

TITLE V: PUBLIC WORKS

Chapter

50. GENERAL UTILITY PROVISIONS

51. WATER

52. SEWERS

**APPENDIX: SEWER CONSTRUCTION PERMIT AND
APPLICATION FORMS**

53. GARBAGE AND RUBBISH

54. STORM WATER DRAINAGE UTILITY

Hamburg - Public Works

General Utility Provisions

CHAPTER 50: GENERAL UTILITY PROVISIONS

Section

- 50.01 Collection of payment; liability of owner and renter
- 50.02 Discontinuance of service; procedures

- 50.99 Penalty

§ 50.01 COLLECTION OF PAYMENT; LIABILITY OF OWNER AND RENTER.

(A) In the case of property receiving water, sewer, garbage, or any other municipal utility for which the city bills the user, where the owner is not the occupant, the user, occupant, lessee, or owner shall be jointly and severally liable for the payment of the utility use. Upon nonpayment of a delinquent utility bill, that bill may be recovered from the user, occupant, lessee, or owner therefor, pursuant to § 50.02 of this code. The election by the city to pursue this action against any of the same shall not release the others of liability therefor and only at the time as payment is made in full by any or all of them shall any of these persons be relieved of that liability.

(B) When a nonowner of the property served quits or vacates the premises, it shall be the responsibility of both the nonowner and owner to notify the city of the date of that quitting or vacating of the premises and notifying the city of a new tenant if known. Any utility used, or the minimum monthly bill, whichever is greater, shall from that date on be billed to the owner of the premises until further notification to the contrary. It shall be the owner's responsibility to instruct the city to disconnect the service. In the event of disconnection, the owner shall pay a reconnection service charge in the amount established by resolution, prior to reconnection being made. ('82 Code, § 2-610) (Ord. 102, passed 2-8-83)

§ 50.02 DISCONTINUANCE OF SERVICE; PROCEDURES.

(A) In any case where charges for municipal utility service have not been paid within 30 days after the date due, and where satisfactory payment arrangements have not been made, water and other municipal utility services to the premises may be discontinued in accordance with the requirements of this section. Discontinuance of service for any other reason shall be made in accordance with the requirements set forth in other parts of this code which deal with discontinuance of service for nonpayment of amounts owed for those reasons.

(B) The City Clerk-Treasurer shall cause written notice of intent to discontinue service for nonpayment of amounts owed to be served upon the customer personally, or by certified mail, or by leaving a copy of the notice at the premises served. The notice shall state that if payment is not

Hamburg - Public Works

received on or before a date stated in the notice, services specified in the notice will be discontinued. That date shall not be less than three days after the date upon which the notice is given. The notice shall also state that the person may, before that date, file with the City Clerk-Treasurer a demand for hearing on the matter, in which case service will not be discontinued until the hearing has been held.

(C) If a hearing is demanded by the date specified, a hearing shall be held on the matter by the hearing officer, appointed by a majority vote of the City Council, at least three days after the date on which the request was made. The hearing officer shall not have the authority to dispose of the matter, but shall submit a written transcript of the hearing to the City Council prior to the next regular meeting. If, as a result of the hearing, the Council finds that there is an unpaid charge for service and that there is no legal reason why service should not be discontinued, the Council may order that service be immediately discontinued. Unless payment arrangements satisfactory to the City Clerk-Treasurer have been made, service shall not be restored until all delinquent charges, including reconnection charges, are paid.

(D) No service of a residential customer shall be disconnected if the disconnection affects the primary heat source for the residential unit when the disconnection would occur during the period between October 15 and April 15, the customer has declared inability to pay on forms provided by the city, the household income of the customer is less than 185% of the federal poverty level as documented by the customer to the city, and the customer's account is current for the billing period immediately prior to October 15 or the customer has entered into a payment schedule and is reasonably current with payments under the schedule. The city shall, between August 15 and October 15 of each year, notify all residential customers of these provisions.

('82 Code, § 2-611) (Ord. 95, passed 3-9-82)

§ 50.99 PENALTY.

(A) Any person who shall violate any provision of this title for which no other penalty is given shall be subject to the penalties as set forth in § 10.99 of this code.

(B) Any person who shall violate any provision of §§ 50.01, 50.02 or 51.01 through 51.09 of this code shall, upon conviction thereof, be guilty of a petty misdemeanor.

('82 Code, § 2-699) (Ord. 95, passed 3-9-82) Penalty, see § 10.99

Water

CHAPTER 51: WATER

Section

- 51.01 Water tap; permit required
- 51.02 Tap permit; application and fee
- 51.03 Permit fee for each building; exception
- 51.04 Remote meter reader unit required
- 51.05 Separate connections required
- 51.06 Building service line; responsibility; leaks
- 51.07 Unauthorized use of water
- 51.08 Connection to outside water supply prohibited
- 51.09 Restricted use periods

§ 51.01 WATER TAP; PERMIT REQUIRED.

No person, corporation, firm, or entity of any sort shall make or cause to be made any new or additional connection with any water main in the city without first obtaining from the City Council a permit therefor as hereinafter set forth.

(‘82 Code, § 2-601) (Ord. 38, passed - -) Penalty, see § 50.99

§ 51.02 TAP PERMIT; APPLICATION AND FEE.

Application for water connection permits shall be made at the office of the City Clerk-Treasurer. Each application shall be accompanied by a fee in the sum equal to the cost of the water meter and outside reader unit plus 10% of that amount. The City Council shall act on pending applications at the next regular meeting, and in cases where permits are issued, the permit shall specify the manner and conditions under which connections with the water main may be made by the applicant.

(‘82 Code, § 2-602) (Ord. 96, passed 7-13-82)

§ 51.03 PERMIT FEE FOR EACH BUILDING; EXCEPTION.

The above fee or charge shall be paid for each and every water main tapping or connection for each and every lot and from each and every house, dwelling, residence, outhouse, barn, store, hotel, or building of whatsoever name or nature, and whether the same be made directly or indirectly, or through or by means of the connection with the water main or any other lot or house, dwelling, residence, outhouse, barn, store, hotel, or other building. Provided, however, that when more than one building other than dwellings or residences is situated on any lot, piece, or parcel of land, a connection from the building shall be considered as only one connection and only one meter reader charge shall be made.

(‘82 Code, § 2-603) (Ord. 96, passed 7-13-82)

Hamburg - Public Works

§ 51.04 REMOTE METER READER UNIT REQUIRED.

A remote water meter reading unit shall be installed on an exterior wall or surface, in a location reasonably accessible to municipal employees, for every newly constructed building receiving a municipal water meter. There shall be a remote reading unit installed on an exterior wall or surface, in a location reasonably accessible to municipal employees, for every existing building receiving metered municipal water service, at the time that a water meter is installed or at the time that the existing water meter is replaced, removed, altered, relocated, or changed because of the water meter being inaccessible, in need of repair or adjustment, broken, inoperative, or for any other reason, regardless of liability. The cost of the purchase and installation of the remote reading unit shall be paid by the customer to the municipality upon direction from the City Clerk-Treasurer or Water Superintendent. ('82 Code, § 2-604) (Ord. 96, passed 7-13-82)

§ 51.05 SEPARATE CONNECTIONS REQUIRED.

No more than one house or building shall be supplied from one service connection. The Council, or Water Commissioner, or Building Inspector, when authorized to do so by the Council, may waive this requirement upon a finding that a separate service connection to any house or building is impractical. Whenever two or more houses or buildings are supplied from one building service line connected to a public water main, each house, building, or part thereof separately supplied shall have a separate curbstop and a separate meter reader unit. ('82 Code, § 2-616) (Ord. 99, passed 10-12-82) Penalty, see § 50.99

§ 51.06 BUILDING SERVICE LINE; RESPONSIBILITY; LEAKS.

(A) *Responsibility for building service line.* All water building service lines connecting the public water main to the property served, from and including the curbstop shut-off device to its connection with the interior plumbing system and the interior plumbing system of the house or building served, shall be owned by and all expenses of maintaining, repairing, and replacing them shall be borne by the owner of the property served. For the purpose of defining areas of responsibility the identifying curbstop shall be the curbstop closest to the public water main, regardless of the length of the building service line between the curbstop and the property being served, or whether or not the building service line from the above-defined curbstop is on public or private property, or whether or not other curbstops exist within the building service line system.

Water

(B) *Repair of leaks.* The customer, and also the owner, occupant, or lessee, if not the customer, shall be responsible for repair of any leaks in the building service line as defined in division (A) of this section. If any such leak is not repaired within the time allowed in the notice, after notice to any of them to repair the leak, including notice left at the premises, the Water Superintendent may shut the water off. When the waste of water is great or damage is likely to occur from the leak, the Water Superintendent may turn the water off immediately and thereafter give notice to repair, as provided herein.

(‘82 Code, §§ 2-617, 2-618) (Ord. 99, passed 10-12-82)

§ 51.07 UNAUTHORIZED USE OF WATER.

No person other than an authorized city employee shall take water from a fire hydrant, from a city water tank filling station, or from any other city facility without first obtaining authority to do so from the Water Superintendent.

(‘82 Code, § 2-619) (Ord. 99, passed 10-12-82) Penalty, see § 50.99

§ 51.08 CONNECTION TO OUTSIDE WATER SUPPLY PROHIBITED.

No person shall connect any water pipe of the city water supply system with any pump, well, or tank that is connected to any other source of water supply. If any such connection exists, the customer, owner, or other person in charge of the premises shall forthwith sever the connection. When any such connection is found, the Water Superintendent may notify the customer, owner, or other person in charge of the premises to sever the connection immediately. If this is not done immediately, the Water Superintendent may turn off the water supply. All cross connections shall be eliminated before city water service is restored to the premises.

(‘82 Code, § 2-620) (Ord. 99, passed 10-12-82) Penalty, see § 50.99

§ 51.09 RESTRICTED USE PERIODS.

Whenever the City Council determines that a shortage of water supply threatens the city water supply, it may, by resolution, limit the times and hours during which city water may be used for sprinkling, air conditioning, irrigation, car washing, and other specified uses. After publication of the resolution, or after delivery of the resolution to the affected premises, three days after mailing the resolution to each affected customer, or after three days after the posting of the resolution in three or more public places, no person shall use or permit water to be used in violation of the restrictions imposed in the resolution. Any person who does so may be charged an excess use charge, as the City Council may determine by resolution. Continued violation shall be cause for discontinuation of water service in accordance with the procedures specified for discontinuance of service for a leak found upon the customer’s premises, as found in § 51.06(B) of this code.

(‘82 Code, § 2-621) (Ord. 99, passed 10-12-82) Penalty, see § 50.99

Hamburg - Public Works

Sewers

CHAPTER 52: SEWERS

Section

General Provisions

- 52.01 Definitions
- 52.02 Metropolitan rules and regulations adopted by reference

Construction and Connection

- 52.15 Public sewer use required
- 52.16 Private sewage disposal
- 52.17 New development; connection permit required
- 52.18 Public sewer; permit required; indemnification
- 52.19 Building sewer; permit required
- 52.20 Permit application; fees
- 52.21 Costs; owner liability
- 52.22 Separate connection required; exception
- 52.23 Old building sewers
- 52.24 Materials and methods of construction
- 52.25 Connection to public sewer as directed
- 52.26 Inspection
- 52.27 Excavations; barriers and lights; restoration

Prohibited Wastes; Abnormal and Industrial Wastes

- 52.40 Unpolluted drainage; discharge connection prohibited
- 52.41 Abnormal and prohibited wastes; acceptance
- 52.42 Flow equalization
- 52.43 Preliminary treatment; industrial waste
- 52.44 Major contributors; requirements

Administration and Enforcement

- 52.55 Damage prohibited
- 52.56 Right of entry

Hamburg - Public Works
Rates and Charges

- 52.70 Establishment
- 52.71 Discharges from unmetered water
- 52.72 Water not discharged to sewer
- 52.73 Property outside corporate limits
- 52.74 Multiple meters
- 52.75 Billing procedure
- 52.76 Revenue disposition

52.99 Penalty

Appendix: Sewer Construction Permit and Application Forms

GENERAL PROVISIONS

§ 52.01 DEFINITIONS.

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

ABNORMAL WASTE. Wastewater having a BOD greater than 250 milligrams per liter (mg/l) and/or SS greater than 300 mg/l, not otherwise classified as a prohibited waste.

BOD or BIOCHEMICAL OXYGEN DEMAND. The oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20°C, expressed in mg/l.

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal.

CHLORINE REQUIREMENT. The amount of chlorine, in mg/l, which must be added to waste to produce a specified residual chlorine content, or to meet some other standard.

COD or CHEMICAL OXYGEN DEMAND. The oxygen equivalent of the portion of organic matter in a sample that can be oxidized by a strong chemical oxidizing agent following a standard laboratory procedure for ***COD***, and expressed in mg/l.

COMBINED SEWER. A sewer receiving both surface runoff and sewage.

GARBAGE. Solid wastes from the preparation, cooking, and dispensing of food, either domestic or commercial, and from the handling, storage, or sale of meat, fish, fowl, fruit, or vegetables, and condemned food.

Sewers

INDUSTRIAL WASTE. Any solid, liquid, or gaseous waste, including cooling water, resulting from any industrial or manufacturing process or from the development, recovery, or processing of natural resources.

INSPECTOR. The person or persons duly authorized by the city to inspect and approve the installation of building sewers and their connection to the public sewer system.

NORMAL WASTE. Also termed **SEWAGE** or **RESIDENTIAL SEWAGE.** Water-carried waste, excluding rain water or surface water, from residences, public buildings, institutions, or other discharge from the bodies of human beings or animals, that has a BOD not exceeding 250 mg/l and/or SS not exceeding 300 mg/l.

OTHER WASTE. Garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil, tar, chemicals, and all other substances not sewage or industrial waste.

PROHIBITED WASTE. Includes the following:

- (1) Any waste containing concentrations in excess of the following:
 - (a) Cadmium: 2.0 mg/l;
 - (b) Chromium (total): 25.0 mg/l;
 - (c) Chromium (hexavalent): 10.0 mg/l;
 - (d) Copper: 5.0 mg/l;
 - (e) Cyanide (total): 10.0 mg/l;
 - (f) Cyanide (readily released at 150°F and pH=5.5): 2.0 mg/l;
 - (g) Iron: 50.0 mg/l;
 - (h) Lead: 0.5 mg/l;
 - (i) Mercury: None at levels acutely toxic to humans or other animals or plant life;
 - (j) Nickel: 10.0 mg/l; or
 - (k) Zinc: 15.0 mg/l.
- (2) Any liquid or vapor having a temperature in excess of 150°F, except where higher temperatures are required by law;
- (3) Any water or waste having a pH lower than 5.5 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage collection and treatment facilities;
- (4) Any waste which contains more than 100 mg/l of fats, wax, grease, or oils (hexane

Hamburg - Public Works

soluble), whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65°C) at the point of discharge into the sewer system;

(5) Any gasoline, benzine, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

(6) Any noxious or malodorous solids, liquids, or gases, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair;

(7) Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in public sewers, with no particle greater than one inch in any dimension;

(8) Radioactive wastes or isotopes of a half-life or concentration so that they are in noncompliance with regulations issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the sanitary sewer collection and treatment facilities or personnel operating them;

(9) Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or other interference with the proper operation of any disposal system, such as grease, uncomminuted garbage, 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 grain, spent hops, waste paper, wood, plastic, gas tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, gasoline, naphtha, and similar substances;

(10) Any waste from septic tanks or similar facilities unless the person who desires to dispose of that waste has received prior permits from the City Council for the discharge and the vehicle making the discharge. Copies of the permits issued, together with the terms and conditions imposed upon the user, shall be filed with the Metropolitan Waste Control Commission. No waste from septic tanks or other similar facilities emanating from locations outside the county may be discharged into the sanitary sewer collection and treatment facilities;

(11) Materials which exert or cause:

(a) Unusually high concentrations of inert suspended solids (such as, but not limited to, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride);

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions); or

(c) Unusually high volume of flow or concentration of waste constituting slugs.

(12) Unusually high concentrations of SS, COD, or chlorine requirements in quantities so as to constitute a significant load on the treatment works;

(13) Any water or waste having a five-day BOD exceeding 1,000 parts per million by weight as averaged during any 12-month period;

Sewers

(14) Any toxic substances, chemical elements or compounds, phenols or other taste or odor producing substances, or any other substances which may interfere with the biological processes or efficiency of the treatment facility, or that will pass through the treatment facility and cause the effluent therefrom or the water into which it is discharged, to fail to meet applicable county, joint county, metropolitan, state, or federal standards; and

(15) Any water or waste containing a poisonous substance in sufficient quantities to constitute a hazard to humans or animals, injure or interfere with sewage treatment, or create any hazard in the receiving waters of the sewage treatment plant.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

SEWER. A pipe or conduit for carrying sewage.

SEWERAGE WORKS. All facilities for collecting, pumping, treating, and disposing of sewage.

SLUG. Any waste discharge 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 24-hour concentration or flow during normal operations.

SS or SUSPENDED SOLIDS. Solids that are normally in suspension in wastewater and are removed by filtration under standard laboratory procedure.

STANDARD LABORATORY PROCEDURE. An analytical method generally recognized as a standard by "Standard Methods for Analysis of Water and Wastewater" published jointly by the Water Pollution Control Federation, the American Water Works Association, and the American Public Health Association.

SUPERINTENDENT. The Superintendent of Sewerage Works of the city.
(‘82 Code, § 2-701) (Ord. 87, passed 4-10-79)

§ 52.02 METROPOLITAN RULES AND REGULATIONS ADOPTED BY REFERENCE.

This chapter adopts by reference the current rules and regulations of the Metropolitan Waste Control Commission and the Metropolitan Council relating to sanitary sewer collection and treatment facilities and wastewater management. Should there be any conflict or contradiction between this chapter and those rules and regulations, the rules and regulations shall control to the extent required by the Metropolitan Waste Control Commission and the Metropolitan Council pursuant to state law.
(‘82 Code, § 2-718) (Ord. 87, passed 4-10-79)

Hamburg - Public Works

CONSTRUCTION AND CONNECTION

§ 52.15 PUBLIC SEWER USE REQUIRED.

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the city or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial waste.

(B) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this chapter.

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facilities intended or used for the disposal of sewage.

(D) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the city and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect those facilities directly with the proper public sewer in accordance with the provisions of this chapter, provided that the public sewer is within 100 feet of the property line.

('82 Code, § 2-706) (Ord. 87, passed 4-10-79) Penalty, see § 52.99

§ 52.16 PRIVATE SEWAGE DISPOSAL.

(A) Where a public sanitary sewer is not available under the provisions of § 52.15(D), the building sewer shall be connected to a private sewage disposal system complying with all requirements of the State Pollution Control Agency.

(B) At the time that a public sewer becomes available to a property served by a sewage disposal system as provided in § 52.15(D), a direct connection shall be made within 90 days to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned.

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

(D) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the City Council.

('82 Code, § 2-707) (Ord. 87, passed 4-10-79)

§ 52.17 NEW DEVELOPMENT; CONNECTION PERMIT REQUIRED.

Sewers

All new development projects, whether residential, commercial, industrial, or of other nature, shall immediately apply for connection to the sanitary sewer system, and no construction of new development projects shall be allowed until all necessary permits for connection have been granted by the city.

(‘82 Code, § 2-720) (Ord. 87, passed 4-10-79) Penalty, see § 52.99

§ 52.18 PUBLIC SEWER; PERMIT REQUIRED; INDEMNIFICATION.

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the City Clerk-Treasurer.

(B) Before a permit may be issued for excavation for plumbing in any public street, way, or alley, the person applying for the permit shall have executed unto the City Clerk-Treasurer and deposited with the City Clerk-Treasurer a corporate surety in the sum of \$500 conditioned that he or she will perform faithfully all work with due care and skill, and in accordance with the laws, rules, and regulations established under the authority of any ordinances of the city pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the city and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of unskillfulness or negligence on his or her part in connection with plumbing or excavating for plumbing as prescribed in this chapter. The bond shall remain in force and must be executed for a period of one year except that on expiration it shall remain in force as to all penalties, claims, and demands that may have accrued thereunder prior to its expiration. Copies of insurance shall be filed with the City Clerk-Treasurer; coverage shall conform to current requirements for construction contracts of the city.

(‘82 Code, § 2-708) (Ord. 87, passed 4-10-79) Penalty, see § 52.99

§ 52.19 BUILDING SEWER; PERMIT REQUIRED.

There shall be a building sewer permit for all building sewers constructed and all applications for sewer permits shall be made to the City Clerk-Treasurer by the person employed to do the work. The applicant shall, before beginning work upon the sewer to be constructed, repaired, or extended, deposit with the City Clerk-Treasurer a sketch thereof showing the lot and block number upon which the proposed work is to be done and showing generally the location of the sewer proposed to be constructed, repaired, or extended, with the location of all branches, traps, and fixtures connected therewith. If the proposed sewer, as shown in the sketch, complies with the provisions of other ordinances and is satisfactory to the Superintendent, he or she shall recommend the granting of the permit. The sketch shall be filed as a permanent record in the office of the City Clerk-Treasurer.

(‘82 Code, § 2-708) (Ord. 87, passed 4-10-79) Penalty, see § 52.99

§ 52.20 PERMIT APPLICATION; FEES.

(A) The form of application for a sewer permit shall be substantially as given in the appendix to this chapter, but the City Council, before approving the granting of the permit, may add other restrictions, instructions, and conditions as are, in its opinion, necessary to secure the construction of a satisfactory sewer in compliance with all requirements of law.

Hamburg - Public Works

(B) After the above application has been approved by the City Council, and the applicant has paid to the City Clerk-Treasurer a fee as required by this chapter, the City Clerk-Treasurer shall grant the permit by fixing his or her signature on the blank provided for that purpose.

(C) A permit and inspection fee of \$5 shall be paid to the City Clerk-Treasurer at the time the application is filed.

('82 Code, § 2-708) (Ord. 87, passed 4-10-79)

§ 52.21 COSTS; OWNER LIABILITY.

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

('82 Code, § 2-708) (Ord. 87, passed 4-10-79)

§ 52.22 SEPARATE CONNECTION REQUIRED; EXCEPTION.

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, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the City Council.

('82 Code, § 2-708) (Ord. 87, passed 4-10-79) Penalty, see § 52.99

§ 52.23 OLD BUILDING SEWERS.

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

('82 Code, § 2-708) (Ord. 87, passed 4-10-79)

§ 52.24 MATERIALS AND METHODS OF CONSTRUCTION.

(A) The building sewer shall be constructed of one of the following: vitrified clay sewer pipe and fittings meeting the current ASTM specifications for standard or extra strength clay sewer pipe, or extra heavy cast iron soil pipe meeting the current ASTM specifications of the Department of Commerce commercial standards for extra heavy cast soil pipe and fittings, or polyvinyl chloride sewer pipe and fittings meeting current ASTM specifications. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that vitrified clay pipe may be acceptable if laid on a suitable improved bed or cradle as approved by the Inspector. Other sewer materials may be used if approved by resolution of the City Council.

Sewers

(B) All joints and connections shall be made gas tight and water tight. Vitrified clay sewer pipe joints shall be in conformance with the latest ASTM specifications. Before joining the pipe in the trench, the bell and spigot end shall be wiped free of dirt or other foreign matter. The spigot end shall be positioned into the bell end of the pipe previously laid and shall then be shoved home to assure a tight fit. Joints for cast iron soil pipe shall be rubber ring or equal in conformance with the latest ASTM specifications. PVC sewer pipe shall be solvent weld joint in accordance with the manufacturer's instructions.

(C) The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than four inches. The slope of the four-inch pipe shall not be less than one-eighth inch per foot. A slope of one-fourth inch per foot shall be used wherever practical.

(D) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Inspector. Pipe laying and backfill shall be governed by ASTM specifications except that no backfill shall be placed until the work has been inspected by the Superintendent or representative.

(E) No septic tank discharge will be allowed into the sanitary sewer system. Existing septic tanks may be left in place if the septic tank is first pumped clean and then filled with compacted granular material. The building sewer may be laid across an existing septic tank if the tank is pumped and filled as outlined above and then if the building sewer is constructed of cast iron pipe across the septic tank. No joints will be allowed on the portion of pipe spanning the septic tank.

(F) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by this type of drain shall be lifted by approved artificial means and discharged to the building sewer. No water operated sewage ejector shall be used.
(‘82 Code, § 2-708) (Ord. 87, passed 4-10-79) Penalty, see § 52.99

§ 52.25 CONNECTION TO PUBLIC SEWER AS DIRECTED.

The connection of the building sewer into the public sewer shall be made at the “wye” branch designated for that property, if this type of branch is available at a suitable location. Any connection not made at the designated “wye” branch in the main sewer shall be made only as directed by the Superintendent.

(‘82 Code, § 2-708) (Ord. 87, passed 4-10-79) Penalty, see § 52.99

§ 52.26 INSPECTION.

The applicant for the building sewer shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his or her representative.

(‘82 Code, § 2-708) (Ord. 87, passed 4-10-79)

Hamburg - Public Works

§ 52.27 EXCAVATIONS; BARRIERS AND LIGHTS; RESTORATION.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect 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.

(‘82 Code, § 2-708) (Ord. 87, passed 4-10-79)

PROHIBITED WASTES; ABNORMAL AND INDUSTRIAL WASTES

§ 52.40 UNPOLLUTED DRAINAGE; DISCHARGE CONNECTION PROHIBITED.

(A) It shall be unlawful for any person to directly or indirectly connect or allow the connection of any sump pump, cistern, roof gutter, drainage tile line, storm sewer, field tile, building or footing drainage tile line, or any other water drainage or collection system to the municipal sanitary sewer system, or to any building service line which is connected to the sanitary sewer system, or to any other pipe, tile, line, or transference system that is ultimately connected to the sanitary sewer system.

(B) The owner, occupant, or person responsible for the building or land shall take all necessary and proper action to have any and all prohibited connections removed from the sanitary sewer system. If necessary, the City Clerk-Treasurer or Administrator shall notify the owner, occupant, or person responsible of the prohibited connection and order its removal. All prohibited connections shall be removed within 15 days from the date of the written notification. If the connection is not removed within the 15 days, the city shall contract for the disconnection, with all costs incurred by the city to be paid by the owner, occupant, or person responsible for the building or land, at the same time and in the same manner as the payment of sewer and water user charges are paid, including at the option of the city, certification by the City Clerk-Treasurer of the unpaid costs collectable with and as a part of the real estate taxes on the building or land. Nothing in this section shall prevent the city from recovery of unpaid costs through the use of other city ordinances holding the owner of a building responsible for charges incurred by tenants of that building or through the use of other legal means, such as conciliation court procedures.

(‘82 Code, § 2-730) (Ord. 103, passed 11-9-83) Penalty, see § 52.99

§ 52.41 ABNORMAL AND PROHIBITED WASTES; ACCEPTANCE.

(A) *Abnormal waste.* Acceptance of abnormal waste into the sanitary sewer system shall be under the conditions, restrictions, and charges for collection and treatment specified in this section.

(B) *Prohibited wastes.* Prohibited wastes shall be accepted into the sanitary sewer system only if the City Council consents in writing to accept the prohibited waste, and as a condition for that acceptance the City Council may:

(1) Require a discharger to demonstrate that in-plant improvements will modify the discharge to a degree so as to be acceptable;

(2) Require pretreatment, handling facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these

Sewers

rules and regulations; and/or

(3) Require the person or industry making, causing, or allowing the discharge to pay the added cost of handling and treating excess loads imposed on the city sanitary sewer system by that discharge, to the extent that those costs are not covered by this chapter.

(C) *Facility approval.* If the City Council requires pretreatment or equalization of waste flows prior to discharge into any part of the city sewer system, the plans, specifications, and other pertinent data or information relating to the pretreatment or flow-control facilities shall be submitted to the Council for their review and approval. Approval shall in no way exempt the discharge of these facilities from compliance with any applicable code, ordinance, rule, or regulation of any governmental unit or agency. Any subsequent alterations or additions to the pretreatment or flow-control facilities shall not be made without due notice to and approval of the City Council.

(‘82 Code, § 2-702) (Ord. 87, passed 4-10-87) Penalty, see § 52.99

§ 52.42 FLOW EQUALIZATION.

Surges and variations in the flow rate shall be minimized. Where flow or combination of flow strength varies sufficiently to interfere with the operation of the wastewater collection and/or treatment facilities, flow equalization or flow proportioning at the waste source may be required. When deemed necessary by the Superintendent, corrective measures shall be performed by the sewer user, with no cost nor liability incurred upon the city. Corrective measures shall be performed to the satisfaction of the Superintendent and/or Engineer.

(‘82 Code, § 2-703) (Ord. 87, passed 4-10-79)

§ 52.43 PRELIMINARY TREATMENT; INDUSTRIAL WASTE.

(A) Waste having a BOD in excess of 1,500 mg/l or SS in excess of 1,000 mg/l shall not be discharged into the sanitary sewer system without preliminary treatment. Minimum preliminary treatment requirements shall be approved by the City Engineer and shall include flow equalization and/or flow proportioning. Chemical and/or biological treatment may be required to protect the wastewater treatment facilities’ operating efficiency. All preliminary treatment requirements are subject to the review and approval of the City Council.

(B) No types or quantities of industrial waste that are harmful or damaging to the structures, processes, or operation of the sewage works or that are specifically prohibited by this chapter shall be permitted to enter into the sewage works without pretreatment. The cost of all necessary pretreatment of industrial waste shall be borne by the industries producing the industrial waste. The types and quantities of industrial waste which may be admitted into the public sewage system of the city without pretreatment shall be established by the City Engineer and approved by the City Council.

(C) In order to control the admission of industrial wastes, the discharge into the public sewers of any waters or wastes having any of the following characteristics shall be subject to the review and approval of the City Council. The Council reserves the right to exclude any industry from use of the municipal sewer system.

(1) A chlorine demand greater than 15 mg/l;

Hamburg - Public Works

(2) An average daily flow greater than 10% of the average daily sewage flow at the sewage treatment works;

(3) Any toxic substance; or

(4) Any waste which is considered by the City Engineer to offer possibilities of harm to structures, processes, or operation of the plant.

(D) Any users of the sewage system who will be discharging industrial wastes into the public sewer shall fill in and file with the City Engineer within 30 days, a questionnaire which shall furnish pertinent data, inclusive of quantity of flow and an analysis of the water discharged to the sewage treatment plant. Similarly, any person desiring to make a new connection to the sewage system for the purpose of discharging industrial wastes into the public sewers, shall fill in and file with the City Engineer an industrial waste questionnaire which shall furnish pertinent or predicted data inclusive of quantity of flow and an analysis of the industrial waste to be discharged into the sewer system.

(E) Samples shall be a composite sample collected over a three-day period of operation so as to be a truly representative sample of the actual quality of the wastes. Samples for analysis must be collected by the Engineer or his or her representative. An analysis shall be made by a qualified sanitary engineer using the laboratory methods of the examination of industrial waste as set forth in the latest edition of "Standard Methods for Examination of Water and Sewage" as published by the American Public Health Service.

(F) When, due to the size or complexity of the waste disposal problem of an industry, it can be shown that it is impractical to meet the schedule imposed under division (D) of this section, a request for an extension of time may be presented to the City Council.

(G) Any establishment discharging industrial wastes into the sewage system shall construct and maintain at its expense a suitable control manhole or manholes downstream from any treatment storage, or other approved works to facilitate observation, measurement, and sampling of all wastes, including domestic sewage from the establishment. The control manhole or manholes shall be constructed at suitable and satisfactory locations and built in a manner approved by the Superintendent. The control manhole shall be accessible to the Superintendent or his or her representative at all times for sampling.

(‘82 Code, § 2-704) (Ord. 87, passed 4-10-79) Penalty, see § 52.99

§ 52.44 MAJOR CONTRIBUTORS; REQUIREMENTS.

(A) Establishments or persons that produce waste strengths measured in BOD or SS, or waste flows, any of which exceed 5% of the respective water treatment facility waste strengths or flows, shall install, at the discretion of the City Council, a flow meter and automatic waste sampler in an accessible control manhole in conformance with § 52.43(G) above, to monitor the waste. Establishments or persons that produce waste which exceeds 1,000 mg/l of BOD or SS, or any other concentration of substances capable or potentially capable of disrupting the water treatment process, shall contract with the city for treatment of that waste before commencing discharge into the sanitary sewer system. The contract shall specify the limit of the daily volume and the maximum allowable limits of BOD and SS, as well as other substances discharged. The contract shall also specify the rates and charges for the use

Sewers

of the sewer system. In determining the rates, consideration shall be given to the additional cost of handling and treating the waste, but in no instance shall the rates be less than the rate established in § 52.70 of this code.

(B) No person shall discharge into the sanitary sewer system liquid waste having a BOD or SS greater than 1,000 mg/l without first being authorized to do so by a contract in writing with the city, or discharge waste in violation of the provisions of such a contract. Upon failure after 24-hour notice to discontinue the discharge of waste in violation of this section, the city may disconnect the sewer connection causing that discharge and the same shall not be reconnected until authorized by the City Council.

(‘82 Code, § 2-705) (Ord. 87, passed 4-10-79) Penalty, see § 52.99

ADMINISTRATION AND ENFORCEMENT

§ 52.55 DAMAGE PROHIBITED.

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

(‘82 Code, § 2-709) (Ord. 87, passed 4-10-79) Penalty, see § 52.99

§ 52.56 RIGHT OF ENTRY.

The Superintendent, Inspector, and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. If permission to enter the property is denied, then the superintendent, inspector or other duly authorized employee may seek an administrative search warrant.

(‘82 Code, § 2-710) (Ord. 87, passed 4-10-79)

RATES AND CHARGES

§ 52.70 ESTABLISHMENT.

(A) No person or establishment shall make or cause to be made any connection to the municipal sewer without first making a payment to the municipal sewer fund a connection charge in the amount duly established by the City Council from time to time. The amount of the connection charge shall not be less than what the total sanitary sewer assessments and connection charges would have been had the property for which connection is desired been a part of the original sanitary sewer improvement project of 1977. In addition, no connection shall be made unless the property has been covered by special assessments for trunks and laterals, or equivalent sums have been paid to the city.

Hamburg - Public Works

(B) The charges for the city sanitary sewer service shall be made against each lot, parcel of land, or premises using or which are required by ordinance to use the sanitary sewer system. The charges shall be based upon water used during the winter quarter (January through March of each calendar year), or where meters are installed, on the sewer outlet waste flow. The rate for normal waste shall be \$0.50 per 1,000 gallons or any fraction thereof of water used or waste flow, with a minimum charge of \$2 per month. The following formula shall be used as a basis for establishing sewer charges for abnormal waste:

$$\$ = Q(.50 + (\text{BOD} - 250)(.00018) + (\text{BOD} - 1,500)(.00075) + (\text{SS} - 300)(.00028)$$

where: \$ = dollars; Q = 1,000 gallons; BOD = mg/l; and SS = mg/l.

(C) Establishments not providing automatic waste monitoring equipment will be charged on the basis of BOD and SS as determined by analysis of a 24-hour composite sample collected as often as the City Council deems it necessary. The waste producer may be required to provide a suitable point for metering and sample collection and shall cooperate in every way with the City Council and the Superintendent of Sewage Works. Where it is not feasible to obtain a single representative sample, the City Council or Superintendent of Sewage Works may compute a theoretical waste strength based upon similar establishments.

(D) Where it is evident that a constituent of the waste significantly inhibits the standard analysis for BOD, the charges may be assessed on the basis of the COD analysis. For the purpose of computation, the BOD shall be assumed to be equivalent to 60% of the COD.

(E) The minimum charge for the use of the sanitary sewer service shall be \$2 per month. ('82 Code, § 2-711) (Ord. 87, passed 4-10-79) Penalty, see § 52.99

§ 52.71 DISCHARGES FROM UNMETERED WATER.

If any lot, parcel of land, or premises which discharges sewage into the sanitary sewer system, either directly or indirectly, obtains part or all of the water used thereon from sources other than the public utility department and the water so obtained is not measured by a meter in a manner which is acceptable to the City Council, then, in such a case, the city shall permit the discharge of sewage into its sanitary sewer system only when the owner of that lot, parcel of land, or premises, or some other interested party, shall at his or her expense install and maintain a water meter which shall be satisfactory to the City Council. The water meter shall be installed so as to measure all water received on that lot, parcel of land, or premises, and the above charges and rates shall be applied to the quantity of water received as measured by that meter. If, however, it shall be deemed impractical by the City Council to measure the water used on any lot, parcel of land, or premises, and upon approval of the City Council, a flat charge may be made in accordance with the estimated use of water on that lot, parcel of land, or premises.

('82 Code, § 2-712) (Ord. 87, passed 4-10-79)

§ 52.72 WATER NOT DISCHARGED TO SEWER.

(A) In the event of the following circumstances, and upon approval by the City Council, the city

Sewers

shall determine, in that manner and by that method as the City Council may deem practicable, the percentage of water measured by the meter which enters the sanitary sewer system; if:

- (1) A lot, parcel of land, or premises discharges sewage into the sanitary sewer system either directly or indirectly;
- (2) The amount of water is such that the charge will be in excess of the minimum; and
- (3) The City Council is satisfied that a portion of the water measured by the meter or meters does not and cannot enter the sanitary sewer system.

(B) In the above case, the charges and rates shall be based upon the percentage of the metered water as determined by and approved by the City Council. In the alternative in any such case, the City Council is authorized to require or to permit the installation of other or additional meters in such a manner that the quantity of water which actually enters the sanitary sewer system may be determined. In that case the charges or rates shall be based upon the amount of water so shown to actually enter the sanitary sewer system.

(‘82 Code, § 2-713) (Ord. 87, passed 4-10-79)

§ 52.73 PROPERTY OUTSIDE CORPORATE LIMITS.

No lot, parcel of land, or premises situated outside the corporate limits of the city shall have any active connection with the sanitary sewer system or shall otherwise discharge sewage either directly or indirectly into the sewer system.

(‘82 Code, § 2-714) (Ord. 87, passed 4-10-79) Penalty, see § 52.99

§ 52.74 MULTIPLE METERS.

Each meter shall be considered a separate billing unit in applying the above charges and rates, except that any contribution to the sanitary sewer system whose water supply at a particular location is received through more than one meter shall be billed on the basis of the combined reading of the several meters.

(‘82 Code, § 2-715) (Ord. 87, passed 4-10-79)

§ 52.75 BILLING PROCEDURE.

Bills for the charges for the use and service of the sanitary sewer system shall be made out by the public utility department in accordance with § 52.70 of this code. The time of making these bills and the period covered thereby shall be in accordance with the meter reading practices of the public utility department. All bills shall be payable to the office of the City Clerk-Treasurer. The city shall reimburse the public utility department for all reasonable costs incurred in meter reading, billing, and collection.

(‘82 Code, § 2-716) (Ord. 87, passed 4-10-79)

§ 52.76 REVENUE DISPOSITION.

Hamburg - Public Works

The balance of the revenues derived from the rates and charges shall be deposited by the City Clerk-Treasurer in the sewer fund. These revenues shall be used only for the purposes of paying the cost of operating, maintaining, and extending the sewer system and to pay the interest and principal on all bonds of the city which have been issued or shall be issued because of the extension of the sewer system, and to maintain a reasonable reserve fund for use at any time in making repairs and extensions. ('82 Code, § 2-717) (Ord. 87, passed 4-10-79)

§ 52.99 PENALTY.

(A) Every person convicted of violation of this chapter, except as otherwise provided herein, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or by imprisonment, or both.

(B) Any person discharging into the sanitary sewer system liquid waste having a BOD or SS greater than 1,000 mg/l without first being authorized to do so by a contract in writing with the city, or who discharges waste in violation of the provisions of such a contract, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or by imprisonment, or both. Each day of violation shall constitute a separate offense.

('82 Code, §§ 2-705, 2-799) (Ord. 87, passed 4-10-79) Penalty, see § 50.99

Hamburg - Public Works

Sewers
APPENDIX: SEWER CONSTRUCTION PERMIT AND APPLICATION FORMS

(A) Application for Sewer Construction Permit.

I, _____, hereby apply for a permit to (construct,) (repair,)(extend) a sewer under the property at _____, owned by _____ and occupied by the following building or buildings _____ to be connected with the public sewer at the following point (describe precisely the point of connection) _____ in accordance with the plans deposited this day with the City Clerk-Treasurer.

If the above application is granted, I agree to construct the said sewer of material and in a manner satisfactory to the Superintendent of Sewage Works, and in accordance with the ordinances of the municipality, and to notify the Superintendent before any connection is made with the public sewer, when the excavation and sewer pipe as laid is open to inspection, and at such other times during the progress of construction as may be required by the City Council.

It is understood that the granting of this application does not permit any connection to be made with the public sewer. Such connection can be made only after the granting of the Sewer Connection Permit below.

_____ Date Applicant

(B) Sewer Construction Permit.

The plans for the above described sewer having been submitted to and approved by the City Council on the _____ day of _____, 20_____, and the fee of _____ having been paid by the above applicant to the undersigned this _____ day of _____, 20_____, the permit applied for is hereby granted, subject to the specified conditions.

City Clerk-Treasurer

(C) Sewer Connection Permit.

The sewer above described has been examined by the undersigned this _____ day of _____, 20_____, and found satisfactory both as to materials and mode of construction; and permission is hereby granted to connect the same with the public sewer at the following point (describe precisely the point of connection): _____.

Superintendent of Sewage Works

Hamburg - Public Works

Garbage and Rubbish

CHAPTER 53: GARBAGE AND RUBBISH

Section

- 53.01 Definitions
- 53.02 Sanitation collection service required
- 53.03 Container required; placement
- 53.04 Meddling with trash receptacles prohibited
- 53.05 Containers to be kept sanitary and secure
- 53.06 Unauthorized private collections prohibited
- 53.07 Sanitation service: city options.
- 53.08 [Reserved]
- 53.09 Removal of building materials
- 53.10 Prohibited acts
- 53.11 Non-residential customers; container types; collection schedules
- 53.12 Manner of collection and transportation
- 53.13 Licensing for collection
- 53.14 Collection of leaves, trees or tree limbs

Cross-reference:

Health and Sanitation; Nuisances, see Chapter 93

§ 53.01 DEFINITIONS.

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

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

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

§ 53.02 SANITATION COLLECTION SERVICE REQUIRED.

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

Penalty, see § 10.99

§ 53.03 CONTAINER REQUIRED; PLACEMENT.

(A) It shall be the duty of every person whose garbage and refuse is collected by the sanitation

Hamburg - Public Works

collection service to provide a container or containers for garbage and refuse, sufficient in size and number to accommodate and securely keep all garbage and refuse that may accumulate between collections. Garbage containers shall be watertight and constructed of a solid and durable grade of metal, plastic, or paper material.

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

Penalty, see § 10.99

§ 53.04 MEDDLING WITH TRASH RECEPTACLES PROHIBITED.

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

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

Penalty, see § 10.99

§ 53.05 CONTAINERS TO BE KEPT SANITARY AND SECURE.

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

Penalty, see § 10.99

§ 53.06 UNAUTHORIZED PRIVATE COLLECTIONS PROHIBITED.

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

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

Penalty, see § 10.99

§ 53.07 SANITATION SERVICE: CITY OPTIONS.

Garbage and Rubbish

The City Council may contract with one or more contractors for the provision of these services under the terms and conditions negotiated with the contractors, except that the provisions for insurance under § 53.13(E) shall always apply.

§ 53.08 [RESERVED]

§ 53.09 REMOVAL OF BUILDING MATERIALS.

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

Penalty, see § 10.99

§ 53.10 PROHIBITED ACTS.

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

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

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

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

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

Penalty, see § 10.99

§ 53.11 NONRESIDENTIAL CUSTOMERS; CONTAINER TYPES; COLLECTION SCHEDULES.

(A) It shall be the duty of the owner or person otherwise in charge of multi-family, institutional or industrial premises within the city to cause all garbage and trash accumulated on the premises to be placed in disposable containers, or commercial-type containers. Commercial-type containers may be used and may be placed at a location on the premises as arranged between the customer and the collector, but subject to review by the city at any time.

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

Hamburg - Public Works

to the collector.

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

Penalty, see § 10.99

§ 53.12 MANNER OF COLLECTION AND TRANSPORTATION.

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

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

Penalty, see § 10.99

§ 53.13 LICENSING FOR COLLECTION.

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

(B) *Contract.* The City Council may contract with one or more operators for the collection of garbage and rubbish within the city.

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

(D) *Financial responsibility.* The contractor shall show financial responsibility or a certificate of insurance coverage prior to obtaining the license or franchise whereby each vehicle to be used by the contractor shall be covered against loss or injury in the following amounts: \$300,000 when the claim is one for death by wrongful act or omission and \$300,000 to any claimant in any other case; \$1,000,000 for any number of claims arising out of a single occurrence. The contractor shall hold the city harmless and agrees to defend and indemnify the city, and the city's employees and agents, for any claims, damages, losses, and expenses related to the work under the contract. The city shall be named as an additional insured under that insurance for the services provided under the contract. The contractor's insurance shall be the primary insurance for the city and the contractor shall provide a certificate of insurance on the city's approved form which verifies the existence of the insurance required, including

Garbage and Rubbish

provisions to hold the city harmless and defend and indemnify the city. The contractor shall also provide evidence of workers compensation insurance for employees. These insurance policies shall be for the full term of the contract and shall provide for the giving of ten days prior notice to the city of the termination or cancellation of these policies. In case any policies are terminated or cancelled, the contract shall be automatically revoked upon receipt by the City Clerk-Treasurer of the termination or cancellation.

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

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

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

§ 53.14 COLLECTION OF LEAVES, TREES OR TREE LIMBS.

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

Hamburg - Public Works

Storm Water Drainage Utility

CHAPTER 54: STORM WATER DRAINAGE UTILITY

Section

- 54.01 Storm water drainage utility established
- 54.02 Definition
- 54.03 Determination of storm water drainage fees
- 54.04 Credits
- 54.05 Exemptions
- 54.06 Fee payment procedures

§ 54.01 STORM WATER DRAINAGE UTILITY ESTABLISHED.

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

§ 54.02 DEFINITION.

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

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

§ 54.03 DETERMINATION OF STORM WATER DRAINAGE FEES.

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

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

Hamburg - Public Works

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

(B) For the purpose of calculating storm water drainage fees, all developed single-family and duplex parcels shall be considered to have an acreage of one-third acre. The storm water drainage rate shall be set by ordinance from time to time by the City Council.

§ 54.04 CREDITS.

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

§ 54.05 EXEMPTIONS.

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

- (A) Public rights-of-way; and
- (B) Vacant, unimproved land with ground cover.

§ 54.06 FEE PAYMENT PROCEDURES.

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

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

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

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

Hamburg - Public Works