency. The notice must state that the owner must replace or discontinue the use of the straight-pipe system within ten months of receiving the notice. If the owner does not replace or discontinue the use of the straight-pipe system within ten months after the notice was received, the owner of the straight-pipe system shall be subject to a Pollution Control Agency administrative penalty of \$500 per month of noncompliance beyond the ten-month period. Administrative penalty orders may be issued for violations under this subdivision, as provided in M.S. ' 116.072, as it may be amended from time to time. One-half of the proceeds collected from an administrative penalty order issued for violating this subdivision shall be remitted to the local unit of government with jurisdiction over the noncompliant straight-pipe system.
Penalty, see ' 51.999

' 51.038 DIRECT CONNECTION REQUIRED.

At the time 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 365 days in compliance with this chapter, and within 365 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 or pit filled or may be removed.
Penalty, see ' 51.999

' 51.039 OPERATION AND MAINTENANCE BY OWNER.

The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the city.

' 51.040 APPLICATION OF SUBCHAPTER.

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

BUILDING SEWERS AND CONNECTIONS

' 51.055 RESTRICTIONS ON NEW CONNECTIONS.

Any new connections 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 Utilities Superintendent.
Penalty, see ' 51.999

' 51.056 BUILDING SEWER PERMITS.

(A) *Required.* No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(B) *Applications.* Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of the building to be connected and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.

(C) *Classes.* There shall be two classes of building sewer permits: one for residential and commercial service, and one 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 judgement of the city. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.

(D) *Inspection and connection.* The applicant for the building sewer permit shall notify the city 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 Utilities Superintendent or authorized representative thereof.

Penalty, see ' 51.999

' 51.057 COSTS AND EXPENSES.

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

Penalty, see ' 51.999

' 51.058 SEPARATE BUILDING SEWERS REQUIRED.

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 area is considered one building sewer. The city does not and will not assume any obligation or responsibility for damage caused by or resulting from any connection.

Penalty, see ' 51.999

' 51.059 OLD BUILDING SEWERS; RESTRICTIONS ON USE.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Utilities Superintendent or his or her representative, to meet all requirements of this chapter.

' 51.060 CONFORMANCE TO STATE BUILDING AND PLUMBING CODE REQUIREMENTS.

(A) The size, slopes, alignment, materials of construction of building sewers 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 Building and Plumbing Code or other applicable rules and regulations of the city. Cast iron pipe shall be used for a building sewer laid within 50 feet of any well per Minnesota Public Health department requirements.

(B) The connection of the building sewer into the public sewer shall conform to the requirements of the State Building and Plumbing Code or other applicable rules and regulations of the city. All connections 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 city prior to installation.

Penalty, see ' 51.999

' 51.061 ELEVATION BELOW BASEMENT FLOOR.

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 the building drain shall be lifted by an approved means and discharged to the building sewer.

Penalty, see ' 51.999

' 51.062 SURFACE RUNOFF OR GROUNDWATER CONNECTIONS PROHIBITED.

(A) No person shall discharge water or cause to be discharged any unpolluted waters such as storm water, ground water, roof run off, subsurface drainage such as that from floor drains, sump pumps, cisterns, field tile or any other recognizable source or any type of private, commercial or industrial cooling water to any sanitary sewer.

(B) Any person, firm or corporation having a roof drain system, surface drain system, footing tile, swimming pool, ground water drain system or sump pump now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove the same. Any disconnects or opening into the sanitary sewer shall be closed or repaired in an effective, workmanlike manner, as approved by the public works supervisor.

(C) Dwellings and other buildings and structures which require because of the infiltration of water into basements, crawl spaces and the like, a sump pump system to discharge excess water shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer system. A permanent installation shall be one which provides for year around discharge capability to either the outside of the dwelling, building or structure, or is connected to the city storm sewer. It shall consist of a rigid discharge line, without valves or quick connections for altering the path of discharge, and if connected to the city storm sewer shall include a check valve.

(D) *Powers and authority of inspectors.* Duly authorized employees or representatives of the city, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to determine the nature of discharge into any public sewer or natural outlet in accordance with the provisions of this chapter. In lieu of having the city inspect their property, any person or entity may furnish a certificate from a licensed plumber certifying that their property is in compliance with this chapter.

(E) Any person refusing to allow their property to be inspected or refusing to furnish a plumbers certificate within 14 days of the date the duly authorized city employees or representatives are denied admittance to their property shall be subject to the surcharge hereafter provided for.

(F) At any future time, if the city has reason to suspect that an illegal connection may exist in a premises, the owner, by written notice shall comply with the provisions of (C) above.

(G) A surcharge of \$100 per month may be imposed and added to every sewer billing mailed to property owners who are not in compliance with this chapter. The surcharge shall be added every month until the property is in compliance. The City Council may grant waivers from the surcharges where strict enforcement may cause undue hardship unique to the property or where the property owner was scheduled for disconnection but cannot do so due to circumstances, such as availability of the plumber or inclement weather.

' 51.063 EXCAVATIONS.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as 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 city. Penalty, see ' 51.999

' 51.064 LICENSES.

(A) *Required.* No person shall make a service connection with any public sewer unless regularly licensed under this chapter to perform the work, and no permit shall be granted to any person except a regularly licensed person. A person licensed as a plumber by the State of Minnesota, or a person in the ditch installing the pipe who has a card showing that they have completed a program of training that incorporates the Plumbing Code installation requirements, issued by either the Associated Builders and Contractors, Laborers-Employers Cooperation Educational Trust, or Minnesota Utility Contractors Association, is not subject to the licensing requirements of this section.

(B) *Application.* Any person desiring a license to make a service connection with public sewers shall apply in writing to the City Council with satisfactory evidence that the applicant or employer is trained or skilled in the business and qualified to receive a license. All applications shall be referred to the Utilities Superintendent for recommendations to the Council. If approved by the Council, the license shall be issued by the City Clerk upon the filing of a bond as hereinafter provided.

(C) *Issuance.* No license shall be issued to any person until a policy of insurance to the city, approved by the Council, is filed with the City Clerk conditioned that the licensee will indemnify and save harmless the city from all suits, accidents and damage that may arise by reason of any opening in any street, alley or public ground made by the licensee or by those in the licensee's employment for any purpose whatever, and that the licensee will replace and restore the street and alley over that opening to the condition existing prior to installation, adequately guard with barricades and lights, and will keep and maintain the same to the satisfaction of the Utilities Superintendent, and shall conform in all respects to any rules and regulations of the Council relative thereto, and pay all fines that may be imposed on the licensee by law.

(D) *Fee.* The license fee for making service connections shall be as established by the Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11 of this code, as that ordinance may be amended from time to time. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked by the Council for cause.

(E) *Suspension or revocation.* The Council may suspend or revoke any license issued under this subchapter for any of the following causes:

(1) Giving false information in connection with the application for a license.

(2) Incompetence of the licensee.

(3) Willful violation of any provisions of this chapter or any rule or regulation pertaining to the making of service connections.

Penalty, see ' 51.999

USE OF PUBLIC SERVICES

' 51.080 DISCHARGES OF UNPOLLUTED WATER.

(A) No person shall discharge or caused to be discharged any water such as stormwater, ground water, roof runoff, surface drainage or non-contact cooling water to any sanitary sewer.

(B) Stormwater and all other unpolluted drainage shall be discharged to those sewers as are specifically designed as storm sewers or to a natural outlet approved by the city and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the city and upon approval and the issuance of a discharge permit by the MPCA.

Penalty, see ' 51.999

' 51.081 DISCHARGES OF WATERS OR WASTES.

No person shall discharge or cause to be discharged 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, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, 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 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 glass grinding or polishing wastes.

(C) Any wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to 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 or 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 Act (33 USC 1317(a)).

Penalty, see ' 51.999

' 51.082 LIMITED DISCHARGES.

(A) 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 soil, vegetation and groundwater, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Utilities Superintendent may set limitations lower than limitations established in the regulations below if, in his or her opinion, the more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability of wastes, the Utilities Superintendent will give consideration to factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the city's NPDES/SDS permit, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

(B) 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 Utilities Superintendent are as follows:

(1) 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 exceeding 104°F (40°C), or having heat in amounts which will inhibit biological activity in the wastewater treatment works resulting in interference therein.

(2) Any wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65.6°C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not.

(3) Any quantities of flow, concentrations, or both which constitute a slug as defined in ' 51.001.

(4) Any garbage not properly shredded, as defined in ' 51.001 of this chapter. 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.

(5) 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.

(6) Any wastewater with objectionable color not removed in the treatment process such as but not limited to dye wastes and vegetable tanning solutions.

(7) Non-contact cooling water or unpolluted storm, drainage or ground water.

(8) 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 quantities that would cause disruption with the wastewater disposal system.

(9) Any radioactive wastes or isotopes of half-life or concentration as may exceed limits established by the Utilities Superintendent in compliance with applicable state or federal regulations.

(10) Any waters or wastes containing the following substances to the degree that any material received in the composite wastewater at the wastewater treatment works is detrimental to treatment process, adversely impacts land application, adversely effects receiving waters, or is in violation of standards pursuant to Section 307(b) of the Act (33 USC 1317(b)): Arsenic, Cadmium, Copper, Cyanide, Lead, Mercury, Nickel, Silver, total Chromium, Zinc and Phenolic compounds which cannot be removed by the city's wastewater treatment system.

(11) Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule, regulation or ordinance of any regulatory agency, or state or federal regulatory body.

(12) Any waters or wastes containing BOD₅ or suspended solids of character and quantity that unusual attention or expense is required to handle the materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of ' 51.094.

' 51.083 DISCHARGES HAZARDOUS TO LIFE OR CONSTITUTE PUBLIC NUISANCES.

(A) 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 ' 51.082, or which in the judgement of the Utilities Superintendent may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment, receiving waters or soil, vegetation, and groundwater, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act (33 USC 1317(b)) and all amendments thereof;
- (3) Require control over the quantities and rates of discharge; and
- (4) Require payment to cover the added costs of handling, treating and disposing of wastes not covered by existing taxes or sewer service charges.

(B) If the city permits the pretreatment or equalization of waste flows, the design, installation and maintenance of the facilities and equipment shall be made at the owner's expense and shall be subject to the review and approval of the city pursuant to the requirements of the MPCA.

' 51.084 INCREASING USE OF PROCESS WATER.

No user shall increase the use of 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 ' 51.081 and 51.082, or contained in the National Categorical Pretreatment Standards or any state requirements.

Penalty, see ' 51.999

' 51.085 PRETREATMENT OR FLOW-EQUALIZING FACILITIES.

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.

' 51.086 GREASE, OIL AND SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Utilities Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in ' 51.082(B)(2), any flammable wastes as specified in ' 51.081(A), sand or other harmful ingredients; except that 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 shall be

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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 Utilities Superintendent. 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.

Penalty, see ' 51.999

' 51.087 INDUSTRIAL WASTES; INSTALLATIONS.

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

Penalty, see ' 51.999

' 51.088 INDUSTRIAL WASTES; REQUIREMENTS.

The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the city, be required to provide laboratory measurements, tests or analyses of waters or wastes to illustrate compliance with this chapter and any special condition for discharge established by the city 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 city. 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 measurements and laboratory analyses to the city at times and in the manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses and reporting required by the city. At those times as deemed necessary, the city reserves the right to take measurements and supplies for analysis by an independent laboratory.

Penalty, see ' 51.999

' 51.089 MEASUREMENTS, TESTS AND ANALYSES OF WATERS AND WASTES.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter 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 Utilities Superintendent.

Penalty, see ' 51.999

' 51.090 PROTECTION FROM ACCIDENTAL DISCHARGE OF PROHIBITED MATERIALS.

Where required by the city, 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 chapter. Where necessary, facilities to prevent accidental discharges 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 Utilities Superintendent for review and approval prior to construction of the facility. Review and approval of the 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 chapter. Users shall notify the Utilities Superintendent immediately upon having a slug or accidental discharge of substances of wastewater in violation of this chapter to enable countermeasures to be taken by the Utilities Superintendent to minimize damage to the wastewater treatment works. The 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 city on account thereof under any state and federal law. Employers shall ensure that all employees who may cause or discover a discharge are advised of the emergency notification procedure.

Penalty, see ' 51.999

' 51.091 PERMITTING SUBSTANCE OR MATTER TO FLOW OR PASS INTO PUBLIC SEWERS.

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 city, 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 other work as the Utilities Superintendent 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 Utilities Superintendent may cause the work to be completed at the expense of the owner or representative thereof.

Penalty, see ' 51.999

' 51.092 REPAIRING SERVICE CONNECTION.

Whenever any service connection 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 the work to be done as the Utilities Superintendent may direct. Each day after 30 days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Utilities Superintendent may then cause the work to be done, and recover from the owner or agent the expense thereof by an action in the name of the city.

Penalty, see ' 51.999

' 51.093 CATCH BASIN OR WASTE TRAPS REQUIRED FOR MOTOR VEHICLE WASHING OR SERVICING FACILITIES.

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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.
Penalty, see ' 51.999

' 51.094 SPECIAL AGREEMENT AND ARRANGEMENT.

No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern; provided, that National Categorical Pretreatment Standards and the city's NPDES/SDS Permit limitations are not violated.

USER RATE SCHEDULE FOR CHARGES

' 51.110 CHARGES GENERALLY.

Each user of sewer service shall pay the charges applicable to the type of service, and in accordance with the provisions set forth in this subchapter.

' 51.111 PURPOSE.

The purpose of the subchapter is to provide for sewer service charges to recover costs associated with operation, maintenance and replacement to ensure effective functioning of the city's wastewater treatment system, and local capital costs incurred in the construction of the city's wastewater treatment system.

' 51.112 DEFINITIONS.

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

ADMINISTRATION. Those fixed costs attributable to administration of the wastewater treatment works such as billing and associated bookkeeping and accounting costs.

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

DEBT SERVICE CHARGE. A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct the facilities.

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*, latest edition, Office of Management and Budget, as amended and supplemented under one of the following divisions:

- Division A. Agriculture, forestry and fishing
- Division B. Mining
- Division D. Manufacturing
- Division E. Transportation, communications, electric, gas, and sanitary sewers
- Division I. Services

(b) For the purpose of this definition, domestic waste shall be considered to have the following characteristics: BOD₅ - less than 287 mg/l; Suspended solids - less than 287 mg/l.

(2) Any nongovernmental 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 constitutes 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.

MAY. The term is permissive.

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. The term includes replacement.

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

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 the works were designed and constructed.

REPLACEMENT COSTS. Expenditures for replacement.

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.

SEWER SERVICE CHARGE. The aggregate of all charges, including charges for operation, maintenance, 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 treatment.

SHALL. The term is mandatory.

TOXIC POLLUTANT. The concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to Section 307(a) of the Act (33 USC 1317(a)), which upon exposure to or assimilation into any organism, will cause adverse effects.

USER CHARGE. A charge levied on a user of a 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, also 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 stormwater 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 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 the treatment.

' 51.113 ESTABLISHMENT OF A SEWER SERVICE CHARGE SYSTEM.

(A) The city hereby establishes a Sewer Service Charge System whereby all revenue collected from users of the wastewater treatment facilities will be used to affect all expenditures incurred for annual operation, maintenance and replacement and for debt service on capital expenditure incurred in constructing the wastewater treatment works.

(B) Each user shall pay its proportionate share of operation, maintenance, and replacement costs of the treatment works, based on the users proportionate contribution to the total wastewater loading from all users.

(C) Each user shall pay debt service charges to retire local capital costs as determined by the City Council.

(D) Sewer service rates and charges to users of the wastewater treatment facility shall be determined and fixed in a Sewer Service Charge System developed according to the provisions of this subchapter. The Sewer Service Charge System shall be the system enacted prior to the adoption of this code. The Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11 of this code may be amended from time to time to include subsequent changes in sewer service rates and charges.

(E) Revenues collected for sewer service shall be deposited in a separate fund known as The Sewer Service Fund. Income from revenues collected will be expended to off-set the cost of operation, maintenance and equipment replacement for the facility and to retire the debt for capital expenditure.

(F) Sewer service charges and the sewer service fund will be administered in accordance with the provisions of ' 51.116.

(G) A connection fee as fixed in the Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11 of this code, as that ordinance may be amended from time to time, shall be charged to each user connecting a new service to the Sanitary Sewer System. The connection fee shall be due and payable within 90 days of the date the connection is completed.

(H) A sewer availability charge, as fixed in the ordinance establishing fees and charges adopted pursuant to ' 30.11 of this code, as that ordinance may be amended from time to time may be charged.

Penalty, see ' 51.999

' 51.114 DETERMINATION OF SEWER SERVICE CHARGES.

The sewer service rates and charges to users of the wastewater treatment facility shall be as established by ordinance or resolution prior to the adoption of this code, unless amended or modified in the Ordinance Establishing Fees and Charges, adopted pursuant to ' 30.11, as that ordinance may be amended from time to time. Charges made for service rendered shall conform to M.S. ' 444.075 Subd. 3a, as it may be amended from time to time. All accounts shall be carried in the name of the owner who personally, or by his authorized agent, applied for such service. The property owner shall be liable for all sewer services supplied to the property, whether he or she is occupying the property or not.

Penalty, see ' 51.999

' 51.115 SEWER SERVICE FUND.

(A) The city hereby establishes a Sewer Service Fund as an income fund to receive all revenues generated by the sewer service charge system, and all other income dedicated to the operation, maintenance, replacement and construction of the wastewater treatment works, including taxes,

special charges, fees and assessments intended to retire construction debt. The city also establishes the following accounts as income and expenditure accounts within the sewer service fund:

- (1) Operation and maintenance account.
- (2) Equipment replacement account.
- (3) Debt retirement account.

(B) All revenue generated by the sewer service charge system, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be held by the City Clerk separate and apart from all other funds of the city. Funds received by the sewer service fund shall be transferred to the Operation and Maintenance Account, the Equipment Replacement Account, and the Debt Retirement Account in accordance with state and federal regulations and the provisions of this chapter.

(C) Revenue generated by the sewer service charge system sufficient to ensure adequate replacement throughout the design life or useful life, whichever is longer, of the wastewater facility shall be held separate and apart in the Equipment Replacement Account and dedicated to affecting replacement costs. Interest income generated by the Equipment Replacement Account shall remain in the Equipment Replacement Account.

(D) Revenue generated by the sewer service charge system sufficient for operation and maintenance shall be held separate and apart in the Operation and Maintenance Account.

' 51.116 ADMINISTRATION.

The sewer service charge system and sewer service fund shall be administered according to the following provisions:

(A) The City Clerk shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works, and shall furnish the City Council with a report of those costs annually in December. The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works, and whether sufficient revenue is being generated for debt retirement. The Council will also determine whether the user charges are distributed proportionately to each user in accordance with ' 51.113(B). The city shall thereafter, but not later than the end of the year, reassess and as necessary revise the Sewer Service Charge System then in use to ensure the proportionality of the user charges and to ensure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.

(B) In accordance with federal and state requirements, each user will be notified annually in conjunction with a regular billing of that portion of the sewer service charge attributable to operation, maintenance and replacement.

(C) In accordance with federal and state requirements, the City Clerk shall be responsible for maintaining all records necessary to document compliance with the Sewer Service Charge System adopted.

(D) Bills for sewer service charges shall be rendered on a monthly, bi-monthly or quarterly basis as designated by Council, succeeding the period for which the service was rendered and shall be due ten days from the date of rendering. Any bill not paid in full 30 days after the due date will be considered delinquent. At that time the city shall notify the delinquent owner/occupant in writing regarding the delinquent bill and subsequent penalty. The penalty shall be computed at 10% of the original bill and shall be increased the same 10% for every quarter the bill is outstanding. Disconnection of services for late payment shall follow the procedures established in Chapter 54.

(E) The owner of the premises shall be liable to pay for the service to their premises, and the service is furnished to the premises by the city only upon the condition that the owner of the premises is liable therefore to the city.

(F) Any additional costs caused by discharges to the treatment works of toxics or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs, and sludge disposal, shall be borne by the discharger of the wastes, at no expense to the city.

POWERS AND AUTHORITY OF INSPECTORS

' 51.130 AUTHORIZED EMPLOYEES PERMITTED TO ENTER ALL PROPERTIES.

The Utilities Superintendent or other duly authorized employees of the city, bearing proper credentials and identification, are authorized, with the permission of the licensee, owner, resident or other person in control of property within the city, to enter all properties for the purpose of inspection, observations, measurement, sampling and testing pertinent to the discharges to the city's sewer system in accordance with the provisions of this chapter. If the licensee, owner, resident or other person in control of property within the city does not permit the entrance to the property, the city shall obtain an administrative search warrant as provided for in ' 10.20 before entering the property, except in emergency situations.

' 51.131 AUTHORIZED EMPLOYEES OBTAINING INFORMATION FOR INDUSTRIAL PROCESSES.

The Utilities Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a 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.

' 51.132 AUTHORIZED EMPLOYEES TO OBSERVE SAFETY RULES.

While performing necessary work on private properties, the Utilities Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the property owner shall be held harmless for injury or death to the city employees and the city shall indemnify the property owner against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as may be caused by negligence or failure of the company to maintain safe conditions as required in ' 51.087.

' 51.133 AUTHORIZED EMPLOYEES PERMITTED TO ENTER ALL PROPERTY WITH EASEMENTS.

The Utilities Superintendent or other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

' 51.999 PENALTY.

(A) (1) Any person found to be violating any provisions of '' 51.001 through 51.094 and 51.130 through 51.133 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in division (A) of this section shall be punished as provided in ' 10.99. Each day in which any violation occurs shall be deemed as a separate offense.

(3) Any person violating any of the provisions of '' 51.001 through 51.094 and 51.130 through 51.133 shall become liable to the city for any expense, loss or damage occasioned by the city by reason of that violation.

(B) (1) Each and every sewer service charge levied by and pursuant to '' 51.110 through 51.116 is made a lien upon the lot or premises served, and all charges which are on October 31 of each year past due and delinquent shall be certified to the County Auditor by November 29, for collection as provided for in Chapter 54. Nothing in '' 51.110 through 51.116 shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected any delinquent or past due sewer service charges.

(2) As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect amounts as are delinquent and due against the occupant, owner or user of the real

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estate, and shall collect as well all attorney's fees incurred by the city in filing the civil action. Attorney's fees shall be fixed by order of the court.

(3) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate of 8% per annum.

CHAPTER 52: WATER REGULATIONS

Section

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Cross-reference:

Assessable current services, see ' 92.01

GENERAL PROVISIONS

' 52.01 GENERAL OPERATION.

The city does hereby make provision for the establishment of a municipal water system (hereinafter called the water system) to be operated as a public utility.

' 52.02 USE OF WATER SERVICE.

No person other than a city employee shall uncover or make or use any water service installation connected to the city water system except in the manner provided by this chapter. No person shall make or use any installation contrary to the regulatory provisions of this chapter.
Penalty, see ' 10.99

' 52.03 USE TO CIRCUMVENT CHAPTER PROHIBITED.

No person shall permit water from the water system to be used for any purpose to circumvent this chapter.
Penalty, see ' 10.99

' 52.04 DAMAGE TO WATER SYSTEM.

(A) No unauthorized person shall remove or damage any structure, appurtenance, or part of the water system or fill or partially fill any excavation or move any gate valve used in the water system.

(B) No person shall make any connection of an electrical welder to the city water main, appurtenance or service or use an electric welder for the purpose of thawing frozen water mains, appurtenances or services.

Penalty, see ' 10.99

Water Regulations

' 52.05 CONNECTIONS BEYOND CITY BOUNDARIES.

Where water mains of the city are in any street or alley adjacent to or outside the corporate limits of the city, the City Council may issue permits to the owners or occupants of properties adjacent or accessible to the water main to make proper water service pipe connections with the water mains of the city and to be supplied with water in conformity with the applicable provisions of this chapter and subject to any contract for the supply of water between the city and any other city. The water meter pit will be in the city limits. The city will own and maintain the water meter. The user will pay for the original meter in the connection fee.

Penalty, see ' 10.99

' 52.06 CONNECTION TO SYSTEM REQUIRED; USE OF PRIVATE WELLS.

(A) Except where municipal water is not available, it shall be unlawful to construct, reconstruct, or repair any private water system which is designed or intended to provide water for human consumption. Private wells, to provide water for other than human consumption, may be constructed, maintained and continued in use after connection is made to the water system; provided, there is no means of cross-connection between the private well and municipal water supply at any time. Hose bibbs that will enable the cross-connection of the two systems are prohibited on internal piping of the well system supply. Where both private and city systems are in use, outside hose bibbs shall not be installed on both systems.

(B) All new homes or buildings shall connect to the municipal water system if water is available to the property. At the time as municipal water becomes available to existing homes or buildings, a direct connection shall be made to the public system within a period of time as determined by the City Council. If the connection is not made pursuant to this chapter, a charge shall be made in an amount established by ' 52.51.

(C) Where new homes or buildings do not have water available to the property, the city shall determine whether and under what conditions the municipal water system will be extended to serve the property.

(D) If the well is not to be used after the time a municipal water connection is made:

(1) The well pump and tank shall be disconnected from all internal piping;

(2) The casing shall be filled with sandy soil from the bottom to a point eight feet from the top;

(3) The remaining eight feet shall be filled with concrete to the floor level and the well casing cut off as close to the floor level as possible;

(4) Within 30 days after the municipal water connection is made, the owner or occupant must advise the City Utilities Superintendent that the well has been sealed.

(5) Notwithstanding the foregoing, all well abandonment shall be done in accordance with M.S. " 103I.301 to 103I.345 and Minn. Rules Ch. 4725, Wells and Borings, as it may be amended from time to time. All well sealing shall be performed by a professional licensed well driller trained in well abandonment.
Penalty, see ' 10.99

' 52.07 USE OF WATER FOR AIR CONDITIONING; PERMITS.

(A) All air conditioning systems which are connected directly or indirectly with the public water system must be equipped with water conserving and water regulating devices and a backflow device as approved by the City Engineer or City Utilities Superintendent.

(B) Permits shall be required for the installation of all air conditioning systems to the public water system. The fee shall be established pursuant to ' 52.51.
Penalty, see ' 10.99

' 52.08 USE OF WATER FROM FIRE HYDRANTS; TEMPORARY CONNECTIONS.

(A) *Use of fire hydrants.* Except for extinguishment of fires, no person, unless authorized by the Public Works Director or Public Utilities Department, shall operate fire hydrants or interfere in any way with the water system without first obtaining a permit to do so from the city as follows:

(1) A permit to use a fire hydrant shall be issued for each individual job or contract and for a minimum of 30 days and for the additional 30 day period as the city shall determine. The permit shall state the location of the hydrant and shall be for the use of that hydrant and none other.

(2) The user shall make an advance cash deposit to guarantee payment for water used and to cover breakage and damage to the hydrant and meter, which shall be refunded upon expiration of the permit, less applicable charges for use.

(3) The user shall relinquish the use of the hydrant to authorized city employees in emergency situations.

(4) The user shall pay a rental charge as established pursuant to ' 52.51 for each day including Sundays and legal holidays, and a fee as established by the Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11 of this code, as that ordinance may be amended from time to time for each 1,000 gallons of water used.

(5) Connections to a public water supply to fill tankers must follow backflow prevention standards. The connection will have a reduced pressure zone backflow device.

(B) *Temporary connection to fire hydrants.* An owner of a private water system may make a temporary above ground connection to a fire hydrant, subject to the time periods, conditions, and

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payment specified in ' 52.51. In addition, the method of connection to the private system shall conform to all existing requirements of this chapter and city ordinance and the type of meter used shall meet the approval of the Utilities Superintendent.

Penalty, see ' 10.99

' 52.09 WATER DEFICIENCY, SHUT OFF AND USE RESTRICTIONS.

(A) The city shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections or from any other cause whatsoever. In case of fire, or alarm of fire, or in making repairs of construction of new works, water may be shut off without notice at any time and kept off as long as necessary. In addition, the City Council shall have the right to impose reasonable restrictions on the use of the city water system in emergency situations. For non-payment of charges, water service may be discontinued according to the procedures established in ' 52.72.

(B) *Restricted hours.* Whenever the Council determines that a shortage of water supply threatens the city, it may, by resolution, limit the times and hours during which city water may be used for sprinkling, irrigation, car washing, air condition, or other specified uses. After publication of the resolution, no person shall use, or permit water to be used, in violation of the resolution, and any customer who does so shall be charged a fee set by resolution of the Council for each day of violation and the charge shall be added to his next water bill. If the emergency requires immediate compliance with terms of the resolution, the Council may provide for the delivery of a copy of the resolution to the premises of each customer, and any customer who has received such notice and thereafter uses or permits water to be used in violation of the resolution shall be subject to the charge provided above. Continued violation shall be cause for discontinuance of water service.

' 52.25 SUPPLY FROM ONE SERVICE.

No more than one housing unit or building shall be supplied from one service connection except by permission of City Council. Each unit served shall have a separate water meter.

Penalty, see ' 10.99

' 52.26 TAPPING OF MAINS RESTRICTED.

No person, except persons authorized by the City Council, shall tap any distributing main or pipe of the water supply system or insert stopcocks or ferrules therein.

Penalty, see ' 10.99

' 52.27 REPAIRS.

(A) *Determination of need for repairs.* Based on the information supplied by the property owner or available to the city, the city may make a determination whether a problem exists in that portion of the service which is the city's responsibility. If the problem appears to exist in the areas for which the city has no responsibility, the private owners will be responsible for correction of the problem.

(B) *Thawing of water services.* The city may attempt to thaw water services on request of the resident. If the problem is found within that portion of the service for which the private owner is responsible, the private owner thereafter will be responsible for thawing the service and correcting the problem.

(C) *Excavation or repair of water service.*

(1) The city may arrange for the investigative digging up and repair of any water service where the problem apparently exists within that area for which the city has responsibility.

(2) Unless it is clearly evident, however, that the problem is the responsibility of the city, the excavation and repair may not be made until the property owner requests the city in writing to excavate or repair the service and agrees to pay the cost.

(3) The owner further agrees to waive public hearing and be special assessed the cost of the excavation and repair if the problem is found to be other than the city's responsibility. The city may make the determination for responsibility of the cost of investigation or repair.

(4) The matter of whether the dig up is done by city forces or contracted would depend on the urgency or need of repair and the availability of city forces to do the work. Recovery by the city for faulty construction will depend upon the circumstances and the decision of the City Attorney on the likelihood of recovery.

(D) *Failure to repair.* In case of failure upon the part of any consumer or owner to repair any leak occurring in his or her service pipe within 24 hours after verbal or written notice thereof, the water may be turned off by the city and may not be turned on until the leak has been repaired and a fee pursuant to ' 52.51 has been paid to the city.

Penalty, see ' 10.99

' 52.28 ABANDONED OR UNUSED SERVICES.

(A) If the premises served by water have been abandoned, or if the service has not been used for one year, then the service may be shut off at the curb stop box by the city and the water meter will be removed.

(B) When new buildings are erected on the site of old ones, and it is desired to increase or change the old water service, no connections with the mains may be made until all the old service has been removed and the main taps plugged or yoked connections installed by the city at the owner's expense.

Penalty, see ' 10.99

' 52.29 DISCONNECTION PERMIT.

A permit must be obtained to disconnect from the existing water service leads at the curb stop box. The fee for the permit shall be set pursuant to ' 52.51.

Penalty, see ' 10.99

' 52.30 SERVICE PIPES.

Every service pipe shall be laid so as to allow at least one foot of extra length in order to prevent rupture by settlement. The service pipe must be placed no less than seven feet below the ground and in a manner as to prevent rupture by freezing. Service pipes must extend from the curb stop box to the inside of the building, or if not taken into the building, then to the hydrant or fixtures which it is intended to supply. All tubing and pipes shall conform to the Minnesota Plumbing Code. All underground joints are to be mechanical, except joints under floors shall be soldered in accordance with the Minnesota Plumbing Code, unless otherwise approved by the Utilities Superintendent. Joints of copper tubing shall be kept, to a minimum, and all joints shall conform to the Minnesota Plumbing Code. All joints and connections shall be left uncovered until inspected by the Utilities Superintendent and must comply with the Minnesota Plumbing Code and tested at normal water line pressure. Unions must conform to the Minnesota Plumbing Code. Connections with the mains for domestic supply shall be at least three-quarter inch up to the curb stop box.
Penalty, see ' 10.99

' 52.31 EXCAVATION AND CONSTRUCTION REQUIREMENTS.

(A) No excavation shall be made until a permit for the connection has been issued by the city.

(B) No water service pipe or water connection shall be installed in the same trench or closer than ten feet horizontally to a sewer trench or drain laid, or to be laid, either in the street or in private property, except that the water pipe on private property may be in a common trench with a sewer drain which is of a material that is in conformance with the current Minnesota Plumbing Code, Minn. Rules Ch. 4714, as it may be amended from time to time.

(C) Where it is desired to lay the water service pipe and the building sewer pipe in the same trench, or in separate trenches less than ten feet apart, the water service pipe shall be above the sewer pipe unless approved by the City Engineer. It shall be placed at least one foot above the sewer and on a solid shelf excavated at one side of the trench. The sewer pipe shall be of a material that is in conformance with the Minnesota Plumbing Code with tested watertight joints. The water service pipe shall be watertight and corrosion resistant. Copper pipe and ductile or cast iron water pipe with specially protected joints is acceptable for this construction. Cast iron pipe shall conform to the American Water Works Association specifications for this pipe. Bell joint clamps with rubber gaskets are provisionally acceptable as extra protection for the joints on cast iron water pipe. In all cases, precautions shall be taken to assure a firm foundation for the pipes. The intervening space between the pipes shall be backfilled with compacted earth.

(D) In case the installation is on a surfaced street, the following shall apply: All backfill materials shall be mechanically compacted in 12-inch layers to the density of the adjacent material in the roadway area and to the existing street grades in accordance with the Minnesota Department of Transportation Standards. Complete surface restoration shall be made.
Penalty, see ' 10.99

' 52.32 CONNECTION TO OTHER WATER SUPPLIES RESTRICTED.

No water pipe of the water system shall be connected with any pump, well, tank, or piping that is connected with any other source of water supply except to service municipal systems.

Penalty, see ' 10.99

' 52.33 WATER CONNECTIONS; APPLICATIONS AND CHARGES.

(A) Connection applications.

(1) All applications for service installations and for water service shall be made to the City Clerk. All applications for service installations and water service shall be made by the owner or agent of the property to be served and shall state the size and location of service connection required. The applicant shall, at the time of making application, pay to the city the amount of fees as established by the Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11 of this code, as that ordinance may be amended from time to time or deposit required for the installation of the service connection as hereinafter provided. Applications for services larger than one inch shall be accompanied by two sets of plans or sketches indicating preferred location of service pipe and size of service based on building demand.

(2) The size of the water service connections and meter shall be subject to approval of the City Engineer. Water meter sizing for a domestic connection shall be 5/8 inch by 3/4 inch. The standard service line size will be one inch. If the homeowner requests a larger service line the extra cost of the water meter will be charged to the connection owner. The future replacement of the water meter will be billed at the difference between the standard meter cost and meter need to accommodate the larger line at the time of replacement.

(3) Water billing shall start at the time of installation of the water meter, or in the event the meter is not installed, seven days after completion of outside piping, and shall be calculated upon the minimum quarterly rate, prorated on a semi-monthly basis.

(B) Connection charges.

(1) A permit must be obtained to connect to the existing water service leads at the curb stop box. The fee for the permit shall be set pursuant to ' 52.51. The city shall install or have installed all service connections from the water main to the curb stop box including the stop box. Payment for service connections must be made before the work is started and should be based upon 12 times the estimate of costs provided by the City Engineer. Any excess deposit shall be returned to the applicant.

(2) Additional charges shall be paid at the time of making application for tapping and making connections with the water main to where a curb stop box and service lead is not previously installed. The charge shall include the tapping of the water main, corporation cocks, the installation

of a service line, the installation of a curb stop box, cost of restoring disturbed areas and all other costs related to the installation.

(3) There shall be a connection charge pursuant to ' 52.51 levied by the city to contribute to the payment of the costs of the Public Water System Facilities. The City Council shall set by resolution the charges to be made for nonresidential installations.

(4) When water services have been stopped because of a violation of this chapter, the city shall collect the fee established pursuant to ' 52.51 before service is recommenced.

(5) If a person desires to connect to the system and service a parcel that has not been assessed for the cost of water main and lateral construction, then before a permit is granted, the city shall collect an amount from the applicant that is established pursuant to ' 52.51.
Penalty, see ' 10.99

' 52.34 LOCATION OF CURB STOP BOX.

Curb stop boxes will be installed on the right-of-way line or easement limits at a location as determined by the City Engineer to be best suitable to the property and shall be left in a vertical position when backfilling is completed. Curb stop boxes will be installed at an approximate depth of seven feet below the finished ground elevation and the top of the curb stop box shall be adjusted to be flush with the finished ground elevation. Curb stop boxes must be firmly supported by a masonry block. No person shall erect any fence or plant any tree or other landscaping that would obstruct, or place a structure on, park a motor vehicle on, or otherwise obstruct the use of the curb stop box, or cause damage to the same.

Penalty, see ' 10.99

' 52.35 WATER METERS.

(A) *Generally.* Except for extinguishment of fires, no person, unless otherwise authorized by the City Council or Public Utilities Department, shall use water from the water system or permit water to be drawn therefrom unless the same be metered by passing through a meter supplied or approved by the city. No person not authorized by the City Council or Utilities Superintendent shall connect, disconnect, take apart, or in any manner change or cause to be changed or interfere with any meter or the action thereof, or break any meter or valve seal.

(1) A charge established pursuant to ' 52.51 shall be paid by customers to the city for water meters including installations and check valves and payment for same shall be made at the time of water service application. This payment shall be made only once, subject to the following.

(2) Where a consumer has need for a larger line in addition to his or her domestic line, as in the case of a commercial consumer who needs a one-inch line for normal use and a six-inch or larger line for a fire sprinkler system, he or she will be permitted to run one line into the premises and Y off into two lines at the building. When this is done, the meter will be attached to the small or domestic line and a check valve as well as one-inch detection meter shall be put on the large line.

(3) The city shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them if necessary. When replacement, repair, or adjustment of any meter is rendered by the act, neglect (including damage from freezing or hot water backup) or carelessness of the owner or occupant of the premises, any expense caused the city thereby shall be charged against and collected from the water consumer.

(4) A consumer may, by written request, have his or her meter tested by depositing the amount established pursuant to ' 52.51. In case a test should show an error of over 5% of the water consumed, a correctly registering meter will be installed, and the bill will be adjusted accordingly and the testing deposit refunded. This adjustment shall not extend back more than one billing period from the date of the written request.

(5) All water meters and remote readers shall be and remain the property of the city.

(6) Authorized city employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the water system for reading of meters and inspections. However, city employees may not enter private property without obtaining the permission of the owner to do so or have obtained a search warrant issued by a court of competent jurisdiction, as provided for in ' 10.20.

(7) It shall be the responsibility of the consumer to notify the city to request a final reading at the time of the customer's billing change.

(B) *Water meter setting.* All water meters hereafter installed shall be in accordance with the Minnesota Plumbing Code and any standards established by resolution of the City Council. Penalty, see ' 10.99

RATES AND CHARGES

' 52.50 WATER UNIT.

A water unit (hereinafter called unit) shall be one residential equivalent connection based on usage of 100,000 gallons per year or portion thereof.

' 52.51 RATES, FEES AND CHARGES GENERALLY.

The City Council shall establish a schedule of all water rates, fees and charges for permits or services in the Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11 of this code, as that ordinance may be amended from time to time. In accordance with M.S. ' 444.075 Subd 3, charges made for service rendered shall be as nearly as possible proportionate to the cost of furnishing the service.

' 52.52 WATER SERVICE BILLING; CHANGE OF ADDRESS.

All bills and notices shall be mailed or delivered to the address where service is provided. If nonresident owners or agents desire personal notice sent to a different address, they shall note on the water service application. Any change or error in address shall be promptly reported to the City Clerk.

All accounts shall be carried in the name of the owner who personally or by his or her authorized agent, applied for the service. The owner shall be liable for water services supplied to the property whether he or she is occupying the property or not.

' 52.53 WATER RATES.

(A) The rate due and payable by each user within the city for water taken from the water system shall be established pursuant to ' 52.51.

(B) In case the meter is found to have stopped, or to be operating in a faulty manner, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the year.

(C) Rates due and payable by each water user located beyond the territorial boundaries of the city may be determined by special contract.

(D) The minimum rates established pursuant to ' 52.51 shall begin to accrue after connection of the service pipe with the curb stop box.

(E) A meter shall be installed on the water valve in the house and a remote register outside regardless of whether inside piping is connected.

(F) In the event a water customer elects to discontinue the use of the municipal water, the regular or minimum charge shall continue until the date as service is disconnected at the curb box. Penalty, see ' 10.99

' 52.54 PAYMENT OF CHARGES; LATE PAYMENT; COLLECTION.

(A) Any prepayment or overpayment of charges may be retained by the city and applied on subsequent charges.

(B) If a service charge is not paid when due, then a penalty of 10% shall be added thereto.

(C) In the event a user fails to pay his or her water user fee within a reasonable time following discontinuance of service (a time period not to exceed 90 days), the fee shall be certified by the City Clerk and forwarded to the County Auditor for collection as provided for in Chapter 54. Penalty, see ' 10.99

ADMINISTRATION AND ENFORCEMENT

' 52.70 SUPERVISION BY UTILITIES SUPERINTENDENT; LICENSING.

(A) All piping connections from the curb stop box to house supply piping shall be made under the supervision of a licensed plumber subject to inspection by the Utilities Superintendent. The piping connection made to the curb stop box on the house side shall be inspected by the Utilities Superintendent. The water meter installation shall be inspected, tested and the meter sealed by the Utilities Superintendent.

(B) No person, firm or corporation shall engage in the business of altering, repairing, installing or constructing municipal water connections within the city without first obtaining a license to carry on the occupation from the city. A master plumber licensed by the state under the provisions of M.S. ' 326B.46, as it may be amended from time to time, is exempt from the provisions of this section. A person in the ditch installing the pipe who has a card showing that they have completed a program of training that incorporates the Plumbing Code installation requirements, issued by either the Associated Builders and Contractors, Laborers-Employers Cooperation Educational Trust, or Minnesota Utility Contractors Association, is not subject to the licensing requirements of this section.

(1) The applicant shall file with the City Clerk evidence of public liability insurance, including products liability insurance with limits of at least \$50,000 per person and \$100,000 per occurrence and property damage insurance with limits of at least \$10,000. Evidence of insurance required pursuant to M.S. ' 326B.46, Subd. 2, as it may be amended from time to time, shall satisfy this requirement.

(2) The applicant shall file with the City Clerk a surety bond guaranteeing the conformance and compliance of work with this chapter. The bond shall be in the amount of \$2,000. The city shall hold the bond for one year following the license period. Failure to comply with provisions and requirements of this chapter shall result in forfeiture of the bond. The applicant may comply with the requirements of M.S. ' 326B.46, Subd. 2, as it may be amended from time to time in lieu of these requirements.

(3) Applications for licenses shall be filed with the City Clerk and shall be reviewed and subject to approval of the city.

(4) Any installation, construction, alteration of a water connection by a licensee in violation of any provision of this chapter or refusal on the part of a licensee to correct the defective work shall be cause for revocation of or refusal to renew a license. This license may be revoked or refused for renewal by the city at any time for cause which shall be documented in writing.

(C) All licenses required in this section shall be renewable annually. Applications for licenses shall be made annually on a form furnished by the City Clerk. Licenses shall be in effect from January 1 to December 31 of the same year. The license fee shall be established pursuant to ' 52.51.

(D) Before any license issued under the provisions of this section may be revoked or its renewal refused, the licensee shall be given a hearing by the City Council to show cause why the license should not be revoked or refused. Notice of the time, place and purpose of the hearing shall be in writing.

' 52.71 POWERS AND AUTHORITY OF INSPECTORS.

The Utilities Superintendent and other duly authorized employees of the city, upon proper identification, are authorized, with the permission of the licensee, owner, resident or other person in control of property within the city, to enter upon all properties for the purpose of inspections, observation and testing in accordance with the provisions of this chapter. If the licensee, owner, resident or other person in control of property within the city does not permit the entrance to the property, the city shall obtain an administrative search warrant as provided for in ' 10.20 before entering the property, except in emergency situations.

' 52.72 DISCONTINUANCE OF SERVICE.

Water service may be shut off at any connection as provided for in Chapter 54 of this code.

' 52.73 AUTHORIZED EMPLOYEES TO TURN WATER ON AND OFF.

No person, except an authorized city employee, shall turn on or off any water supply at the curb stop box.
Penalty, see ' 10.99

' 52.74 LIABILITY FOR EXPENSE, LOSS OR DAMAGE.

Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.

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Amended 03/13/2023

CHAPTER 53: STORM WATER DRAINAGE UTILITY

Section

- 53.01 Storm water drainage utility established
- 53.02 Definition
- 53.03 Determination of storm water drainage fees
- 53.04 Credits
- 53.05 Exemptions
- 53.06 Fee payment schedules

' 53.01 STORM WATER DRAINAGE UTILITY ESTABLISHED.

The Council may, by resolution adopted by a majority of its members, resolve that the city storm sewer system be operated as a public utility pursuant to M.S. ' 444.075, from which revenues will be derived subject to the provisions of this chapter and state statutes. The storm water drainage utility will be under the administration of the City Clerk.

' 53.02 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning:

RESIDENTIAL EQUIVALENT FACTOR (REF). One *REF* is defined as the ratio of the average volume of runoff generated by one acre of a given land use to the average volume of runoff generated by one acre of typical single-family residential land during a standard one-year rainfall event.

' 53.03 DETERMINATION OF STORM WATER DRAINAGE FEES.

(A) Storm water drainage fees for parcels of land shall be determined by multiplying the REF for a parcel's land use by the parcel's acreage and then multiplying the resulting product by the storm water drainage rate. The REF values for various land uses are as shown in the following table.

<i>Classification</i>	<i>Land Use</i>	<i>REF</i>
1	Cemeteries, golf courses	.25
2	Parks with parking facilities	.75
3	Single-family and duplex residential	1

4	Public and private schools	1.25
5	Multiple-family residential, churches and government buildings	2.5
6	Commercial, industrial, warehouse	5
7	Vacant land	As assigned

(B) For the purpose of calculating storm water drainage fees, all developed single-family and duplex parcels shall be considered to have an acreage of one-third acre. The storm water drainage rate shall be as set in the Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11 of this code by the City Council.

(C) Other uses not listed shall be classified by the City Engineer by assigning them to the most similar class from the standpoint of probably hydrologic response.

' 53.04 CREDITS.

The Council may adopt policies, recommended by the City Engineer, by resolution for adjustment of the storm water drainage fee for parcels based upon hydrologic data to be supplied by the property owner, which data demonstrates a hydrologic response substantially different from the standards. The adjustment of storm water drainage fees shall not be made retroactively.

' 53.05 EXEMPTIONS.

The following land uses are exempt from storm water drainage fees:

- (A) Public rights-of-way;
- (B) Vacant, unimproved land with ground cover; and
- (C) Wetlands and public waters as defined by state law.

' 53.06 FEE PAYMENT PROCEDURES.

(A) Statements for storm water drainage fees shall be computed monthly and shall appear as part of the monthly utility bill from the city utilities.

(B) If a property owner or person responsible for paying the storm water drainage fee questions the correctness of the fee, the person may have the determination of the charge recomputed by written request to the City Engineer.

(C) Each monthly billing for storm water drainage fees not paid when due shall incur a penalty charge of 10% of the amount past due.

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(D) Any past due storm water drainage fees in excess of 90 days past due on October 1 of any year may be certified to the County Auditor for collection with real estate taxes in the following year, pursuant to M.S. ' 444.075, Subd. 3e. In addition, the city shall also have the right to bring civil action or to take other legal remedies to collect unpaid fees.

CHAPTER 54: RATES AND CHARGES

Section

- 54.01 Generally
- 54.02 Collection of charges
- 54.03 Disconnection for late payment
- 54.04 Cold weather rule
- 54.05 Delinquent charges

' 54.01 GENERALLY.

(A) The monthly charge for water, sewer services and for collection, removal and disposal of garbage and trash from residences and businesses within the corporate limits of the city shall be as established by the Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11 of this code, as that ordinance may be amended from time to time.

(B) *Accounts.* All accounts shall be carried in the name of the owner who personally, or by his or her authorized agent, applied for such service. The owner shall be liable for water and sewer services supplied to the property, whether he or she is occupying the property or not, and any unpaid charges shall be a lien upon the property.

' 54.02 COLLECTION OF CHARGES.

The charges fixed herein for water, sewer services and for collection, removal and disposal of all garbage and trash shall be entered in their respective amounts on the utility bill. The city may discontinue all utility services, including water, sewer, and garbage and trash services, for failing to pay any assessed charges and until the charges have been paid in full under conditions and procedures detailed in ' 54.03.

' 54.03 DISCONNECTION FOR LATE PAYMENT.

(A) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill;

(2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge as established by the Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11 of this code, as that ordinance may be amended from time to time.

' 54.04 COLD WEATHER RULE.

Pursuant to M.S. ' 216B.097, as it may be amended from time to time, no service of a residential customer shall be disconnected if the disconnection affects the primary heat source for the residential unit when the disconnection would occur during the period between October 15 and April 15, the customer has declared inability to pay on forms provided by the city, the household income of the customer is at or below 50% of the state median household income as documented by the customer to the city, and the customer's account is current for the billing period immediately prior to October 15 or the customer has entered into a payment schedule and is reasonably current with payments under the schedule. The City Clerk shall, between August 15 and October 15, of each year, notify all residential customers of these provisions.
Penalty, see ' 10.99

' 54.05 DELINQUENT CHARGES.

As provided for by M.S. ' 444.075, Subd. 3e, as it may be amended from time to time, the City Clerk, annually or more frequently as directed by Council, shall prepare a list of delinquent charges to be certified for payment as taxes. The list of delinquent charges shall be delivered to the City Council for adoption. All persons who have delinquent charges included in the list shall be notified and given a chance to appear before the Council before the list is adopted. In the event the delinquency involves rental property, notice shall be given to the record owner of the property in addition to the tenant or other parties in possession and he or she given a chance to appear before the Council. Upon adoption, the Clerk shall certify the unpaid charges to the County Auditor for collection as other taxes are collected. This action may be optional or subsequent to taking other legal action to collect delinquent charges, and shall not preclude the City or its agents from recovery of the delinquent charges and interest under any other available remedy, and shall not preclude the disconnection for late payment provided for in this chapter.

54.06 2023 Public Utilities Fee Schedule

All fees payable to the City, by reason of this Code, shall be governed by this Chapter; except that if any Code Chapter or State law provides for or requires the payment of a fee to the City and this Chapter makes no reference thereto, then such other Code Chapter or law shall govern; and fees shall be due and payable in full at the time specified in the applicable Code Chapter or State law, and if no such time is provided, fees shall be due and payable upon demand of the City Clerk or other authorized City Officer. The City Council of the City of Whalan, Minnesota, ordains fees for Utility Services are listed below and shall be as follows:

<u>Type of Fee</u>	<u>Fee Amount</u>
Electric	
Electric Connection	\$750.00
Residential Base monthly	\$30.00
Cedar Valley Resort	\$50.00
Block Well Basic Service	\$13.00
Electric usage per kWh	\$0.1234
Dual Fuel Meter	\$1.00
Miscellaneous	
Reconnect or Disconnect	\$100.00
Repairs to Public Streets, Curbs, or Sidewalks due to installation and repairs	\$350.00 in addition to Market Rate per square foot
Residential Deposit	\$125.00
Commercial Deposit	\$150.00
Past Due Penalty Fee	10%
NSF Charge	\$25.00

All fees and charges in effect as of the date of the adoption of the city code for the city shall remain in effect unless otherwise modified by the provisions of this ordinance.

CHAPTER 55: ELECTRIC REGULATIONS

Section

- 55.01 General Regulations
- 55.02 Extension or Upgrade of Existing Lines
- 55.03 Distributed Energy Resources and Net Metering

55.01 Electric

A. **PURPOSE AND INTENT.** The City has, early in its history, made provision for and did establish a public utility providing for electrical power for the residents of Whalan. It is the intent of the City to establish regulations and standards for the city's electric utility. It is the purpose of this Chapter to establish appropriate regulations which assists in maintaining the ability of the City to provide electrical service to its residents. General regulations regarding the administration of the utility are also established.

B. **DEFINITIONS.** For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Application for Service: The agreement or contract between the City and the customer under which electric service is provided.

Accessible: Admitting close approach, not guarded by locked doors, elevation, fence or other effective means.

City: The City of Whalan Public Utilities

Customer: Any entity taking delivery of electrical energy from the City by means of connection to its electric distribution system.

Customer's Service Equipment: The necessary equipment and accessories located near the point of delivery at a customer location which constitute the main control and means of disconnecting the supply to that location. This equipment usually consists of a circuit breaker or a switch and fuses.

Electrical Contractor: Any person, firm or corporation engaged in the business of installing, maintaining or altering, by contract or otherwise, electrical equipment for the use of electric energy supplied for light, heat or power in any building or structure which is, or will be, connected to the City's electric distribution system.

Electrical Distribution System: The system, in whole or in part, over which electrical energy is supplied by the City to its customers.

Facilities: The conductors, transformers, pedestals, switching cabinets, meters and other associated equipment that comprises the Electric Distribution System.

Facilities Installation Charge (FIC): The charge made to the customer by the City for the cost of the installation of the on-site electric distribution system.

Meter Socket and Trough: The mounting device consisting of jaws, connectors, and enclosure for socket-type meters. The mounting device may be either a single socket or a trough. The socket may have a cast or drawn enclosure. The trough and assembled enclosure may be extended to accommodate more than one mounting unit. This equipment is owned and maintained by the City.

National Electric Code (N.E.C.): The latest revision of the National Electric Code of the National Board of Fire Underwriters as approved by the American National Standards Institute.

National Electrical Safety Code: The latest revision of the National Electrical Safety Code as approved by the Institute of Electrical and Electronics, Inc. and approved by the American National Standards Institute.

Nominal Voltage: A specific voltage value assigned to a circuit or system for the purpose of convenient designation.

Point of Delivery: The point where the electric energy first portion of the electric distribution system owned by the City enters the portion of the electric distribution system owned by the customer unless otherwise specified in the customer's application for service. This is not necessarily the location of the meter.

Power Factor: The relationship (ratio) between the active power and the volt Amperes in any particular alternating current circuit.

Primary Voltage: The voltage on the supply side of a transformer.

Secondary Voltage: The voltage on the load side of a transformer.

Service Entrance: The point at which the customer's service equipment connects to L.P.U. facilities.

Service Location: The point of attachment of the service cables to the customer's building.

Structure: An object which is constructed or erected requiring permanent location on land.

Temporary Service: The installation of a service of a temporary nature, usually for construction purposes, for a period of time not to exceed one (1) year from the date on which the temporary service is installed.

Utilization Equipment: Any customer owned equipment, apparatus, appliance or device located on a customer's premises or used by a customer.

C. LIABILITY.

1. The City is not responsible for and will not install, maintain or otherwise service the electrical distribution system beyond the point of delivery except for City-owned equipment. The City shall not be liable to any customer or to any third party for damage resulting from the customer's use of the service or from the presence of City-owned equipment on the customer's premises.
2. The customer is solely responsible for any accidents, fires or failures resulting from the condition and use of the electric distribution system beyond the point of delivery.

D. ACCEPTANCE OF RULES AND SERVICE. Any person making an application for service, accepting or using the City's electrical service by connecting to the City's electrical distribution system thereby agrees to conform to and abide by all applicable federal, state and local rules and regulations for the operation of the electrical distribution system.

1. The City considers its customer to be the owner of the property receiving service. The owner must complete an application for utility service. Service normally continues until the customer requests that service be discontinued or until such time that the customer fails to adhere to the rules and regulations of service. Upon request of discontinuation of service, the meter reading is recorded and, if no other arrangements have been made in advance, the service shall be discontinued.
2. The owner of any real estate in the City of Whalan, which is served by City utilities, shall ultimately be responsible for the payment of utility bills.
3. The City MAY send a duplicate billing statement for the utilities to a second party for the convenience of the owner, but this shall not remove the responsibility for ultimate payment of the utilities by the owner.

E. ACCESS TO FACILITIES.

1. Any properly authorized agent of the City shall have free access to the customer's premises at all reasonable hours for the purpose of reading, examining, inspecting, repairing, replacing or removing any element of the electric distribution system owned by the City.
2. No customer shall build or install any structure such as a deck, porch, patio or addition over or around City-owned facilities or otherwise block access to existing City-owned distribution system equipment.
3. The City may relocate City-owned distribution system facilities to accommodate a customer's needs where:
 - a. The customer makes a written request for the relocation of City facilities and agrees to pay all costs associated with such relocation;
 - b. The City determines that the requested relocation is technically feasible.

4. Any customer blocking access to City-owned facilities shall be given written notice of such violations and shall be given a specified period of time within which to provide for appropriate corrective action acceptable to the City.

5. Any violation of this Section not corrected within the specified time shall be corrected by the City and the customer shall be billed for all costs associated with such corrective action.

6. To effect the safe operation of the electric distribution system, the City hereby reserves the right to remove any trees, bushes, fences or other obstructions located on a customer's property which blocks access to City-owned facilities.

F. APPLICATION FOR SERVICE.

1. Application for a new, additional, temporary or rehabilitated electric service shall be made to the City at city hall, located at 202 Parkway Avenue South.

2. All applications shall contain:

a. A description of the service requirements. This may include the electrical load data and the expected magnitudes of connected and peak load. Additional data in the form of construction drawings and proposed service entrance may also be necessary for the City to adequately determine the arrangement of service to the customer.

b. Exact location of premises to be served, including the street address.

c. The approximate date that electric service is required.

d. The name, address and telephone number of the customer's designated representative who will be responsible for working with the City's representatives in providing the electric service.

e. The name, address and telephone number of the party who will be responsible for costs and usage charges.

3. The City must be advised of planned installations as soon as possible so that construction may be completed by the desired date.

G. AUXILIARY POWER SUPPLY. Where the customer provides for an auxiliary power supply, an adequately sized "double-throw disconnecting device" must be provided to open all ungrounded conductors from the normal supply before connection is made to the emergency supply in accordance with the requirements of the latest edition of the National Electric Code.

H. BALANCING LOADS.

1. All separate electric loads within a service shall be balanced.

2. Where three-phase services are provided, single-phase loads shall be evenly divided between each of the three phases as the voltage permits.

3. Where single-phase services are provided, the load shall be evenly divided between the energized conductors.

I. CHARACTER OF SERVICE.

1. Normal Service

- a. Service supplied by the City shall be alternating current at a nominal voltage and at a frequency of 60 HZ.
- b. The City hereby disclaims any liability and does not guarantee to maintain the accuracy of the nominal values under all conditions.

2. Standard Classes of Service.

- a. All customers shall call the City before designing electrical service. Not all voltage characteristics are available in all service areas.
- b. Three-phase service shall not be provided for loads with an expected peak demand of less than 75kw.
- c. The City shall not provide 120/208 volt service to any customer with a service entrance exceeding 2,500 Amps.
- d. Customers should obtain specific characteristics of available service before proceeding with the purchase and installation of any equipment.
- e. Information concerning the specific classes of service available may be obtained from the City.

J. ELECTRIC SERVICE OVER 200 AMPS

- 1. The customer shall consult with the City before selecting any service location.
- 2. The customer and the applicant for service, if different than the customer, shall be jointly and severally responsible for the payment of the Facilities Installation Charge (FIC), which includes the cost of the construction and installation of the on-site electric primary distribution system.
- 3. Where City-owned facilities need to be relocated or upgraded due to any development, re-development, rehabilitation, addition, site modification, increase in load or customer request, and the costs shall be fully reimbursed at the sole expense of the requesting party.
- 4. City-owned Equipment.
 - a. The city shall furnish and own the transformer pad and transformer or the secondary pedestal, all primary cable and all associated equipment. All primary cable and associated equipment furnished or installed by the City is the property of the City.
 - b. The meter and associated metering equipment furnished by the City is the property of the City. The City shall furnish and own the meter socket, meter and current transformers.
 - c. The City shall furnish the connectors and make the final connection between the customer's service conductors and the transformer terminals or the Point of Delivery.

5. Customer-owned Equipment.

a. The customer or property owner shall install, maintain and replace as necessary the entrance conduit, entrance wire and the City-furnished metering equipment in accordance with the N.E.C. standards for all services over 200 Amps.

b. The customer or property owner shall be solely responsible for the ownership, installation, maintenance and replacement of all components of the electric distribution system located beyond the Point of Delivery.

c. The customer or property owner shall install concrete-filled, eight inch (8") steel posts to protect the service transformer and the metering installation where the City determines that it is required for safety. Upon the customer's or property owner's written request, the City may approve other forms of protection.

d. Where applicable the customer shall provide the necessary equipment for mounting current transformers. (See section U of this Chapter)

6. All meters shall be located outside of the structure unless prior written authorization approving inside installation is obtained from the City.

7. Meters shall be installed so that the center of the meter is between forty inches (40") and sixty-six inches (66") above final grade.

8. Meters shall be located so that there will be no obstructions for meter reading, meter testing or other maintenance.

K. GENERAL DESIGN GUIDELINES FOR COMMERCIAL AND INDUSTRIAL INSTALLATIONS.

1. The City shall provide only one electric service connection to any structure.

2. The City shall provide only one standard class of service to any structure.

3. Except as otherwise provided, all new electrical metering and switchgear installations shall be located in one location as close to the transformer as the City determines to be reasonable.

L. CONSTRUCTION PROCEDURES.

1. The owner, sub-divider, builder or developer shall provide the City with a construction schedule so the electric distribution system can be installed in an orderly and timely manner.

2. The ground in which electric service will be located shall be brought to within four inches (4") of final grade and all other underground utilities to be located beneath the electric service shall be installed prior to the installation of the electric distribution system.

3. The owner, sub-divider, builder or developer shall provide the City with a clear, unobstructed path across the property as required for the installation of the on-site electric distribution system.

4. Prior to the actual construction, the developer or customer shall provide:

- a. Final grades (where electric service will be installed)
 - b. Staking for all lots located in the subdivision or development
 - c. Requested easements
 - d. Payment of the Facility Installation Charge or portion thereof when required
5. The owner, sub-divider, builder or developer shall be responsible for the cost of moving or rebuilding any facilities as a result of their errors, omissions or changes.
6. The owner, sub-divider, builder or developer shall coordinate the installation of streets so that the City can install street crossing conduits before the road base is constructed.
- a. The owner, sub-divider, builder or developer shall provide the City with no less than thirty (30) days notice to make the necessary street crossing installation(s).
 - b. Where the owner, sub-divider, builder or developer fails to coordinate such street installations with the City, they shall be responsible for additional costs incurred by the City as a result of boring, tunneling, street repairs, and any other such costs that may arise.
7. When, in the sole judgment of the City, difficult installation conditions exist, such as frost, rock, ledge, etc., the City shall not be bound by any construction schedule which may have been stated, written or otherwise implied. Such installations may also be subject to additional charges as determined by the City.
8. Prior to the start of construction, the owner, sub-divider, builder, or developer shall arrange for a site inspection with the City and any communications access provider to determine the suitability of the site for a common trench. Suitability will be at the sole discretion of the City.
9. The owner, sub-divider, builder or developer shall be solely responsible for any additional costs incurred by the City to remobilize the City's construction crew if such work is stopped because the City determines that a portion of the site is not suitable for construction of the electric distribution system.
10. The City shall schedule its work after all necessary easements are granted and the project site is ready as determined by the City.

M. CUSTOMER EQUIPMENT

1. The customer is responsible for selecting and installing motors, apparatus and devices which are suitable for operation with the character of the service available and supplied by the City.
2. The City hereby reserves the right and authority to gain access to inspect and test any customer-owned equipment which is connected to the City's system.
3. The City shall be the sole authority in determining whether any customer-owned equipment connected to the City's system is causing a deleterious effect on the quality of service provided by the City to its customers.

4. The City hereby reserves the right and authority to require the customer to install, at the customer's sole expense; any equipment which the City determines is required to prevent any deleterious effects on the quality of service provided by the City to its customers.

5. All new permanent service conductors shall be installed after the enactment of the Chapter shall be installed underground from the point of service entrance to the service location.

N. DAMAGE TO CITY-OWNED FACILITIES

1. Any person working in the vicinity of City-owned electric facilities shall be solely responsible to take whatever precautions are necessary to avoid damaging such facilities.

2. Any person causing damage to the City's equipment or facilities shall be responsible to reimburse the City for any costs incurred to repair such damage.

O. EASEMENTS

1. As required, property owners shall dedicate by plat or grant by written agreement, public utility easements to the City of Whalan for use in the construction, maintenance and replacement of the electric distribution system.

2. All required easements shall be dedicated or granted without cost to the City of Whalan. This shall include any additional or relocated easements which may be required by the City due to circumstances or conditions unforeseen prior to the beginning of construction.

3. Standard easements shall customarily follow property lines. If such customary easement location is not possible due to field conditions (hills, slopes, obstructions etc.), required easements shall be located in the nearest suitable area that will insure the safety of the individuals and equipment involved in the constructing, installing or relocating of City facilities.

4. Easements shall be shown and recorded on the subdivision plat.

P. ELECTRIC UTILITY FACILITY INSTALLATION

1. All new facilities shall be installed so that they are capable of being looped.

2. The City hereby reserves the right to install temporary or emergency facilities in the most economical manner using accepted engineering principles and practices.

Q. FAULT CURRENTS. The customer's service equipment and other devices shall be adequate to withstand and interrupt the maximum available fault current. The customer should contact the City to determine maximum existing and future anticipated fault currents.

R. GOPHER STATE ONE CALL.

1. In accordance with State Statute, the City is connected to the Minnesota Gopher State One Call System.
2. All requests for locating underground facilities should be made at least 48 hours in advance of the excavation. The excavation notice may be made by calling the Gopher State One Call at 1-800-252-1166 and provide the following information:
 - a. Name of the individual calling
 - b. Precise location of the proposed excavation
 - c. Name, address and telephone number of the excavator
 - d. Excavator's field telephone number
 - e. Type and extent of proposed excavation
 - f. Any anticipated use of explosives
 - g. Date and time when excavation is to commence.
3. An excavation is defined as any activity that disturbs the soil by use of machine-powered equipment or explosives. Excavation does NOT include:
 - a. Installation of agricultural drainage tile
 - b. Extraction of minerals
 - c. Opening of a grave in a cemetery
 - d. Street maintenance that does not change the original grade or any ditching if any exist
 - e. Farm activities that disturb the soil to a depth less than 18 inches
 - f. Landscaping or gardening to a depth less than 12 inches
4. Any damage to the electric distribution system occurring during excavation must be reported immediately by calling the City.

S. INTERRUPTION AND TERMINATION OF SERVICE

1. Planned interruptions of service in the normal course of business will be prearranged with the customer whenever practical.
2. The City hereby reserves the right to curtail or temporarily interrupt a customer's service when the City determines that repairs, replacement or modification of the City's facilities are required either on or off the customer's premises.
3. The City hereby reserves the right to interrupt the supply of service to customers in the case of emergencies or whenever such interruption is required to comply with an order from any jurisdictional authority.
4. The City hereby reserves the right to terminate electrical service or disconnect the customer from the electric system when the City or any jurisdictional authority determines that the customer-owned equipment is unsafe or is causing an unsafe condition.
5. The City may terminate any customer's service for nonpayment of funds owed to the City.

- a. It is the policy of the City to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, and telephone number of the employee in charge of billing, clearly visible and readable provisions to the effect:
 - i. That all bills are due upon receipt and payable on or before the date set forth on the bill;
 - ii. That if any bill is not paid by or before the due date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten (10) days of the mailing of the second bill, service will be discontinued for nonpayment; and
 - iii. That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.
- b. Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least thirty (30) days.
- c. When it becomes necessary for the City to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge as established by the City Council.
- d. Cold weather rule. Pursuant to Minnesota Statutes 216B.097, as may be amended from time to time, no service of a residential customer shall be disconnected if the disconnection affects the primary heat source for the residential unit when the disconnection would occur during the period between October 15th and April 15th, the customer has declared inability to pay on forms provided by the City, the household income of the customer is less than 185% of the federal poverty level as documented by the customer to the City and the customer's account is current for the billing period immediately prior to October 15th or the customer has entered into a payment schedule and is reasonable current with payments under the schedule. The City Clerk shall, between August 15th and October 15th, of each year, notify all residential customers of these provisions.

6. The City may terminate any customer's service if the City determines the customer has illegally diverted any source of energy or has permitted, approved of, or benefited from such a diversion.

7. The City may terminate any customer's service if the City determines that customer-owned equipment is causing or may cause damage to the City's equipment or facilities, or that the customer's continued connection to the City's system may cause power quality problems for any other City customer.

8. The City shall not be liable for any loss or damage to property resulting directly or indirectly from any interruption or termination of electric service for any reason. Customers requiring service reliability and/or stability exceeding the City's normal service should consider uninterruptible power supplies, isolation transformers, power conditioners, redundant services or other options to provide the level of service required.

T. LOCATION OF PAD-MOUNTED TRANSFORMERS.

1. Non-Combustible Walls. For the purposes of this section the class of non-combustible walls includes wood-framed brick-veneered buildings, metal-clad steel-framed buildings, asbestos-cement-board-walled metal-framed buildings and masonry buildings.

a. Doors. Pad-mounted oil insulated transformers shall not be located within a zone extending twenty (20) feet outward and ten (10) feet to either side of a building door.

b. Air Intake Openings. Pad-mounted oil insulated transformers shall not be located within a zone extending ten (10) feet outward and ten (10) feet to either side of an air intake opening located at the level of the transformer. If the air intake opening is located above the transformer level, the distance from the transformer to the opening shall be a minimum of twenty-five (25) feet. The term "level of the transformer" is to be interpreted as within ten (10) inches of the ground.

c. First Story. Pad-mounted oil insulated transformers shall not be located within a zone extending ten (10) feet outward and three (3) feet to either side of a building window or opening other than an air intake.

d. Second Story. Pad-mounted oil insulated transformers shall not be located less than five (5) feet from any part of a second story window or opening other than an air intake.

2. Combustible Walls. (For the purposes of this section combustible walls include wood buildings and metal clad buildings with wood frame construction). Pad-mounted oil insulated transformers shall be located at a minimum of ten (10) feet from the building's wall. In addition to the clearance from building doors, windows and other openings set forth for non-combustible walls. The immediate terrain adjacent to the transformer shall be sloped away from the building.

3. Barriers. (For the purposes of this section barriers shall include reinforced concrete, brick or concrete block barrier walls). If the clearance specified above cannot be obtained, a fire resistant barrier shall be constructed in lieu of the separation. The following methods of construction are acceptable:

- a. Non-Combustible Walls. The barrier shall extend to a projection line from the corner of the pad-mount to the furthest corner of the window, door or opening in question. The height of the barrier shall be one (1) foot above the top of the pad-mounted transformer.
 - b. Combustible Walls. The barrier shall extend three (3) feet beyond each side of the pad-mounted transformer. If a combustible first floor overhang exists, the twenty-four (24) inches specified shall be measured from the edge of the overhang rather than from the building wall.
4. Fire Exits. Pad-mounted oil insulated transformers shall be located such that a minimum clearance of twenty (20) feet is maintained from fire exits.
 5. Decorative combustible enclosures. Decorative combustible enclosures (fences etc.) installed by the customer around pad-mounted transformers adjacent to a combustible building wall shall not extend more than twenty-four (24) inches beyond the transformer towards the combustible wall. A ten (10) foot clearance is required in front of the pad-mount transformer doors. Adequate transformer accessibility and ventilation must be provided.
 6. Minimum clearances around pad-mounted transformers and equipment shall be ten (10) feet in front and twenty-four (24) inch sides and back shall be maintained. Fences, shrubbery and trees may be installed by the customer provided the specified clearances are maintained, the grade is not altered and any underground cables are not endangered.

U. METERING.

1. General.
 - a. All electricity furnished by the City shall be metered unless the customer has entered into a written agreement with the City to otherwise account for the customer's use of energy.
 - b. Responsibilities for the purchase and installation of metering and related equipment shall be set forth in the City of Whalan's policy manual and may be changed from time to time.
 - c. Sub-metering of electricity by customers for the purpose of resale is prohibited.
2. Meter Locations.
 - a. Meter location for new, modified or rehabilitated installations will be agreed upon by representatives of the customer and the City, subject to final approval by the City.
 - b. All meters shall be located outdoors unless special permission has been obtained from the City.
 - c. Meters shall be located to facilitate the setting, changing, testing and reading of meters.
 - d. All metering equipment shall be located in an area openly accessible to the City and shall be grouped to minimize the number of metering points.

- e. The customer shall be solely responsible at all times to maintain a clear forty-eight (48) inch work area in front of each meter location as well as a suitable approach to the meter location , as determined by the City.
- f. The customer or property owner shall install concrete-filled, eight (8) inch steel posts to protect the metering installation where meters are located outdoors in paved areas or in any other areas where the City determines the metering installation is susceptible to damage.

3. Meter Testing.

- a. Any customer who believes that a meter is failing to properly register the use of electricity may request a meter test by contacting the City. The City will install a new meter and the removed meter shall be tested using standard calibration equipment and generally accepted test procedures within a reasonable period of time.
- b. Customers who request additional tests of the same meter installation within a twelve month period may be charged for the additional tests at a fee established by the City.
- c. Whenever any meter is found upon test to have an average error of more than two (2) percent fast, the City shall refund to the customer the overcharge. Whenever any meter is found upon test to have an average error of more than two (2) percent slow, the City may charge for electricity consumed but not included in bills previously rendered. The refund or charge for both fast and slow meters shall be based on corrected meter readings for a period equal to one-half of the time elapsed since the last previous test but not to exceed six months, unless it can be established that the error was due to some cause, the date of which can be fixed with reasonable certainty, in which case the refund or charge shall be computed to that date, but in no event for a period longer than one year. (Minnesota Rules, Public Utilities Commission, Utility Customer Service, Chapter 7820.3900 or as amended)
- d. When the average error cannot be determined by test because the meter is not found to register or is found to register intermittently, the City may charge for an estimated amount of electricity used, which shall be calculated by averaging the amounts registered over corresponding periods in previous years or in the absence of such information, over similar periods of known accurate measurement preceding or subsequent thereto, but in no event shall such charge be for a period longer than one year. (Minnesota Rules, Public Utilities Commission, Utility Customer Service, Chapter 7820.3900 or as amended).
- e. If the recalculated bills indicate that more than \$1 is due an existing customer or \$2 is due a person no longer a customer of the City, the full amount of the calculated difference between the amount paid and the recalculated amount shall be refunded to the customer. The refund to an existing customer may be in cash or as credit on a bill. Credits shall be shown separately and identified. If a refund is due a person no longer a customer of the City, a notice shall be mailed to the last know address and the City, upon demand made within three (3) months thereafter, shall refund the amount due. If the recalculated bills indicate that the amount due the utility exceeds \$10, the City may bill the customer for the amount due. The first billing rendered shall be separated from the regular bill and the charges explained in detail. (Minnesota Rules, Public Utilities Commission, Utility Customer Service, Chapter 7820.3900 or as amended).

f. If a customer has called to the City's attention his or her doubts as to the meter's accuracy and the City has failed within a reasonable time to check it, there shall be no back billing for the period between the date of the customer's notification and the date the meter was checked. (Minnesota Rules, Public Utilities Commission, Utility Customer Service, Chapter 7820.3900 and as amended).

4. Meter and Equipment Seals.

a. The City shall seal all meters and points of access to unmetered wiring on the customer's premises.

b. The customer shall call the City if it becomes necessary to gain access to any sealed equipment.

c. No unauthorized person shall break any seal, close any by-pass switch, connect, disconnect or tamper with any of the City's metering equipment.

d. Any person (s) determined to have violated this rule shall be prosecuted per Title 1900 and shall be liable for the cost of all energy supplied which has not been billed due to unauthorized use, alteration or tampering with metering equipment.

e. The customer shall be liable for the costs of any such unauthorized use of energy.

5. Meter Installations.

a. General

i. Single-phase meters up to 240 volts, 200 Amperes shall be installed with through-type meter sockets that are provided by the City.

ii. All devices designed to interrupt service or protect against vandalism shall be installed on the load side of the meter (s).

iii. Where meter damage occurs or is anticipated, outdoor meters shall be protected by a suitable box with hasp and staple for the installation of a padlock.

iv. Where the City determines that a protective box is required to protect against possible vandalism or meter tampering, such a protective box shall be installed and maintained by the City.

b. Meter Sockets shall be furnished by the City and installed by the customer.

c. The customer shall install a City-furnished manual bypass meter socket for each of the following single-phase installations:

i. All commercial installations; and

ii. All residential installations rated at 200 Amperes

d. After meter sockets are installed, the interior of the socket must be protected if exposed to the weather or if the terminals are energized. The City will furnish and install cover plates for unused meter sockets at the time meters are installed on other loops.

e. Multiple Meter Installations

i. The City shall review and approve all multiple meter service requests prior to the installation of any equipment.

ii. Multiple meter bank assemblies shall be designed so that the center of the top meter is no more than sixty-six (66) inches above the floor or the ground and the center of the bottom meter is no less than forty (40) inches above the floor or the ground.

iii. Where two or more meters are installed at a location, provisions shall be made so that the specific address or area served by each meter is easily determined.

f. No part of the metering set may be used as a junction box for the customer's wiring.

6. Instrument Transformer Meter Installations.

a. The installation of all meters rated over 200 Amperes shall include the necessary equipment for mounting current transformers.

b. The City shall furnish, own and maintain all instrument transformers required to provide electric service.

i. The customer shall provide the necessary equipment for mounting busbar type current transformers and install a one (1) inch conduit from the meter socket to its respective instrument transformer enclosure.

ii. The meter socket will be located on an outside building wall, between forty-four (44) and sixty-six (66) inches above final grade and in such a position that there will be no obstructions to meter reading, testing or other maintenance.

iii. In certain cases where a pad-mounted transformer is installed for one customer and no additional customers are anticipated, the City may grant special permission for the installation of the current transformers within the secondary compartment of the transformer. The customer must furnish and install a one (1) inch metering conduit from the transformer compartment to a meter location approved by the City. Conduit runs shall not exceed 125 feet except with special permission from the City. If more than one customer is to be served from the same pad-mounted transformer, current transformers cannot be installed in the secondary compartment of the transformer and each customer must install a separately mounted metering current transformer box.

V. ELECTRIC MOTOR INSTALLATIONS. The Customer shall install equipment to protect a motor installation from high-voltage, low-voltage, "single" phasing or reverse phasing conditions.

W. PLANS AND DRAWINGS.

1. The owner, sub-divider, builder or developer shall provide to the City complete and accurate drawings and layouts for subdivisions, or any other project requiring the installation or replacement of City electrical facilities.

2. The owner, sub-divider, builder or developer shall provide the City with complete architectural drawings for any commercial project for which the City is reviewing. Such drawings shall include:

- a. The requested service voltage;
- b. The service entrance Amp rating;
- c. The connected load (in kw) broken down by load type;
- d. The electrical switchgear and metering lineup;
- e. The one-line diagram; and
- f. The specifications for the HVAC equipment, etc.

X. POWER FACTOR

1. In order to improve the efficiency of the City's electric distribution system, the customer's utilization equipment shall maintain an average power factor as close to unity as possible.

2. The City will calculate the power factor as necessary by installing electronic metering capable of determining power factor.

Y. PROTECTION OF CUSTOMER-OWNED EQUIPMENT.

1. The City does not guarantee the supply of electric service as to quantity or quality. Irregularities and interruptions may occur and the City hereby disclaims any liability for any damages or lost business incurred by any such irregularities or interruptions.

2. The customer may install circuit protection devices to protect against possible equipment damage at the customer's sole expense and liability for the purchase, installation, use or misuse of any such devices.

Z. RATES AND FACILITIES INSTALLATION CHARGES (FIC). Electrical rates are set for in Chapter 54 of this Code.

AA. ELECTRIC SERVICE 200 AMPS AND LESS.

1. The City shall construct and install all on-site electric distribution systems in new or existing subdivisions or developments.

a. All such distribution systems shall be constructed in conformity with the requirements of the National Electric Safety Code, in effect or as amended, which are adopted by reference.

b. All services shall be installed underground in accordance with these rules and policies.

c. The City shall provide only one electric service connection to each customer location.

- d. The City will provide each customer location with electric service rated at 120/240 volts, single phase, 200 Amperes, in accordance with standard service rules for new construction.
2. The owner, sub-divider, builder, developer and/or customer shall install, maintain and replace as necessary the entrance conduit and the City furnished metering equipment in accordance with the NEC standards.
 - a. Meters shall be located to maintain completely open access at all times for meter reading, meter testing or other maintenance.
 - b. The center of any meter shall be located between forty (40) and sixty-six (66) inches above final grade.
 - c. The electric meter shall be located at the side or rear of the structure, which is nearest to the point of connection with the City's system. The owner, sub-divider, builder, developer or contractor shall provide a straight, clear, unobstructed path across the property as required for the installation of the on-site electric distribution system.
3. The owner, sub-divider, builder, developer and customer shall be jointly and severally responsible for the payment of the Facilities Installation Charge (FIC).
4. Where City owned facilities need to be relocated or upgraded due to any development, re-development, rehabilitation, addition, site modification, increase in load or customer request, all required work shall be performed by the City. The associated costs incurred shall be fully reimbursed by the requesting party.
5. At the sole discretion of the City, the owner, sub-divider, builder, developer or customer may be required to pay for required on-site distribution system equipment before the City orders such equipment.
6. The ground in which electric service will be located shall be brought to within four (4) inches of final grade and all other underground utilities to be located beneath the electric service shall be installed prior to the installation of the electric distribution system.
7. Where the City determines it is necessary to relocate an existing electric meter due to meter failure or alterations or additions to an existing dwelling unit, the meter shall be located in conformity to this Chapter and shall be at the expense of the customer.

BB. SPECIAL EQUIPMENT. Where the customer's service demands include the use of electrical service to operate equipment or devices which create a high demand on the operation of City facilities for a relatively short period of time, the City may determine that the installation of special equipment may be required to maintain satisfactory service. In all such cases, the customer shall reimburse the City for costs incurred to purchase special equipment or facilities.

CC. STREET AND SECURITY LIGHTING. The City designs, maintains and upgrades the street lighting systems on all City streets. Further, the City does not install or maintain private security, parking lot or alleyway lighting.

DD. TEMPORARY SERVICE

1. The City will provide temporary service to any customer where such service may be provided from the City's existing electric distribution system. Where a customer applies for routine temporary service, the customer shall provide an approved meter socket and maintain suitable equipment for a service entrance. All required service conductors shall be sized in accordance with all applicable codes.
2. The customer shall pay a temporary service connection fee for single-phase temporary service in addition to regular monthly charges at the applicable service rate.
3. The customer shall pay a temporary service connection fee for three-phase, temporary service in addition to regular monthly charges at the applicable service rate.
4. Temporary service requests that do not conform to the conditions specified above may be granted at the sole discretion of the City. The customer shall reimburse the City for all costs associated with installing and removing such "non-routine" temporary services.
5. Temporary service is intended for limited use only and should not exceed a period of one year. Permanent service entrance equipment shall be installed as soon as practicable.

EE. WIRING CERTIFICATION.

1. The City shall not connect any new or rehabilitated service to the City electric system except upon certification that the new wiring conforms in all respects to the Minnesota State Board of Electricity and this Chapter.
2. As required by Minnesota State Statute 326.242, and as amended, all wiring in mobile home parks must be performed by properly licensed employees of licensed electrical contractors. Owners of manufactured homes, park owners, or other unlicensed persons are not permitted to install wiring for any purpose.
3. As required by Minnesota State Statute 326.244, and as amended, all new or replacement wiring is required to be inspected. This includes connection of new or relocated manufactured homes.
4. The City reserves the right to make a further inspection of service entrance and grounding equipment before making any connection to its electrical system.
5. Any inspection by the City shall not be deemed to be an approval of the adequacy of any wiring or certification that such wiring conforms to the rules and regulations of any authority having jurisdiction.

55.02 Extension or Upgrade of Existing Lines

(1) Meter Installations.

- a) Any new or Replacement Meter Installations. The City shall make the determination of the type and form of metering devices to be installed. This will be in the best interests of the City and shall be determined by the Utility Superintendent or their agent.

(2) Secondary Service Installations

- a) All New Single & Three Phase Overhead Secondary Service Installations. The expense of the installation of overhead secondary service wire to the top of the meter mast and the cost of the meter shall be paid by the City. The expense of installation of the complete service pole, meter loop, which includes wiring, conduit, meter can, weather head, metering transformers, etc., shall be at the consumer's expense, and the City assumes no responsibility with reference thereto. Maintenance and replacement expenses shall be apportioned in the same manner.
- b) All New Single & Three Phase Underground Secondary Service Installations. On single and three phase underground secondary services the City shall have the expense of the meter and allow to the consumer the cost of service wires had an overhead service been installed. The expense of installation of the complete meter loop, which includes riser pole, wiring, conduit, meter can, weather head, metering transformers, trenching, etc., shall be at the consumer's expense, and the City assumes no responsibility with reference thereto. Maintenance and replacement expenses shall be apportioned in the same manner.
- c) Transformer Connections. In the event an underground service is to be connected inside of a pad mount transformer, the consumer shall leave ample amount of wiring in the transformer to allow the City to make the connections to the transformer lugs.

(3) New Permanent Installations and Line Extensions

- a) All overhead and underground distribution system installations/extensions. Based upon the recommendation of the Utility Superintendent or his agent, the City may allow up to the maximum amount of two thousand dollars (\$2,000.00) toward the cost of new permanent installations made to the electrical distribution system. Customers shall be responsible for all costs that exceed the amount allowed by the City. Customers may sign a three (3) month installation contract with the City for payment of the costs in excess of two thousand dollars (\$2,000.00), in the event they are unable to pay the total amount upon installation. As for line extensions, the City will pay for the first 400 feet of the line extension. The customer is responsible for actual costs, including equipment and cost of labor, over 400 ft.
- b) New permanent installations or line extensions shall be defined as: Anytime it is deemed necessary, by a customer's request, to extend any part of the permanent electrical distribution system to provide an electrical service to a distant point. This includes all costs of all additional material and equipment such wires, poles, conduits, transformer(s), cabinets, etc. that is added to the existing electrical distribution system.

(4) Electrical Distribution System Upgrades, Service Upgrades, Relocating of Existing Service

- (a) Commercial, Industrial, and Residential Services. Whenever a customer requests a change to an existing electrical service, whether it be an equipment upgrade, which includes transformers, primary/secondary wiring, pole size, metering components, etc., or relocation of the existing electrical equipment, the City shall only pay those expenses deemed necessary by

the Utility Superintendent or their agent.

(5) Temporary Installation

- a) For any single phase temporary service requiring an extension of one span or less, including the removal of the same upon the completion of the service, the customer will be charged the normal meter connection deposit. Customers shall provide a meter loop and pole.
- b) For any temporary which involves the extension of one span or more or requires a three (3) phase service, a nonrefundable fee will be collected in advance of construction. This charge will be equal to the estimate in and out costs to install and remove this service. Customers shall provide meter loop, metering transformers (if necessary) and poles. Examples of temporary extension may include carnivals, construction sites, etc.

(6) Means of Disconnection on All New and Replacement Services

- a) For the protection and safety of utility workers and fire department personnel, all new construction of commercial, industrial, or residential services and the replacement of existing services will require a means of disconnection to be located on the exterior wall of the structure accessible from the outside.
- b) All services of 400 amps or less must have a single throw switch or circuit breaker on the load side of the meter. This is to include all single and three phase services.
- c) All enclosures holding the disconnection device will be UL listed and be of weatherproof construction. All installations require a Minnesota State Electrical Permit and must be inspected by the State Electrical Inspector before the City Electric Department will energize the service.
- d) This Ordinance shall take effect and be in force following its passage, approval, and publication as required by law.

55.03 Distributed Energy Resources and Net Metering

To establish the application procedure and qualification criteria for all customers for the delivery, interconnection, metering and purchase of electricity from distributed energy resource facilities and to comply with applicable laws and rules governing distributed energy resources.

The utility recognizes its obligation to provide interconnection to eligible qualifying facilities and will comply with all applicable laws and rules governing distributed energy resources.

For purposes of this policy, the following terms have the meanings given them:

- A. **Average retail energy rate** - the average of the retail energy rates, exclusive of special rates based on income, age, or energy conservation, according to the applicable rate schedule of the utility for sales to the class of customer of which the customer/qualifying

facility belongs.

- B. **Avoided costs** - the incremental costs to the utility of electric energy or capacity or both which, but for the purchase from the qualifying facility, the utility would generate itself or purchase from another source.
- C. **Contract** - the written agreement between the customer/qualifying facility and the utility, as established in the utility's Rules Governing Interconnection of Cogeneration and Small Power Production.
- D. **Distributed energy resource (DER)** - a distributed generation system incorporated with or without an electric storage system.
- E. **Interconnection application** - the form to be used by the customer to submit its formal request for interconnection to the utility and which shall be substantially similar in form to that contained in the Distributed Energy Resources Interconnection Process adopted by the utility.
- F. **Interconnection rules** - any applicable rules developed in accordance with Minnesota Statutes §§216B.164 and 216B.1611. This includes the utility's Rules Governing Interconnection of Cogeneration and Small Power Production. It also includes the utility's Distributed Energy Resources Interconnection Process which includes its Simplified Process, Fast Track Process, and Study Process as well as the technical requirements incorporated therein or any future technical requirements adopted by the utility.
- G. **Measured capacity** - for purposes of determining capacity, it shall be measured based on the highest fifteen (15) minute average demand of the unit in any one billing period.
- H. **Net metering/net billing** - the process whereby the customer and the utility compensate each other based on the difference in the amount of energy each sells to the other at the net metered facility.
- I. **Net metered facility** - an electric generation facility constructed for the purpose of offsetting energy use through the use of renewable energy or high efficiency generation sources with a capacity of less than 40 kilowatts that has elected in writing to be compensated for excess generation through net metering/net billing.
- J. **Total generator nameplate capacity** - the nominal voltage (V), current (A), maximum active power (kWac), apparent power (kVA), and reactive power (kvar) at which a distributed energy resource (DER), is capable of sustained operation. For a qualifying facility with multiple units, the total generator capacity is equal to the sum of all individual DER units' nameplate rating in the qualifying facility. The DER system's total generation capacity may, with the utility's agreement, be limited through use of control systems, power relays or similar device settings or adjustments as identified in IEEE 1547. The customer must fully, accurately and completely disclose in its interconnection application to the utility, the technical specifications for any capacity limiting device contemplated and the customer shall furnish the utility with any factory manuals or other similar documents requested from the utility regarding such limiting or other control devices which factor into the calculation of total generator capacity.
- K. **Qualifying facility** - a cogeneration or small power production facility which satisfies the conditions established in Code of Federal Regulations, title 18, part 292. The qualifying facility must be owned by a customer of the utility and located in the utility service area.

L. **Utility** – Whalan Public Utilities.

In the event an inconsistency exists between terms in this policy and those established by applicable statute, rule or court order, then the definition so established shall supersede the definition used in this policy and shall govern.

All customers are eligible for distributed generation, interconnection with the utility's distribution system and application of net metering upon the following terms and conditions.

1. The customer must meet the eligibility requirements set forth in the federal Public Utility Regulatory Policies Act of 1978 (PURPA) *18 C.F.R. 292.303, 292.304 and Minnesota's distributed generation laws. Minn. Stat. §216B.164.
2. The customer shall complete, sign and return to utility either the Interconnection Application or the Simplified Process Application in the form prescribed in the utility's Distributed Energy Resources Interconnection Process. The application shall be approved by the utility prior to the customer beginning the project. The customer signature on the application indicates the customer shall follow the steps outlined in the utility's interconnection rules.
3. The customer shall enter into a written contract with the utility using the uniform contract contained in the utility's Rules Governing Interconnection of Cogeneration and Small Power Production.
4. The qualifying facility shall pay the utility for all reasonable costs of interconnection including those costs outlined in Minnesota Statute 216B.164, the utility's DER Interconnection Process, and the State of Minnesota Interconnection Technical Requirements.
5. The qualifying facility's total generator nameplate capacity shall be less than 40 kW and the facility shall operate at a measured capacity of less than 40 kW at all times to qualify for net metering/net billing or roll over credit compensation.
6. The utility may limit the capacity and operating characteristics of qualifying facility single phase generators in a manner consistent with the utility limitations for single phase motors, when necessary to avoid a qualifying facility from causing problems with the service of other customers.
7. The utility may require the qualifying facility to discontinue parallel generation operations when necessary for system safety.
8. The power output from the qualifying facility must be maintained so that frequency and voltage are compatible with normal utility service and do not cause that service to fall outside the prescribed limits of interconnection rules and other standard limitations.
9. The qualifying facility shall keep in force liability insurance against personal or property damage due to the installation, interconnection, and operation of its electric generating facilities. The amount of insurance coverage shall be the maximum amount of said insurance for a qualifying facility or net metered facility as outlined in the utility's DER Interconnection Process.
10. Failure of the qualifying facility to operate its distributed energy resource at a measured capacity below the 40 kW AC capacity limit established by Minn. Stat. §216B.164, Sub. 3 and as contemplated by this policy, shall result in the following. The utility will notify the customer/qualifying facility of the fact that its generating equipment has failed to

operate below the 40 kW AC maximum capacity and will provide the customer/qualifying facility with the date, time and kW reading that substantiate this finding.

11. The utility shall compensate the customer/qualifying facility for all metered electricity produced by said qualifying facility during the thirty (30) day period during which the failure occurred, at the utility's wholesale power supplier's avoided cost rate.
12. The utility shall continue to pay the customer/qualifying facility for subsequent electricity produced and delivered pursuant to the contract, at the utility's wholesale power supplier's avoided cost rate until:
 1. The problem with the generator that caused it to operate at or above the statutory maximum capacity has been remedied; and
 2. The utility has been provided documentation adopted by a Minnesota Professional Engineer that confirms the problem with the generator has been remedied.
13. Any customer account eligible for net metering/net billing is not eligible for any other load management discounts unless agreed to by the utility.
14. Payment for the purchase of the qualifying facility's electricity herein shall be in the form of a credit on the customer's monthly billing invoice or paid by check or electronic payment to the customer within fifteen (15) days of the billing date, whichever is selected and indicated in the contract.
15. The customer must be, and continue to be, current with payment on its electric account with utility.
16. The customer must not enter into any arrangement that violates the utility's exclusive right to provide electric service in its service area under Minnesota Statutes §§216B.37-44.
17. In the event that the distributed generator fails to meet the requirements of this policy for a total distributed generation capacity of less than 40 kW AC, and fails to satisfy the corrective requirements set forth in Section 12 above, then the utility will have the right to (1) cancel the contract with the owner of the qualifying facility, and (2) enter into a new contract with the owner of the qualifying facility that, among other changes, adjusts the qualifying facility's rated capacity and specifies avoided cost pricing for the qualifying facility's output. To the extent that the utility does not have the obligation to make purchases from qualifying facilities of 40 kW or greater due to transfer of the obligation to the utility's wholesale supplier that has been approved by the Federal Energy Regulatory Commission, the new agreement will be between the utility's wholesale supplier and the qualifying facility. In either case, the utility (and, as applicable, the utility's wholesale supplier) and the owner of the qualifying facility will cooperate in the transition from the form of contract set forth in the utility's Rules Governing Interconnection of Cogeneration and Small Power Production to a new form of contract appropriate to a qualifying facility with a capacity of 40 kW or greater.
18. Fully executed interconnection contracts for distributed energy resources may be canceled in the event the distributed energy resource fails to interconnect to the utility's distribution system within twelve (12) months of signing of the interconnection contract by the qualifying facility and the utility.

Rules
Governing the Interconnection of
Cogeneration and Small Power Production Facilities
with
Whalan Public Utilities

Part A. DEFINITIONS

Subpart 1. Applicability. For purposes of these rules, the following terms have the meanings given them below.

Subp. 2. Average retail utility energy rate. "Average retail utility energy rate" means, for any class of utility customer, the quotient of the total annual class revenue from sales of electricity minus the annual revenue resulting from fixed charges, divided by the annual class kilowatt-hour sales. The computation shall use data from the most recent 12-month period available.

Subp. 3. Backup power. "Backup power" means electric energy or capacity supplied by the utility to replace energy ordinarily generated by a qualifying facility's own generation equipment during an unscheduled outage of the facility.

Subp. 4. Capacity. "Capacity" means the capability to produce, transmit, or deliver electric energy, and is measured by the number of megawatts alternating current at the point of common coupling between a qualifying facility and the utility's electric system during a 15-minute interval period.

Subp. 5. Capacity costs. "Capacity costs" means the costs associated with providing the capability to deliver energy. The utility capital costs consist of the costs of facilities from the utility and the utility's wholesale provider used to generate, transmit, and distribute electricity and the fixed operating and maintenance costs of these facilities.

Subp. 6. Customer. "Customer" means the person named on the utility electric bill for the premises.

Subp. 7. Energy. "Energy" means electric energy, measured in kilowatt-hours.

Subp. 8. Energy costs. "Energy costs" means the variable costs associated with the production of electric energy. They consist of fuel costs and variable operating and maintenance expenses.

Subp. 9. Firm power. "Firm power" means energy delivered by the qualifying facility to the utility with at least a 65 percent on-peak capacity factor in the month. The capacity factor is based upon the qualifying facility's maximum metered capacity delivered to the utility during the on-peak hours for the month.

Subp. 10. Governing body. "Governing body" means Whalan Public Utilities and the Whalan City Council.

Subp. 11. Interconnection costs. "Interconnection costs" means the reasonable costs of connection, switching, metering, transmission, distribution, safety provisions, and administrative costs incurred by the utility that are directly related to installing and maintaining the physical facilities necessary to permit interconnected operations with a qualifying facility. Costs are considered interconnection costs only to the extent that they exceed the costs the utility would incur in selling electricity to the qualifying facility as a

non generating customer.

Subp. 12. Interruptible power. "Interruptible power" means electric energy or capacity supplied by the utility to a qualifying facility subject to interruption under the provisions of the utility's tariff applicable to the retail class of customers to which the qualifying facility would belong irrespective of its ability to generate electricity.

Subp. 13. Maintenance power. "Maintenance power" means electric energy or capacity supplied by a utility during scheduled outages of the qualifying facility.

Subp. 14. On-peak hours. "On-peak hours" means either those hours formally designated by the utility as on-peak for ratemaking purposes or those hours for which its typical loads are at least 85 percent of its average maximum monthly loads.

Subp. 15. Point of distributed energy resource (DER) connection. "Point of DER connection" means the point where the qualifying facility's generation system, including the point of generator output, is connected to the customer's electric system and meets the current definition of IEEE 1547.

Subp. 16. Purchase. "Purchase" means the purchase of electric energy or capacity or both from a qualifying facility by the utility.

Subp. 17. Qualifying facility. "Qualifying facility" means a cogeneration or small power production facility which satisfies the conditions established in Code of Federal Regulations, title 18, part 292. The initial operation date or initial installation date of a cogeneration or small power production facility must not prevent the facility from being considered a qualifying facility for the purposes of this chapter if it otherwise satisfies all stated conditions. The qualifying facility must be owned by a Customer and located in the utility service area.

Subp. 18. Sale. "Sale" means the sale of electric energy or capacity or both by the utility to a qualifying facility.

Subp. 19a. Standby charge. "Standby charge" means the charge imposed by the utility upon a qualifying facility for the recovery of costs for the provision of standby services necessary to make electricity service available to the qualifying facility.

Subp. 19b. Standby service. "Standby service" means the service to potentially provide electric energy or capacity supplied by the utility to a qualifying facility greater than 40 kW.

Subp. 20. Supplementary power. "Supplementary power" means electric energy or capacity supplied by the utility which is regularly used by a qualifying facility in addition to that which the facility generates itself.

Subp. 21. System emergency. "System emergency" means a condition on the utility's system which is imminently likely to result in significant disruption of service to customers or to endanger life or property.

Subp. 22. Utility. "Utility" means Whalan Public Utilities.

Part B. SCOPE AND PURPOSE

The purpose of these rules is to implement certain provisions of Minnesota Statutes, §216B.164; the Public Utility Regulatory Policies Act of 1978, United States Code, title 16, §824a-3; and the Federal Energy Regulatory Commission regulations, Code of Federal Regulations, title 18, part 292. These rules shall be applied in accordance with their intent to give the maximum possible encouragement to cogeneration and small power production consistent with protection of the ratepayers and the public.

Part C. FILING REQUIREMENTS

Annually the utility shall file for review and approval, a cogeneration and small power production tariff with the governing body. The tariff must contain schedules 1 – 4.

SCHEDULE 1.

Schedule 1 shall contain the calculation of the average retail utility energy rates to be updated annually.

SCHEDULE 2.

Schedule 2 shall contain all standard contracts to be used with qualifying facilities, containing applicable terms and conditions.

SCHEDULE 3.

Schedule 3 shall contain the utility's adopted interconnection process, safety standards, technical requirements for distributed energy resource systems, required operating procedures for interconnected operations, and the functions to be performed by any control and protective apparatus.

SCHEDULE 4.

Schedule 4 shall contain the estimated average incremental energy costs by seasonal, peak and off-peak periods for the utility's power supplier from which energy purchases are first avoided. Schedule 4 shall also contain the net annual avoided capacity costs, if any, stated per kilowatt-hour and averaged over the on-peak hours and over all hours for the utility's power supplier from which capacity purchases are first avoided. Both the average incremental energy costs and net annual avoided capacity costs shall be increased by a factor equal to 50 percent of the utility and the utility's power supplier's overall line losses due to distribution, transmission and transformation of electric energy.

Part D. AVAILABILITY OF FILINGS

All filings shall be maintained at the utility's general office and any other offices of the utility where rate tariffs are kept. The filings shall be made available for public inspection during normal business hours. The utility shall supply the current year's distributed generation rates, interconnection procedures and application form on the utility website, if practicable, or at the utility office.

Part E. REPORTING REQUIREMENTS

Annually the utility shall report to the governing body for its review and approval an annual report including information in subparts 1-3. The utility shall still comply with other federal and state reporting of distributed generation to federal and state agencies expressly required by statute.

Subpart 1. Summary of average retail utility energy rate. A summary of the qualifying facilities that are currently served under average retail utility energy rate.

Subp. 2. Other qualifying facilities. A summary of the qualifying facilities that are not currently served under average retail utility energy rate.

Subp. 3. Wheeling. A summary of the wheeling undertaken with respect to qualifying facilities.

Part F. CONDITIONS OF SERVICE

Subpart 1. Requirement to purchase. The utility shall purchase energy and capacity from any qualifying facility which offers to sell energy and capacity to the utility and agrees to the conditions in these rules.

Subp. 2. Written contract. A written contract shall be executed between the qualifying facility and the utility.

Part G. ELECTRICAL CODE COMPLIANCE

Subpart 1. Compliance; standards. The interconnection between the qualifying facility and the utility must comply with the requirements in the most recently published edition of the National Electrical Safety Code issued by the Institute of Electrical and Electronics Engineers. The interconnection is subject to subparts 2 and 3.

Subp. 2. Interconnection. The qualifying facility is responsible for complying with all applicable local, state, and federal codes, including building codes, the National Electrical Code (NEC), the National Electrical Safety Code (NESC), and noise and emissions standards. The utility shall require proof that the qualifying facility is in compliance with the NEC before the interconnection is made. The qualifying facility must obtain installation approval from an electrical inspector recognized by the Minnesota State Board of Electricity.

Subp. 3. Generation system. The qualifying facility's generation system and installation must comply with the American National Standards Institute/Institute of Electrical and Electronics Engineers (ANSI/IEEE) standards applicable to the installation.

Part H. RESPONSIBILITY FOR APPARATUS

The qualifying facility, without cost to the utility, must furnish, install, operate, and maintain in good order and repair any apparatus the qualifying facility needs in order to

operate in accordance with schedule 3.

Part I. TYPES OF POWER TO BE OFFERED; STANDBY SERVICE

Subpart 1. Service to be offered. The utility shall offer maintenance, interruptible, supplementary, and backup power to the qualifying facility upon request.

Subp. 2. Standby service. The utility shall offer a qualifying facility standby power or service at the utility’s applicable standby rate schedule.

Part J. DISCONTINUING SALES DURING EMERGENCY

The utility may discontinue sales to the qualifying facility during a system emergency, if the discontinuance and recommencement of service is not discriminatory.

Part K. RATES FOR UTILITY SALES TO A QUALIFYING FACILITY

Rates for sales to a qualifying facility are governed by the applicable tariff for the class of electric utility customers to which the qualifying facility belongs or would belong were it not a qualifying facility. Such rates are not guaranteed and may change from time to time at the discretion of the utility.

Part L. STANDARD RATES FOR PURCHASES FROM QUALIFYING FACILITIES

Subpart 1. Qualifying facilities with 100-kilowatt capacity or less. For qualifying facilities with capacity of 100 kilowatts or less, standard purchase rates apply. The utility shall make available four types of standard rates, described in parts M, N, O, and P. The qualifying facility with a capacity of 100 kilowatts or less must choose interconnection under one of these rates, and must specify its choice in the written contract required in part V. Any net credit to the qualifying facility must, at its option, be credited to its account with the utility or returned by check or comparable electronic payment service within 15 days of the billing date. The option chosen must be specified in the written contract required in part V. Qualifying facilities remain responsible for any monthly service charges and demand charges specified in the tariff under which they consume electricity from the utility.

Subp. 2. Qualifying facilities over 100-kilowatt capacity. A qualifying facility with more than 100-kilowatt capacity has the option to negotiate a contract with the utility or, if it commits to provide firm power, be compensated under standard rates.

Subp. 3. Grid access charge. A qualifying facility shall be assessed a monthly grid access charge to recover the fixed costs not already paid by the customer through the customer’s existing billing arrangement. The additional charge shall be reasonable and appropriate for the class of customer based on the most recent cost of service study defining the grid access charge. The cost of service study for the grid access charge shall be made available for review by the customer of the utility upon request.

Part M. AVERAGE RETAIL UTILITY ENERGY RATE

Subpart 1. Applicability. The average retail utility energy rate is available only to customer-owned qualifying facilities with capacity of less than 40 kilowatts which choose not to offer electric power for sale on either a time-of-day basis, a simultaneous purchase and sale basis or roll-over credit basis.

Subp. 2. Method of billing. The utility shall bill the qualifying facility for the excess of energy supplied by the utility above energy supplied by the qualifying facility during each billing period according to the utility's applicable retail rate schedule.

Subp. 3. Additional calculations for billing. When the energy generated by the qualifying facility exceeds that supplied by the utility to the customer at the same site during the same billing period, the utility shall compensate the qualifying facility for the excess energy at the average retail utility energy rate.

Part N. SIMULTANEOUS PURCHASE AND SALE BILLING RATE

Subpart 1. Applicability. The simultaneous purchase and sale rate is available only to qualifying facilities with capacity of less than 40 kilowatts which choose not to offer electric power for sale on average retail utility energy rate basis, time-of-day basis or roll-over credit basis.

Subp. 2. Method of billing. The qualifying facility must be billed for all energy and capacity it consumes during a billing period according to the utility's applicable retail rate schedule.

Subp. 3. Compensation to qualifying facility; energy purchase. The utility shall purchase all energy which is made available to it by the qualifying facility. At the option of the qualifying facility, its entire generation must be deemed to be made available to the utility. Compensation to the qualifying facility must be the energy rate shown on schedule 4.

Subp. 4. Compensation to qualifying facility; capacity purchase. If the qualifying facility provides firm power to the utility, the capacity component must be the utility's net annual avoided capacity cost per kilowatt-hour averaged over all hours shown on schedule 4, divided by the number of hours in the billing period. If the qualifying facility does not provide firm power to the utility, no capacity component may be included in the compensation paid to the qualifying facility.

Part O. TIME-OF-DAY PURCHASE RATES

Subpart 1. Applicability. Time-of-day rates are required for qualifying facilities with capacity of 40 kilowatts or more and less than or equal to 100 kilowatts, and they are optional for qualifying facilities with capacity less than 40 kilowatts. Time-of-day rates are

also optional for qualifying facilities with capacity greater than 100 kilowatts if these qualifying facilities provide firm power.

Subp. 2. Method of billing. The qualifying facility must be billed for all energy and capacity it consumes during each billing period according to the utility's applicable retail rate schedule.

Subp. 3. Compensation to qualifying facilities; energy purchases. The utility shall purchase all energy which is made available to it by the qualifying facility. Compensation to the qualifying facility must be the energy rate shown on schedule 4.

Subp. 4. Compensation to qualifying facility; capacity purchases. If the qualifying facility provides firm power to the utility, the capacity component must be the capacity cost per kilowatt shown on schedule 4 divided by the number of on-peak hours in the billing period. The capacity component applies only to deliveries during on-peak hours. If the qualifying facility does not provide firm power to the utility, no capacity component may be included in the compensation paid to the qualifying facility.

Part P. ROLL-OVER CREDIT PURCHASE RATES

Subpart 1. Applicability. The roll-over credit rate is available only to qualifying facilities with capacity of less than 40 kilowatts which choose not to offer electric power for sale on average retail utility energy rate basis, time-of-day basis or simultaneous purchase and sale basis.

Subp. 2. Method of billing. The utility shall bill the qualifying facility for the excess of energy supplied by the utility above energy supplied by the qualifying facility during each billing period according to the utility's applicable retail rate schedule.

Subp. 3. Additional calculations for billing. When the energy generated by the qualifying facility exceeds that supplied by the utility during a billing period, the utility shall apply the excess kilowatt hours as a credit to the next billing period kilowatt hour usage. Excess kilowatt hours that are not offset in the next billing period shall continue to be rolled over to the next consecutive billing period. Any excess kilowatt hours rolled over that are remaining at the end of each calendar year shall cancel with no additional compensation.

Part Q. CONTRACTS NEGOTIATED BY CUSTOMER

A qualifying facility with capacity greater than 100 kilowatts must negotiate a contract with the utility setting the applicable rates for payments to the customer of avoided capacity and energy costs.

Subpart 1. Amount of capacity payments. The qualifying facility which negotiates a contract under part Q must be entitled to the full avoided capacity costs of the utility. The amount of capacity payments will be determined by the utility and the utility's wholesale power provider.

Subp. 2. Full avoided energy costs. The qualifying facility which negotiates a contract under part Q must be entitled to the full avoided energy costs of the utility. The costs must be adjusted as appropriate to reflect line losses.

Part R. WHEELING

Qualifying facilities with capacity of 30 kilowatts or greater, are interconnected to the utility's distribution system and choose to sell the output of the qualifying facility to any other utility, must pay any appropriate wheeling charges to the utility. Within 15 days of receiving payment from the utility ultimately receiving the qualifying facility's output, the utility shall pay the qualifying facility the payment less the charges it has incurred and its own reasonable wheeling costs.

Part S. NOTIFICATION TO CUSTOMERS

Subpart 1. Contents of written notice. Following each annual review and approval by the utility of the cogeneration rate tariffs the utility shall furnish in the monthly newsletter or similar mailing, written notice to each of its customers that the utility is obligated to interconnect with and purchase electricity from cogenerators and small power producers.

Subp. 2. Availability of information. The utility shall make available to all interested persons upon request, the interconnection process and requirements adopted by the utility, pertinent rate schedules and sample contractual agreements.

Part T. DISPUTE RESOLUTION

In case of a dispute between a utility and a qualifying facility or an impasse in the negotiations between them, either party may request the governing body to determine the issue.

Part U. INTERCONNECTION CONTRACTS

Subpart 1. Interconnection standards. The utility shall provide a customer applying for interconnection with a copy of, or electronic link to, the utility's adopted interconnection process and requirements.

Subp. 2. Existing contracts. Any existing interconnection contract executed between the utility and a qualifying facility with capacity of less than 40 kilowatts remains in force until terminated by mutual agreement of the parties or as otherwise specified in the contract. The governing body has assumed all dispute responsibilities as listed in existing interconnection contracts. Disputes are resolved in accordance with Part T.

Subp. 3. Renewable energy credits; ownership. Generators own all renewable energy credits unless other ownership is expressly provided for by a contract between a generator and the utility.

Part V. UNIFORM CONTRACT

The form for uniform contract that shall be used between the utility and a qualifying facility having less than 40 kilowatts of capacity is as shown in subpart 1.

Subpart 1. Uniform Contract for Cogeneration and Small Power Production Facilities.
(See attached contract form.)