

TITLE V: PUBLIC WORKS

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ELECTRIC UTILITY FRANCHISES

§ 50.01 FURNISHING ELECTRIC ENERGY; FRANCHISE REQUIRED.

Except as otherwise provided by law, no person, firm, or corporation shall transmit, furnish, deliver, or receive, or cause to be transmitted, furnished, delivered, or received, electric energy for light, power, heat, and other purposes for public or private use within and through the limits of the city, or place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or transmitting, furnishing, delivering, or receiving, or causing to be transmitted, furnished, delivered, or received, electric energy or for any other purpose, except pursuant to a franchise from the city. A franchise shall be granted by written agreement between the city and the grantee. Every franchise agreement shall contain the terms and conditions of the franchise.

(Ord. 2002-B, passed 2-7-2002) Penalty, see § 10.99

§ 50.02 FRANCHISE TERM.

No perpetual franchise or privilege shall be created, no exclusive franchise or privilege shall be granted, and no franchise or privilege shall be granted for a period of more than 15 years.

(Ord. 2002-B, passed 2-7-2002)

§ 50.03 FRANCHISE FEE; FOR ELECTRIC UTILITY ONLY.

(A) As a part of any franchise agreement adopted, the city may impose upon the grantee a franchise fee. The fee may be:

(1) A percentage of gross revenues received by the grantee for its operations within the city;

(2) A flat fee per customer based on metered service to retail customers within the city or on some other similar basis; or

(3) A fee based on units of energy delivered to any class of retail customers within the city. The formula for a franchise fee based on units of energy delivered may incorporate both commodity and demand units.

(B) The method of imposing the franchise fee, the percentage of revenue rate, or the flat rate based on metered service may differ for each customer class or combine the methods described in (A)(1) through (A)(3) above in assessing the fee.

(C) The franchise fee may be changed by the city from time to time; however, no change shall be adopted until at least 30 days after written notice enclosing the proposed change has been served upon the grantee by certified mail. The franchise fee may not be changed more often than once in each calendar year.

(Ord. 2002-B, passed 2-7-2002)

CHAPTER 51: SOLID WASTE AND RECYCLABLES

Section

- 51.01 Definitions
- 51.02 Disposal required
- 51.03 Deposit of solid waste or refuse restricted
- 51.04 City Council; contract authority
- 51.05 Residential solid waste collector; requirements
- 51.06 Fee schedule adoption
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- 51.08 Residential solid waste collector; Waste Management Plan
- 51.09 Solid waste collection vehicles

- 51.99 Penalty

§ 51.01 DEFINITIONS.

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

COLLECTION. The aggregation of solid waste from the place where it is generated, and including all activities up to the time the waste is delivered to a waste facility.

COMMERCIAL WASTE. Solid waste that is generated by business, industry, and all other non-residential sources.

COMMERCIAL WASTE FACILITY. A waste facility established and permitted to sell solid waste processing or disposal services to generators.

CONSTRUCTION DEBRIS. Waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of buildings and roads.

DISPOSAL. The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that solid waste may enter the environment or be emitted into the air, or discharged into any waters, including ground waters.

INDUSTRIAL WASTE. Solid waste resulting from an industrial or manufacturing service, or commercial activity.

PROCESSING. The treatment of solid waste after collection and before disposal, and including, but not limited to, reduction, storage, separation, exchange, resource recovery, physical, chemical, or biological modification, and transfer from one waste facility to another.

RECYCLABLES. Recyclable materials including aluminum cans, paper, glass, plastic, aluminum, tin, iron, and any other material capable of being recycled.

RECYCLING. The process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes.

RESIDENTIAL. Pertaining to single- or 2-family dwellings.

SOLID WASTE. Includes garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities; but does not include: hazardous waste; animal waste used as fertilizer; earthen fill, boulders, or rock; wastewater sludge; solid or dissolved material in domestic wastewater or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents or discharges which are point sources subject to permits under § 402 of the Federal Water Pollution Control Act, as it may be amended from time to time, dissolved materials in irrigation return flows; or source, special nuclear, or byproduct materials as defined by the Atomic Energy Act of 1954, as it may be amended from time to time.

SOLID WASTE COLLECTOR. Any individual or other entity performing collection of waste and recyclable materials within the city.
(Ord. 1997-B, passed 7-3-1997)

§ 51.02 DISPOSAL REQUIRED.

Every entity and person owning or occupying premises within the city shall provide for the sanitary handling, storage, and disposal of solid waste generated from the premises in accordance with the County Solid Waste Management Plan.

(Ord. 1997-B, passed 7-3-1997) Penalty, see § 51.99

§ 51.03 DEPOSIT OF SOLID WASTE OR REFUSE RESTRICTED.

It is unlawful to deposit or cause to be deposited solid waste or construction debris in the city except in the manner provided in this chapter.

(Ord. 1997-B, passed 7-3-1997) Penalty, see § 51.99

§ 51.04 CITY COUNCIL; CONTRACT AUTHORITY.

The City Council is authorized to enter into an exclusive contract with a solid waste collector to provide solid waste management services for residential needs.

(Ord. 1997-B, passed 7-3-1997)

§ 51.05 RESIDENTIAL SOLID WASTE COLLECTOR; REQUIREMENTS.

A solid waste collector hauling residential solid waste must have a contract with the city and must be licensed by the county and shall manage all collected waste in accordance with the County Solid Waste Management Plan and all other rules and regulations of federal, state, county, and city governments. A solid waste collector must offer to pick up recyclables.

(Ord. 1997-B, passed 7-3-1997) Penalty, see § 51.99

§ 51.06 FEE SCHEDULE ADOPTION.

The City Council shall adopt a fee schedule by resolution, which will be the basis for the fees to be charged by the solid waste collector for the collection of residential solid waste.

(Ord. 1997-B, passed 7-3-1997; Am. Res. 05-022, passed 5-19-2005)

§ 51.07 COLLECTION OF CHARGES.

The solid waste collector shall be responsible for all billing and receipts for services under contract. However, M.S. § 443.015 entitled Assessments for garbage collection and disposal in certain cities, as it may be amended from time to time, is adopted by reference, and the city shall utilize the assessment procedure for the collection of unpaid accounts.

(Ord. 1997-B, passed 7-3-1997)

§ 51.08 RESIDENTIAL SOLID WASTE COLLECTOR; WASTE MANAGEMENT PLAN.

The solid waste collector performing service for a residential customer must manage all collected waste in accordance with the County Solid Waste Management Plan and as directed by the city.
(Ord. 1997-B, passed 7-3-1997) Penalty, see § 51.99

§ 51.09 SOLID WASTE COLLECTION VEHICLES.

A solid waste collector shall use vehicles constructed to prevent leakage of any materials; and, except when loading, all solid waste shall be totally enclosed.
(Ord. 1997-B, passed 7-3-1997) Penalty, see § 51.99

§ 51.99 PENALTY.

Violation of any provision of this chapter of the code shall be a misdemeanor. Each day that a violation occurs or continues shall constitute a separate violation.
(Ord. 1997-B, passed 7-3-1997)

CHAPTER 52: ELECTRICITY

Section

- 52.01 Management/control of system
- 52.02 Operation of system
- 52.03 Management of employees
- 52.04 Accounting matters
- 52.05 Adoption of rules/regulations
- 52.06 Rates
- 52.07 Billing
- 52.08 Electric Utility Fund
- 52.09 Non-payment; termination of electric service

Cross-reference:

Public Utilities Commission established, see § 31.08

§ 52.01 MANAGEMENT/CONTROL OF SYSTEM.

The Public Utilities Commission is hereby vested with the management and control of the city light and power system in the City of Melrose. The Commission shall manage and operate the light and power system and have control of the structures, buildings, personal property, appliances, and equipment of the light and power system.

(Ord. 2005-I, passed 12-24-2005)

§ 52.02 OPERATION OF SYSTEM.

The Commission shall have the authority to operate the light and power system, to change or modify the light and power system, to buy materials, appliances, and equipment, and to do any and all things in and about the light and power system which the Commission deems necessary for the light and power system's efficient operation.

(Ord. 2005-I, passed 12-24-2005)

§ 52.03 MANAGEMENT OF EMPLOYEES.

The Commission is authorized to employ all help necessary for the management and operation of the city light and power system, to proscribe the duties of its employees, and to fix the compensation of its employees.

(Ord. 2005-I, passed 12-24-2005)

§ 52.04 ACCOUNTING MATTERS.

The Commission shall have the authority to adjust, audit, and allow all accounts for expenses incurred, and to make payment of the same from its funds.

(Ord. 2005-I, passed 12-24-2005)

§ 52.05 ADOPTION OF RULES/REGULATIONS.

The Commission shall make and adopt rules and regulations as it deems necessary for the efficient management and operation of the city light and power system.

(Ord. 2005-I, passed 12-24-2005)

§ 52.06 RATES.

The Commission is authorized to fix rates for electricity supplied by the city light and power system.

(Ord. 2005-I, passed 12-24-2005)

§ 52.07 BILLING.

The Commission shall compute the amount due for city electricity charges and shall render a statement thereof, at the same time and on the same bill as other city public utilities, to the owner or occupant of any premises served by the city light and power system.

(Ord. 2005-I, passed 12-24-2005)

§ 52.08 ELECTRIC UTILITY FUND.

All money received from the city light and power system shall be deposited into a separate enterprise fund to be known as the Electric Utility Fund. All disbursements attributable to the city light and power system shall be paid from this fund.

(Ord. 2005-I, passed 12-24-2005)

§ 52.09 NON-PAYMENT; TERMINATION OF ELECTRIC SERVICE.

In any case of failure to promptly pay the rates and charges fixed by the Commission pursuant to this chapter, the Commission shall have the authority to shut off the electric service to the affected premises.

(Ord. 2005-I, passed 12-24-2005)

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CHAPTER 53: WATER

Section

- 53.01 Management/control of system
- 53.02 Operation of system
- 53.03 Management of employees
- 53.04 Accounting matters
- 53.05 Adoption of rules/regulations
- 53.06 Rates
- 53.07 Billing
- 53.08 Water Utility Fund
- 53.09 Non-payment; termination of water service
- 53.10 Charges a lien on premises

Cross-reference:

Public Utilities Commission established, see § 31.08

§ 53.01 MANAGEMENT/CONTROL OF SYSTEM.

The Public Utilities Commission is hereby vested with the management and control of the city water system in the City of Melrose. The Commission shall manage and operate the water system and have control of the structures, buildings, personal property, appliances, and equipment of the water system.

(Ord. 2005-J, passed 12-24-2005)

§ 53.02 OPERATION OF SYSTEM.

The Commission shall have the authority to operate the city water system, to change or modify the water system, to buy materials, appliances, and equipment, and to do any and all things in and about the water system which the Commission deems necessary for the water system's efficient operation.

(Ord. 2005-J, passed 12-24-2005)

§ 53.03 MANAGEMENT OF EMPLOYEES.

The Commission is authorized to employ all help necessary for the management and operation of the city water system, to proscribe the duties of its employees, and to fix the compensation of its employees.

(Ord. 2005-J, passed 12-24-2005)

§ 53.04 ACCOUNTING MATTERS.

The Commission shall have the authority to adjust, audit, and allow all accounts for expenses incurred, and to make payment of the same from its funds.

(Ord. 2005-J, passed 12-24-2005)

§ 53.05 ADOPTION OF RULES/REGULATIONS.

The Commission shall make and adopt rules and regulations as it deems necessary for the efficient management and operation of the city water system.

(Ord. 2005-J, passed 12-24-2005)

§ 53.06 RATES.

The Commission is authorized to fix rates for water supplied by the city water system. The Commission may set minimum charges for availability of city water on premises abutting on streets or other premises where water lines are located, whether or not the premises is connected to the water line.

(Ord. 2005-J, passed 12-24-2005)

§ 53.07 BILLING.

The Commission shall compute the amount due for city water charges and shall render a statement thereof, at the same time and on the same bill as other city public utilities, to the owner or occupant of any premises served by the city water system.

(Ord. 2005-J, passed 12-24-2005)

§ 53.08 WATER UTILITY FUND.

All money received from the city water system shall be deposited into a separate enterprise fund to

be known as the Water Utility Fund. All disbursements attributable to the city water system shall be paid from this fund.
(Ord. 2005-J, passed 12-24-2005)

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Water

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§ 53.09 NON-PAYMENT; TERMINATION OF WATER SERVICE.

In any case of failure to promptly pay the rates and charges fixed by the Commission pursuant to this chapter, the Commission shall have the authority to shut off the water service to the affected premises.

(Ord. 2005-J, passed 12-24-2005)

§ 53.10 CHARGES A LIEN ON PREMISES.

Each charge levied by and pursuant to this chapter, together with all costs of collection, including attorneys' fees, is hereby made a lien upon the corresponding premises served by a connection to the city water system. If so directed by the Commission, all such charges that are, on September 30 of each year, more than 30 days past due shall be certified by the City Clerk to the County Auditor between the first and tenth of October of each year. The City Clerk in certifying the charges to the County Auditor shall specify the amount, the description of the premises served, and the name of the owner of the premises. The amounts certified shall be extended by the County Auditor on the tax rolls against the premises in the manner of other taxes, collected by the County Treasurer, and paid to the City Treasurer, along with other taxes.

(Ord. 2005-J, passed 12-24-2005)

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CHAPTER 54: WASTEWATER DISPOSAL

Section

- 54.01 Management/control of system
- 54.02 Operation of system
- 54.03 Management of employees
- 54.04 Accounting matters
- 54.05 Adoption of rules/regulations
- 54.06 Rates
- 54.07 Billing
- 54.08 Wastewater Disposal Utility Fund
- 54.09 Non-payment; termination of water service
- 54.10 Charges a lien on premises

Cross-reference:

Public Utilities Commission established, see § 31.08

§ 54.01 MANAGEMENT/CONTROL OF SYSTEM.

The Public Utilities Commission is hereby vested with the management and control of the city wastewater disposal system, including the wastewater treatment plant, in the City of Melrose. The Commission shall manage and operate the wastewater disposal system and have control of the structures, buildings, personal property, appliances, and equipment of the wastewater disposal system. (Ord. 2005-K, passed 12-15-2005)

§ 54.02 OPERATION OF SYSTEM.

The Commission shall have the authority to operate the city wastewater disposal system, to change or modify the wastewater disposal system, to buy materials, appliances, and equipment, and to do any and all things in and about the wastewater disposal system which the Commission deems necessary for the wastewater disposal system's efficient operation. (Ord. 2005-K, passed 12-15-2005)

§ 54.03 MANAGEMENT OF EMPLOYEES.

The Commission is authorized to employ all help necessary for the management and operation of the city wastewater disposal system, to proscribe the duties of its employees, and to fix the compensation of its employees.

(Ord. 2005-K, passed 12-15-2005)

§ 54.04 ACCOUNTING MATTERS.

The Commission shall have the authority to adjust, audit, and allow all accounts for expenses incurred, and to make payment of the same from its funds.

(Ord. 2005-K, passed 12-15-2005)

§ 54.05 ADOPTION OF RULES/REGULATIONS.

The Commission shall make and adopt rules and regulations as it deems necessary for the efficient management and operation of the city wastewater disposal system.

(Ord. 2005-K, passed 12-15-2005)

§ 54.06 RATES.

The Commission is authorized to fix rates for wastewater disposal services provided by the city wastewater disposal system. The Commission may set minimum charges for availability of city wastewater disposal services on premises abutting on streets or other premises where wastewater disposal lines are located, whether or not the premises is connected to the wastewater disposal line.

(Ord. 2005-K, passed 12-15-2005)

§ 54.07 BILLING.

The Commission shall compute the amount due for city wastewater disposal service charges and shall render a statement thereof, at the same time and on the same bill as other city public utilities, to the owner or occupant of any premises served by the city wastewater disposal system.

(Ord. 2005-K, passed 12-15-2005)

§ 54.08 WASTEWATER DISPOSAL UTILITY FUND.

All money received from the city wastewater disposal system shall be deposited into a separate enterprise fund to be known as the Wastewater Disposal Utility Fund. All disbursements attributable to the city wastewater disposal system shall be paid from this fund.
(Ord. 2005-K, passed 12-15-2005)

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Wastewater Disposal

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§ 54.09 NON-PAYMENT; TERMINATION OF WATER SERVICE.

In any case of failure to promptly pay the rates and charges fixed by the Commission pursuant to this chapter, the Commission shall have the authority to shut off the water service to the affected premises.

(Ord. 2005-K, passed 12-15-2005)

§ 54.10 CHARGES A LIEN ON PREMISES.

Each charge levied by and pursuant to this chapter, together with all costs of collection, including attorneys' fees, is hereby made a lien upon the corresponding premises served by a connection to the city wastewater disposal system. If so directed by the Commission, all such charges that are, on September 30 of each year, more than 30 days past due shall be certified by the City Clerk to the County Auditor between the first and tenth of October of each year. The City Clerk in certifying the charges to the County Auditor shall specify the amount, the description of the premises served, and the name of the owner of the premises. The amounts certified shall be extended by the County Auditor on the tax rolls against the premises in the manner of other taxes, collected by the County Treasurer, and paid to the City Treasurer, along with other taxes.

(Ord. 2005-K, passed 12-15-2005)

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CHAPTER 55: CLEAR WATER DISPOSAL

Section

- 55.01 Discharge of surface waters prohibited
- 55.02 Sump pump requirements
- 55.03 Building inspections for prohibited discharges
- 55.04 Surcharge

§ 55.01 DISCHARGE OF SURFACE WATERS PROHIBITED.

(A) *Stormwater discharge prohibited.* It shall be unlawful for any owner, occupant or user of any premises to direct into or allow any stormwater, groundwater, roof run-off, pond overflow, well water, or water from residential, industrial, or commercial air conditioning systems to drain into the wastewater collection system of the city. No rain spout, surface drain, foundation drain, or sump pump shall be connected to any wastewater collection line; no substances other than wastewater shall be discharged into any wastewater collection line. It is unlawful for any person or residence to discharge any water or other precipitation from drain tiles, footing tiles, swimming pools, hot tubs, roofs, yards, or other surfaces into the wastewater collection system or onto adjoining properties.

(B) *Disconnection of existing discharges.* Any person, firm, or corporation having a roof drain, sump pump, swimming pool discharge, cistern overflow pipe, or any surface drain now connected or discharging into the wastewater collection system of the city shall disconnect and remove the same prior to January 1, 2007. Any disconnects or openings in the wastewater collection system shall be sealed.

(Ord. 8-03-2006-2, passed 8-3-2006) Penalty, see § 10.99

§ 55.02 SUMP PUMP REQUIREMENTS.

(A) *Sump pump and drain tile system.* A drain tile, sump basket, pump, electrical receptacle and pipe connection to the outside may be installed in an existing building or a new building within the city, provided the design and installation complies with the provisions of this chapter and passes inspection by the Building Official.

(B) *Sump pump discharge.* Dwellings, buildings, and structures may use a permanently installed sump pump and discharge line to the outside to prevent the inflow of clear water into the wastewater collection system.

(1) A permanent installation shall provide for year-round discharge to the outside of the building. The discharge shall extend at least 3 feet outside of the foundation wall.

(2) The discharge line from the sump pump shall be of rigid construction, such as PVC pipe with glued fittings. The discharge line shall not have valves or quick connections for altering the path of the discharge.

(Ord. 8-03-2006-2, passed 8-3-2006)

§ 55.03 BUILDING INSPECTIONS FOR PROHIBITED DISCHARGES.

(A) Every person owning improved real estate that discharges into the city's wastewater collection system shall allow the city, its officers, employees, agents, or their designees, to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the wastewater collection system. Any person refusing to allow their property to be inspected shall immediately become subject to a surcharge as provided by this chapter.

(B) Upon verified compliance with this chapter, the city reserves the right to inspect such property at least yearly to verify continuing compliance herewith.

(Ord. 8-03-2006-2, passed 8-3-2006)

§ 55.04 SURCHARGE.

(A) A monthly surcharge, as set from time to time by the City Council, is hereby imposed and shall be added to every wastewater billing mailed on and after January 1, 2007, to property owners who are not in compliance with this chapter and to property owners who have refused entry to the city, its officers, employees, agents, or their designees, to determine compliance. The surcharge shall be added every month, until the property is in compliance.

(B) The imposition of such surcharge shall in no way limit the right of the city to seek an injunction in District Court ordering the property owner to discontinue the nonconforming connection to the wastewater collection system or from pursuing other available legal remedies.

(Ord. 8-03-2006-2, passed 8-3-2006)

2007 S-2