

UTILITIES

400 ELECTRIC POWER AND LIGHT FRANCHISE

400.01 Franchise to Otter Tail Power Company.

There is hereby granted to Otter Tail Power Company, a Minnesota corporation, its successors and assigns, hereinafter called the Grantee, for ten (10) years from and after the passage and approval of this Ordinance and during all of said time, subject to the conditions and requirements hereinafter set forth, permission to construct, install and maintain an electric light and power system and transmission line, and to operate and maintain the same within and through the City and to transmit electricity to and from other towns or cities for the purpose of light, power and heat, and to erect, construct, install and maintain conduits, poles, wires, pipes and other necessary fixtures and attachments upon and under the streets, alleys, bridges and public grounds of said City for the purpose of furnishing and selling electricity for light, heat and power and such other purposes for which electricity may be used by the inhabitants of said City, said permission and franchise to become operative and continue under the conditions hereinafter set forth, and provided further that this franchise shall be effective for an additional ten (10) years if the Municipality does not elect to terminate said franchise within sixty (60) days prior to the commencement of the second ten-year period. 120 days prior to the commencement of the second ten year period, the grantee shall inform the City Clerk in writing of the option herein.

400.02 Standards of Construction.

Said Grantee shall use poles, wires, cross arms, equipment and devices to conform with the standards of construction adopted by the National Safety Code of the United States, Department of Commerce, and all apparatus connected therewith shall be located so as not to obstruct the avenues, streets, and alleys of said City or to endanger persons or property or to hinder or to obstruct the use of said avenues, streets, and alleys or public places by the inhabitants of said City, or public in general, or to interfere with any street, sidewalk, curb, gutter or park improvements that the City may deem proper to make along the lines of said avenues streets and public places.

400.03 Encroachments

All conduits, poles, wires and pipes installed by virtue of this Ordinance shall be erected in such places and in such manner as not unnecessarily to encroach upon streets, alleys, bridges, or public grounds an places of said City and so as not to unnecessarily obstruct the use thereof for the ordinary purpose of travel thereon and the erection thereof shall be subject to the reasonable supervision and direction of the City Council of the said City. Whenever practical, all poles shall be set in alleys, and poles now in position upon or along the streets whenever practicable shall be removed, and the location of all of said poles shall be designated by the Mayor of the City under the supervision of the City Council.

400.04 Location of Poles.

All poles where set in alleys shall be set at or near the boundary line thereof and where set in streets shall be located at such distances as shall be directed by the City from the property line of the abutting owner, and shall be placed so as not to interfere with the construction or

placing of any water pipes, sewers, or drains or the flow of water therefrom, which has been or may be placed by authority of said City. In the event that said Grantee shall make any unnecessary obstructions of said streets, alleys, public grounds or places not designated by the City Council, the City may cause the removal of such obstructions and charge and collect from such Grantee the actual cost of such removals.

400.05 Blocking Streets, etc.

During the construction, maintenance or enlargement of any part of said electric light and power system, said Grantee shall not unnecessarily impede or block travel in said streets and highways in said City and shall leave all streets, highways, alleys, sidewalks, curbs, lanes and public places and all grounds disturbed by said construction in good condition upon the completion of said work.

400.06 Police Power.

The City reserves the right for itself and its agents to make and adopt, and the rights and privileges hereby granted shall at all times be and remain subject to such reasonable regulations of a police nature, as it may deem necessary for the best interests of the City, but the city will not by any such regulations or by acts of its own or agents do anything to prevent or interfere with the Grantee carrying on its business in accordance with the franchise hereby granted.

400.07 Excavations.

Whenever the said Grantee in erecting, constructing and maintaining said lines or poles, shall take up any of the pavements, sidewalks, crossings or curbs on an of the avenues, streets, and alleys, or public places in said City or shall make any excavations thereon, such excavations shall be refilled and the sidewalk, crossing or curb replaced under the direction of the City and any excavation so made shall be properly lighted at night during the construction, and in case of the failure to do so on the part of the said Grantee, then the City may do the same at the expense of said Grantee and said Grantee agrees to pay said City for the reasonable cost or value of said work. Said Grantee shall be liable for all loss or damage caused by the negligence of Grantee, which may result to persons or property within the said City caused by it, or its agents, servants, or employees in erecting, operating and maintaining the said electric system within the City and shall at all times indemnify and hold the City harmless from any and all damages to persons or property in erecting, operating or maintaining said electric system.

400.08 Moving of Buildings.

It is further provided that in case any person shall desire to remove a building along the streets, occupied by said wires or pole lines, and it becomes necessary to have said wires temporarily removed, said Grantee shall be entitled to 48 hours notice in writing to that effect and when such notice is given, it shall be the duty of said Grantee to remove such wires and without cost to said City, but the person desiring the same removed shall deposit with said City the reasonable cost of same and after the work has been completed the Grantee shall render a bill in full for such expense and shall collect from the amount so deposited the cost of doing said work. If the expense is less than the estimated cost, the balance shall be

returned to the person who moved said building. It is further provided that the said Grantee shall not be required to make such removal except at a reasonable time of the day. No person, other than authorized agent of the Grantee, shall interfere with the property of the Grantee within the corporate limits of said City.

400.09 Removal of Trimming of Trees.

There is granted to said Grantee, its successors and assigns, during the term hereof, permission and authority to trim all trees in alleys, streets and public grounds of said City so as to remove all parts of said trees interfering with the proper erection, maintenance and operation of poles, cables, wires, masts or other fixtures, or appliances installed or to be installed in pursuant to authority hereby granted.

400.10 Assignment of Franchise.

Said Grantee shall have full right and authority to assign to any person, persons, firm or corporation all the rights that are given it by this Ordinance, provided that the assignee of such rights by accepting such assignment shall become subject to their terms and conditions of this Ordinance.

400.11 Extension of Service Lines.

The Grantee shall not be required to extend its service lines (including primaries and secondary's) to supply a customer or customers where the revenue is not commensurate with the expense involved and as a measure of this expense, extensions shall be made whenever the annual gross revenue for three years equals the cost of such extensions.

400.12 Failure of Service.

The Grantee shall use due diligence and care in furnishing electric service as herein provided but shall not be liable for any loss or damage which may arise from failure of the service, either partial or total, but this shall not be construed to exempt said Grantee from liability for negligence.

400.13 Deposits

The Grantee shall have the right to require of any person to whom electric service is furnished to make a deposit to insure the payment of bills for service to be rendered. The Company shall issue a receipt for such deposit and shall return same whenever the customer shall discontinue the use of electric service, provided all bills are then paid. The Grantee may apply all or any portion of the deposit to any unpaid bills and shall thereupon mail to the customer a receipt for such amount.

400.14 Revocation of Previous Franchise.

It is further expressly and specifically provided that all permits, licenses and franchises heretofore granted by the City giving or purporting to give permission to any person, persons, or corporation to construct, install or maintain an electrical line or system in, upon or through the streets, alleys, or public grounds of the City for the purpose of furnishing light, heat and

power to the City or its inhabitants, be, and the same hereby are in all respects revoked, canceled and annulled.

400.15 Acceptance of Franchise.

This Ordinance shall take effect and be in full force from and after it's passage by the City Council it's publication or posting as required by statute. The said Grantee shall specify its acceptance of this franchise in writing, to be filed with the City Clerk and in no event shall this Ordinance be binding on said Grantee until the filing of such acceptance.

UTILITIES

403 WIND ENERGY CONVERSION SYSTEMS

403.01 General Provisions.

The Ordinances of the City of Wheaton are hereby revised and codified. Such codification is hereby adopted as the "Wheaton Municipal Code".

1. **Purpose.** This ordinance is established to regulate the installation and operation of Wind Energy Conversion Systems (WECS) within The City of Wheaton not otherwise subject to siting and oversight by the State of Minnesota under the Minnesota Power Plant Siting Act (MS 116C.51-116C.697.)
2. **Severability.** The provisions of this Ordinance shall be severable, and the invalidity of any paragraph, subparagraph or subdivision thereof, shall not make void any other paragraph, subparagraph or subdivision of this Ordinance.
3. **Enforcement, Violations, Remedies and Penalties.** Enforcement of the Wind Energy Conversion System Ordinance shall be done in accordance with processes and procedures established Wheaton City Ordinances.

403.02 Definitions.

Aggregated Project: Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.

Bluff: A steep bank having an "E" slope as defined and mapped in the official Soil Survey of Traverse County, Minnesota.

Commercial WECS: A WECS of equal to or greater than 100 kW in total name plate generating capacity.

Fall Zone: The area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

Feeder Line: Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.

Meteorological Tower: For the purposes of this Wind Energy Conversion System Ordinance, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions.

Micro-WECS: Micro-WECS are WECS of 1 kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.

Non-Commercial WECS: A WECS of less than 100 kW in total name plate generating capacity and having a total height of less than 200 feet.

Property Line: The boundary line of the area over which the entity applying for a WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.

Public Conservation lands: Land owned in fee title by State or Federal agencies and managed specifically for grassland conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, federal Wildlife Refuges and Waterfowl Production Areas. For the purposes of this section public conservation lands will also include lands owned in fee title by non-profit conservation organizations.

Rotor Diameter: The diameter of the circle described by the moving rotor blades.

Substations: Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 volts (35 KV) for interconnection with high voltage transmission lines shall be located outside of the right of way.

Total Height: The highest point, above ground level, reached by a rotor tip or any other part of the WECS.

Tower: Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

Tower Height: The total height of the WECS exclusive of the rotor blades.

Transmission Line: Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

WECS – Wind Energy Conversion System: An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: Power lines, transformers, substations and meteorological towers that operate by converting the kinetic

energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

Wind Turbine: A wind turbine is any piece of electrical generating equipment that convert the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

403.03 Permit Applications.

Land Use Permits, Conditional Use Permits, and Variances shall be applied for and reviewed under the procedures established by Wheaton City Ordinance 550, except where noted below.

The application for all WECS shall include the following information:

1. The names of project applicant.
2. The name of the project owner.
3. The legal description and address of the project.
4. A description of the project including: Number, type, nameplate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale, and clearly identify the location of proposed substation and feeder lines.
5. Manufacturer's certification.
6. Documentation of land ownership or legal control of the property.

The application for Commercial WECS shall also include:

7. The latitude and longitude of individual wind turbines, and meteorological towers.
8. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within 10 rotor diameters of the proposed WECS.
9. FAA Permit Application.
10. Location of all known Communications Towers within 2 miles of the proposed WECS.
11. Decommissioning Plan.
12. Description of potential impacts on nearby WECS and wind resources on adjacent properties.
13. Engineer's Certification.

A. Aggregated Projects.

Aggregated Projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, reviews and as appropriate approvals. Permits will be issued and recorded separately. Joint applications will be assessed fees as one project. Aggregated projects having a combined capacity equal to or greater than the threshold for State oversight as set forth in MS Statute 116C.691 through 116C.697 shall be regulated by the State of Minnesota.

403.04 Setbacks.

Setback to:	Wind Turbine Non-Commercial and Micro-turbines	Wind Turbine Commercial	Meteorological Towers
Property with No Signed Project Lease Agreement (Non-Participating)	1.1 times the total height	1.1 times the total height	1.1 times the total height
Occupied Dwelling on Property with Signed Project Lease Agreement (Participating)	N/A	1.1 times the total height	1.1 times the total height
Road Rights-of-Way (no guide wire anchors will be allowed within the right-of way)	1.1 times the total height or 150' to the center of the abutting road, whichever is greater **	1.1 times the total height or 150' to the center of the abutting road, whichever is greater **	1.1 times the total height or 150' to the center of the abutting road, whichever is greater **
Other Rights-of-Way	1.1 times the total height	1.1 times the total height	1.1 times the total height
Public Conservation Land	N/A	600 feet	600 feet
Wetlands (Type 3, 4 & 5)	N/A	600 feet	600 feet
Other Structures	N/A	1.1 times the total height	1.1 times the total height
Existing WECS	N/A	To be considered ***	N/A

* The setback for dwellings shall be reciprocal in that no dwelling shall be constructed within 500 feet of a commercial wind turbine.

** The setback shall be measured from future rights-of-way if a planned change or expanded right-of-way is known.

*** Consideration will be based upon:

- Relative size of the existing and proposed WECS
- Alignment of the WECS relative to the predominant winds
- Topography
- Extent of wake interference impacts on existing WECS
- Property line setback of existing WECS
- Other setbacks required

403.05 Requirements and Standards.

1. Safety Design Standards.

- A. Engineering Certification – For all WECS', the manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
- B. Clearance – Rotor blades or airfoils must maintain at least 12 feet of clearance between their lowest point and the ground.
- C. Warnings – For all Commercial WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point.
- D. All meteorological towers shall be marked and painted in the following manner:
 - 1) The top portion of all meteorological towers shall be painted aviation orange.
 - 2) All guyed towers shall have:
 - a. Two marker balls shall be attached on each of the outside guy wires.
 - b. A flashing red light at the top of the tower.
 - c. A seven foot safety sleeve at each anchor point.
 - d. Have a 7 foot safety sleeve at each anchor point on #1, #4, and #6; plus one sleeve located 6' outside the outside anchor, and one sleeve at the lift anchor.

2. Other Standards. Total height – Non-Commercial WECS shall have a total height of less than 200 feet.

- A. Tower Configuration:
 - 1) All wind turbines, which are part of a commercial WECS, shall be installed with a tubular, monopole type tower.
 - 2) Meteorological towers may be guyed.
- B. Color and Finish: All commercial wind turbines shall be white, grey or another non-obtrusive color. Blades may be black in order to facilitate de-icing. Finishes shall be matte or non-reflective. Exception may be made for meteorological towers, where concerns exist relative to aerial spray applicators.

- C. **Lighting:** Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Exception may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
- D. **Other Signage:** The manufacturer's or owner's company name and/or logo must be placed upon the nacelle, compartment containing the electrical generator, of the WECS.
- E. **Feeder Lines:** All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a WECS shall be buried where reasonably feasible. Feeder lines installed as part of a WECS shall not be considered an essential service. This standard applies to all feeder lines subject to Wheaton City authority.
- F. **Waste Disposal:** Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn out parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
- G. **Discontinuation and Decommissioning:** A WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the City of Wheaton outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four feet below ground level within 90 days of the discontinuation of use.

Each Commercial WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities.

3. Other Regulatory Standards.

- A. **Noise:** All WECS shall comply with Minnesota Rules 7030 governing noise.

- B. **Electrical Codes and Standards:** All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
 - C. **Federal Aviation Administration:** All WECS shall comply with FAA standards and permits.
 - D. **Upon issuance of a permit,** all Commercial WECS shall notify the Minnesota Environmental Quality Board Power Plant Siting Act program staff of the project location and details on the survey form specified by the Environmental Quality Board.
4. **Interference.** The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within two miles of the proposed WECS location upon application to the county for permits. No WECS shall be constructed so as to interfere with County or Minnesota Department of Transportation microwave transmissions.
5. **Avoidance and Mitigation of Damages to Public Infrastructure.**
- A. **Roads.** Applicants shall:
 - 1) Identify all county, city or township roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted road authority(ies) prior to construction.
 - 2) Conduct a pre-construction survey, in coordination with the impacted local road authority(ies) to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility.
 - 3) Be responsible for restoring or paying damages as agreed to by the applicable road authority(ies) sufficient to restore the road(s) and bridges to preconstruction conditions.
 - B. **Drainage System.** The Applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.

UTILITIES

405 Water System

405.01 Users Bound by Ordinance

That the rules, regulations and water rates hereinafter named shall be considered as part of the contract with every person, company or corporation who are supplied with water through the water systems of said City of Wheaton, and every such person, company or corporation, by taking water shall be considered to express his or their consent to be bound thereby, and when any of them is violated or such other as the City Council of said City may hereafter adopt, the water shall be cut off from the building or place of such violation although two or more parties may receive water through the same pipe, and shall not be let on again except by order of the City Council and the payment of the expenses of shutting off and turning it on, and such other terms as the City Council shall determine, and a satisfactory understanding with the party or parties that no further cause of complaint shall arise, and in case of such violation, the City Council shall have the right to declare any payment for the water by persons committing such violation to be forfeited; and the same shall thereupon be forfeited.

405.02 Permits

No plumber, pipe fitter, or other person shall make any attachment to any old pipe or water fixtures in premises from which the water has been shut off without the party desiring such work to be done having first made application and obtained a reissue and permit for the same. Nor shall any person make any alterations to any pipe or water fixture attached to the waterworks distributing pipes to conduct water into adjoining premises or into stables, baths, water closets, waste basins, cisterns, tanks, fountains or for any other purpose whatever without application having first been made and a written permit obtained from the City Council for each every separate job of such modifications in the water fixtures.

405.03 Water Service Connections

All water service connections from the water mains shall be of a pipe designated as type K copper unless otherwise specified by the City Council or the Superintendent of Waters and Sewers, and all service lines shall be equipped with a bronze corporation stop at the water main and a bronze curb stop and a cast iron curb box to be located six feet from the property line of the property to which the service connection is being made. Service lines shall be placed in the ground so as to allow not less than 6 ½ feet of cover over the entire service line. All joints that are installed shall have flared copper fittings.

All water service connections from the water mains shall be of a specified design with specified fixtures, and all service connections shall be placed in the ground in a specified manner. The City shall also have the right, in its own discretion, to repair or replace a defective curb stop to enable the city to discontinue water service, and the property owner shall be charged for these costs.

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes from which water will be used, which is situated within the City

and adjacent to any street, alley, or right-of-way in which there is now located, or may in the future be located, access to the public water system of the City, shall be required at the owner(s) expense to install suitable service connection to the public sewer in accordance with provision of this code, within 120 days of the date said public water is operational, provided said public water is within 100 feet of the structure generating the wastewater. All future buildings constructed on property adjacent to the public water shall be required to immediately connect to the public water. If water connections are not made pursuant to this section, an official sixty (60) day notice shall be served instructing the affected property owner to make said connection.

In the event an owner shall fail to connect to public water in compliance with a notice given under the Ordinance, the City must undertake to have said connection made and shall assess the cost thereof against the benefited property. Such assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the Auditor of the County of Traverse, Minnesota and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City shall be in addition to any remedial or enforcement provisions of this ordinance.

No owner or occupant of property in the City of Wheaton shall construct or make use of any private water supply or well on said property, except for such purposes as may be allowed by the Wheaton City Council.

Failure to comply with this Ordinance shall allow the City to have said connection made and shall assess the cost thereof against the benefitted property, with interest, and then certified to the Traverse County Auditor and collected and remitted to the City in the same manner as assessments for local improvements.

405.04 Taps.

No service connections may be made using larger than three-quarter inch pipe from a four inch main, nor larger than one inch pipe from a six inch or larger main. All multiple taps must be at least twelve inches apart.

405.05 Providing Procedures for Payment of Utility Bills and Water Service Shut Off.

Applications for utility service shall be made on forms prescribed by the City and accounts for utility service shall be made in the name of the owner and the owner shall be liable for water, sewer, and sanitary service supplied to the owner's property whether or not the owner is occupying the property and any unpaid charges shall become a lien on the property. Utility charges shall be rendered monthly and consist of water, sewer, sanitary service, sales tax and penalty charges. In the event said charges are not paid within fifteen (15) days after the billing date, the bill will be considered delinquent and a penalty applied. The penalty shall be computed as 10% of the original bill and shall be increased the same 10% for every month the bill is outstanding. The City shall cause notice to be served in writing, to the property address of the premises involved, that if payment is not made within ten (10) days after the date on which the notice is given, the water supply to the premises will be shut off.

Said notice shall clearly inform the customer of the available opportunities to present to the city objections to the bill, and shall identify the telephone number, address and officer or employee who will handle the customer's complaint, and who has the authority to review the facts and files, and to correct any errors in the billing and to arrange for credit terms. The notice shall further state that the occupant or owner may before such date demand a hearing on the matter and in this event the supply will not be shut off until after the hearing is held. If the customer requests a hearing before the date specified on the notice, a hearing shall be held at least one (1) week after the date on which the request is made and shall be held by the City Council and if, as a result of the hearing, the city Council finds that the amount claimed to be due and owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this ordinance, the City may shut off the supply.

The City council shall have the right to order repairs of any water meter found in improper working order and if the City Council determines it is not feasible or practicable to repair any water meter, a new water meter shall be installed and any water meter which is replaced or newly installed, shall be installed so that the water flows through the water meter horizontally.

In the event water service is shut off due to non-payment of utility charges the owner shall, before water service is reconnected, pay the entire utility charge, which shall include the current and delinquent charges, as well as a \$50 reconnect charge and a \$100.00 deposit to be held as security for future charges.

For all new utility accounts an applicant must pay a \$100.00 deposit to be held as security for future charges.

405.06 Collection of Unpaid Charges.

In addition to the provisions of 405.05, each and every water service charge levied by and pursuant to this Ordinance is hereby made a lien upon the lot or premises served, and all such charges which are, on October 20 of each year, past due and delinquent, may be certified to the County Auditor as taxes or assessments on the real estate. Nothing in this Ordinance shall be held or construed as in any way stopping or interfering with the right of the City to levy taxes or assessments against any premises affected by any delinquent or past due water service charges.

405.07 Permit.

Persons wishing water must get a special permit from the City Council for each building, residence, business, etc. All applications for water must state fully all purposes for which it is required, and the person making the application must answer truthfully all questions put to them relating to the uses of the water. In cases of fraudulent representations or willful and unnecessary waste of water, the City Council shall have the right to shut off the supply of water. In all cases the applicant for water shall pay all costs of tapping the mains, and all expenses for corporation stop cock and box.

405.08 Fire Department.

No person except the Public Utilities Superintendent or Chief of the Fire Department shall take water from any public or private fire hydrant, fire plug, street washer, draw cock, hose pipe, or fountain, except for fire purposes or the use of the Fire Department in case of fire, nor shall in any way use or take away any water for private use, which is furnished by the waterworks, unless such person shall first pay for the privileges and receive the usual permit from the City Council so to do.

405.09 Resuming Service.

The water shall not be turned into any private service pipe except where meters are used and until the applicant shall have paid the deposit rent due and shall exhibit his receipt therefor, and plumbers are strictly prohibited from turning the water into any service pipe except upon the order or permission of the City Council.

405.10 Right of Access.

The Public Utilities Superintendent and such other persons as may be directed by the City Council shall be authorized and have free access at all reasonable hours to premises, to ascertain the location or condition of all hydrants, pipes and other fixtures attached to said works, and in case he finds that the water is wasted on account of negligence or want of repairs and if such waste is not immediately remedied, the water shall be turned off. It shall also be the duty of said officer, in case he discovers any defect in a private pipe between the city service pipe and the stop cock, to give notice in writing to be left at the premises, and if necessary repairs are not made in 24 hours thereafter, the water shall be stopped and shall not be turned on again until the repairs are computed.

405.11 Private Expenses

Persons taking water must keep their service pipes and all fixtures connected therewith in good repair and protected from frost at their own expense and must prevent all unnecessary waste, or the water will be shut off. All expenses incurred in the installation, maintenance and replacement of service lines shall be borne by the owner of the property to which service connections are made. All service lines in need of repair as determined by the Public Works Superintendent shall be either repaired or replaced immediately, the said property owner to bear the expense of repair or replacement, and in the event that the said property owner does not bear such expense, the water supply to the said property may be terminated by order of the City Council until proper repairs or replacement are made. All costs and expenses of turning water off and on shall be born by the property owner, and water service will not be granted by the city until all claims by the city against the owner of the property to be supplied, are satisfied.

405.12 Public Use of Private Service.

Hydrants, hose attachments, faucets, or any other device which the consumer may adopt for obtaining water from the service pipe shall not be located so as to be accessible to persons living in or occupying neighboring premises, or to the public when practicable, and in all cases where they are so located the consumers on whose premises such device is located shall be responsible for any violations of the rules and ordinances and shall be liable for the penalties.

405.13 Discontinue of Service.

Any person desiring to discontinue the use of water must give notice thereof in writing to the City Utility Department on or before the day to which the utility bill has been paid, or they will be charged with water to the next utility billing.

405.14 Lot Lines

No service line shall extend from the water main to the property located on more than one lot, and connections passing across lots shall not be permitted.

405.15 Multiple Dwellings.

Service pipes intended to supply two or more distinct premises or tenements, and where only one stop-cock is used, the person or persons controlling the same must pay the water rate of all parties who are thus supplied, as separate water bills will not be made.

405.16 Claims Against City.

No claims shall be made against the City of Wheaton by reason of the breaking of any pipe or service cock or for any interruption of the supply or by the reason of the breaking of the machinery or stoppage for the necessary repairs.

405.17 Financing Extensions.

The City Council shall order laid all necessary pipes to supply water whenever in the discretion of the City Council, the revenue to be derived therefrom will warrant the same, or whenever the public necessity shall require the same. Provided, there shall be money in the treasury which may be appropriated for this purpose; or in case a tax levy has been made, the pipes shall be laid, provided legal and satisfactory arrangements can be made before the money is collected.

405.18 Depth.

All mains or service pipes must be laid at least six and one half (6-1/2) feet deep. Temporary lines of pipe or pipes for summer or lawn purposes must be laid at such depth and in such manner as the City Council may direct.

405.19 Tamping

After service pipes are laid, in refilling the opening, the earth must be laid in layers of not more than twelve inches in depth and each layer thoroughly tamped or puddled, to prevent settlement, and this work, together with the replacing of sidewalks, ballast and paving, must be done promptly, so as to have the streets in as good condition as before it was disturbed, and to the satisfaction of the City Council. All excavations and trenches in connection with the installation of service connections shall be back-filled and tamped so as to restore the property to its original condition, and any permanent surface such as blacktop or concrete shall be replaced to the satisfaction of the City of Wheaton. If a depression appears within one year, the person making the excavation shall be responsible to bring surface to original condition.

405.20 Sprinkling and Watering Limitations

Section 1. The use of water for sprinkling or irrigations of lawns and/or gardens and/or trees or shrubs or for washing of motor vehicles or equipment, except at commercial car washes or businesses, during the period between April first and November first of each year until further notice, is hereby restricted as follows:

- a. Those customers whose house numbers end in an even number may water on even numbered days.
- b. Those customers whose house numbers end in an odd number may water on odd numbered days.
- c. No watering shall be permitted on the 31st day of any month.

Section 2. The right is reserved to suspend the use of water for all sprinkling or irrigations of lawns and/or gardens and/or trees or shrubs or for washing of motor vehicles or equipment, except at commercial car washes or businesses, whenever in the opinion of the City Council the public exigency may require it and after taking action as is reasonably practicable to inform the general public of the imposition of such restrictions on water usage.

Section 3. No person shall cause water to be used in violation of the provisions of this ordinance.

Section 4. Any person violating the provisions of this ordinance shall be guilty of a petty misdemeanor, punishable by the maximum fine allowed by the law for such offenses; plus the cost of prosecution.

Section 5. Failure to comply with water usage restrictions shall also be cause for the discontinuance of water service, with the charges for shutting off and turning on of the water being paid by the customer before the water service is resumed.

405.21 Rates

Rate shall be set at the annual rate setting meeting.

405.22 Payment

All water fees shall be paid to the City Clerk-Treasurer who shall receipt for the same and shall place all money received from water fees to the credit of the waterworks fund.

405.23 Penalty

Violations of any provision of this ordinance shall be a misdemeanor punishable pursuant to W.M.C. 005.05.

AMENDMENT TO ORDINANCE NO. 405.05

AN ORDINANCE DEALING WITH PAYMENT PROCEDURES AND
WATER SERVICE SHUT OFF IN THE CITY OF WHEATON

Findings.

1. The City of Wheaton currently has an Ordinance which provides, in part, for procedures to shut off water service to a property for failure to timely pay the monthly bill for water, sewer, and sanitary service.
2. The existing Ordinance has a timeline that the Wheaton City Council believes is too short to allow a property owner to avoid a late fee and then avoid having water service shut off.
3. It is in the best interests of the residents of the City of Wheaton that the time period to allow a resident to pay their water service bill before a late fee is applied should be extended an additional five days, which would also push back the date that water service would be shut off.

THE CITY COUNCIL OF THE CITY OF WHEATON ORDAINS:

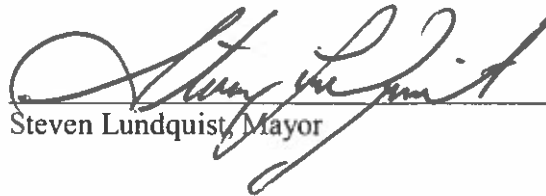
That the first paragraph to Ordinance No. 405.05 of the Code of Ordinance for the City of Wheaton is hereby amended to read as follows:

“405.05 Providing Procedures for Payment of Utility Bills and Water Service Shut Off.

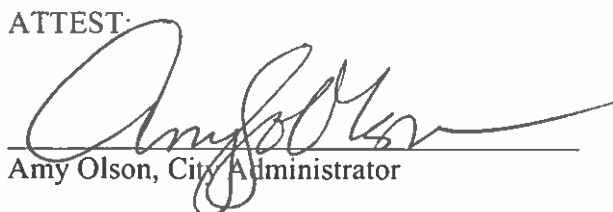
Applications for utility service shall be made on forms prescribed by the City and accounts for utility service shall be made in the name of the owner and the owner shall be liable for water, sewer, and sanitary service supplied to the owner's property whether or not the owner is occupying the property and any unpaid charges shall become a lien on the property. Utility charges shall be rendered monthly and consist of water, sewer, sanitary service, sales tax and penalty charges. In the event said charges are not paid within **twenty (20) days** after the billing date, the bill will be considered delinquent and a penalty applied. The penalty shall be computed as 10% of the original bill and shall be increased the same 10% for every month the bill is outstanding. The City shall cause notice to be served in writing, to the property address of the premises involved, that if payment is not made within **seven (7) days** after the date on which the notice is given, the water supply to the premises will be shut off.”

PASSED AND ADOPTED this 11th day of July, 2024.

WHEATON CITY COUNCIL


Steven Lundquist, Mayor

ATTEST:


Amy Olson, City Administrator

AMENDMENT TO ORDINANCE NO. 405.05(4)

**AN ORDINANCE DEALING WITH PAYMENT PROCEDURES AND
WATER SERVICE SHUT OFF IN THE CITY OF WHEATON**

Findings.

1. The City of Wheaton currently has an Ordinance which provides, in part, for procedures to shut off water service to a property for failure to timely pay the monthly bill for water, sewer, and sanitary service.
2. The existing Ordinance does not contain an exception for when the last day to make a payment before getting water services shut off falls on a Friday, when City Hall is only open for half a day.
3. It is in the best interests of the residents of the City of Wheaton to extend the water shut off deadline that falls on a Friday to the next available business day that City Hall is open.

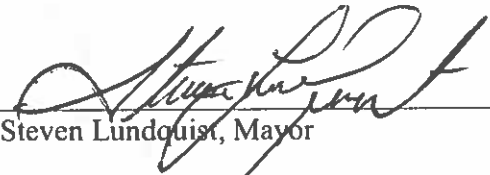
THE CITY COUNCIL OF THE CITY OF WHEATON ORDAINS:

That Ordinance No. 405.05(4) of the Code of Ordinance for the City of Wheaton is hereby amended to add a paragraph that shall read as follows:

“D. In the event that the seventh day occurs on a Friday, the deadline to shut off the water supply to the premises shall automatically be extended to the next business day that City Hall is open.”

PASSED AND ADOPTED this ^{23rd}~~27th~~ day of July, 2026.

WHEATON CITY COUNCIL


Steven Lundquist, Mayor

ATTEST:


Bill McCabe, Interim City Administrator

AMENDMENT TO ORDINANCE NO. 405.05

AN ORDINANCE DEALING WITH PAYMENT PROCEDURES AND WATER SERVICE SHUT OFF IN THE CITY OF WHEATON

Findings.

1. The City of Wheaton currently has an Ordinance which provides, in part, for procedures to shut off water service to a property for failure to timely pay the monthly bill for water, sewer, and sanitary service.
2. The existing Ordinance does not have a provision concerning what will happen if the City is presented with a dishonored check for water service, and there are formatting changes that the City believes could make the Ordinance easier for residents to read.
3. It is in the best interests of the residents of the City of Wheaton to contain a provision concerning the City's receipt of a dishonored check for water service and to modify the formatting of the Ordinance to make it easier for residents to read.

THE CITY COUNCIL OF THE CITY OF WHEATON ORDAINS:

That Ordinance No. 405.05 of the Code of Ordinance for the City of Wheaton is hereby amended to read as follows:

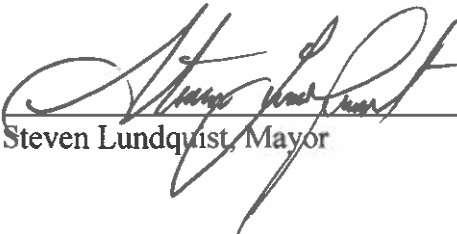
"405.05 Providing Procedures for Payment of Utility Bills and Water Service Shut Off.

1. Applications for utility service shall be made on forms prescribed by the City and accounts for utility service shall be made in the name of the owner. The owner shall be liable for water, sewer, and sanitary service supplied to the owner's property, whether or not the owner is occupying the property, and any unpaid charges shall become a lien on the property.
2. Utility charges shall be rendered monthly and consist of water, sewer, sanitary service, sales tax and penalty charges.
3. In the event said charges are not paid within twenty (20) days after the billing date, the bill will be considered delinquent and a penalty applied. The penalty shall be computed as 10% of the original bill and shall be increased the same 10% for every month the bill is outstanding.
4. The City shall cause notice to be served in writing, to the property address of the premises involved, stating that if payment is not made within seven (7) days after the date on which the notice is given, the water supply to the premises will be shut off.
 - A. Said notice shall clearly inform the customer of the available opportunities to present to the city objections to the bill, and shall identify the telephone number, address and officer or employee who will handle the customer's complaint, and who has the authority to review the facts and files, and to correct any errors in the billing and to arrange for credit terms.

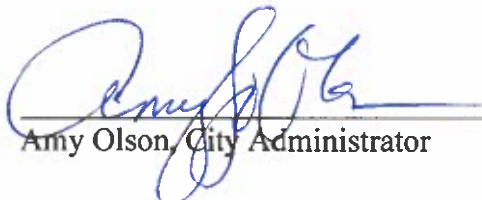
- B. The notice shall further state that the occupant or owner may before such date demand a hearing on the matter and in this event the supply will not be shut off until after the hearing is held.
- C. If the customer requests a hearing before the date specified on the notice, a hearing shall be held at least one (1) week after the date on which the request is made and shall be held by the City Council and if, as a result of the hearing, the City Council finds that the amount claimed to be due and owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this ordinance, the City may shut off the supply.
4. In the event water service is shut off due to non-payment of utility charges the owner shall, before water service is reconnected, pay the entire utility charge, which shall include the current and delinquent charges, as well as a \$50 reconnect charge and a \$100.00 deposit to be held as security for future charges.
5. In the event water service is shut off due to the City's receipt of a dishonored check, the owner shall, before water service is reconnected, pay the delinquency charges and fees described in the preceding paragraph in the form of cash, cashier's check, or a money order. No other form of payment will be accepted.
6. For all new utility accounts an applicant must pay a \$100.00 deposit to be held as security for future charges."

PASSED AND ADOPTED this 9th day of March, 2026.

WHEATON CITY COUNCIL


Steven Lundquist, Mayor

ATTEST:


Amy Olson, City Administrator

ESTABLISHMENT OF ORDINANCE NO. 406.05

AN ORDINANCE DEALING WITH WATER METERS IN THE CITY OF WHEATON

Findings.

1. The City of Wheaton currently has an Ordinance which regulates water meters in the City of Wheaton.
2. In existing Ordinance 405.05 there is a provision pertaining to the repair of water meters that the City Council believes should be moved to the water meter section..
3. It is in the best interests of the residents of the City of Wheaton to move the section pertaining in Ordinance 405.05 to a newly established Ordinance 406.05 in order for all provisions of water meters in the City's Ordinance to be located in one section.

THE CITY COUNCIL OF THE CITY OF WHEATON ORDAINS:

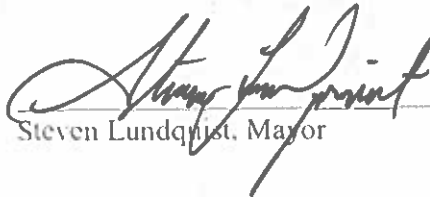
That Ordinance No. 406.05 of the Code of Ordinance for the City of Wheaton is hereby established to read as follows:

406.05 Repairs of Water Meters.

The City Council shall have the right to order repairs of any water meter found in improper working order and if the City Council determines it is not feasible or practicable to repair any water meter, a new water meter shall be installed and any water meter which is replaced or newly installed, shall be installed so that the water flows through the water meter horizontally."

PASSED AND ADOPTED this 23rd day of February, 2026.

WHEATON CITY COUNCIL


Steven Lundquist, Mayor

ATTEST:


Amy Olson, City Administrator

UTILITIES

406 WATER METERS

406.01 Definition.

As used in this ordinance, the word "meter" shall include a metering or measuring device connected to and an integral part of the water system of the City for the purpose of measuring the amount of water delivered from the City water main to any private premises, buildings, structures in the City.

406.02 Purchase and Ownership of Meters.

Any person installing a meter shall purchase the meter from the city and the city shall at its own expense, keep said meter in good and efficient operating condition and will at its sole expense make all necessary repairs and adjustments in said meter except such repairs as are made necessary by willful damage or negligence of the user. Should any such meter become so damaged or out of condition that it may not be economically repaired, the City, as its sole expense, will replace such meter.

406.03 Private Ownership.

In all instances where the ownership of a meter is not transferred to the City, the cost of removal, repair or replacement of such meter will be at the expense of the owner of the premises. Nothing herein shall be construed to limit or change the power of the City Council to repair and replace privately owned water meter pursuant to W.M.C. 405.10.

406.04 Interference with Meters.

No person not authorized by the City Council shall connect, or disconnect, or take apart, or in any manner change or cause to be changed, or interfere with the action, operation or regulation of a water meter. Whoever violates this section shall be deemed guilty of a misdemeanor punishable pursuant to W.M.C. 005.05.

UTILITIES

409 SEWER SERVICE CHARGE SYSTEM

An Ordinance providing for Sewer Service Charges to recover costs associated with:

1. Operation, maintenance and replacement to ensure effective functioning of the City's Wastewater Treatment System.
2. Local capital costs incurred in the construction of the City's Wastewater Treatment System.

ARTICLE I: Definitions

Unless the context specifically indicates otherwise, the meaning of the terms used in this ordinance shall be as hereafter designated.

Section 1: "Administration" - Those fixed costs attributable to administration of the wastewater treatment works (i.e. billing and associated bookkeeping and accounting costs).

Section 2: "Biochemical Oxygen Demand or BOD" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed milligrams per liter.

Section 3: "City" - The area within the corporate boundaries of the City of Wheaton, as presently established or as amended by Ordinance or other legal actions at a future time. When used herein the term City may also refer to the City Council or it's authorized representative.

Section 4: "Commercial User" - Any place of business which discharges sanitary waste as distinct from industrial wastewater.

Section 5: "Commercial Wastewaters" - Domestic wastewater emanating from a place of business as distinct from industrial wastewater.

Section 6: "Debt Service Charge" - A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct said facilities.

Section 7: "Normal Domestic Strength Wastewater" - Wastewater that is primarily produced by residential users, with BOD-5 concentrations not greater than 222 mg/l and suspended solids concentrations not greater than 261 mg/l.

Section 8: "Extra Strength Waste" - Wastewater having a BOD and /or TSS greater than domestic waste as defined in Article I, Section 7 above and not otherwise classified as an incompatible waste.

Section 9: "Governmental User" - Users which are units, agencies or instrumentalities of federal, state or local government discharging Normal Domestic Strength wastewater.

Section 10: "Incompatible Waste" - Waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to

humans or animals, creates a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works.

Section 11. Industrial Users or "Industries" are:

- a. Entitles that discharge into a publicly owned wastewater treatment works, liquid wastes resulting from the processes employed in industrial or manufacturing processes, or from the development of any natural resources. These are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemental under one of the following divisions:

Division A: Agriculture, Forestry and Fishing

Division B: Mining

Division D: Manufacturing

Division E: Transportation, Communications, Electric, Gas and
Sewers

Division I: Services

For the purpose of this definition, domestic waste shall be considered to have the following characteristics:

BOD 5 less than 222 mg/l

Suspended Solids less than 261 mg/l

- b. Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

Section 12: "Industrial Wastewater"

The liquid processing wastes from an industrial manufacturing process, trade, or business including but not limited to all Standard Industrial Classification Manual Divisions A, B, D, E and I manufacturers as distinct from domestic wastewater.

Section 13: "Institutional User"

Users other than commercial, governmental, industrial or residential users, discharging primarily Normal Domestic Strength wastewater (e.g. Non-profit organizations).

Section 14: "Operation and Maintenance"

Activities required providing for the dependable and economical functioning of the treatment works, throughout the design or useful life, whichever is longer of the treatment works, and at the level of performance for which the treatment works were constructed. Operation and Maintenance includes replacement.

Section 15: "Operation and Maintenance Costs"

Expenditures for operation and maintenance, including replacement.

Section 16: "Public Wastewater Collection System"

A system of sanitary sewers owned, maintained, operated and controlled by the City.

Section 17: “Replacement”

Obtaining and installing of equipment, accessories, or appurtenances which are necessary during the design life or useful life, whichever is longer, of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

Section 18: “Replacement Costs”

Expenditures for replacement.

Section 19: “Residential User”

A user of the treatment facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached and semi-detached housing, apartments, and mobile homes; and which discharges primarily normal domestic strength sanitary wastes.

Section 20: “Sanitary Sewer”

A sewer intended to carry only liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.

Section 21: “Sewer Service Charge”

The aggregate of all charges, including charges for operation, maintenance, replacement, debt service, and other sewer related charges that are billed periodically to users of the City’s wastewater treatment facilities.

Section 22: “Sewer Service Fund”

A fund into which income from Sewer Service Charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditure of the Sewer Service Fund will be for operation, maintenance and replacement costs; and to retire debt incurred through capital expenditure for wastewater treatment.

Section 23: “Shall” is mandatory; “May” is permissive.

Section 24: “Slug”

Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

Section 25: “Standard Industrial Classification Manual”

Office of Management and Budget, 1972.

Section 26: “Suspended Solids (SS) or Total Suspended Solids (TSS)”

The total suspended matter that either floats on the surface or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater”, latest edition, and referred to as non-filterable residue.

Section 27: “Toxic Pollutant”

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

Section 28: “User Charge”

A charge levied on users of a treatment works for the user's proportionate share of the costs of operation and maintenance, including replacement.

Section 29: "Users"

Those residential, commercial, governmental, institutional and industrial establishments which are connected to the public sewer collection system.

Section 30: "Wastewater"

The spent water of a community, also referred to as sewage. From the standpoint of source it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water and storm water that may be present.

Section 31: "Wastewater Treatment Works or Treatment Works"

An arrangement of any devices, facilities, structures, equipment, or processes owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations, thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

ARTICLE II: Establishment of a Sewer Service Charge System

Section 1: The City of Wheaton hereby establishes a Sewer Service charge system whereby all revenue collected from users of the wastewater treatment facilities will be used to affect all expenditures incurred for annual operation, maintenance, and replacement and for debt service on capital expenditure incurred in constructing the wastewater treatment works.

Section 2: Each user shall pay its proportionate share of operation maintenance and replacement costs of the treatment works, based on the users proportionate contribution to the total wastewater loading from all users.

Section 3: Each user shall pay debt service charges to retire local capital costs as determined by the City Council.

Section 4: Sewer Service rates and charges to users of the wastewater treatment facility shall be determined and fixed in a "Sewer Service Charge System" developed according to the provisions of this Ordinance. The Sewer Service Charge System developed with the assistance of Houston Engineering, Inc. shall be adopted by resolution upon enactment of this Ordinance, shall be published in the local newspaper, and shall be effective upon publication. Subsequent changes in Sewer Service rates and charges shall be adopted by Council resolution and shall be published in the local newspaper.

Section 5: Revenues collected for Sewer Service shall be deposited in a separate fund known as "the Sewer Service Fund". Income from revenues collected will be expended to offset the cost of operation, maintenance and equipment replacement for the facility and to retire the debt for capital expenditure.

UTILITIES

410 SEWER USE REGULATIONS

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

Be it ordained and enacted by the Council of the City of Wheaton, Minnesota as follows:

410.01.1 Definitions.

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

- Section 1. "Act" – The Federal Water Pollution Control Act also referred to as the Clean Water Act, as amended, 33. U.S.C. 1251, et seq.
- Section 2. "ASTM" – American Society for Testing Materials.
- Section 3. "Authority" – The City of Wheaton, Minnesota or it's representative thereof.
- Section 4. "BOD 5 or biochemical Oxygen Demand" –The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure I five (5) days at 20 degrees Centigrade in terms of milligrams per liter (mg/l).
- Section 5. "Building Drain" – that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the building wall.
- Section 6. "Building Sewer" – the extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.
- Section 7. "City"-the area within the corporate boundaries of the City of Wheaton as presently established or as amended by ordinance or other legal actions at a future time. The term "City" when used herein may also be used to refer to the City Council and it's authorized representative.
- Section 8. "chemical Oxygen Demand (COD)" = the quantity of oxygen utilized in the chemical oxidation of organic matter as determined by standard laboratory procedures, and as expressed in terms of milligrams per liter (mg/l).
- Section 9. "Compatible Pollutant" – Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS Permit if the treatment facilities are designed to treat such pollutants to a degree which complies with effluent concentration limits imposed by the permit.
- Section 10. "Control Manhole" - a structure specially constructed for the purpose of measuring flow and sampling of wastes.

- Section 11. "Easement" - an acquired legal right for the specific use of land owned by others.
- Section 12. "Fecal Coliform" - any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.
- Section 13. "Floatable Oil" - Oil, fat, or grease in a physical state, such that it will separate by gravity from wastewater.
- Section 14. "Garbage" - animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.
- Section 15. "Incompatible Pollutant" - any pollutant that is not defined as a compatible pollutant (Sec. 9) including non-biodegradable dissolved solids.
- Section 16. "Industry" - any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, which is categorized in Divisions A, B, D, E and I.
- Section 17. "Industrial Waste" - gaseous, liquid, and solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development, recovery and processing of natural resources, as distinct from residential or domestic strength wastes.
- Section 18. "Infiltration" - water entering the sewage system (including building drains and pipes) from the ground through such means as defective pipes, pipe joints, connections, and manhole walls.
- Section 19. "Infiltration/Inflow (I/I)" - the total quantity of water from both infiltration and inflow.
- Section 20. "Inflow" - water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.
- Section 21. "Interference" - the inhibition or disruption of the City's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the city's NPDES and/or SDS Permit. The term includes of sewage sludge use or disposal by the City in accordance with the published regulations providing guidelines under Section 405 of the Act or any regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria applicable to the method of disposal or use employed by the City.
- Section 22. "MPCA" - Minnesota Pollution Control Agency.
- Section 23. "National Categorical Pretreatment Standards" - federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater facilities which are determined to be not susceptible to treatment by such treatment facilities or would interfere with the operation of such treatment facilities, pursuant to Section 307(b) of the Act.
- Section 24. "National Pollutant Discharge Elimination System (NPDES) Permit" - a

- permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act.
- Section 25. "Natural Outlet" - any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.
- Section 26. "Non-Contact Cooling Water" - the water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added is heat.
- Section 27. "Normal Domestic Strength Waste" - wastewater that is primarily introduced by residential users with a BOD5 concentration not greater than 222 mg/l and a suspended solids (TSS) concentration not greater than 261 mg/l.
- Section 28. "Person" - any individual, firm, company, association, society, corporation or group.
- Section 29. "pH" - the logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.
- Section 30. "Pretreatment" - the treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works. (See Sec.23)
- Section 31. "Properly Shredded Garbage" - the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than ½ inch (1.27 cm) in any dimension.
- Section 32. "Sewage" - the spent water of a community. The preferred term is wastewater.
- Section 33. "Sewer" - a pipe or conduit that carries wastewater or drainage water.
- "collection water" - a sewer whose primary purpose is to collect wastewater's from individual point source discharges and connections.
 - "combined sewer" - a sewer intended to serve as a sanitary sewer and a storm sewer.
 - "force main" - a pipe in which wastewater is carried under pressure.
 - "interceptor sewer" - a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.
 - "private sewer" - a sewer which is not owned and maintained by a public authority.
 - "public sewer" - a sewer owned, maintained and controlled by a public authority.
 - "sanitary sewer" - a sewer intended to carry only liquid and water-carried water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.
 - "storm sewer or storm drain" - a drain or sewer intended to carry storm waters, surface runoff, ground water, sub-surface water, street wash water drainage, and unpolluted water from any source.

- Section 34. "Shall" is mandatory; "May" is permissive.
- Section 35. "Significant Industrial User" - any industrial user of the wastewater treatment facility which has a discharge flow (1) in excess of 25,000 gallons per average work day, or (2) has exceeded five percent (5%) of the total flow received at the treatment facility, or (3) whose waste contains a toxic pollutant in toxic amounts pursuant to section 307(a) of the Act, or (4) whose discharge has a significant effect, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or emissions generated by the treatment system.
- Section 36. "Slug" - any discharge of water or wastewater which in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment works.
- Section 37. "State Disposal System (SDS) Permit" - any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to Minnesota Statutes 115.07 for a disposal system as defined by Minnesota Statutes 115.01, Subdivision 8.
- Section 38. "Superintendent" - the utilities superintendent or a deputy, agent or representative thereof.
- Section 39. "Suspended Solids (SS) or Total Suspended Solids (TSS)" - the total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in "Standard Method for the Examination of Water and Wastewater", latest edition, and referred to as non-filterable residue.
- Section 40. "Toxic Pollutant" - the concentration of any pollutant or combination of pollutants which upon exposure to an assimilation into any organism will cause adverse effects as defined in standards issued pursuant to Section 307(a) of the Act.
- Section 41. "Unpolluted Water" - water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities. (See "non-contact cooling water", Sec.23).
- Section 42. "User" - any person who discharges or causes or permits the discharge of wastewater into the City's wastewater disposal system.
- Section 43. "Wastewater" - the spent water of a community and referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water and storm water that may be present.
- Section 44. "Wastewater Treatment Works or Treatment Works" - an arrangement of any devices, facilities, structures, equipment, or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers,

outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

Section 45. "Watercourse" - a natural or artificial channel for the passage of water, either continuously or intermittently.

Section 46. "WPCF" - the Water Pollution Control Federation.

410.02 Control by the Utilities Superintendent

Section 1. The Utilities Superintendent shall have control and general supervision of all public sewers and service connections in the city, and shall be responsible for administering the provisions of this ordinance to the end that a proper and efficient public sewer is maintained.

410.03

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

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

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

Section 4. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, which is situated within the City and adjacent to any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the City, shall be required at the owner(s) expense to install suitable service connection to the public sewer in accordance with provision of this code, within 120 days of the date said public sewer is operational, provided said public sewer is within 100 feet of the structure generating the wastewater. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this section, an official sixty (60) day notice shall be served instructing the affected property owner to make said connection.

Section 5. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Article II, Section 4, of the Ordinance, the City must undertake to have said connection made and shall assess the cost thereof

against the benefited property. Such assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the Auditor of the County of Traverse, Minnesota and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City shall be in addition to any remedial or enforcement provisions of this ordinance.

410.04 Private Wastewater Disposal

- Section 1. Where a public sewer is not available under the provisions of Article III, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.
- Section 2. Prior to commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the City. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary to the City.
- Section 3. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the City or it's authorized representative. The City or it's representative shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the City when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of the notice.
- Section 4. The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of 6 MCAR 4.8040, entitled, "Individual Sewage Treatment System Standards". No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- Section 5. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 60 days in compliance with the ordinance, and within 5 days any septic tanks, cesspools, and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.
- Section 6. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the City.
- Section 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the State of Minnesota.

410.05 Building Sewers and Connections

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

- Section 2. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.
- Section 3. Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of the building to be connected, and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.
- Section 4. There shall be two (2) classes of building sewer permits: a. for residential and commercial service, and b. for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the City.
- The industry, as a condition of permit authorization, must provide information describing it's wastewater constituents, characteristics, and type of activity.
- Section 5. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.
- Section 6. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.
- Section 7. Old buildings sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent or his representative, to meet all requirements of this ordinance.
- Section 8. The size, slopes, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling of the trench, shall all conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the City. In the absence of code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No.9 shall apply.
- Section 9. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- Section 10. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or indirectly to the wastewater disposal system.

- Section 11. The connection of the building sewer into the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight, and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the City prior to installation.
- Section 12. The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the superintendent or authorized representative thereof.
- Section 13. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work, shall be restored in a manner satisfactory to the City.
- Section 14. No person shall make a service connection with any public sewer unless regularly licensed under this chapter to perform such work, and no permit shall be granted to any person except such regularly licensed person.
- Section 15. Any person desiring a license to make a service connection with public sewers, shall apply in writing the City Council with satisfactory evidence that the applicant or employer is trained or skilled in the business and qualified to receive a license. All applications shall be referred to the Superintendent recommendations to the Council. If approved by the Council, such license shall be issued by the City Clerk upon filing of a bond as hereinafter provided.
- Section 16. No license shall be issued to any person until a \$10,000 bond to the city, approved by the Council, is filed with the City Clerk conditioned that the licensee will indemnify and save harmless the City from all suits, accidents, and damage that may arise by reason of any opening any street, alley, or public ground, made by the licensee or by those in the licensee's employment for any purpose whatever, and that the licensee will replace and restore the street and alley over such opening to the condition existing prior to installation adequately guard with barricades and lights and will keep and maintain the same to the satisfaction of the Superintendent, and shall conform in all respects to the rules and regulations of the council relative thereto, and pay all fines that may be imposed on the licensee by law.
- Section 17. The license fee for making service connections is \$10.00. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked by the council for cause. Upon failure to apply for a license renewal prior to the expiration date thereof, the license fee for the ensuing year shall be \$15.00.
- Section 18. The Council may suspend or revoke any license issued under this article for any of the following causes:
- a. Giving false information in connection with the application for a license.
 - b. Incompetence of the licensee.

- c. Willful violation of any provisions of this article or any rule or regulation pertaining to the making of service connections.

410.06 Use of Public Services

- Section 1. No person(s) shall discharge or cause to be discharged any unpolluted water such as storm water, ground water, roof runoff, surface drainage, or non-contact cooling water to any sanitary sewer.
- Section 2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the City and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the City and upon approval and the issuance of a discharge permit by the MPCA.
- Section 3. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- a. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
 - b. Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grindings or polishing wastes.
 - c. Any wastewater having a pH of less than 5.0 or greater than 9.5 or having no other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater disposal system.
 - d. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- Section 4. The following described substances, materials, water, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works treatment

process or equipment, will not have an adverse effect on the receiving stream and/or soil, vegetation and ground water, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of wastes, the Superintendent will give consideration to such factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the City's NPDES and/or SDS permit, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater's discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

- a. Any wastewater having a temperature greater than 150 degrees Fahrenheit (65.6 degree Celsius) or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104 degrees Fahrenheit (40 degrees Celsius) or having heat in amounts which will inhibit biological activity in the wastewater treatment works resulting in interference therein.
- b. any wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit (0 degree Celsius and 65.6 degrees Celsius); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not.
- c. any quantities of flow, concentrations, or both which constitute a "slug" as defined herein. (See 410.01, Section 33)
- d. any garbage not properly shredded, as defined in 410.01, Section 28. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food on the premises or when served by caterers.
- e. any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.
- f. any wastewater with objectionable color not removed in the treatment process, such as, but not limited to dye wastes and vegetable tanning solutions.
- g. non-contact cooling water or unpolluted storm, drainage, or groundwater.
- h. wastewater containing inert suspended solids, (such as, but not limited to , Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that would cause disruption with the wastewater disposal system.

- i. any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
- j. any waters or wastes containing the following substances to such degree that any such material received in the composite wastewater at the wastewater treatment works in excess of the limits established by the superintendent for such materials:

arsenic	mercury
cadmium	nickel
copper	silver
cyanide	total chromium
lead	zinc
phenolic compounds which cannot be removed by City's wastewater treatment system.	
- k. any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule, regulation, or ordinance of any regulatory agency, or state or federal regulatory body.
- l. any waters or wastes containing BOD 5 or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment works, except as maybe permitted by specific written agreement subject to the provisions of Section 16 of this ordinance.

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

- a. reject the wastes
- b. require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act and all addendums thereof,
- c. require control over the quantities and rates of discharge, and/or,
- d. require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer service charges.

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

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

Section 7. Where pretreatment or flow-equalizing facilities are provided or required

- for any water or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner(s).
- Section 8. Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 4(b), any flammable wastes as specified in Section 3(a), sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collecting materials not performed by the owner's personnel, must be performed by a currently licensed waste disposal firm.
- Section 9. Where required by the city, the owner of an property serviced by a building sewer carrying industrial wastes shall install a suitable structure, or control manhole, with such necessary meters and other appurtenances in the building sewer to facilities observation, sampling and measurement of wastes. Such structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The structure shall be installed by the owner at his expense and shall be maintained by the owner to be safe and accessible at all times.
- Section 10. The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the city, be required to provide laboratory measurements, tests, or analysis's of waters or wastes to illustrate compliance with this ordinance and any special condition for discharge established by the city or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analysis to be performed by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with Federal, State and local standards are being met. The owner shall report the results of measurements and laboratory analysis to the City at such times and in such manner as prescribed by the city.
- The owner shall bear the expense of all measurements, analysis, and reporting required by the city. At such times as deemed necessary, the city reserves the right to take measurements and samples for analysis by an independent laboratory.
- Section 11. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the superintendent.
- Section 12. Where required by the City, the owner of any property serviced by a

sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this ordinance. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the superintendent for review and approval prior to construction of the facility. Review and approval of such plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this ordinance. Users shall notify the superintendent immediately upon having a slug or accidental discharge of substances of wastewater in violation of this ordinance to enable countermeasures to be taken by the superintendent to minimize damage to the wastewater treatment works. Such notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the city on account thereof under any state and federal law. Employees shall insure that all employees who may cause or discover such a discharge, are advised of the emergency notification procedure.

Section 13. No person, having charge of any building or other premises which drains into the public sewer, shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. With 10 (ten) days after receipt of written notice from the City, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same, and perform such other work as the Superintendent may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of five (5) days, the Superintendent may cause such work to be completed at the expense of the owner or representative thereof.

Section 14. Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause such work to be done as the Superintendent may direct. Each day after ten (10) days that a person neglects or fails to act shall constitute a separate violation of this section, and the Superintendent may then cause the work to be done, and recover from such owner or agent the expense thereof by an action in the name of the City.

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

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

Section 17. No statement contained in this article shall be construed as preventing any

special agreement or arrangement between the City of Wheaton and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern, providing that National Categorical Pretreatment Standards and the City's NPDES and/or State Disposal System Permit limitations are not violated.

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

410.08 Each user of sewer service shall pay the charge(s) applicable to the type of service, and in accordance with the provisions set forth in Ordinance No.409.

410.09 Powers and Authority of Inspectors.

Section 1. The superintendent or other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling, and testing pertinent to the discharges to the City's sewer system in accordance with the provisions of this ordinance.

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

Section 3. While performing necessary work on private properties, the superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage or it's property by City employees and against liability claims and demands for personal injury or property damage assert against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in 410.06, Section 9 of this ordinance.

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

410.10 Penalties.

- Section 1. Any person found to be violating any provision of this ordinance, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- Section 2. Any person who shall continue any violation beyond the time limit provided for in Section 1 of this ordinance, 410.10, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount not exceeding \$100.00 for each violation. Each day in which any such violation occurs shall be deemed as a separate offense.
- Section 3. Any person violating any of the provision of this ordinance shall become liable to the City for any expense, loss, or damage occasioned by the City by reason of such violation.

410.11 Validity.

- Section 1. This ordinance shall be in full force and take effect from and after it's passage and approval and publication as provided by law.
- Section 2. All other ordinances and parts of other ordinances inconsistent or in conflict with any part of this ordinance, are hereby repealed to the extent of such inconsistency or conflict.
- Section 3. Passed by the City Council of Wheaton on November 17, 1988.

UTILITIES

411 CAR WASHES

411.01 Public Garages; Wash Racks.

All public garages or other establishments in the City of Wheaton maintaining wash racks for washing automobiles which wash racks shall be connected with the public sewers of said City shall install and maintain in connection with such racks a catch basin of adequate size to be approved the City Council, calculated to prevent dirt and other sediment from being carried into the public sewers of the City of Wheaton; and such catch basin shall be frequently cleaned and as often as may be required to prevent dirt being lodged in the public sewers therefrom.

411.02 Permit; Inspection Fee.

Any person wishing to maintain a wash rack which shall come within the provisions of the foregoing section shall apply in writing to the City Council of the City of Wheaton for a permit therefor, and shall pay the cost of inspection of the catch basin to be maintained in

connection therewith, which inspection shall be made as frequently as may be required by the Council.

411.03 Penalty.

Violation of any provision of this ordinance shall be a misdemeanor punishable pursuant to W.M.C. 005.05.

SOLID WASTE

415 REFUSE COLLECTION AND DISPOSAL

415.01 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garbage means organic waste resulting from the preparation of food, and decayed and spoiled food from any source.

Recyclables include paper, plastic, tin cans, aluminum, motor oil, glass, and other metal goods, each separated or otherwise prepared so as to be acceptable to the recycling center where they are to be deposited.

Recycling center means premises used for the receipt, storage, or processing of recyclables and approved as such by the council when the premises are in the city or by the governing body of the local government unit having jurisdiction when the premises are outside the city.

Refuse means garbage and rubbish.

Rubbish means inorganic solid waste such as tin cans, glass, food wrapper, paper, ashes, sweepings, etc.

Accessible means free of snow, motor vehicles or other obstructions.

415.02 Unauthorized accumulation.

Any unauthorized accumulation of refuse on any premises is a nuisance and prohibited.

415.03 Refuse in streets, other public places.

No person shall place any refuse on or in any street, alley, or public place or upon any private property except in proper containers for collection as specified in 415.11. No person shall throw or deposit refuse in any stream or other body of water.

415.04 Scattering of refuse.

No person shall deposit any refuse anywhere within the city in such manner that it may be carried and/or deposited by the elements upon any public or private premises within the city.

415.05 Burying of refuse; composting.

No person shall bury any refuse in the city. Leaves, grass clippings, and easily biodegradable, nonpoisonous garbage may be composted on the premises where such refuse has been accumulated.

415.06 Disposal required.

Every person shall dispose of any and all refuse that may accumulate upon property that they own or occupy in a sanitary manner. Every household occupant and land owner of any residence within city limits shall use the refuse collection service provided by the city.

415.07 Municipal collection.

- (a) *City system established.* There is established a municipal system for the collection and disposal of refuse accumulated within the city. Any person may transport recyclables to a recycling center. However, no person except an authorized city employee shall collect, dispose of, or convey over any street or alley of the city any refuse accumulated in the city except as provided in section 415.05.
- (b) *Responsibility of city system.* The public works superintendent shall supervise and control the collection and disposal of refuse. In accordance with regular personnel and purchasing procedures, he shall employ necessary personnel and acquire necessary equipment to provide for the collection and disposal of refuse accumulated within the city. The City Council may adopt rules and regulations necessary to supplement the provisions of this article.

415.08 Rates and charges.

- (a) *Schedule.* The owner or occupant of any premises served by the city refuse collection system shall pay to the city a service charge assessed in accordance with the rates that the council periodically establishes by resolution.
- (b) *Billing.* The service charge shall be made to the owner or occupant of each building or housing unit served. The refuse collection charge shall be billed as a separate entry on the water or sewer bill. If the premises are not so served, the refuse collection charge shall be separately billed by the city utility department.
- (c) *Payment.* Services charges shall be payable at the same time as bills for water service and subject to the same conditions of payment. Each and every reference service charge levied by and pursuant to this Ordinance is hereby made a lien upon the lot or premises served, and all such charges which are, on October 20 of each year, past due and delinquent, may be certified to the County Auditor as taxes or assessments on the real estate. Nothing in this Ordinance shall be held or construed as in any way stopping or interfering with the right of the City to levy taxes or assessments against any premises affected by any delinquent or past due water service charges. The city administrator shall certify the assessment to the county auditor for collection in the same manner as assessments for local improvements.
- (d) *Fund.* All service charges shall be deposited in a separate fund designated as the refuse fund.

415.09 Refuse collection schedule.

The municipal collection service shall collect refuse from premises once weekly.

415.10 Collection vehicles.

Every refuse collection vehicle shall be lettered on the outside so as to identify the licensee (contractor). Every vehicle used for hauling garbage shall be covered, leak proof, durable, and of easily cleanable construction. Every vehicle used for hauling refuse shall be sufficiently airtight and so used as to prevent unreasonable quantities of dust, paper or other collected materials to escape. Every vehicle shall be kept clean to prevent nuisances, pollution or insect breeding, and shall be maintained in good repair.

415.11 Official refuse container.

(a) Establishment.

- (1) All residential refuse must be packaged in a bag or commercially manufactured refuse can no greater than 32 gallons in volume. Cans must be round with removable lids. No other containers will be accepted for curbside collection by the public works department.
- (2) All refuse containers must be properly tagged to assure pick up. Two types of tags are available:
 - Yellow – must be attached to bags no greater than 16 gallons in volume.

AMENDMENT TO ORDINANCE NO. 415.11

**AN ORDINANCE DEALING WITH OFFICIAL REFUSE CONTAINERS
IN THE CITY OF WHEATON**

Findings.

1. Several years ago the City of Wheaton amended its procedures in how refuse was picked up in the City of Wheaton, switching from using a bag or any commercially manufactured refuse can no larger than 32 gallons along with a yellow or pink tag to now using only a city-dispensed commercially manufactured refuse can with no more tags;
2. The existing Ordinance was not updated at the time of the change in order to accurately reflect the new procedures; and
3. The Wheaton City Council believes that it is in the best interests of the residents of the City of Wheaton to update its Ordinance to accurately reflect how refuse collection is conducted in the City of Wheaton.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHEATON ORDAINS AS
FOLLOWS:**

1. That Wheaton City Ordinance 415.11 is hereby amended to read as follows:

"415.11. Official refuse container.

- (a) All residential refuse must be packaged in a commercially manufactured refuse container provided only by the City of Wheaton in either a 35 gallon, 65 gallon, or 95 gallon container. No other containers will be accepted for curbside collection by the public works department.
 - (b) In order to be eligible for pickup by the City's public works department, the lids to the containers must be fully closed, and no refuse may be placed on top of the container.
 - (c) The containers should be put by no later than 7:00 a.m. on the day of pickup. Failure by a resident to have a container set out by this time may result in the resident's garbage not getting picked up for that week.
2. All other existing provisions of Ordinance 415.11 are hereby repealed.

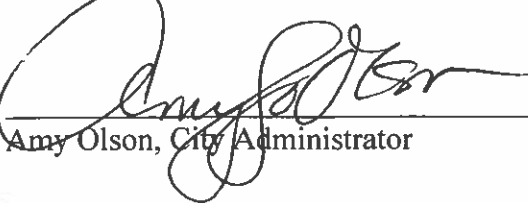
PASSED AND ADOPTED this 24th day of June, 2021.

WHEATON CITY COUNCIL



Ed Rikimoto, Vice-Mayor

ATTEST:



Amy Olson, City Administrator

- Pink – must be attached to bags or cans no greater than 32 gallons in volume.

The charge for tags shall be periodically set by the council by resolution.

- (3) No container that is set out for curbside collection with a yellow tag shall be filled to in excess of 15 pounds total weight. No container that is set out for curbside collection with a pink tag shall be filled to in excess of 40 pounds total weight. Containers weighing greater than 15 pounds attached with a yellow tag, containers weighing greater than 40 pounds attached with a pink tag, or containers not tied at their opening shall be deemed nonconforming and subject to the provisions of subsection (b) of this section.
- (b) *Nonconforming refuse container.* The public works department shall have discretion to determine which refuse containers are in conformance to this ordinance. Any refuse containers which are not in conformance with this ordinance will not be picked up until it meets the requirements outlined in 415.11 (a).

415.12 Commercial refuse service in residential areas limited.

- (a) No private commercial hauler shall supply a container or service to a property that utilizes that container or service to a large degree for the disposal of refuse.
- (b) No private commercial hauler's refuse container shall be allowed in any city residential zone for a period exceeding 60 days, and then only for the purposes of one-time cleanup projects such as new construction. Containers are not allowed to be place on city streets or alleys.

415.13 Dumpsters.

- (a) *USES:*

- (1) Commercial – In lieu of the official refuse container, commercial businesses may purchase a dumpster from the city for refuse disposal. Dumpsters must be located at the business site and shall not be used for residential refuse.
- (2) Residential – Residents may rent a dumpster from the city for cleanup projects, and may only be rented for duration of one month unless authorized by the public works department.

- (b) *PLACEMENT:*

- (1) Dumpsters must be placed upon private property. Under no circumstances can a dumpster be placed on roads, right-of-ways, or alleys.
- (2) Dumpsters must be placed on a concrete or asphalt surface and be accessible to the refuse collection vehicle. Accessibility is determined at the time of refuse pick up by the public works employees.

AMENDMENT TO ORDINANCE NOS. 450.02

**ORDINANCES DEALING WITH SANITARY INSPECTIONS
IN THE CITY OF WHEATON**

Findings.

1. The City of Wheaton has enacted a Health and Sanitation Ordinance which includes a section dealing with inspections of properties within the City.
2. Said section does not specifically allow inspections to take place prior to the City's annual notice that is published in the local paper .
3. The City Council believes that it is in the best interests of the citizens of the City of Wheaton to amend the ordinance section dealing with land use permits to set an end date for a land use permit that has been issued.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHEATON ORDAINS AS
FOLLOWS:**

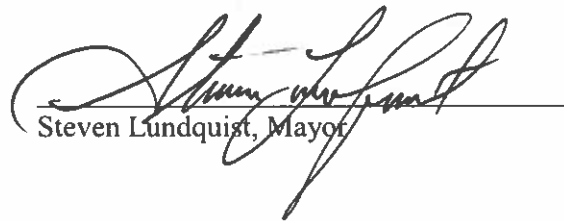
Section 1. That Ordinance No. 450.02 of the Code of Ordinance for the City of Wheaton is hereby amended to add the following provision:

"450.02 Sanitary Inspection.

Throughout the year the City Council's authorized agent shall make a thorough sanitary inspection of all public and private property in the municipality. After each inspection a report shall be transmitted to the City Council regarding what properties were not in compliance with City Ordinance, and what action was taken by the agent to get the properties into compliance."

PASSED AND ADOPTED this 13th day of April, 2026.

WHEATON CITY COUNCIL


Steven Lundquist, Mayor

ATTEST:


Amy Olson, City Administrator

HEALTH AND SANITATION

450 Inspection

450.01 Order to Clean Up Premises.

In every year, the City Council shall cause a notice to be inserted in the official city paper at the expense of the municipality ordering persons to clean thoroughly all yards and premises; and to cause all tin cans, bottles, trash, rubbish, debris and manure to be removed therefrom.

450.02 Sanitary Inspection.

Thereafter each year the City Council shall make a thorough sanitary inspection of all public and private property in the municipality. They shall transmit this report, together with any recommendations, to the City Council.

450.03 Individual Orders: Reinspection.

If, upon inspection, the above order has not been complied with as to any lot or parcel of ground, individual orders served in person or by mail requiring owners, occupants or agents of such premises to clean up the same within ten days shall be issued by the City Council and a reinspection made of such premises at the expiration of said ten-day period. Said order shall provide that, unless the condition is abated within ten days, the health officer will abate or remove, or cause to be abated or removed, at the expense of the owner, such condition, complained of and found to exist.

450.04 Removal: Assessment of Cost.

Upon failure of any owner, occupant or agent to comply with the above order, shall report the same to the City Council and upon it's approval of such proposed action, the health officer shall direct the City Maintenance Supervisor to clean up the property as described and ordered. The City Maintenance Supervisor shall report the cost, of such work to the city clerk and such cost if not paid promptly shall be certified to the auditor of the county and by that officer extended upon the tax rolls and collected as taxes, and when so collected shall be paid over to the City treasurer.

450.05 Conditions Prohibited.

It shall be unlawful for the owner or occupant of any property to permit to cause to accumulate upon such property any nuisance affecting health, source of filth or cause of sickness and fail to remove the same after the notices provided above.

450.06 Periodic Inspections.

Subsequent to and independent of the annual inspection and clean-up, the health officer shall make periodic inspections of properties within the municipality and shall proceed as provided (in Sections 2, 3, and 4) to remove or abate any condition prohibited herein.

450.07 Inspection of Interiors.

The sanitary inspection authorized by this ordinance may include the interior of any public or private structure within the city of Wheaton for the purpose of determining the existence of filth, contaminated substances, vermin, pests, rats, fecal matter and any other unsanitary

condition or source of sickness and disease. However, such interior inspections shall be conducted only when the health officer has reasonable cause to believe that such conditions exist and such inspection shall be conducted only between the hours of 8:00 a.m. and 8:00 p.m. All provisions of this ordinance, including those with respect to individual orders to clean up, reinspection, public removal after notice and assessment of cost shall apply to interior conditions. It shall be unlawful for the owner or occupant of any premises to deny access to the duly constituted health officer or to otherwise interfere with said officer in the exercise of his official duties.

450.08 Penalty.

Any person, firm or corporation failing or refusing to comply with any lawful order to clean up any property as herein provided or causing or permitting the accumulation of any nuisance affecting health, source of filth, or cause of sickness upon any property in any year after it has been cleaned up under the provision hereof shall be guilty of a misdemeanor punishable pursuant to W.M.C. 005.05.

450.09 Repeal.

This ordinance is supplementary and shall not deprive the City of Wheaton of any of its powers in regard to nuisances and the abatement thereof, whether derived from common law, statute or ordinance, and the City of Wheaton may, at its option, proceed under this ordinance or any other law or ordinance for the punishment of maintaining or for the abatement of nuisances.

HEALTH AND SANITATION

455 REGULATION OF CITY DEMOLITION SITE

455.01 Location of Dumping Ground.

The following described tract of land, in the County of Traverse and State of Minnesota, is hereby set aside and established as a city demolition site.

Legal Description

The Northeast Quarter of the Southwest Quarter (NE $\frac{1}{2}$ SW $\frac{1}{4}$) except
The South Half of the Southwest Quarter of the Northeast Quarter of the
Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) and except the North 10
Rods and except 163 feet x 794 feet directly East of Blocks 16, 15 and the
North half (N $\frac{1}{2}$) of 14 of F.W. Johnson's Addition, Section 17, Township 127,
Range 46 (27.03 acres)

455.02 Highly Inflammable and Explosive Materials.

Only items permitted by state guidelines will be allowed to be deposited at the demolition site.

455.03 Penalty.

Violation of any provision of this ordinance shall be a misdemeanor punishable pursuant to W.M.C. 005.05.

MORALS & CONDUCT

460 SEXUAL OFFENDERS AND SEXUAL PREDATORS

460.01 Findings and Purpose

- A. Repeat sexual offenders, sexual offenders who use physical violence and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses, and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, and specifically to the City of Wheaton, while incalculable, clearly exorbitant.
- B. It is the intent of this article to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.

460.02 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **Designated Offender** means any person who has been convicted of a designated sexual offense, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, or has been categorized as a Level III sex offender under Minnesota Statute 244.052 or a successor statute.
- B. **Designated Sexual Offense** means a conviction, adjudication of delinquency, commitment under Minnesota Statute 253B, or admission of guilt under oath without adjudication involving any of the following offenses: 609.342; 609.343; 609.344; 609.345; 609.352; 609.365; 617.23; 617.246; 617.247; 617.293; successor statutes; or a similar offense from another state.
- C. **Permanent Residence** means a place where the person abides, lodges, or resides for fourteen (14) or more consecutive days. An ownership interest by the person in such residence is not required.
- D. **Temporary Residence** means a place where the person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year, and which is not the person's permanent address or a place where the person routinely

abides, lodges, or resides for a period of four or more consecutive or nonconsecutive days in any month, and which is not the person's permanent residence.

460.03 Sexual Offender and Sexual Predator Residence Prohibition; Penalties; Exceptions.

A. Prohibited Location of Residence. It is unlawful for any designated offender to establish a permanent residence or temporary residence:

1. Within 2,000 feet of any school, playground, licensed day care provider, or city park; or
2. Within 1,000 feet of any designated public school bus stop, place of worship which provides regular educational programs (i.e. Sunday school), or other places where children are known to congregate.

B. Measurement of Distance.

1. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to nearest outer property line of a school, licensed day care provider or city park.
2. The City Administrator shall maintain an official map showing prohibited locations as defined by this Ordinance. The City Administrator shall update the map at least annually to reflect any changes in the location of prohibited zones. The map shall not be deemed conclusive or all-encompassing since prohibited zones change from time to time including but not limited to designated public school bus stops or other places where children are known to congregate.

C. Prohibited activity. It is unlawful for any designated offender to participate in a holiday event involving children under eighteen (18) years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, or wearing an Easter Bunny costume on or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this paragraph.

D. Penalties. A person who violates this section shall be punished by a fine not exceeding \$1,000.00 or by confinement for a term not exceeding 90 days, or by both such fine and confinement. Each day a person maintains a residence in violation of this ordinance constitutes a separate violation.

E. Exceptions. A designated offender residing within a prohibited area as described herein does not commit a violation of this section if any of the following apply:

1. The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statute 243.166, 243.167, or successor statute, prior to enactment of this ordinance.
2. The person was a minor when he/she committed the offense and was not convicted as an adult.
3. The person is a minor.
4. The school or licensed day care provider within 2,000 feet of the person's permanent residence was opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statute 243.166 or 243.167.
5. The residence is also the primary residence of the person's spouse or minor children.
6. The residence is a property owned or leased by the Minnesota Department of Corrections.

460.04 Property Owners Prohibited From Renting Real Property to Certain Sexual Offenders and Sexual Predators; Penalties.

- A. It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this Chapter, if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location zone described in this ordinance.
- B. A property owner's failure to comply with provisions of this Section shall constitute a violation of this Section, and shall subject the property owner to the code enforcement provisions and procedures as provided herein.
- C. If a property owner discovers or is informed that a tenant is a designated offender after signing a lease or otherwise agreeing to let the offender reside on the property, the owner or property manager may evict the offender.

460.05 Severability.

Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid."