

CHAPTER 3

MUNICIPAL UTILITIES

SECTION 3.01. DEFINITIONS. As used in this Chapter, the following words and terms shall have the meanings stated:

1. **"Utility"** means all utility services, whether the same be public City owned facilities or furnished by public utility companies.
2. **"Municipal Utility"** means any City owned utility system, including, but not limited to, water, sewerage and recycling service.
3. **"Company", "Grantee", and "Franchisee"** mean any public Utility system to which a franchise has been granted by the City.
4. **"Consumer" and "Customer"** mean any user of a Utility.
5. **"Service"** means providing a particular Utility to a customer or consumer.

SEC. 3.02. FIXING RATES AND CHARGES FOR MUNICIPAL UTILITIES. All rates and charges for Municipal Utilities, including, but not limited to, rates for Service, permit fees, deposit, connection and meter testing fees, disconnection fees, reconnection fees including penalties for nonpayment if any, shall be fixed, determined and amended by the Council and adopted by resolution. Such resolution, containing the effective date thereof, shall be kept on file and open to inspection in the office of the City Administrator or City Clerk and shall be uniformly enforced. For the purpose of fixing such rates and charges, the Council may categorize and classify under the various types of service, provided, that such categorization and classification shall be included in the resolution authorized by this Section. *Source: Ordinance 48 2nd Series, Sept. 9, 2000*

SEC. 3.03. CONTRACTUAL CONTENTS. Provisions of this Chapter relating to municipal utilities shall constitute portions of the contract between the City and all consumers of municipal utility services, and every such consumer shall be deemed to assent to the same.

SEC. 3.04. RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITIES.

Subd. 1. Billing, Payment and Delinquency.

A. All municipal utilities shall be billed at least quarterly and a utilities statement or statements shall be mailed to each consumer. All utilities charges shall be delinquent if they are unpaid within twenty (20) days after the date of the bill. Payments received by mail postmarked on or before the twenty day period shall be deemed paid within said period. A penalty of fifteen (15%) percent of the unpaid balance of utilities charges shall be added to, and become part of, all delinquent utility bills. An additional late fee will be added to the utility bill for each billing period that a balance in excess of \$5 remains unpaid.

Source: Ordinance 106, 2nd Series, Effective Date: September 10th, 2005

Source: Ordinance 197, 2nd Series, Effective Date: December 26th, 2017

B. If service is suspended due to delinquency, it shall not be restored at that location until the disconnection and reconnection charges have been paid for each utility reconnected in addition to amounts owed for service, late fees and penalties. *Source: Ordinance 106, 2nd Series, Effective Date: September 10th, 2005*

Subd. 2. Application, Connection and Sale of Service. Application for municipal utility services shall be made upon forms supplied by the City, and strictly in accordance therewith. No connection shall be made until consent has been received from the City to make the same. All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of such utilities taken by each such consumer.

Subd. 3. Discontinuance of Service. All municipal utilities may be shut off or discontinued by the City or its authorized representatives or agents where the following conditions are met

A. One or more of the following events has occurred:

1. The owner or occupant of the premises served, or any person working on any connection to the municipal utility systems, has violated any requirement of the City Code relative thereto, or any connection therewith;
2. Any charge for a municipal utility service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid after being delinquent for 60 days and after due notice thereof; or *Source: Ordinance 106 2nd Series, Effective Date: September 10th, 2005* *Source: Ordinance 201, 2nd Series, Effective Date: March 26, 2018*
3. The premise has been vacated; or

4. There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefore. *Source: Ordinance 106, 2nd Series, Effective Date: September 10th, 2005*

B. Assessment. All delinquent accounts in excess \$50 that are 60 days or more past due shall be certified to the City Administrator, who shall prepare an assessment roll providing for assessment of the delinquent amounts against the respective properties served. To each delinquent account shall be added an administrative fee as set by the city council to defray the cost of preparation and certification of the assessment roll. Upon adoption by the city council, the administrator shall certify the assessment roll to the County Auditor for collection along with property taxes. *Source: Ordinance 106, 2nd Series, Effective Date: September 10th, 2005*

C. Non-payment shutoff. When a utility account remains unpaid in accordance with section A. 2. above, notice shall be served to the owner (and renter if applicable) that all bills are due and to be paid within 20 days of the postmark of the notice. No water will be shut off until the owner and/or tenant shall be given notice and a chance to be heard. No water shall be shut off from October 15 until April 15 if the primary heat source is dependant on water to address the Cold Weather Rules in M.S. 216B, as amended. The cold weather rules provision only applies to residential customers. The customer shall be given the opportunity to discuss with utility personnel the bill towards resolution of the problem of nonpayment. If the customer does not get resolution he may request to be heard by the city council. Said request must be made prior to the deadline for shut off. If the council finds the amount claimed is owed and there is no legal reason why the water should remain in the service the water supply for the customer may be shut off. If payment is not paid in full or arrangements made for payment the water maybe shut off. *Source: Ordinance 106, 2nd Series, Effective Date: September 10th, 2005*

Subd. 4. Ownership of Municipal Utilities. Ownership of all Municipal Utilities, plants, lines, mains, extensions and appurtenances thereto, shall be and remain in the City and no person shall own any part or portion thereof. Provided, however, that private facilities and appurtenances constructed on private property are not intended to be included in municipal ownership.

Subd. 5. Right of Entry. By applying for, or receiving, a Municipal Utility Service, a customer irrevocably consents and agrees that any City employee acting within the course and scope of his employment may enter into and upon the private property of the Customer, including dwellings and other buildings, at all reasonable times under the circumstances, in or upon which private property a Municipal Utility, or connection therewith, is installed, for the purpose of inspecting, repairing, reading meters, connecting or disconnecting the Municipal Utility Service.

Subd. 6. Meter Test. Whenever a Consumer shall request the City to test any Utility meter in use by him/her, such a request shall be accompanied by a cash deposit for each meter to be tested. If any such meter is found to be inaccurate the same shall be replaced with an accurate meter and the deposit thereon refunded. If the meter shall be found to be accurate in its recordings or

calculations it shall be reinstalled and the deposit shall be retained by the City to defray the cost of such test. *Source Ordinance 61, 2nd Series, effective date: August 25, 2001*

Subd. 7. Unlawful Acts.

- A. It is unlawful for any person to willfully or carelessly break, injure, mar, deface, disturb, or in any way interfere with any buildings, attachments, machinery, apparatus, equipment, fixture, or appurtenance of any Municipal Utility or Municipal Utility system, or commit any act tending to obstruct or impair the use of any Municipal Utility.
- B. It is unlawful for any person to make any connection with, opening into, use, or alter in any way any Municipal Utility system without first having applied for and received written permission to do so from the City.
- C. It is unlawful for any person to turn on or connect a Utility when the same has been turned off or disconnected by the City for nonpayment of a bill, or for any other reason, without first having obtained a permit to do so from the City.
- D. It is unlawful for any person to "jumper" or by any means or device fully or partially circumvent a Municipal Utility meter, or to knowingly use or consume unmetered Utilities or use the services of any Utility system, the use of which the proper billing authorities have no knowledge.

Subd. 8. Municipal Utility Services and Charges a Lien.

- A. Payment for all Municipal Utility (as that term is defined in City Code §3.01) Service and charges shall be the primary responsibility of the fee owner of the premises served and shall be billed to such owner unless otherwise contracted for and authorized in writing by the fee owner and any other person (such as a tenant, contract purchaser, manager, etc.), as agent for the fee owner, and consented to by the City. The City may collect the same in a civil action or, at the option of the City, as otherwise provided in this Subdivision.
- B. Each such account is hereby made a lien upon the premises served by the Municipal Utility. All such accounts which are more than forty-five days delinquent may, when authorized by resolution of the Council, be certified by the City Clerk of the City of Becker, Minnesota, to the County Auditor, and the City Clerk in so certifying shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City along with other taxes. *Source: Ordinance 48 2nd Series, Sept. 9, 2000*

SEC. 3.05. ABANDONED SERVICES - PENALTIES. All service installations connected to the water and sewerage system that have been abandoned or, for any reason, have become useless for further service shall be forthwith disconnected at the main. The owner of the premises served shall pay all costs of excavation, capping, main and street restoration. The City shall perform the actual disconnection and all pipe and appurtenances removed from the Street right-of-way shall become the property of the City. It is unlawful for any person to cause or allow any service pipe to be hammered or squeezed together at the ends to stop the flow of water, or to save expense in improperly removing such pipe from the main. Also, such improper disposition thereof shall be corrected by the City and the cost incurred shall be borne by the person causing or allowing such work to be performed. If any property owner shall fail to pay the costs incident to Services performed under this Section, the City may collect payment therefor as any other Utility charge. *Source: City Code, Effective Date: 5-8-95*

(Sections 3.06 through 3.18, inclusive, reserved for future expansion.)

SEC. 3.19. ESTABLISHING WATER AND SEWER CONNECTIONS.

Subd. 1. Permits for Water and Sewer Connections. Water and sewer connections permits are hereby required and shall be taken out at the time a building permit is obtained. Said connection permits provide for the installation of individual water and sewer connections to service lines for each parcel of property.

Subd. 2. Fee. Connection permit fees shall be set from time to time by resolution of the City Council. Said fee shall take into consideration the time needed to provide for the inspection of connections of the services.

Subd. 3. Notice. Before connection to a water and sewer service is commenced, notice must be given by the property owner or his agent to the City public works department. Said notice must be at least twenty-four (24) hours prior to the proposed installation of connections to service lines to serve the property. This is to insure that a public works employee will be available to inspect the installation and connection.

Subd. 4. Scheduling. All excavations for service connections shall be scheduled to be completed by 4:00 p.m. Monday through Friday only unless authorized with an additional fee as provided. No excavation shall be started after 12:00 noon to assure the connection is made prior to the 4:00 p.m. deadline.

Subd. 5. Additional Fee. Any excavation for service installation and connection which commences after 12:00 noon and is not completed by 4:00 p.m. that day shall be subject to an additional fee of \$100. Any excavation for service installation and connection that occurs after 4:00 p.m. on weekdays or at any time on weekend days shall be subject to an additional fee of \$100. The additional fee shall be adjusted from time to time by resolution of the City Council.

Subd. 6. Time of Payment and Collection. If it is known that the installation and connection is to be accomplished outside of ordinary business hours and an additional fee shall be incurred, the contractor must pay the fee prior to excavation. In the event an additional fee is imposed, that was not expected, s/he shall be billed for this cost. In the event the fee is not paid to the city prior to any additional permits being taken out by the building contractor, s/he shall be assessed the cost on the next permit. The person in whose name the building permit is issued for the building where the services in question are involved shall ultimately be responsible for any fees incurred under this Section.

Subd. 7. Performance and Inspection. Both service lines shall be buried at sufficient depths to prevent freezing. Any copper water line or sewer line that comes into contact with cement or concrete must be protected from rupture or freezing. The trench shall remain open exposing both the water and sewer lines until the lines have been tested and inspected by a representative of the public works department to assure compliance.

SEC. 3.20. RULES AND REGULATIONS RELATING TO WATER SERVICE.

Subd. 1. Deficiency of Water and Shutting Off Water. The City is not liable for any deficiency or failure in the supply of water to Customers whether occasioned by shutting the water off for the purpose of making repairs or connections or by any other cause whatsoever. In case of fire, or alarm of fire, water may be shut off to insure a supply for fire fighting. In making repairs or construction of new works, water may be shut off at any time and kept off so long as may be necessary.

Subd. 2. Repair of Leaks. It is the responsibility of the Consumer or owner to maintain the water service from the curb stop into the house or other building. In case of failure upon the part of any Consumer or owner to repair any leak occurring in his water service within twenty-four (24) hours after oral or written notice has been given the owner or occupant of the premises, the water may be shut off and will not be turned on until a reconnection charge has been paid and the water service has been repaired. When the waste of water is great or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately.

Subd. 3. Increasing Size of Water Service. When it is desired to increase the size of water Service from the main, a new permit shall be taken out and the regular tapping charge shall be made as if this were a new Service.

Subd. 4. Service Pipes. Every Service Pipe must be laid in such a manner as to prevent rupture by settlement. The Service Pipe shall be placed not less than seven (7) feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing or inadvertent damage. Frozen or damaged service pipes between the curb stop and the building shall be the responsibility of the owner. Service Pipes must extend from the curb stops to the inside of the building; or if not taken into the building then to the hydrant or other fixtures that they are intended to supply. A valve, the same size as the service pipe, shall be placed close to the inside wall of the building, ahead of the meter and well protected from freezing. Joints on copper tubing shall be flared and kept to a minimum. No joints will be allowed in services less than 100 feet in length. All joints shall be left uncovered until inspected. Minimum size connection with the water mains shall be 1 inch in diameter. All services of greater than 1 inch shall be constructed of material as approved by the city. *Source: Ordinance 47, 2nd series Effective Date: 7-15-2000*

Subd. 5. Private Water Supplies. No water pipe of the City water system shall be connected with any pump, well, pipe, tank or any device that is connected with any other source of water supply and when such are found, the City shall notify the owner or occupant to disconnect the same and, if not immediately done, the City water shall be turned off. Before any new connections to the City system are permitted, the City shall ascertain that no cross-connections will exist when the new connection is made. When a building is connected to "City Water" the private water supply may be used only for such purposes as the City may allow. *Source: Ordinance 149 2nd Series, Effective Date: June 28th, 2010.*

Subd. 6. Prohibited Uses or Restricted Hours.

- A. Whenever the City shall determine that a shortage of water threatens the City, it may entirely prohibit water use or limit the times and hours during which water may be used from the City's Water Supply System for lawn and garden sprinkling, irrigation, car washing, air conditioning, swimming pools, and other uses. It is unlawful for any water consumer to cause or permit water to be used in violation of such determination after public announcement thereof has been made through the news media specifically indicating the restrictions thereof.

- B. To conserve water resources, prevent the wasteful and harmful effects of lawn sprinkling and irrigation during mid-day hours, and allow the City's water system adequate opportunity to replenish the water supply in the storage tanks, certain limitations must be placed on the use of the City's water supply. During the period of Memorial Day to Labor Day of any year, a person may only sprinkle or irrigate lawns within the City:
 - 1. Before 10:00 a.m. and after 6:00 p.m.

 - 2. Residents with an address ending with an odd number such as 1, 3, 5, etc. shall sprinkle or irrigate lawns when necessary only on odd-numbered calendar days, and those with addresses ending with an even number such as 0, 2, 4, 6, etc. shall sprinkle or irrigate lawns on even-numbered calendar days.

 - 3. Exceptions. The restrictions established in paragraphs 1 and 2 above do not apply to the use of water:
 - a. From a hose that a person holds by hand;

 - b. For recently established lawns. Those lawns may be watered daily for up to one month after installation, but only during the hours listed above.

 - c. From a source of water other than the City's water system if the water user has registered the other source with the Water Department, obtained a water appropriation permit if required under Minnesota Statute §103B.211, Subd. 4, and posted a sign provided by the Water Department that clearly informs the public of the alternative water source.

If a person claims the privilege of an exception, a representative of the City may inspect the person's property during reasonable times to ensure that there is compliance with this provision.

- C. Property owners who have been notified of the watering restrictions and subsequently violate said restrictions shall be fined in accordance with Section 10.08 of the Becker

City Code. Fine amounts shall be set by the City Council annually as part of the City's Administrative Citation Fee Schedule. *Source: Ordinance 145 2nd Series, Effective Date: January 20th, 2010*

Subd. 7. Private Fire Hose Connections. Owners of structures with self-contained fire protection systems may apply for and obtain permission to connect the street mains with hydrants, large pipes, and hose couplings, for use in case of fire only, at their own installation expense and at such rates as the Council may adopt by resolution as herein provided.

Subd. 8. Opening Hydrants. It is unlawful for any person, other than members of the Fire Department or other person duly authorized by the City, in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the same or in any manner interfere therewith. It is also unlawful for any person so authorized to deliver or suffer to be delivered to any other person any hydrant key or wrench, except for the purposes strictly pertaining to their lawful use.

Subd. 9. Unmetered Service. Unmetered Service may be provided for construction, flooding skating rinks, and any other purpose. Such service shall be at a duly adopted rate. Where it is difficult or impossible to accurately measure the amount of water taken, unmetered Service may be provided and the unmetered rate applied; provided, however, that by acceptance thereof the consumer agrees to have the City estimate the water used. In so estimating the City shall consider the use to which the water is put and the length of time of unmetered Service.

Subd. 10. Water Meters.

- A. Purchase and ownership.** The property owner when establishing a facility shall pay for their respective water meter. The city shall retain control and possession of all water meters installed within the City.
- B. Maintenance.** All water meters one inch or larger shall be the responsibility of the property owner to maintain. Meters under one inch in size shall be maintained by the city. All repairs required as a result of damage or abuse, as determined by the city, shall be the responsibility of the property owner to repair or replace.
- C. Installation and Replacement.** It is the responsibility of the property owner to install all new installations of water meters. All water meters being replaced shall be installed and controlled by the city however, some installations of replacement water meters may require plumbing upgrades. Such upgrades shall be the responsibility of the property owner. The City shall furnish any remote type of meter, in need of replacement through normal usage.
- D. Installation location and multiple meters.** Water meters shall be installed as close as practical to the location where the water line enters the building.

Meters shall installed between 18 inches and 3 feet of the floor elevation. One water meter shall be installed in commercial buildings with multiple tenants. The property owner of building shall be responsible to the city for all water charges within the building. Additional water meters installed within a building will be the responsibility of the property owner for purchase, installation, reading, billing and maintenance. The city shall read and bill from only the meter identified as the main meter.

Source: Ordinance 54, 2nd series Effective Date: 01-02-01

Subd. 11. Code Requirement. All piping, connections and appurtenances shall be installed and performed strictly in accordance with the Minnesota Plumbing Code. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the City, be an additional ground for termination of water service to any Consumer. *Source: City Code Effective Date: 5-8-95*

Subd. 12. Water Service Pipe Responsibilities. It is the primary responsibility of any owner/occupant of any building to maintain the water connection from the building to the curb stop, typically at the property line. The property owner shall be responsible for all blockages, leaks, or damage done to the water line from the curb stop to the building. The City shall be responsible only for defects in installation from the curb stop to the water main. Damage done to water service lines from the curb stop to the main shall be the responsibility of the person(s) responsible for such damage. *Source: Ordinance 47, 2nd series Effective Date: 7-15-2000*

(Sections 3.21 through 3.29, inclusive, reserved for future expansion.)

SEC. 3.30. RULES AND REGULATIONS RELATING TO SEWERAGE SERVICE.

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

- A. **"Sewage"** means water-carried waste products from residences, public buildings, institutions or other buildings or premises, including the excrement or other discharge from the bodies of human beings or animals, together with such ground water infiltration and surface water as may be present.
- B. **"Industrial Waste"** means any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing, trade or business, or from development of any natural resources.
- C. **"Sewerage System"** includes all street lateral, main and intersecting sewers and structures by which sewage or industrial wastes are collected, transported, treated and disposed of; provided that this shall not include plumbing inside or a part of a building or premises served, or service sewers from a building to the street lateral.
- D. **"Sewerage Service"** means the use of and benefit from the Sewerage System, including the collection, transportation, pumping, treatment and final disposal of Sewage.

Subd. 2. Use of Municipal Sewer System. It shall be unlawful to construct or maintain any privy, septic tank, cesspool or such facility intended or used for the disposal of sewage on private property, unless there is no public sanitary sewer service main within one hundred (100) feet of the private property line.

Subd. 3. Metered Water Not Discharged. If a portion of the water furnished to any premises is not directly or indirectly discharged into the Sewerage System, the quantity of such water shall be deducted in computing the Sewerage Service charge or rental, provided a separate meter shall be installed and operated to register the quantity so not discharged into the Sewerage System. Provided also, that where it is not practicable to meter the portion of the water not discharged into the Sewerage System, such adjustment may be made as shall be fair and equitable in order to determine the amount of such service charge or rental; but until such adjustment shall be effected that water consumption basis hereinbefore prescribed shall remain in full force and effect.

Subd. 4. Classification of Industrial Wastes. The City shall have the power to classify the Industrial Wastes from any lot, parcel of land, building or premises discharged therefrom into the Sewerage System of the City, taking into consideration the quantity of Sewage produced and its concentration, strength of pollution qualities in general and of any other factors impacting upon the cost of its disposal, for the purpose of fixing and prescribing a distinct rate of rental or use charge, should it be found that as to such Sewer uses the water basis consumption does not provide a practicable method in the premises. However, until so determined and such distinct rate fixed, the water consumption basis hereinbefore prescribed shall remain in full force and effect as to such

commercial or industrial users. The City may require and prescribe pretreatment of Sewage on the Consumer's premises.

Subd. 5. Deleterious Substances. No Sewage including Industrial Wastes, shall contain any substance which is deemed deleterious by the City to the operation of the Sewerage System or to any plant or facilities used in the treatment or disposal of such Sewage. If a user of the Sewerage System discharges excessive loads or any deleterious substances therein which are likely to retard or injuriously affect Sewerage operations, s/he shall discontinue such practice and such practice is hereby declared to be a violation of this Section. Each day of such violation continuing after having been notified in writing by the City Clerk to discontinue such practice shall be deemed a separate violation. *Source: Ordinance 48 2nd Series, Sept. 9, 2000*

Subd. 6. Unlawful Discharge. It is unlawful to discharge any of the following described wastes into the Sewerage System:

- A. Liquids having a temperature higher than 150° Fahrenheit.
- B. Water or waste which contains more than 100 ppm. by weight of fat, oil or grease.
- C. Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- D. Garbage, except such as has been properly shredded.
- E. Ashes, cinders, shavings, feathers, tar or other liquid or viscous substance capable of causing obstruction to the flow in Sewerage System or other interference with the proper operation of the System.
- F. Noxious or malodorous substances capable of creating a public nuisance.
- G. Roof water, ground water, or any other natural precipitation.

Subd. 7. Unmetered Water Supply. If any premises discharges normal Sewage or Industrial Waste into the sanitary Sewerage System, either directly or indirectly, obtains part or all of the water used thereon from sources other than the City, and the water so obtained is not measured by a meter of equivalent specifications to the meters used by the City, then in such case the City shall permit the discharge of normal Sewage or Industrial Waste into its sanitary Sewerage System only when the owner of such premises or some other interested party shall at his own expense install and maintain for the purpose of metering such water supply a water meter of equivalent specifications to those installed by the City in connection with the City water system. Each water meter shall be installed to measure all water received on such premises and the above charges and rates shall be applied to the quantity of water received as measured by such meter. If, because of the nature of the source of the water supply, the City deems it impracticable to thus meter the water on any premises, the Council may by resolution establish a flat charge per month in accordance with the estimated use of water on such premises.

Subd. 8. Size, Kind and Depth of Pipe. The City may prescribe the size, kind and depth of Sewerage Service pipe and connections. The minimum size, when placed underground shall be four inches in diameter

Subd 9. Sewer Service Pipe Responsibilities. It is the primary responsibility of any owner/occupant of any building to maintain the sewer connection from the building to the property line. The property owner shall be responsible for blockages, leaks, or damage done to the sewer service line from the building to the property line. The City shall be responsible only for defects in installation from the property line to the sewer main. Blockages, which are the result of occupant misuse or misconduct, shall be the responsibility of the owner/occupant from the building to the sewer main. Damage done to sewer service lines from the property line to the main shall be the responsibility of the person(s) responsible for such damage. A clean out shall be provided 1 foot from the exterior wall of the building on all sewer service lines.

Source: Ordinance 47, 2nd series, Effective Date: 7-17-00 Source: City Code ,Effective Date: 5-8-95

(Sections 3.31 through 3.34, inclusive, reserved for future expansion)

SEC. 3.35. WATER AND SEWER AVAILABILITY CHARGES.

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

- A. "Sewer Availability Charge"** means a special connection charge, required before connection of a new Service line to the sewer main. The Sewer Availability Charge Fund ("SAC Fund") provides for the users share of the capital costs of wastewater treatment. *Ordinance 70, 2nd Series, Effective May 11, 2002*
- B. "Water Availability Charge"** means a special connection charge, required before connection of a new Service line to the water main. The Water Availability Charge Fund ("WAC Fund") provides for the portion of the trunk facilities such as but not limited to waste treatment facilities, wells, over sizing and pumping facilities in accordance with the City Assessment Policy. *Ordinance 70, 2nd Series, Effective May 11, 2002*
- C. "Wastewater Treatment"**. Means the processing of the sanitary sewer waste stream for disposal. *Ordinance 70, 2nd Series, Effective May 11, 2002*

Subd. 2. Sewer Availability Charge.

- A.** The SAC Fund shall be established to provide funds for wastewater treatment. *Ordinance 70, 2nd Series, Effective May 11, 2002*
- B.** The WAC Fund shall be established to provide funds for the costs associated with the water trunk facilities, in accordance with the City Assessment Policy. *Ordinance 70, 2nd Series, Effective May 11, 2002*
- C.** No premise shall be connected with the municipal water or sewer without first paying the Water and Sewer Availability Charge (WAC and SAC) based on a SAC and WAC rate times the number of SAC and WAC units. Any unit connecting without a permit for connection shall pay a double SAC and WAC fee. *Ordinance 70, 2nd Series, Effective May 11, 2002*
- D.** The SAC and WAC rates shall be determined and set periodically by resolution of the Council.
- E.** The number of WAC units shall be the same as the number of SAC units. The number of SAC units shall be computed as follows:
 - 1.** Single family houses, townhouses and duplex units shall each comprise one unit.
 - 2.** Apartments shall each comprise 80% of one unit.

3. Other buildings and structures shall be assigned one unit for each 274 gallons of daily flow which it is estimated they will discharge. Commercial and industrial building units shall be assigned a number of units based on Subparagraph F, below, rounded off to the nearest whole number with a minimum of one (1) unit.
Source: Ordinance 195 2nd Series: Effective Date: December 26th, 2017
4. The computation for new building units shall include a deduction for demotion of an existing building unit if applicable.
5. If a building permit is required for remodeling for changes in use in existing structures, a SAC and WAC fee will be imposed to the greater use giving credit for past use as part of the SAC and WAC fee.

F. Sewer/Water Availability Charge (SAC/WAC) Units. *(17 Fixtures Units = 1 SAC/WAC)

- a. On all Facility types, use other criteria for the remainder

FACILITY	PARAMETER	UNITS
ANIMAL CLINICS (humane societies, animal research, boarding, grooming, etc.)	*17 fixture units	1
ARCHERY (6 feet/lane)	6 lanes	1
ARENAS (bleachers 18 inches/person)	110 seats	1
ASSISTED LIVING (see formula below to determine the number of residents)		
No Washer/Dryer in each unit	3 residents	1
Washer/Dryer in each unit	2.5 residents	1
Calculate the number of residents as follows:		
Number of efficiency units x 1.0 resident/unit		
+ Number of one-bedroom units x 1.5 residents/unit		
+ Number of two-bedroom units x 2.0 residents/unit		
<u>+ Number of three-bedroom units x 3.0 residents/unit</u>		
Total number of residents for SAC calculation		
AUDITORIUMS (7 square feet/person)	110 seats	1

AUTOMOBILE SERVICE (BODY SHOP, CAR DETAILING)

Fast Service (less than 4 hours/car)	2 service bays	1
Major Service (more than 4 hours/car)	14 service bays	1
Car Dealership (charges for office, retail etc. are separate at established rates)		
Fast service (number of service bays x 30%)	2 service bays	1
Major service (number of service bays x 70%)	14 service bays	1

BALLROOM (exclude dance floor)

Without liquor service	825 square feet	1
With liquor service	590 square feet	1

BANK (exclude bank vault)

2400 square feet	1
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BANQUET (15 square feet per person)

Food Catered	2,060 square feet	1
Food catered with dishwashing	1180 square feet	1
Food catered with liquor	1028 square feet	1
Food catered with dishwashing and liquor	750 square feet	1
Food preparation with dishwashing	825 square feet	1
Food preparation with dishwashing and liquor	590 square feet	1

BAR(no food service)

23 seats	1
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BARBER

4 chairs	1
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BATTING CAGES

6 lanes	1
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BEAUTY SALON

Hair Cutting (1-3 Cutting or Styling Stations per Washing Station)	4 cutting stations	1
Hair Cutting (3+ Cutting or Styling Stations per Washing Station)	6 cutting stations	1
Hair Cutting (No Washing Stations)	8 cutting stations	1
Manicure	9 stations	1

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Massage	5 beds	1
Pedicure/Facial/Treatment	7 stations	1
Shower	*17 Fixture Units	1
BOARDING HOUSE (dorm rooms; with food service)	5 beds	1
BODY SHOP	14 employees	1
BOWLING ALLEY (does not include bar or dining areas)	3 alleys	1
CAMPS		
Day Camps (no meals served; number of occupants x 10 gallon/occupant)	274 gallons	1
Seasonal Children's/Construction Camps (number of occupants x 50 gallons/occupant)	274 gallons	1
Resorts (housekeeping cabins; number of occupants x 60 gallons/occupant)	274 gallons	1
Travel Trailer Parks		
With water and sewer hookup (number of sites x 100 gallons/site)	274 gallons	1
With central toilet and showers (number of sites x 75 gallons/site)	274 gallons	1
Sanitary Dump (sites without hookup; number of sites x 10 gallons/site)	274 gallons	1
CAR DETAILING (see also Car Wash for vehicle washing bays)	14 employees	1
CAR WASH		
Self-serve; Other Car Wash bays	1 bay	3
Automatic (Roll-over, Conveyor/Pull-through)	1 bay	1
CHURCHES (for sanctuary, nave chancel; 7 square feet/person seating area; sacristy and ambulatory at no charge); for remainder use other criteria	275 seats	1
Shower (if lockers use <i>Locker Room</i> criteria)	*17 fixture units	1
COCKTAIL LOUNGE (no food service)	23 seats	1

COFFEE SHOP (no food handled by employees)	23 seats	1
CONDOMINIUMS	1 unit	1
COURT ROOM	1,650 square feet	1
DAYCARE FACILITIES	14 children	1
DRY CLEANER (retail)	3,000 square feet	1
EXERCISE AREA / GYM (juice bars at no charge; sauna, whirlpool included)		
No Showers	2,060 square feet	1
1-4 Showers	1,030 square feet	1
5+ Showers	700 square feet	1
FIRE STATION (charges for office, meeting rooms, etc., are separate, at established rates)		
Hose Tower	1 tower	1
Vehicle Washing (3.5 gallons per minute x 20 minutes x # of vehicles)	274 gallons	1
Full time, overnight people (75 gallons/person)	274 gallons	1
Volunteer (occasional overnight stays)	14 volunteers	1
FUNERAL HOME (charge for the viewing areas only: i.e., chapel); for remainder use other criteria	770 square feet	1
Shower	*17 fixture units	1
Apartment	1 apartment	1
GAME ROOM (billiards, video, pinball games area)	-	-
With bar	590 square feet	1
Without bar	2,060 square feet	1
GENERAL OFFICE BUILDING (deduct mechanical rooms, elevator shafts, stairwells, rest rooms, and storage areas)	2,400 square feet	1

GOLF COURSE (if facility has showers use Locker Room criteria)	-	-
18 Hole	1 course	3
9 Hole (par 3)	1 course	2
Miniature	1 course	2
Country Club (private)		
Dining Room (used only on evenings and weekends)	15 seats	1
Bar and Grill (with bar and grill separate)	See Restaurant	
GREENHOUSE	-	-
Area not open to the public	15,000 square feet	1
Area open to the public	5,000 square feet	1
General retail area	3,000 square feet	1
GROUP HOME	-	-
Primary Treatment (residents stay all day)	3 beds	1
Secondary Treatment (residents leave during the day)	5 beds	1
GUEST ROOM (in an Apartment or Condominium complex; charge SAC as apartment)	-	-
Washer/Dryer (100% of current SAC rate)	1 unit	1
No Washer/Dryer (80% of current SAC rate)	1 unit	1
No Kitchen, Washer/Dryer (50% of current SAC rate)	1 unit	1
HANDBALL AND RACQUETBALL COURTS	1 court	2
HOSPITALS (licensed beds or baby cribs; does not include outpatients)	1 bed	1
Outpatient Clinic	*17 fixture units	1
Sterilizer (4 hours x gallons per minute x 60 minutes)	274 gallons	1
X-ray Film Processor (9 hours continuous operation; 4 hours intermittent operation; operation time (hours) x gallons per minute x 60 minutes)	274 gallons	1
Dental Clinic Vacuum Device (9 hours x gallons per minute x 60 minutes)	274 gallons	1

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ICE ARENA

Showers (if lockers use <i>Locker Room</i> criteria)	*17 fixture units	1
Team Room (plumbing fixture units)	*17 fixture units	1
Bleachers	110 seats	1
Ice Resurfacer (if discharge goes to the sanitary sewer)	1 resurfacer	4

LAUNDROMATS

2 washers	1
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LIBRARY (subtract book storage areas, file areas; charge for common plumbing fixture units in public areas)

Reception, book checkout, office	*17 fixture units	1
Meeting room, board room	2,400 square feet	1
	1,650 square feet	1

LOADING DOCK

7,000 square feet	1
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LOCKER ROOMS (if showers available – 20 gallons/locker; if Showers are greater SAC count, use Shower)

14 lockers/hooks	1
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MANUFACTURING; for remainder use other criteria (i.e. *Office* criteria)

Shower (if lockers use <i>Locker Room</i> criteria)	7000 square feet	1
Process Discharge	*17 fixture units	1
	Contact City	

MASSAGE ROOM

5 stations	1
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MEDICAL CLINIC (see *Hospitals, Outpatient Clinic*)

-	-
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MEETING ROOM (conference room)

1,650 square feet	1
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MINI-STORAGE (storage area – no charge)

Public Restroom	-	-
	*17 fixture units	1

MOBILE HOME

1 home	1
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MOTELS AND HOTELS (assume 2 people/room; no charge for pools, saunas, jacuzzis, whirlpools, game rooms, or exercise rooms used exclusively by guests)	2 rooms	1
Breakfast Only (complimentary)	45 seats	1
Cocktail Hour (complimentary)	55 seats	1
Kitchenette (number of kitchenettes x 10 gallons/day)	274 gallons	1
MUSEUM	2,400 square feet	1
NAIL SALON (See Beauty Salon)	-	-
NURSING HOME	3 beds	1
OFFICE	-	-
General Office (deduct mechanical rooms, elevator shafts, stairwells, and restroom areas)	2,400 square feet	1
Shower (if lockers use <i>Locker Room</i> criteria)	*17 fixture units	1
Meeting Room (conference room)	1,650 square feet	1
Dental and Doctor's office, see <i>Hospital, Outpatient Clinic</i>	-	-
Liquor License (see Banquet Room for the space covered under the liquor license)	-	-
PARKING GARAGE (if connected to sanitary sewer) Minimum 1 SAC; Otherwise use Floor Drain equivalent fixture units for Trench Drain base fixture unit assignments on outlet pipe(s) diameter.	*17 fixture units	1
Vehicle Washing	Contact City	
POLICE STATION (use Office criteria)		
Cells (overnight – jail)	3 people	1
Cells (holding area with no overnight stays)	14 people	1
RECORDING / FILMING STUDIOS	7,000 square feet	1
RESTAURANT		
Drive-In	9 parking spaces	1
Fast Food (with disposable plates, glasses, table utensils, etc.)	22 seats	1

Take-out (no seating)	3,000 square feet	1
Full Utility (actual number of seats) (with washable plates, drink cups, and table utensils)	10 seats	1
Outdoor patios and sidewalk seating are counted the same as inside seating		
RETAIL STORES (deduct mechanical rooms, elevator shafts, stairwells, escalators, restrooms and unfinished storage areas); for remainder use other criteria (i.e. <i>Gas Pumping</i>)	3,000 square feet	1
ROLLER RINK (skating area only)	825 square feet	
ROOMING HOUSES (no food service)	7 beds	1
RV DUMPING STATION (not in association with camp grounds)	1 station	1
SCHOOLS (<i>teacher offices are included in the per student criteria; admin areas use separate criteria, music rooms are excluded in K-12 Schools without shower facilities</i>)		
Elementary Schools (15 square feet/student)	18 students	1
Colleges/Technical/Vocational (30 square feet/student)	18 students	1
Lecture Halls (15 square feet/student)	18 students	1
Labs (50 square feet/student)	15 students	1
Dorm Rooms (on and off campus students)	5 students	1
Nursery Schools (number of children for which facility is licensed)	14 students	1
House of worship nurseries (used during worship only; 30 square feet/child)	55 children	1
Nursery (health clubs, bowling alleys, etc.)	2,400 square feet	1
Secondary Schools (30 square feet/student at 20 gallons/student)	14 students	1
Labs (50 square feet/student)	14 students	1
Weekly Worship Schools (i.e., not daily parochial schools; 30 square feet/student)	55 students	1
SERVICE STATION		
Gas pumping	1 gas station	1
Convenience/Service Center	3,000 square feet	1

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Service Bays	2 bays	1
Car Wash (with Service Center)	I	6
SHOOTING RANGE (rifle and handgun ranges, 6 feet/lane); for remainder use other criteria	6 lanes	1
SHOP/STORAGE	7,000 square feet	1
SHOWER (if lockers are a greater SAC count, use <i>Locker Room</i> criteria)	*17 fixture units	1
SWIMMING POOL (For non-Residential, swimming pool area only); No charge when used for private Residential, Townhouse, Apartments, Condominiums, Hotels, or Motels used exclusively by residents of complex unless there is a separate sewer connection then use <i>Fixture Units</i>	900 square feet	1
TANNING ROOM	3,000 square feet	1
TENNIS COURT (non-Residential, showers available)	1 court	2
No showers available	5 courts	1
THEATER	64 seats	1
Drive-In (parking spaces)	55 spaces	1
TREATMENT CENTER (includes nursing care; inpatient only)	2 beds	1
VEHICLE GARAGE	*17 fixture units	1
Employees stationed in garage	14 drivers	1
Vehicle drivers (per day)	28 drivers	1
Vehicle washing wash bay	1 bay	3
Shower (if lockers use <i>Locker Room</i> criteria)	*17 fixture units	1
WAREHOUSE; (i.e. <i>Office, Meeting Room</i> criteria)		
Assembly Area	7,000 square feet	1
Office/Warehouse (speculative – each tenant finish will need a Determination completed)		

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Minimum 30% office	2,400 square feet	1
Maximum 70% warehouse	7,000 square feet	1
WHIRLPOOL, THERAPY (at doctor's office or clinic; Number of gallons to fill tank x 8 fills/day)	274 gallons	1
YARD STORAGE BUILDINGS (i.e., lumber storage, customer pickup; no permanent employees)	15,000 square feet	1

PLUMING WASTE FIXTURE UNIT TABLE

TYPE OF FIXTURE	FIXTURE UNIT	PER UNIT VALUE
DRINKING FOUNTAIN	1 fountain	1
BATH TUB	1 tub	17
FLOOR DRAIN (1 fixture unit per inch drain)		
2" waste (only if hose bib attached)	1 - 2" drain	2
3" waste (only if hose bib attached)	1 - 3" drain	3
4" waste (only if hose bib attached)	1 - 4" drain	4
TRENCH DRAIN (per each 6-foot section)	1 trench drain	2
SINKS		
Exam Room, Bathroom	1 sink	1
Kitchen, and others	1 sink	2
Breakroom (per sink)	1 sink	2
Procedure; Others (per basin)	1 basin	2
Surgeon (per basin)	1 basin	3
Janitor	1 basin	4
SHOWER		
Stall (Public/Multi-User)	1 stall	17

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Stall (Private/Single-User)	1 stall	2
Gang Shower Head	1 head	1 per
URINAL (Single-wall hung)	1 urinal	3
Trough (per 6 foot section)	1 trough	2
WATER CLOSET	1 water closet	6

Source: Ordinance 195 2nd Series, Effective Date: December 26th, 2017

G. Collection. The WAC and SAC fees shall be imposed on new construction and renovation or redevelopment of an existing commercial or industrial structure resulting in a greater total SAC/WAC unit calculation than the previous use as stated earlier in this chapter. The fee shall be collected along with and at the time of the building permit issuance. *Ordinance 70, 2nd Series, Effective May 11, 2002*
Source: Ordinance 195, 2nd Series, Effective Date: December 26th, 2017

H. Funds. A Water Availability Charge, (WAC) funds shall be deposited into the Water Trunk Fund of the City. The Sewer Availability Charge (SAC) Fund will be maintained as the wastewater treatment fund of the City. Disbursements will be made from time to time to construction accounts to offset costs associated with trunk facilities. *Source :Ordinance No. 93-9, Effective Date: 1-1-94, Ordinance 70, 2nd Series, Effective May 11, 2002*

SECTION 3.36 TRUNK WATER, SEWER, AND STORM SEWER CHARGES

Subd. 1. Purpose. In furthering the fiscal management strategies of the city and in an effort to have growth pay its own share, the establishment of trunk facility charges reduces the burden on taxpayers to support that growth. The establishment of Trunk Facilities Charges places the burden of the costs of growth on those who wish to use city utilities. *Ordinance 70, 2nd Series, Effective May 11, 2002*

Subd. 2. Definitions:

- A. “Sewer Trunk Facilities.”** Those facilities that are considered necessary for the proper operation of a sewer system but having a significant role in serving the system as opposed to a sewer main serving individuals properties. For purposes of this section of the code, sewer trunk facilities include; lift stations, force mains, larger pipes than needed for the development itself generally considered sewer mains which exceed 8 inches, extra depth of sewer lines generally considered in excess of 20 feet, jacked or bored highway or railroad crossings, river crossings, laterals without services, and land and easements costs for utilities. *Ordinance 70, 2nd Series, Effective May 11, 2002*
- B. “Water Trunk Facilities.”** Those facilities that are considered necessary for the proper operation of a water system but having significant role in serving the system as opposed to a water main serving individual properties. For purposes of this section of the code water trunk facilities include; wells and pump houses required as a result of new development, water towers, booster pump stations, larger pipes than needed for the development itself- generally considered water mains which exceed 8 inches, jacked or bored highway or railroad crossings, laterals without services, and land and easement costs for utilities. *Ordinance 70, 2nd Series, Effective May 11, 2002*
- C. “Storm Sewer Trunk Facilities.”** Those facilities that are necessary for proper drainage, which are beyond the need for individual areas. These systems typically link drainage areas (conveyance) or to provide storage, treatment, or disposal of storm drainage. For purposes of this section of the code these systems include; detention and retention ponds, sedimentation basins, pond liners, storm sewer piping in excess of that needed to serve the development in which they are installed, and land and easement costs for utilities. *Ordinance 70, 2nd Series, Effective May 11, 2002*
- D. “Leap Frog or Leapfrogging.”** A term used to describe the jumping over of one property to get to the next parcel. Used in the context of this section, a developer may intend on leapfrogging over a parcel to develop a parcel not immediately abutting a parcel already served by municipal utilities. *Ordinance 70, 2nd Series, Effective May 11, 2002*
- E. “Wastewater Treatment.”** Means the processing of the sanitary sewer waste stream for disposal and shall include all portions of the system not identified as trunk facilities defined in this section. *Ordinance 70, 2nd Series, Effective May 11, 2002*

Subd. 3. Basis for Trunk Charges. Trunk charges will be charged on all properties based on a per acre charge. This charge shall be on a gross acre basis for water and sewer and on a net acre basis for storm sewer. In calculating the net cost for the storm sewer, property acreage for parkland, streets, storm sewer basins and wetlands will be deducted to determine a net acreage amount. *Ordinance 70, 2nd Series, Effective May 11, 2002*

Subd. 4 . Areas to be Charged Trunk Charges. Those areas that are within the corporate city limits and those properties known as the Oak Savanna (County owned) at the time of adoption of this ordinance shall not be subject to trunk facilities charges. All other areas brought into the city shall be required to pay charges at the current rate at the time of development. *Ordinance 70, 2nd Series, Effective May 11, 2002*

Subd. 5. Charges. A Trunk Facilities Charge shall be made for each of the following utilities: water, sanitary sewer, and storm sewer. The charges shall be established and adjusted by resolution. Charges shall be adjusted on an annual basis for inflation and actual growth conditions experienced by the city. The amount of the charge shall be set from time to time by resolution of the council. *Ordinance 70, 2nd Series, Effective May 11, 2002*

Subd. 6. Trunk Funds. A separate fund shall be established as a revolving Trunk Facilities Fund in each of the categories described.

- A. Sanitary Sewer Revolving Trunk Fund.** Funds will be used to pay for trunk system expansions and improvements, as described in definitions above. *Ordinance 70, 2nd Series, Effective May 11, 2002*
- B. Water Revolving Trunk Fund.** Funds will be used to pay for trunk system improvements as described above. *Ordinance 70, 2nd Series, Effective May 11, 2002*
- C. Storm Sewer Revolving Trunk Fund.** Funds to be used to pay for trunk conveyance systems, storage, and treatment of storm drainage. *Ordinance 70, 2nd Series, Effective May 11, 2002*

Subd. 7. Payment. Payment of the trunk charges for residential developments shall be negotiated at the time of a development agreement. Payment for commercial and industrial development shall be paid at the time of the building permit issuance. Commercial and Industrial development shall pay the charge based on the amount of property actually to be developed, including appropriate green space and setbacks. As the property develops with subsequent improvements, charges will then be incurred for the additional space developed and payment shall be made at the time of subsequent building permits. When the property develops up to or exceeds 85% of the total parcel acreage the payment for trunk facilities shall be paid in full. *Ordinance 70, 2nd Series, Effective May 11, 2002*

Subd. 8. Orderly Development. Development shall occur in an orderly fashion. Properties that abut parcels served by municipal utilities will be considered as the next feasible property for development. Given the high costs of trunk facilities the city may limit development activities to selected areas. Petitions to expand in areas not already under development will be considered but a decision to expand utilities rests with the city. Factors that will be considered

include, among other things, capacity in the wastewater treatment facility, well capacity, number of developments under construction and capacity of staff to deal with the requested development.

Ordinance 70, 2nd Series, Effective May 11, 2002

Subd. 9. Leapfrogging. Any developer who wishes to develop a parcel that would require a leapfrog of a property would be subject to all costs associated with that leapfrog. Costs would include, but are not limited to, all piping, including trunk and easements to get to the property to be served for the development. The developer shall be afforded no credit or reimbursements for these costs. The property that was jumped over will be required to pay for all trunk charges for the property regardless of the facilities installed when developed. *Ordinance 70, 2nd Series, Effective May 11, 2002.*

Subd. 10. Credits against Trunk Facilities Charges. The developer shall be given a credit for any Trunk Facility installed within their development. The credit shall be for the cost of the trunk facility as determined by the city engineer. In the event of over sizing or extra depth, a cost differential shall be used to determine the credit. Bid pricing shall not be the sole determinate in defining a developer credit. The city engineer shall be the sole determine any credit for a given project. *Ordinance 70, 2nd Series, Effective May 11, 2002*

Subd. 11. Onsite Storm Sewer Systems. Systems installed to provide for site coverage of impervious surfaces in excess of 50% in commercial and industrial properties shall not be used as credit in any way. The use of these additional facilities is for the sole benefit of the property owner. *Ordinance 70, 2nd Series, Effective May 11, 2002*

Subd. 12. Feasibility Studies. Any developer who requests extensions of trunk facilities, that are not part of their development, shall be required to pay for the feasibility study determine extent, options, and costs of proposed trunk facilities to serve the development. *Source: Ordinance 70, 2nd Series, Effective Date: 05-07-02*

(Sections 3.37 through 3.39, inclusive, reserved for future expansion.)

SEC. 3.40. RULES AND REGULATIONS RELATING TO RECYCLABLE COLLECTION.

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

1. **"Recyclables"** mean items of newspaper, glass, metal cans and plastic.
2. **"Recycling"** means any process by which materials which would otherwise become solid waste are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

Subd. 2. Collection and Transportation of Recyclables.

- A. All commercial solid waste haulers providing curbside service to residential, commercial, or industrial customers in the City of Becker shall provide recycling services to all residential, commercial and industrial customers in the City of Becker.
- B. At a minimum, the following materials shall be collected: aluminum and steel cans, newspaper, clear, brown and green glass, plastics, corrugated cardboard and office paper. All recyclable materials must be collected on a regular basis.
- C. It is the responsibility of the hauler to notify resident customers of the pick up schedule. It is also the responsibility of the hauler to determine, and provide if needed, if the resident customer requires a recycling bin. *Source: Ordinance 117 2nd Series, Effective Date: November 25, 2006*

(Sections 3.41 through 3.98, inclusive, reserved for future expansion.)

SEC. 3.99. VIOLATION A MISDEMEANOR. A person violates a section, subdivision, paragraph or provision of this Chapter when that person performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, such violation shall be punishable as a misdemeanor except as otherwise stated in specific provisions hereof. *Source: City Code Effective Date: 5-8-95*