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## CHAPTER 3

### MUNICIPAL UTILITIES - RULES AND REGULATIONS, RATES, CHARGES AND COLLECTIONS

#### SECTION 3.01. DEFINITIONS.

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

1. "Company", "Grantee", and "Franchisee" mean any public utility system to which a franchise has been granted by the City.
2. "Consumer" and "Customer" mean any user of a utility.
3. "Municipal Utility" means any City-owned utility system, including, but not by way of limitation, water, sewerage, natural gas, cable television and electric service.
4. "Service" means providing a particular utility to a customer or consumer.
5. "Utility" means all utility services, whether the same be public City-owned facilities or furnished by public utility companies.
6. "Deposit" means the initial fee for a connection to one of the municipal utility systems.

#### SECTION 3.02. FIXING RATES AND CHARGES FOR MUNICIPAL UTILITIES.

All rates and charges for municipal utilities, including, but not by way of limitation, rates for service, permit fees, deposit, connection and meter testing fees, disconnection fees, reconnection fees, access fees including penalties for non-payment if any, shall be fixed, determined and amended by the Utility Commission and adopted by resolution upon approval by city council. Such resolution, containing the effective date thereof, shall be kept on file and open to inspection in the office of the Utility Bookkeeper and shall be uniformly enforced. For the purpose of fixing such rates and charges, the Utility Commission 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.

**SECTION 3.03.      FIXING RATES AND CHARGES FOR PUBLIC UTILITIES.**

All rates and charges for public utility franchisees, not regulated by an agency of the State, shall be fixed and determined by the Utility Commission and adopted by ordinance. Such ordinances shall be listed and referred to city code utility rates and changes policy. Public utility company rates and charges may be fixed and determined by the respective franchisees in compliance with this Section, as follows:

Subdivision 1.           Rate Petition prepared by Commission.

No rate or charge involving an increase thereof shall become effective until approved by the Utility Commission. To request such increase the franchisee shall prepare its written petition setting forth the then current and proposed rates and charges, the effective date of the proposed increases (which may not be within ninety days of filing the petition), and the reason or reasons necessitating the proposed increase or increases. Such petition shall be filed with the Utility Commission by serving the same on the Utility Bookkeeper in person or by certified mail, return receipt requested.

Subdivision 2.           Approval by Council, Calling of Public Hearing.

Within thirty days of such filing the Utility Commission shall adopt a resolution and serve the same upon the resident superintendent of the franchisee in like manner as the petition may be served either approving the proposed increases or ordering a hearing thereon to be held within sixty days thereof. If no such action is taken by the Utility Commission, such increase or increases shall take effect on the date stated in the franchisee’s petition as though approved by the Utility Commission.

Subdivision 3.           Rate Data Available for Examination.

Prior to the hearing date, the franchisee shall, without delay, comply with the City’s reasonable requests for examination and copying of all books, records, documents and other information, relating to the subject matter of the petition. Should the franchisee unreasonably delay, fail or refuse such requests, the same shall be grounds for a continuance of the hearing date.

Subdivision 4.           Public Hearing.

Notice of hearing shall be in the form and manner stated in the resolution. At the hearing all persons wishing to be heard thereon shall be afforded a reasonable opportunity. Findings and a decision shall be made by the Utility Commission within fifteen days after the hearing and served upon the franchisee.

### **SECTION 3.04. 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. All contracts between franchisees and consumers of utility services other than municipal shall be in strict accord with the provisions of this Chapter.

### **SECTION 3.05. RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITIES.**

#### **Subdivision 1. Billing, Payment and Delinquency.**

All municipal owned utilities shall be billed and become delinquent on the date fixed by the Utility Commission. The date of delinquency shall be included on each bill. A penalty shall be added to, and become part of, all delinquent utility bills. If service is suspended due to delinquency it shall not be restored at that location until a reconnection charge has been paid for each utility reconnected in addition to amounts owed for service and penalties.

Billing made in the name of the tenant or occupant is for the convenience of the property owner. The property owner must authorize all billing information changes and a signature may be required for tenant changes. This does not relieve the owner of responsibility for payment should the tenant/occupant of the service address fail to pay for their charges. Collection of outstanding charges for vacated tenants is the responsibility of the owner. The owner of record will be mailed a duplicate delinquent notice should the account become past due. All charges remain against the property. Failure to pay may result in the discontinuation of service and/or a lien on the property.

Utility bills for rental dwellings are the responsibility of the property owner. The city will bill the renter at the property owner's request; however it is ultimately the responsibility of the property owner to pay the utility bill.

If the property owner requests that the utility bill be sent to the renter, it is imperative that the property owner inform the city of any change in occupancy, in order to maintain up-to-date billing information. Property owners must contact City Hall at 507-274-6712 to request a final utility meter reading at least 5 days prior to new occupancy.

Subdivision 2.            Application, Connection and Sale of Service.

Application for municipal utility services shall be made upon forms supplied by the Utility Office, and strictly in accordance therewith. No connection shall be made until consent has been received from the Utility Office 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 as metered or ascertained in connection with such rates. It is a responsibility of the property owner to insure that the utilities of the served premises are current in payment. Reconnection shall not be allowed until all utility services are paid in full.

Subdivision 3.            Discontinuance of Service.

All municipal utilities may be shut off or discontinued whenever it is found that:

- A.     The owner or occupant of the premises served, or any person working on any connection with the municipal utility systems, has violated any requirement of the City Code relative thereto, or any connection therewith, or,
- B.     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 due notice thereof, or,
- C.     There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefore.

Subdivision 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.

Subdivision 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 their 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 maintaining, protecting, inspecting, repairing, reading meters, connecting or disconnecting the municipal utility service. The city or its agent may enter the property

to trim or remove trees or other objects that may interfere with or endanger utility infrastructure or service.

Subdivision 6.                      Meter Test.

Whenever a consumer shall request the City to test any utility meter in use by the consumer, such a request shall be accompanied by a cash deposit for each meter to be tested. If any such meter is found to vary more than two (2%) percent the same shall be replaced with an accurate meter and the deposit thereon refunded. If the meter shall be found to be accurate within two (2%) percent 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. Cash deposits amounts for meter tests shall be set by policy by the Utility Commission.

Subdivision 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 non-payment 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.

Subdivision 8.                      Municipal Utility Services and Charges a Lien.

- A. Payment for all municipal utility (as that term is defined in City Code, Section 3.01) service and charges shall be carried in the name of the owner or tenant who personally, or by his or her authorized agent, applied for such service. Such applicant shall complete and return utility application forms and pay deposit and other fees required by the utility before utility service is provided to the customer. The Utility Commission by resolution shall adopt a fee schedule from time to time. The City of Westbrook may collect the same in a civil action or, in the alternative and at the option of the City, as otherwise provided in this Subdivision.

- B. Deposits: The Utility Commission shall establish a schedule of deposits for each category of customer to protect the city from delinquent utility accounts.
- C. Rental Units: Landlords shall be responsible for utility accounts unless a current limiter can lawfully be installed for each rental unit. Landlords shall also be responsible for utility accounts for time periods during which tenants vacate a given unit or before the tenant pays a deposit, or at the landlord's option, service shall be terminated and will not be reconnected until a customer applies for service and pays the deposit.
- D. As provided by law, each account is hereby made a lien upon the premises served. All such accounts which are more than forty-five days past due may, when authorized by resolution of the Utility Commission, be certified by the Utility Bookkeeper of the City of Westbrook, Minnesota, to the County Auditor, and the Utility Bookkeeper 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. Unpaid charges shall not be certified to the County Auditor until notice and an opportunity for a hearing have been provided to the owner of the premises involved. The notice shall be sent by first class mail and shall state that if payment is not made before the date for certification, the entire amount plus penalties will be certified to the county auditor for collection as other taxes are collected. The notice shall also state that the owner may, before such certification date, attend or schedule a hearing on the matter to object to certification of unpaid utility charges.
- E. Municipal Utilities shall not be shut-off or a current limiter shall not be installed until notice and an opportunity for a hearing before the Westbrook Utilities Commission or an employee designated by the City have been provided to the occupant and the owner of the premises involved.

Subdivision 9

RESERVED.

Subdivision 10.      Combined Connections.

A. Definitions.

1. For the purposes of this subdivision the term “combined connection’ means a single connection to either the municipal water municipal sanitary sewer system that services:
  - a. Two more residential units or;
  - b. Two or more commercial or industrial lots of separate parcels of record.
2. For the purposes of this subdivision the term residential unit means single-family homes, divided and undivided; duplexes, townhouses, apartments; and other multi-family housing.

B. New Combined Connections Not Allowed.

Unless permitted in accordance with Section 4 or Section 5 no combined connection may be made after the effective date of this ordinance.

C. Conditions Under Which Existing Combined Connections Must Be Corrected.

Unless permitted to continue in accordance with Section 4 or 5 combined connections shall be eliminated when the combined connection deteriorates to such condition that it must be replaced or when the city undertakes a project in which the sewer/water mains and laterals in the street abutting the property are replaced.

D. Exceptions.

The requirements of B and C do not apply to:

1. Multi-family residential rental properties where all units served by combined connection are under the same ownership and receive (1) one bill
2. Multiple industrial or commercial lots or parcels of land that are adjacent under the same ownership and used for a single, unified business enterprise
3. Combined connections where there is not an individual service from the main to the edge of the right of way available for each property using the combined connection.

E. Variances.

1. The Utility Commission may grant variances from the requirements of C upon a finding that there are unique or unusual physical constraints on construction an individual connection that make such connection impractical from an engineering perspective.

2. Appeals to the City Council shall be filed with the City Administrator within thirty (30) days of the date of the Utility Commission action. The Administrator shall, within one week of such appeal being filed, establish a date for a public hearing. The notice of such hearing shall be published in the legal newspaper not more than 30 days or less than 10 days prior to the public hearing. The City Council shall decided the matter appealed within thirty (30) days after the date of the hearing.

F. Penalties.

Any persons found in violation of this ordinance shall be guilty of a misdemeanor. Violation of this ordinance is also grounds for termination of sewer and water service or imposition of penalties or charges as may be imposed by council resolution.

**SECTIONS 3.06 - 3.19. RESERVED.**

**SECTION 3.20. RULES AND REGULATIONS RELATING TO WATER SERVICE.**

Subdivision 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 whatever. 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.

Subdivision 2. Repair of Leaks.

It is the responsibility of the consumer or owner to maintain the service pipe from the main, to include 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 their service pipe 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.

Subdivision 3. Abandonment and Re-use of Service Lines

Section 1. All service installations that are no longer connected to a building, have been abandoned or, for any reason, have become useless for further service shall be disconnected at the main. The owner of the premises, served by this service, shall hire and pay a contractor to disconnect the service. The property owner must also pay the cost of street repair. Disconnection must be inspected by City sewer/water staff or designee before covering. All pipe and appurtenances removed from the street right-of-way shall become the property of the City.

Section 2. When a new structure is built a new line from main to building will be required. When new buildings are erected on the site of old ones, or it is desired to increase the water service, a new permit shall be applied for and the regular tapping charge shall be made as if this were a new service.

Section 3. 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.

Section 4. The Utility Commission may grant variances from the requirements of Sections 1 and 2 upon a finding that the service is in good condition, is expected to remain in good condition, and meets current health and safety standards. A variance will only be granted for a copper water line. Such a finding will be granted after the service has been televised and the televising or tape reviewed by city water/sewer staff or designee. Such variance shall be issued in writing.

Section 5. Appeals to the Utility Commission shall be filed with the Utility Bookkeeper within thirty (30) days of the date of the Utility Commission action. The Utility Bookkeeper shall, within one week of such appeal being filed, establish a date for a public hearing. The notice of such hearing shall be published in the legal newspaper not more than 30 days or less than 10 days prior to the public hearing. The Utility Commission shall decide the matter appealed within thirty (30) days after the date of the hearing.

Subdivision 4.            Service Pipes.

Every service pipe must withstand a minimum of 160 psi plastic laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than seven feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing. Frozen 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 a building then to the hydrant or other fixtures which 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 or compression-fitted, and kept to a minimum. Not more than one joint shall be used for a service up to seventy feet in length. All joints shall be left uncovered until inspected. Minimum size connection with the water mains shall be one (1) inch in diameter.

Subdivision 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. Backflow devices should be installed, inspected yearly with paperwork provided to the city.

Subdivision 6.            Prohibited Uses or Restricted Hours.

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 water system for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other uses, or either or any of them. 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.

Subdivision 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.

Subdivision 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.

Subdivision 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.

**SECTIONS 3.21 - 3.29. RESERVED.**

**SECTION 3.30. RULES AND REGULATIONS RELATING TO SEWERAGE SERVICE.**

Subdivision 1.            Definitions.

The following terms, as used in this Section, shall have the meanings stated:

- A. "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.
- B. "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 as may be present.
- C. "Sewerage service" means the use of and benefit from the sewerage system, including the collection, transportation, pumping, treatment and final disposal of sewage.
- D. "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.

Subdivision 2.            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.

Subdivision 3.            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 constituents in general and of any other factors entering into 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, but 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 on the consumer's premises.

Subdivision 4.            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, the user 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 to discontinue such practice shall be deemed a separate violation.

Subdivision 5.            Unlawful Discharge

A.     Roof Water ground water, or any other natural precipitation.

1. Definition and Method. No water from any roof, surface, ground, sump pump, footing tile, or natural precipitation from any other source shall be discharged into the sanitary sewer system. Sump pump systems shall have permanently installed discharge lines which shall not at any time discharge water into the sanitary sewer system, except as provided herein. A permanent installation shall be one which provides for year-around discharge lines capability to either the outside of the dwelling, building or structure, or is connected to the City storm sewer or discharges through the curb and gutter to the street. It shall consist of a rigid discharge line without valving or quick connections for altering the path of discharge, and if connected to the City storm sewer line, include a check valve.

2. Disconnection. Any person, firm or corporation having a roof, surface, ground, sump pump, footing tile now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove the same. Any disconnects or opening in the sanitary sewer shall be closed or repaired in an effective, workmanlike manner, as approved by the City Water/Sewer Superintendent.

3. Every person owning improved real estate that discharges into the City's sanitary sewer system shall allow an employee of the City of Westbrook or their designated representative to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. Any person refusing to allow their property to be inspected shall immediately become subject to the surcharge hereinafter provided for. Any property found to violate the Ordinance shall make the necessary changes to comply with the Code, shall furnish proof of the changes to City, and be inspected by the City within 30 days of notification of non-compliance. Notification of non-compliance will be given to the property owner by the Water and Waste Water Superintendent at the time of inspection.

4. Future Violations. At any time the City may periodically conduct inspections of properties within the City to insure compliance with this Code and the City shall conduct such inspections if reason exists to suspect that an illegal connection exists.

5. Variances: The Utility Commission shall have the power and duty of hearing requests for variances from the applicability of the provisions of this Code where strict enforcement of this Code would cause undue hardship because of the circumstances unique to the individual property under consideration or cause safety problem.

a. Application for variances pursuant to this section shall be addressed in writing to the Utility Commission of the City of Westbrook and shall, at a minimum, identify the property for which the variance is being sought, the name of the property owner/applicant and describe in detail what characteristics of the subject property create an undue hardship or safety concern.

b. Within 30 days after receipt of the application for variance, the Utility Commission shall enter its decision whether to grant or deny a variance and, if granted, specifying any special terms or conditions of such variance. A copy of the Utility Commission's decision shall be served upon the applicant by mail.

c. Upon approval of a variance a property owner shall be allowed to discharge directly into the sanitary sewer system during the time from November 1 through April 1 and only as provided in the terms and conditions of the variance granting approval.

d. Penalty for discharging beyond the period allowed for a granted variance will be \$50.00 per month.

6. Penalty. A surcharge of Fifty (\$50.00) Dollars per month will be imposed and added to every sewer billing mailed on and after July 1, 2011 to property owners who are not in compliance with the Code. This surcharge is in addition to any other penalties that may be incurred under this Section of the City Code.

a. Liquids having a temperature higher than 150.

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 inflammable or explosive liquid, solid or gas.

d. Garbage, except such as has been properly shredded by disposal.

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 (extreme foul smelling) substances capable of creating a public nuisance.

Subdivision 6.            Unmetered Water Supply.

If any premises discharge normal sewage or industrial waste into the sanitary sewerage , either directly or indirectly, obtain 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 their 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 connections 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 Utility Commission may be resolution establish a flat charge per month in accordance with the estimated use of water on such premises.

Subdivision 7.            Size, Kind and depth of Pipe.

The city shall determine the size, kind and depth of sewerage service pipe and connections. The minimum size when placed underground shall be four inches in diameter. The Westbrook Public Utility Supervisor must inspect all new sewer connections prior to completion.

Subdivision 8.            Backwater Trap.

Every new sewerage service line shall be equipped with a backwater trap to prevent sewage from backup

Subdivision 9.            Connection to Public Sewerage System

A. All houses, buildings or properties used for human occupancy, employment, recreation or other purposes from which waster water is discharged and which is adjacent to any street, alley or right-of-way in which there is now located or is proposed to be located public sanitary sewer of the city shall be required at the owner(s) expense to install a suitable connection to the public sanitary sewer.

B. The City of Westbrook does not allow private drain systems within city limits.

C. All houses, building or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged that are annexed into the City of Westbrook shall be required at the owner(s) expense to install a suitable connection to the public sanitary sewer within (one) 1 year from the date of annexation.

D. The employees or agents of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to determining if a property is connected to the public sanitary sewer or a private individual sewage treatment system.

E. In the event an owner fails to install an adequate service line to connect to a public sewer when given notice of this ordinance the city shall have the following remedies:

1. The city may disconnect and/or shut off the property in question from city water services. This provision shall be subject to the cold weather rule, MN Stat. Sec. 216B.095. If the cold weather rule does not apply, the city shall notify the owner in writing personally or by certified mail. If the premises are not occupied and the address of the owner of the premises is unknown, service may be made by posting such notice on the premises. Such notice shall provide an explanation of the city's intent to disconnect and/or shut off water service to the property and shall provide an opportunity for a hearing. The hearing shall be held no less than ten days after the notice is given.
2. The city may undertake connection to the public sewer by installation of a private service line by a private contractor and assess the cost against the property. Such assessment, when levied, shall bear interest at the rate determined by the Council and shall be certified to the Auditor of Cottonwood County, and shall be collected and remitted to the City in the same manner as assessments for local improvements.
3. Any person violating any provisions of Section 3.30 shall be guilty of a petty misdemeanor.

Subdivision 10.        Permits

Permits are required for the following:

- A. Sewer hookup
- B. Water hookup
- C. Digging within city streets and boulevards

Subdivision 11.        Abandonment and Re-use of Service Lines

Section 1. All service installations that are no longer connected to a building, have been abandoned or, for any reason, have become useless for further service shall be disconnected at the main. The owner of the premises, served by this service, shall hire and pay a contractor to disconnect the service. The property owner must also pay the cost of street repair. Disconnection must be inspected by City sewer/water staff or designee before covering. All pipe and appurtenances removed from the street right-of-way shall become the property of the City.

Section 2. When a new structure is built a new line from main to building will be required. When new buildings are erected on the site of old ones, or it is desired to increase the sewer service, a new permit shall be applied for and the regular tapping charge shall be made as if this were a new service.

Section 3. 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 sewage, or to save expense in improperly removing such pipe from the main. 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.

Section 4. The Utility Commission may grant variances from the requirements of Section 1 and 2 upon a finding that the service is in good condition, is expected to remain in good condition and meets current health and safety standards. A variance will only be granted for a PVC sewer line. Such a finding will be granted after the service has been televised and the televising or taped reviewed by city water/sewer staff or designee. Such variance shall be issued in writing.

Section 5. Appeals to the City Council shall be filed with the City Administrator within thirty (30) days of the date of the Utility Commission action. The Administrator shall, within one week of such appeal being filed, establish a date for a public hearing. The notice of such hearing shall be published in the legal newspaper not more than 30 days or less than 10 days prior to the public hearing. The City Council shall decide the matter appealed within thirty (30) days after the date of the hearing.

#### B. Inspections:

1. The City or its agent shall cause such inspection or inspections as are necessary to determine compliance with this Chapter, no part of the system shall be covered until it has been inspected and accept by the City or its agent. It shall be the responsibility of the applicant for the permit to notify the City that the system will be ready for inspection or re-inspection, and it shall be the duty of the City to cause the indicated inspection within twenty-four (24) hours of said notification. It shall be the duty of the owner or occupant of the property to allow the City or its agent 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 City shall issue to the applicant a certificate of zoning compliance.

2. If upon inspection, it is discovered that any party of the system is not constructed in accordance with minimum standards provided for in this Chapter, the applicant shall pay an additional inspection fee for each inspection. The applicant shall be responsible for the correction or elimination of defects, and no system shall be placed or replaced in service until all defects have been corrected or eliminated.

3. The City or its agent bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to compliance with this Ordinance.

**SECTIONS 3.31 - 3.39. RESERVED.**

**SECTION 3.40. RULES AND REGULATIONS RELATING TO ELECTRIC SERVICE.**

Subdivision 1.            Code Requirement.

All wiring, connections and appurtenances shall be installed and performed strictly in accordance with the National Electrical 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 electrical service to any consumer.

Subdivision 2.            Services.

New or changed service installations shall be made at the expense of the consumer, placed underground where designated by the City, and the meter location shall also be designated by the City. Overhead service installations may be permitted by the City (1) temporarily during new construction; (2) temporarily during an emergency to prevent danger to persons or property; (3) for a period of not more than seven months when soil conditions make excavation for underground service impractical, or (4) where to require underground service, the consumer has shown that such requirement is unduly burdensome.

Subdivision 3.            Electrical Installations.

All electrical installations shall be as per current Minnesota State Codes & Inspected by the Utility Supervisor.

Subdivision 4.            Replacing or Converting to Underground

- A.     Converting to Underground. The City may, at its option and at its expense, convert any present service where no change is otherwise required by the consumer, from overhead to underground. Where this is done, the City shall only cover and refill the trench and other ditching maintenance or repair, and all subsequent changing and repairing of the service shall be the obligation of the consumer.
- B.     Replacing. Nothing herein shall prevent the City from replacing an overhead service with the same type.
- C.     Meters and Placement Service. Placement of services and meters shall be determined by the City.

**SECTIONS 3.41 - 3.98. RESERVED.**

**SECTION 3.99. VIOLATION A MISDEMEANOR.**

Every person violates a section, subdivision, paragraph or provision of this Chapter while performing an act thereby prohibited or declared unlawful, or fails to do so when such failure is hereby prohibited or declared unlawful and upon conviction thereof shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.