CHAPTER IV.
WATER, SEWER AND ELECTRICITY
PART 1. General Provisions on Water and Sewer Systems

401.01 Water And Sewer Department. There is hereby established a water and sewer department, which shall be under the supervision of the city clerk. The department shall be responsible for the management, maintenance, care, and operation of the water works and sanitary sewerage system of the city.

401.02 Use Of Water And Sewer System Restricted. No person shall make or use any water of sewer service installation connected to the city water or sewer system except pursuant to application and permit as provided in this chapter. No person shall make or use any such installation contrary to the regulatory provisions of this chapter.

401.03 Applications For Service.

Subdivision 1. Procedure. Application for a water or sewer service installation and for water service shall be made to the city clerk on forms prescribed by the city clerk and furnished by the city. By his signature, the applicant shall agree to conform to this chapter and to rules and regulations that may be established by the city as conditions for the use of water.

Subdivision 2. Fees Or Deposits. Application for a service installation shall be made by the owner of the property to be served by his agent. The applicant shall, at the time of making application, pay to the city the amount of the fees or deposit required for the installation of the service connection as provided in this chapter. When a water service connection has been installed, application for water service may be made either by the owner or his agent, or by the tenant or occupant of the premises.

401.04 Charges For Service Connections.

Subdivision 1. Permit And Fee. No connection shall be made to the city water or sanitary sewer system without a permit received from the city clerk. The fee for each such permit shall be $5 for a water main connection permit and $350 for a sewer connection permit. These fees shall be in addition to any fees required under subdivisions 2, 3, and 4. ***As amended September 2nd, 1986.***

Subdivision 2. Connection Fees. When a connection requires installation of a service line from the main to the property line, the applicant for a permit shall pay to the city an amount not less than the cost of making the necessary connections, taps, and installation of pipe and appurtenances to provide service to the property and the necessary street repairs.

401.04 Charges For Services Connections (cont.)

Subdivision 3. Certification. No permit shall be issued to connect with any water or sanitary sewer main unless the owner or his agent certifies to the truth of one of the following or the payment required under subdivision 4 is made:

1) That the lot or tract to be served has been assessed for the cost of construction of the main with which the connection is made or that proceedings for levying such assessment have been or will be commenced in due course; or
2) That the cost of construction of the main has been paid by the developer or builder platting the lot or tract; or
3) That, if neither of the foregoing is true, a sum equal to the portion of the cost of constructing the main which would be assessable against the lot or parcel has been paid to the city.

Subdivision 4. Additional Connection Fees. If no such certificate can be issued, the applicant shall pay an additional connection fee equal to the portion of the cost of construction of the main upon the same basis as any assessment has been levied, the assessable cost shall be determined upon the basis of the uniform charge which may have been or will be charged for similar connection with the main. The amount shall be determined on the basis of the total assessable cost of the main allocated on the basis of frontage. Where the assessable cost cannot be determined, the charge shall be fixed by the city council.

Subdivision 5. Maintenance and Repair Costs. The property owner is responsible for all service line repairs and maintenance from the main to the residence.

As amended November 3rd, 2014.

PART 2. Water System

402.01 General Water Regulations.

Subdivision 1. Discontinuance Of Service. The city may discontinue service to any water consumer without notice for necessary repairs or, upon notice as provided in section 401.05, subdivision 4 for nonpayment of charges, or for violation of rules and regulations affecting utility service.

Subdivision 2. Supply From One Service.No more than one house or building shall be supplies from one service connection except by special permission of the council. Whenever two or more parties are supplied from one pipe connecting with a service main, each building or part of building separately supplied shall have a separate stop box and a separate meter.

Subdivision 3. Turning On Water, Tapping Mains. No person except an authorized city employee shall turn on any water supply at the stop box or trap any distributing main or pipe or the water supply system or insert a stop cock or other appurtenance therein without a city permit.

Subdivision 4. Repair Of Leaks. The consumer or owner shall be responsible for maintaining the service pipe from the curb box into the building served. If he fails to repair any leak in such service pipe within 24 hours after notice by the city, the city may turn water off. The water shall not then be turned on again until the sum of $25 has been paid to the city. When the waste of water is great or damage is likely to result from the leak, the city shall turn the water off immediately upon the giving of notice if repair is not commenced immediately.

Subdivision 5. Use Of Fire Hydrants. No person other than an authorized city employee shall operate a fire hydrant or interfere in any way with the city water system without first obtaining authority to do so from the fire chief.

Subdivision 6. Private Water Supply. No water pipe of the city water supply system shall be connected with any pump, well, or tank that is connected with any other source of water supply. When any such connection is found, the city clerk shall notify the owner to sever the connection and if this is not done immediately, the city shall turn off the water supply forthwith. Before any new connection to the city system is permitted, the department shall ascertain that no cross connection will exist when the new connection is made.

Subdivision 7. 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 conditioning or other specified uses. After publication of the resolution or two days after the mailing of the resolution to each customer, no

402.01 General Water Regulations (cont.)

person shall use or permit water to be used in violation of the resolution and any customer who does so shall be charged $25 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.

Subdivision 8. Permitting Use By Others. No person shall permit city water to be used for any purpose except upon his own premises except in an emergency and then only if written permission is first obtained from the city clerk. Anyone wishing to obtain water from a hydrant for construction purposes shall make application to the city clerk for such services.

402.02 Meters.

Subdivision 1. Meters Required. Except for the extinguishment of fires and except in special circumstances, no person other than an authorized city employee shall use water from the city water supply system or permit water to be drawn therefrom unless the water passes through a meter supplies or approved by the city. No person not authorized by the city clerk or water department shall connect, disconnect, take apart, or in any manner change or interfere with any such meter or its use. When special circumstances are present, the full city council may authorize the use of water from the city water supply or permit water to be drawn therefrom without it passing through a meter. Special circumstances are defined as those situations in which the city council determines it is not practical to install a meter or it is physically impossible to install a meter. The city council shall set such fee, as it deems appropriate for the use of water so taken. ***As amended September 3rd, 1985.***

Subdivision 2. Meters. Meters shall be installed by the city at the owner's expense.

Subdivision 3. Maintenance. The city shall maintain and repair at its expense any meter that has become unserviceable through ordinary wear and tear and shall replace it if necessary. Where repair and replacement is made necessary by act or neglect of the owner or occupant of the premises it serves, any city expense caused thereby shall be a charge against and collected

from the water consumer, and water service may be discontinued until the cause is corrected and the amount charged is paid.

Subdivision 4. Complaints; Meter Testing. When a consumer complains that the bill for any past service is excessive, the city shall have the meter reread on request. If the consumer remains dissatisfied, and he may, on written request

402.02 Meters (cont.)

and the deposit of $10, have the meter tested. If the test shows an error in the city's favor exceeding five percent of the water consumed, the deposit shall be refunded, an accurate meter shall be installed, and the bill shall be adjusted accordingly. Such adjustment shall not extend back more than one service period from the date of the written request.

Subdivision 5. Meters Property Of City. Water meters shall be the property of the city and may be removed or replaced as to size and type when deemed necessary.

Subdivision 6. Meter Reading And Inspection. Authorized meter readers shall have free access at reasonable hours of the day to all parts of every building and premises connected with the city water supply system in order to read meters and make inspections.

402.03 Plumbing Regulations.

Subdivision 1. Service Pipes. Every service pipe shall be laid with sufficient bend to allow not less than one foot of extra length and in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than six (6) feet below the surface and be so arranged to prevent rupture by freezing. A shut-off or other stop cock with waste valve of the size and strength required shall be placed close to the inside wall of the building and be well protected from freezing. Copper tubing shall be used for all service of two inches or less. Joints on copper tubing shall be as few as possible and not more than one joint shall be used for a service up to 70 feet in length. Each joint shall be left uncovered until inspected by the building inspector. Connections with the mains for domestic supply shall be at least ¾ of an inch.

Subdivision 2. Water Meter Setting. Every water meter shall be installed in accordance with the following provisions:

(1) The service pipe from the water main to the meter shall be brought through the floor in a vertical position where the pipe enters the building. The stop and waste valve shall be 12 inched above the floor.
(2) The bottom of the meter shall be between six (6) and twelve (12) inches above the finished floor line. The meter shall be set not more

than 12 inches horizontally from the inside line of the basement wall unless a different positions approved by the water department. A suitable bracket shall be provided to support the meter in a proper vertical position and prevent noise from vibration.

(3) Each meter installation shall have a stop and waste valve on the street side of the meter. In no case shall more than 12 inches of pipe be exposed between the point of entrance through the basement floor and the stop and

402.03 Plumbing Regulations (cont.)

waste valve. A stop and waste valve shall also be installed on the house side of the meter.

(4) The water pipe connecting with the main shall not exceed two feet under the basement floor from the inside of the basement wall to the water meter connection.

(5) Meter setting devices for 5/8 inch, ¾ inch, and one-inch meters shall be of copper pipe or tubing from the terminus of the service pipe up to and including the stop and waste valve on the building side.

Subdivision 3. Location Of Stop Boxes. Curb stop boxes shall be installed generally where desired by the owners of occupied properties, but they shall be placed as near as possible to the curb if on a street or within one foot of the alley line if the main is located in the alley. They shall be installed at an approximate depth of six (6) feet below the established grade and shall be left in accurate vertical position when back-filling is completed.

402.04 Water Rates And Charges. The owner or occupant of any residence, commercial business or industry served with city water shall, each month, pay the city a certain service charge for the receipt of said service. The rates for said service charges shall be set in the discretion of the city council and may be periodically redetermined by the council as needed to defray city costs attributable to the provision of water services. ***As amended June 5th, 1989.***

As amended January 3rd, 1984.

PART 3. Sanitary Sewer System.

403.01 Building Sewers And Connections.

Subdivision 1. Unauthorized Connections. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance without first obtaining a permit from the city clerk and otherwise complying with the provisions of this chapter.

Subdivision 2. Permit And Bond. A permit for construction of the extension between a building drain and sewer main stub, herein called the building sewer, and for connecting it to the sewer main stub shall be issued only to a master plumber who has furnished a bond in the amount of $5,000 conditioned so as to secure compliance by the principal with the provisions of this chapter and to further secure performance by him of all work undertaken within the city.

Subdivision 3. Liability Insurance. Before undertaking the construction work authorized by the permit, the plumber shall secure and maintain a policy of insurance against damages to property or injury or death to persons. The policy shall indemnify and save harmless the city and its personnel against any claims, damages, or cause of action arising out of the work and from any expenses of defending the same. The proper damage insurance coverage shall be in the amount of at least $25,000 and the public liability damage for injury or death shall be in the amount of at least $50,000. Proof of such insurance shall be filed with the city prior to construction work and such policy shall provide that the city shall be notified immediately of any termination or modification of such insurance. If the insurance coverage be inadequate in amount, the master plumber shall himself indemnify and save harmless the city and its personnel in like manner.

Subdivision 4. Indemnification By Owner. The owner shall bear the costs and expenses incident to the installation and connection of the building sewer. He shall indemnify the city for any loss or damage directly or indirectly caused by its installation. To the extent he deems necessary, the city clerk shall establish rules and regulations for the proper implementation of the requirements which, when approved by the council by resolution, shall govern the installation of building sewers and connection.

Subdivision 5. Requirements For Building Sewer Construction. Building sewer construction shall meet the following requirements.

1) Every building sewer shall be constructed of extra heavy duty cast pipe, asbestos cement pipe, or vitrified clay pipe. Cast iron pipe shall

be used for a building sewer laid within ten (10) feet of any well. Minimum size of building sewers shall be four (4) inches for cast iron or asbestos cement

403.01 Building Sewers And Connections (cont.)

pipe and six (6) inches for vitrified clay pipe. The building inspector shall approve fittings used to change direction in a building sewer.

2) Cast iron pipe shall have a packed oakum joint with a hot poured lead ring approximately ¾ inches deep and caulked. Asbestos cement pipe shall have the rubber ring type joint recommended by the manufacturer except that in connecting to the house drain cast iron pipe, a packed oakum joint with a hot poured lead ring approximately ¾ inches deep shall by used. Vitrified clay joints shall consist of a ring of packed oakum and a hot poured approved joint compound.
3) The Water Department may require cast iron pipe with leaded joints where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron pipe, except that nonmetallic material may be accepted if lain on a suitable concrete bed or cradle as approved by the Water Department.
4) A building sewer may be laid across an existing cesspool or septic tank if the pipe rests on a steel-reinforced concrete slab, the ends of which rest directly on the concrete block walls. The two center sections of a cesspool cover laid parallel with each other may be used.
5) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible.
6) In any building in which any building drain is too low to permit gravity flow to the public sewer, sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

Subdivision 6. Inspection And Approval. The applicant for the building sewer permit shall notify the building inspector when the building sewer and connection is ready for inspection. The connection shall be made under the supervision of the building inspector or his representative. No backfill shall be placed until the work has been inspected and approved.

403.02 Sewer System General Regulations.

Subdivision 1. Discharge Of Surface Water, Etc. No person shall discharge or cause to be discharged any storm water, surface water, ground water, cooling water or unpolluted industrial process waters into any sanitary sewer. No rainspout or other form of surface drainage and no foundation drainage shall be connected with any sanitary sewer. On the effective date of this

amendment all existing buildings and new buildings which hereafter shall be constructed shall have their sump pump discharge diverted from the sanitary sewer in the following manner. All construction involving the installation of clear water sump pits shall include a discharge pipe. The pipe attached must be a rigid permanent type plumbing such as a PVC or ABS plastic pipe with glued fittings, copper or galvanized pipe. All discharge piping shall be installed in accordance with the plumbing code. All sump pumps shall be plumbed in compliance with this subdivision, or verify by a contractor's work order that the work has been scheduled, within such time as is specified by the city council. All sumps found not to be in compliance after such time will be fined the sum of $100 per month, to be included and collected with the monthly utility bill, until such time as proof is provided the City that the sump pump has been brought into compliance.

1) Where there is permanent surface street in place, the sump water shall be diverted through the curb onto the street.
2) Where there is no permanent surface street in place, the water shall be diverted directly into the storm sewer via a permanent lead.
3) All newly constructed storm sewers will be designed with permanent leads to each lot or parcel to be occupied to divert sump water into the storm sewer.

All violations of this section must be cured within 2 years of the date of discovery of the violation. If the violation is not cured within that time, further violation is considered a petty misdemeanor offense for each day that the violation exists. Additionally, after 10 days written notice, the City may enter the premises and cure the violation. The premises owner is responsible for all costs associated with curing the violation. Any costs not paid by October 1, 2015, can be certified, by council resolution, to the property taxes for the premises.

Sump pumps must be hooked up to underground stubs to the storm sewer utility if available.

As amended July 10th, 2017.
As amended August 17th, 1998.
As amended May 4th, 1998.
As amended July 6th, 1993.

Subdivision 2. Nonacceptable Wastes. No person shall discharge or permit to be discharged into any public sewer any of the following wastes:

1) Any liquid or vapor having a temperature in excess of 150° Fahrenheit;
2) Any water or waste having a five-day biological oxygen demand exceeding 1,000 parts per million by weight as averaged during any 12-month period;

3) Any gasoline, benzene, naphtha, fuel oil, or other flammable or other explosive liquid, solid or gas;
4) Any garbage that has not been properly shredded;
5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, manure, grit, brick, cement, onyx, carbide, or other matter that may interfere with the proper operation of the sewers or sewage treatment plant;
6) Any water or waste having a pH lower than 51/2 or higher than 9 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works;
7) Any water or waste containing a toxic or poisonous substance in sufficient quantities to constitute a hazard to humans or animals, injure, or interfere with sewage treatment, or create any hazard in the receiving waters of the sewage treatment plant;
8) Any noxious or malodorous gas or substance capable of creating a public nuisance.

Subdivision 3. Interceptors. Grease, oil, and sand interceptors shall be provided when they are necessary for the proper handling of any liquid waste containing grease in excessive amounts or any flammable waste, sand, or other
harmful ingredients; but such interceptors shall be located so as to be easily accessible for cleaning and inspection.

Subdivision 4. Control Manhole Required. The owner of any property served by a building sewer carrying industrial waste shall install a suitable control manhole in the building sewer to facilitate observation and sampling of the waste. The owner, in accordance with plans approved by the city engineer shall construct the manhole. The owner shall maintain the manhole so as to be safe and accessible at all times.

Subdivision 5. Separate Sewers. A separate and independent sewer shall be provided for every building connected to the sewer system, except that the council may waive this requirement where it finds that a separate sewer for a building is impractical.

403.03 Sewer Connection Required.

Subdivision 1. General Requirements. When property abuts upon any public street or alley along which water and sewer mains have been constructed, the owner of any dwelling or commercial establishment on the property shall install suitable toilet facilities therein and connect them with the sanitary sewer in accordance with the provisions of this ordinance within ninety (90) days after the date of mailing or delivering official notice to do so.

Subdivision 2. Connection By City. Whenever any owner or occupant fails to comply with such written notice, the council shall by resolution direct that a toilet be installed and connection made with the water and sewer system and that the cost of the installation be paid in the first instance out of the general fund and then assessed against the property benefited.

Subdivision 3. Assessment. After the installation and connection have been completed pursuant to council resolution, the clerk shall serve a written notice of the assessment upon the owner or his representative, directing him to pay the assessment to the treasurer within ten (10) days after the service of the notice. If the assessment is not paid within ten (10) days, the clerk shall certify the amount the County Auditor for collection in the same manner as other special assessments. The council may, by resolution, spread the assessment over a three-year period:

> "Subd. 3 Comment: Existing Facilities. When a cesspool or septic tank has been in use prior to construction of a sanitary sewer in the street or alley abutting the property on which the facility is located, the owner of the building making use of the cesspool or septic tank is in need of repair, reconstruction, or pumping, or within two (2) years of completion of the sanitary sewer, whichever occurs first.

PART 4. Individual Sewer Systems.

404.01 Definitions.

Subdivision 1. Words And Phrases. For the purpose of this part, the following words and phrases have the meanings given them in this section.

Subdivision 2. Sewage. Sewage is water-carried domestic waste, exclusive of footing and roof drainage, of any residence, industry or commercial establishment, whether treated or untreated, and includes the liquid wastes produced by bathing, laundry and culinary operations, and from toilets and floor drains. Raw sewage is sewage that has not been subjected to any treatment process.

Subdivision 3. Individual Sewage Disposal System. An individual sewage disposal system is a sewage disposal system, other than a public or community system, which receives sewage from an individual establishment. Unless otherwise indicated, the word "system" as it appears in this ordinance means "individual sewage disposal system."

Subdivision 4. Building Drain. The building drain is that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of any building and conveys the same to the building sewer.

Subdivision 5. Building Sewer. The building sewer is that part of the horizontal portion of the building drainage system extending from the building drain to its connection with the septic tank and carrying the sewage of but one building.

404.02 Code Adopted. The 1971 edition of the Minnesota Individual Sewage Disposal System Code of Minimum Standards recommended by the Minnesota Department of Health is hereby adopted by reference and made a part of this code of ordinances, the clerk shall mark at least one copy of this Health Department code as an official copy and file it in his office for use and examination.

404.03 Licensing. No person shall engage in the business of installing and constructing sewage disposal systems within the City of Winthrop without first obtaining a license to carry on such occupation from the city council and procuring and posting with the city clerk a bond in an amount to be determined by the council, conditioned upon the faithful performance of contracts and compliance with this ordinance. Any installation, construction, alteration or repair of a sewage disposal system by a licensee in violation of

the provisions of Section 404.05 or refusal on the part of a licensee to correct such defective work

404.03 Licensing (cont.)

performed by such licensee shall be cause for revocation of or refusal to renew a license.

Before any license issued under the provision of this section may be revoked or its renewal refused, the licensee shall be given a hearing to show cause why such license shall not be revoked or refused. Notice of the time, place and purpose of such hearing shall be in writing. The annual license fee shall be $5. Application for such license shall be made annually on a form furnished by the city clerk.

404.04 Permits.

Subdivision 1. Permit Required. No person shall install, alter, repair, or extend any individual sewage disposal system in the city without fires obtaining a permit therefore from the council or its authorized representative for the specific installation, alteration, repair, or extension; and, at the time of applying for the permit, shall pay a fee of $5. Permits shall be valid for a period of six (6) months from the date of issue.

Subdivision 2. Application. Applications for permits shall be made in writing upon printed blanks or forms furnished by the clerk and shall be signed by the applicant.

Subdivision 3. Contents. Each applicant for a permit shall have thereon the correct legal description of the property on which the proposed installation, alteration, repair, or extension is to take place, and each application for a permit shall be accompanied by a plot plan of the land showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property and complete plans of the proposed system to be installed, altered, repaired, or extended. The application shall also show the present or proposed location of water supply facilities and water supply piping, and the name of the person who is to install the system, and shall provide such further information as may be required by the council.

404.05 Construction Requirements. Every individual sewage disposal system installed after the effective date of this ordinance and every alteration, extension and repair to any system made after that date shall conform to the standards of the code adopted by reference in Section 404.02. Any individual sewage disposal system or pertinent part thereof, irrespective of the date of original installation, which is not located, constructed or installed in accordance with items 1b and 1c of the code shall be so relocated, reconstructed, or reinstalled as to comply with the standards of those items.

404.06 Administration. The health officer shall enforce the provisions of this ordinance.

404.07 Inspection. The health officer shall make such inspection or inspections as are necessary to determine the compliance with this ordinance. No part of the system shall be covered until it has been inspected and accepted by the health officer. It shall be the responsibility of the applicant for the permit to notify the health officer that the job is ready for inspection or re-inspection, and it shall be the duty of the health officer to make the indicated inspection within 48 hours after notice has been given. It shall be the duty of the owner or occupant of the property to give the health officer free access to the property at reasonable times for the purpose of making such inspections. Upon satisfactory completion and final inspection of the system, the health officer shall issue to the applicant a certificate of approval.

If, upon inspection, the health officer discovers that any part of the system is not constructed in accordance with the minimum standards provided in this ordinance, he shall give the applicant written notification describing the defects. The applicant shall pay an additional fee of $10 for each re-inspection that is necessary. The applicant shall be responsible for the correction or elimination of all defects, and no system shall be placed or replaced in service until all defects have been corrected or eliminated.

404.08 Maintenance.

Subdivision 1. Sludge Measurement And Removal. At least once a year the owner of any septic tank or his agent shall measure or arrange for measurement, the top of sludge layer in the tank or any compartment of the tank is found to be less than 12 inches below the bottom of the outlet baffle or submerged pipe, the owner or agent shall arrange for the removal and sanitary disposal of sludge and scum from the tank; PROVIDED that such requirement for measuring shall be waived for any septic tank which is cleaned as indicated at least once each calendar year.

Subdivision 2. Removal Of Solids From Distribution Box. At least once each year the owner of any system equipped with a distribution box shall arrange for the opening of the distribution box and removal of any settled solids therein. Such material shall be disposed of to the septic tank or by other means acceptable to the council.

Subdivision 3. Seepage Pit Liquid. At least once between May 1 and June 30 of each year, the depth of liquid in each seepage pit shall be measured. When, as a result of such measurement, it is found that liquid level in the pit is less than one foot below the inlet, a second measurement shall be made 8 t o 12 hours after the first measurement, during which time

no liquid shall be discharged to the seepage pit. If, as a result of the second measurement, it is found that the liquid level in the pit has not lowered at least two feet during the indicated period of time, and additional seepage pit or other acceptable soil absorption system shall be provided.

404.09 Objectives. The objectives of this ordinance are to provide adequate and safe methods of sewage disposal and to prevent the contamination of any existing or future water supply by any existing or future sewage disposal system. Any system of special, unusual or new design which will satisfy the stated objectives may be accepted as complying with this ordinance and any permit granted for the construction, installation, alteration or repair of any such special system shall be subject to such conditions and guarantees as may be stated in the permit.

PART 5. Electric Rates.

405.01 Definitions.

Subdivision 1. Words And Phrases. For the purpose of this ordinance, the following words and phrases have the meanings given them in this ordinance:

A) Customer Charge: A flat fee charged to the City of Winthrop by the Primary Provider, Minnesota Municipal Power Agency (MMPA), for connection with and use of MMPA service.

B) Demand Charge: The demand in kilowatts for billing purposes shall be the greatest 15 minutes measured load (subject to power factor adjustment) during the month for which the bill is rendered. In no month shall the demand to be billed be considered as less than 50% of the highest demand billed during the previous eleven months.

C) Energy Charge: All kilowatt-hours used per month multiplied by the MMPA base rate to produce electricity.

D) Fuel Adjustment Clause: Any fuel adjustment amount that is added or subtracted from monthly electric bills will be determined by the MMPA.

E) Fuel Cost: Shall be the sum of the following for he most recent two-month period:
   1) The fossil and nuclear fuel consumed in the Primary Providers' generating stations as recorded in their accounts kept for Winthrop, numbered 151 and 518;
   2) The net energy cost of energy purchasers as recorded in Winthrop account 555, exclusive of capacity or demand charges, when such energy is purchased on an economic basis;
   3) The actual identifiable fossil and nuclear fuel costs associated with energy purchased for reasons identified in paragraph "2" above, less
   4) The fuel-related cost recovered through intersystem sales.

F) Line Loss Adjustment: Energy lost to usage during transmission due to resistance and other factors.

G) Power Factor: The customer shall, at all times, take and use power in such manner that the average power factor shall be as near 100% as possible, but when the power factor is less than 90%, then the demand, as determined, shall be adjusted by multiplying it by 90% and dividing the product thus obtained by the average power factor expressed in percent. The average power factor is defined to be the quotient obtained by dividing the kWh used during the month by the square root of the sum of the squares of the kWh used and the lagging reactive kilovoltamere-hours supplied during the same period. Any

leading kilovolt-hours supplied will not be considered in determining the average power factor.

405.02 General Regulations.

Subdivision 1. The City of Winthrop shall purchase, from MMPA, electric current sufficient to meet the needs of its residents.

Subdivision 2. The City of Winthrop shall be the exclusive distributor of electric current to its residents and shall be paid for this service and product in the manner hereafter described.

405.03 Rate Schedule.

A) "Primary Provider Rate": The City shall collect from its electric current subscribers as fee in accordance with the flexible rate schedule utilized by MMPA the supplier of electric power to the city (subject to adjustments described below). The schedule shall have the following component parts: Demand charge, energy charge, fuel adjustment clause, and customer charge.

B) Operations and maintenance charge: A fee shall be charged for each kWh provided to a subscriber, which shall be assessed and dedicated to help defray the operation and maintenance costs of the City's electrical department.

C) Total consumer charge: The sum of the various cost components added together and representing the total monthly charge to the subscriber for electricity consumed during the measured period consistent with the billing components currently being used by the MMPA.

D) Minimum Consumer Charge: If the total consumer charge for any month be less than $5 to a subscriber, the City will charge a minimum consumer charge of $5 per month.

405.04 General Regulations.

Subdivision 1. Supplier. City of Winthrop Electric Department (City) shall be the primary supplier of electrical power. ***As amended April 7h, 1997.***

Subdivision 2. Easement Necessary. Electric supply line (Secondary Feeder) will enter on same property, not crossing adjacent properties without an easement therefore. ***As amended April 7th, 1997.***

Subdivision 3. Point Of Entry. Electric supply line will be brought to nearest feasible point of entry, on the side of building which runs parallel to the direction of (faces) the City power lines (Primary Feeders). When the

point of entry is desired on wall other than the side parallel with (facing the) City Line it shall be done with additional cost to the Owner at the current per foot rate.
As amended April 7th, 1997.

Subdivision 4. Meter Socket. The meter socket shall be supplied to Owner only by the City, at cost, and shall be installed by the Owner or his Contractor.
As amended April 7th, 1997.

Subdivision 5. Meter Socket Location. The meter socket shall be mounted at a height between five (5) feet and six (6) feet above finished grade (ground level). At no time shall a meter socket be installed inside a building or structure. If an addition or remodeling to a structure is done which would cause the meter to be enclosed or located inside the addition, Owner/Contractor must relocate it to the outside at the Owner's expense. Any alterations or change of meter socket(s) due to Owner upgrade or improvement shall be done at expense of Owner. Shrubs, bushes, etc shall not obstruct access to electric meter.
As amended April 7th, 1997.

405.05 Regulations For Residential And Industrial/Commercial Connections.

Subdivision 1. Services Of 200 Amperes Or Less. The City will supply the meter socket and meter for all single-phase services, or three phase services rated at 200 amperes or smaller.

Subdivision 2. Services Of Over 200 Amperes. The City will supply the electrical current transformer (CT) and meter socket for services rated greater than 200 amperes. The CT enclosure shall be supplied and installed by the Contractor.

Subdivision 3. Cost Of Transformer Defrayed. Transformer(s) or transformer enclosure shall be supplied by City. The cost shall be defrayed over a period not to exceed five (5) years by an amount equal to forty percent (40%) of the customer's energy costs (e.g., customer's metered usage X 60% = customer's energy cost, metered usage X 40% = revenues applied to cost of transformer). Any alterations or improvements by owner after initial hookup shall be done at the expense of the Customer. The value of the existing transformer and equipment can be used as a deduct on installation of larger unit.

Subdivision 4. Temporary Construction Power. Until permanent City power is made available, temporary power for a residential construction site shall be supplied to Contractor for a fee of $75.00. Temporary power for an industrial/commercial construction site shall be supplied to Contractor for a fee of $175.00. Temporary power for a residential customer will be a 100 amp

single phase service will be for no longer than six months. Temporary power for an industrial customer in areas that have three phase service will be 120/208 volts, three phase, 100 amps for no longer than six months. If three-phase is not available, the temporary service will be single phase.

PART 6. Payment For Services.

406.01 Application For Service. Application for utility service and installation shall be made to the Winthrop City Clerk's office on forms prescribed and furnished as part of the procedure. By signing on that application, it shall be deemed that the applicant agrees to conform to this ordinance and to all the rules and regulations that may be established by the City of Winthrop as a condition for the use of municipal utilities. Applications shall be required of all customers, current and future. ***As amended April 7th, 1994.***
As amended August 7th, 1989.
As amended November 2nd, 1981.
As amended August 3rd, 1981.

406.011 Meter Readings. All utility customers are required to read their meters on a monthly basis and turn in said meter readings with their monthly utility bill. On the second consecutive months that a meter has not been read, the City will read the water and electric meters and place a $50 reading charge on the customers electric bill. The City will thereafter continue to read the meters each month that it is not read by the customer. Said customer will incur a $50 charge for each month that the City has to read the customer's meters. Customers may apply to the City Administrator for temporary exemption from this provision for good cause.
As amended February 7th, 2011.

406.02 No Service To Delinquent Account Holder. The City of Winthrop may collect any delinquent and unpaid charges against the owner of the premises or tenant residing there in a civil action or, to the extent permitted by law, the delinquency shall be a lien against the premises served. No utility service shall be provided to a customer owning a delinquent and unpaid utility charge on another account. If a renter is delinquent on an account, the landlord of said premises will be notified of the delinquency. The landlord will also be notified when the account is paid in full.
As amended December 2nd, 2013.
As amended October 3rd, 1994.
As amended April 7th, 1994.

406.03 Deposits Required. At the time of filing an application for utility service, a deposit shall be required of an applicant. Deposit amounts shall be set by the City Council from time to time and shall be held as security for the payment of future utility bills. If an applicant is currently receiving service from the City of Winthrop and the applicant is current on all accounts, the deposit requirement shall be waived. The deposit shall be refunded after 12 consecutive months of prompt payment, or upon prior termination of service with all bills paid. Deposit shall bear interest in

conformity with the effective state laws and/or regulations governing the payment of said interest.

As amended November 2nd, 1998.
As amended April 7th, 1994.
As amended January 4th, 1982.

406.04 Statements.

Subdivision 1. Statements for the total electric, water, sewer and rubbish charges for the preceding period shall be mailed by the City Clerk to each customer on or before the first (1st) day of each month following the use period. The amount listed on the statement shall be due on or before the fifteenth (15th) day of the month following the period covered by such statement. If that day falls on a weekend or holiday the amount listed shall be due the first business day following the fifteenth (15th) day of that month. Any amount received in the U.S. Mail by the City shall be deemed to have arrived on the date postmarked on the envelope. If payment is not made by that date, there shall be added to the amount due a delinquent charge at the rate determined by City Council from time to time, and the procedure described in Section 406.02, Subdivision 2 have been compiled with, order the appropriate city department to disconnect the utility service to the delinquent customer, except that if the disconnect should occur between October 15 and April 15 of each year, the Cold Weather Disconnect Policy described on Section 406.05, Subdivision 3 and Subdivision 4, shall be followed. When water or electricity service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent amounts in full plus a fee for reconnection set by the City Council from time to time plus a deposit in the amount required by Section 406.03.

Subdivision 2. Procedure For Disconnection. Water or electricity shall not be shut off under Section 406.05, Subdivision 1, until notice and an opportunity for hearing have first been given the owner of the premises involved. The notice shall be served by mail and shall state that payment was not made before the date indicated on the utility billing**,** that the utility will be shut off ten days after the next City Council Meeting, and that the owner may demand a hearing on the matter. Notice will be sent by mail no later than four days after the due date indicated on the utility billing. Those persons wishing a hearing on the matter must appear at the next regularly scheduled City Council meeting where such persons will be given an opportunity to be heard at the meeting before the full council serving as the Utilities Commission. The Commission shall meet after the adjournment of the regular council meeting. In order to protect confidential information, each hearing will be conducted in closed session. Utilities will not be shut off pending this hearing. If, as a result of the

hearing, the Utilities Commission finds that there is no legal reason why the water or electricity service to the delinquent customer may not be shut off in accordance with this ordinance the City may shut off the service or install an electrical current limiter, such limiter being an additional remedy by the City not waiving the power of disconnection.

Subdivision 3. Cold Weather Rule. The City of Winthrop will not disconnect the utility service of a residential customer if the disconnection affects the primary heat source for the residential unit when the following conditions are met:

1) The disconnection would occur during the period between October 15 and April 15.
2) The customer has declared inability to pay on forms provided by the utility;
3) The household income of the customer is less than 185 percent of the federal poverty level, as documented by the customer to the utility.
4) 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 reasonable current with payments under the schedule.

The City of Winthrop will notify all residential customers of the provisions of the above four points.

Subdivision 4. Cold Weather Notice Provisions. Before disconnecting service to a residential customer during the period between October 15 and April 15, the City of Winthrop will provide the following information to a customer:

1) A notice of proposed disconnection.
2) A statement explaining the customer's rights and responsibilities.
3) A list of local energy assistance providers.
4) A form on which to declare inability to pay.
5) A statement explaining available time payment plans and other opportunities to secure continued utility service.

Subdivision 5. Other Restrictions. If a residential customer must be involuntarily disconnected between October 15 and April 15 for failure to comply with the provisions on subdivision 3, the disconnection must not occur on a Friday or on the day before a holiday. Further, the disconnection must not occur until at least 20 days after the notice has been mailed to the customer. If the customer does not respond to a disconnection notice, the customer must not be disconnected until the utility investigates whether the residential unit is

actually occupied. If the unit is found to be occupied, the utility must immediately inform the occupant of the provisions of this section. If the unit is unoccupied, the utility must give seven days written notice of the proposed disconnection to the local energy assistance provider before making a disconnection. If, prior to disconnection, a customer appeals a notice of involuntary disconnection, as provided by the City of Winthrop's established appeal procedure, the utility must not disconnect until appeal is resolved.

Subdivision 6. Payment Accepted On Delinquent Accounts. All delinquent bills will be paid in U.S. currency, by cashier's check or by money order only. No personal checks will be accepted on delinquent accounts without prior approval of the City Clerk.

406.05 Utility Hearings Commission. The entire City Council shall sit as the Utilities Hearing Commission, which shall conduct hearings as provided in section 406.04. ***As amended April 3rd, 2006.***

406.06 Collection With Taxes. Delinquent utility bills shall be examined by the Utility Hearing Commission and the portion of the delinquent account not pertaining to electrical services shall be certified to the city clerk who will direct
the preparation of an assessment roll each year providing for assessment for delinquent amounts against the respective property served. The assessment roll
shall be delivered to the city council for adoption on or before October 1 of each year. Upon such adoption, the city clerk shall certify the assessment to the county
auditor for collection with taxes. The electrical service portion of the delinquent amount shall be collected as provided in Section 406.02. ***As amended April 7th, 1994.***

406.07 Right Of Entry. The City of Winthrop has the right to enter in and upon private property, including buildings and dwellings houses in or upon which is installed a municipal utility or connection therewith, at all times reasonable under the circumstances for the purpose of inspection and repair of meters or utility system, or part thereof, and for the purpose of connecting or disconnecting services. ***As amended April 7th, 1994.***

406.08 Rental Properties. In situations where a property owner is renting a property to a tenant, the electrical utility shall be in the property owner's name unless the property owner chooses to contract with the City to collect utility fees from the tenant and the property owner agrees to be responsible for any of the tenant's unpaid electric utility fees.
As amended December 2nd, 2013.

PART 7. Storm Sewer System.

407.01 Establishment. Pursuant to Minnesota Statutes, Section 444.075, the City establishes a Storm Drainage Utility and authorizes the imposition of just and reasonable charges for the use and availability of storm drainage facilities. The Storm Drainage Utility operations shall be a part of the Street Department and under the administration of the City Administrator.

407.02 Finding and Determination.

Subdivision 1. In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the City has constructed, operated and maintained a storm drainage system. This ordinance is adopted in further exercise of such authority and for the same purposes.

Subdivision 2. The system, as constructed heretofore, has been financed and paid for through the imposition of special assessments and ad valorem taxes. It is now necessary and desirable to provide an alternative method of recovering some or all of the future costs of improving, establishing, enlarging, replacing, repairing, maintaining and operating the system through the imposition of charges as provided in this ordinance.

Subdivision 3. In imposing charges each parcel contributes to the volume surface drainage in a nearly like manner with the exception of parcels having 50% or more of their surface under a total impermeable surface, e., I., roof or surfaced parking lot. These are treated as the equivalent of 5 typical residential parcels.

407.03 Exceptions. Public street right-of-way and vacant unimproved land with ground cover are exempt from storm water drainage charges.

407.04 Payment of Charge. The charges shall be billed, collected, and treated in the same manner as other utilities.